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Bill Would Speed Adoption Process

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Destiny and Jeisean waited more than four years to be freed from their drug-addled parents and placed on the path to adoption.

It took six years to legally separate Vanna from the mother who left her bruised and malnourished when she was 2 years old.

The quest for a permanent, loving home is often a long and difficult one for many abused and neglected foster children.

They spend years in foster care while their parents try to rehabilitate. It takes an additional six months to a year or more for hearings to be held and a judge to rule once the state moves to terminate a parents' rights so a child can be freed for adoption.

If a parent challenges the judge's final ruling, it takes on average one and a half years to resolve the appeal. Appeals in Destiny's and Jeisean's cases lasted more than two years. Vanna waited an additional year and a half.

Each week that passes increases a foster child's sense of loneliness, isolation and despair, advocates say.

A proposed bill this legislative session attempts to shorten that wait by making appeals in termination of parental rights proceedings a higher priority for the appellate courts. The bill also calls for allowing retired judges and other professionals to mediate the disputes in order to move them through the system faster.

"Children need permanency as soon as possible," said attorney Martha Stone, director of the Center for Children's Advocacy and a key supporter of the bill. "They are in legal limbo land as a result of not getting a decision one way or another on whether or not they are freed up for possible adoption."

Elaine Zimmerman, executive director of the state's Commission on Children, said a wait of a year or two for an adult seems like a much greater length of time to a very young child dependent on a parent-child bond.

Currently, approximately half the states have statutes or court rules that address expedited appeals, Stone said. In Connecticut, Stone said, land-use appeals are given a higher priority than cases involving the termination of parental rights.

"Surely, cases involving the termination of parental rights are as much in need if not more, of expedient review and resolution," said Carrie Field, a legal intern in Stone's office who recently testified on behalf of the bill before the Select Committee on Children.

The proposed bill requires the Appellate Court to try to resolve these cases within six months. It also calls for necessary court transcripts used on appeal to be processed more quickly.

But not everyone supports the idea.

Officials who oversee the state court system say legislation requiring more mediation of termination cases is costly and not needed.

Besides worrying about how to find and pay enough retired judges, lawyers and other personnel to serve as mediators, Deborah Fuller, the judicial branch's director of legislative affairs, said the branch already provides case management and mediation programs for termination of parental rights cases and other child-protection matters.

Stone says those programs, while useful, are routinely not used because lawyers with the state attorney general's office representing the Department of Children and Families choose not to participate. The proposed bill would eliminate that option and force parties to participate in mediation as long as one side expresses an interest, Stone said.

Judicial officials also resented legislation dictating court schedules.

"The branch is sensitive to the need for a timely resolution of these cases and has worked diligently over the past several years to expedite these matters," Fuller said. "However, we believe the timing of Appellate Court decisions is a matter that belongs with judicial, not the legislative, branch."

Judge James Lawlor, the state's probate court administrator, also believes the legislation is not needed. The state's probate courts also deal with cases involving termination of parental rights, often those less contested than the ones handled by other courts.

Lawlor said many of the state's regional probate courts have been mediating termination cases more efficiently in recent years, especially in larger urban areas where experienced social workers and judges work closely with families.

Lawlor said he would prefer to stay the present course than adopt a new system that would potentially involve more people, be more costly and be harder to manage.

"We're doing it, we're doing it effectively and we're doing it for a very low budget amount," Lawlor said.

*The Select Committee on Children is expected to vote on the proposed bill Thursday.
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