

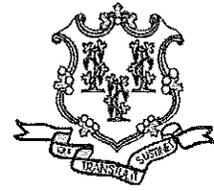


**STATE OF CONNECTICUT
DEPARTMENT OF CHILDREN AND FAMILIES**

Public Hearing Testimony

Judiciary Committee

March 9, 2020



To: Sen. Gary Winfield, Chair
Rep. Steve Stafstrom, Chair
Sen. John Kissel, Ranking Member
Rep. Rosa Rebimbas, Ranking Member
Distinguished Members of the Judiciary Committee

From: Vanessa Dorantes, Commissioner
Department of Children and Families

Re: House Bill 5019, An Act Concerning Fair Futures Following Erasure of Criminal Records

The mission of the Department of Children and Families (DCF) is "*Partnering with communities and empowering families to raise resilient children who thrive.*" An important part of the work to further this mission consists of the Department's efforts to address family dynamics when parents and caregivers are convicted and incarcerated, resulting in children having unmet needs. It also includes racial justice initiatives undertaken by DCF to study and eradicate the disparity and adverse effects that occur in communities of color. As Connecticut considers the erasure of certain criminal records, the Department encourages policy makers to remain cognizant of the disproportionate impact a person's criminal history has had on people of color, and how that influences the families we serve.

The impact that a criminal conviction has on an individual is profound and long lasting. While this impact effects all families experiencing a criminal charge, people of color are more likely to be stopped, searched, arrested, convicted and harshly sentenced. The trauma that is associated with any of the above also leaves a significant impact. Once a criminal record has been established, employers, landlords, schools, credit agencies and banks can all obtain access to those records and this may impinge attempts made by a person to overcome barriers and to improve their circumstances. The consequences do not stop at the adult person but rather extend to the entire family dynamic. A parent who has a conviction may further be subjected to disparate treatment by systems and policies that inhibit the parent's success. Criminal convictions, even for low level offenses, could impact their ability to gain custody of their children and their ability to adequately provide for their family by being denied employment or the public/government assistance that could position the family on a path to success. Many of these issues will hopefully be resolved by the erasure of older misdemeanor convictions.

The U.S. Centers for Disease Control and Prevention (CDC) identifies having had an incarcerated parent as an Adverse Childhood Experience (ACE) that is distinguished from other ACEs because of the unique combination of trauma, stigma and shame. Parental incarceration is independently associated with higher rates of learning disabilities, ADHD, behavioral problems, emotional dysregulation and developmental delays in the child.

A report by the Center for American Progress, *Removing Barriers to Opportunity for Parents with Criminal Records and Their Children*, notes that parental criminal records significantly worsen existing challenges among low-income parents and their families. The report shows the intergenerational effects of criminal records through five pillars of family well-being:

- **Income.** Parents with criminal records have lower earning potential, as they often face major obstacles to securing employment and receiving public assistance.
- **Savings and assets.** Mounting criminal justice debts and unaffordable child support arrears severely limit families' ability to save for the future and can trap them in a cycle of debt.
- **Education.** Parents with criminal records face barriers to education and training opportunities that would increase their chances of finding well-paying jobs and better equip them to support their families.
- **Housing.** Barriers to public as well as private housing for parents with criminal records can lead to housing instability and make family reunification difficult if not impossible.
- **Family strength and stability.** Financial and emotional stressors associated with parental criminal records often pose challenges in maintaining healthy relationships and family stability.

While DCF supports a person's ability to rehabilitate and achieve success after a criminal conviction, we must balance that with our obligation to protect children from harm. The Department strongly urges that convictions for violent crimes against children remain exempt from erasure. DCF is responsible for licensing foster homes and congregate care settings where children in the care and custody of the Department live. Current practice permits the Commissioner to sign a waiver in order to license as foster parents family and kin who have a history of criminal activity or a child protective service case. The waiver process entails an assessment so the Department can determine if the individual seeking licensure has rehabilitated and will provide a safe home for a child in DCF care. The Department respectfully requests that our current process be preserved. The state must continue to protect the children in our care by ensuring that individuals with a history of criminal activity against children do not receive unfettered access to them.

Thank you for providing an opportunity for the Department of Children and Families to offer comments on how this bill impacts children and families in Connecticut.