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Parents, Advocates, and Elected Officials Call on New York Lawmakers to Enact Policies Rooted in Equity, Support, and Empowerment for Families

(Albany, NY) - Parents, young people, advocates, public defenders, and legislators rallied in Albany to demand passage of four critical bills that aim to shrink the pathways through which families are funneled into the family policing system (also known as the so-called “child welfare system”) and ensure that families currently navigating this system are treated with dignity and respect.

Advocates are calling for the passage of four state bills:

- **The Family Miranda Act** ([A1980 - Walker / S901 - Brisport](#))
- **The Informed Consent Act** ([A109B - Rosenthal / S320B - Salazar](#))
- **The Anti-Harassment in Reporting Act** ([A2479 - Hevesi / S902 - Brisport](#))
- **The Preserving Family Bonds Act** ([A9000- Tapia / S8153 - Brisport](#))

“Without transparency there is no trust. Families and communities will never trust an agency/system that makes concerted efforts to prevent people from knowing their rights, exercising their bodily autonomy, and parenting their children without judgment, stigmatization and punishment,” said **Joyce McMillan, Executive Director of JMacforFamilies and Founder of Parent Legislative Action Network (PLAN)**. “Family Miranda, Informed Consent, Anti-Harassment in Reporting, and Preserving Family Bonds, are critical pieces to shifting New York away from coercion, punishment, and control, and toward honoring the rights and integrity of all New York families. Pass Family Miranda now!”

“We as a society now recognize that the separation of enslaved and indigenous families in our history was a form of genocide,” said **Shalonda Curtis-Hackett, Impacted Parent & Community Outreach Coordinator at Neighborhood Defender Service of Harlem**. “The family policing system operating right here in America today is a shameful continuation of this legacy of cultural genocide and psychological warfare waged on America's Black and Brown families. This is not a metaphor, nor a comparison to other atrocities, but a recognition of the shared experience of destruction faced by communities worldwide. We refuse to accept this system that tears apart families, inflicts trauma, and perpetuates generational harm. Despite legislative

inaction, our movement for family justice grows stronger every day. We are parents, advocates, public defenders, and community members rising up against this injustice. We will not be silenced. We will amplify our voices until they echo through the halls of Albany and demand an end to the systemic practices that break families apart. Our message is clear: enact Family Miranda, Preserve Family Bonds, guarantee informed consent, and support confidential reporting. We stand in solidarity with all communities fighting for justice and liberation, and we will not rest until our families are safe and whole.”

“I am advocating for an end to family policing because I am reminded, as Roberto Clemente, a Latino Baseball Player Hall of Famer, stated, ‘anytime you have an opportunity to make a difference in this world and you don’t, then you are wasting your time on Earth.’” **said Sai Malena Jimenez, Parent Advocate.** “Over twenty years ago, CPS agents barged into my home and traumatized me and my special needs child, without ever telling me that I had a right to contact an attorney, to ask about the nature of the investigation, or to ask the agents to come back to my home at a more convenient time. All these years later each time the doorbell rings, my child and I look at each other and I can still see the fear in his eyes. The investigation was not even against me however, we’re reminded of that invasive and traumatic investigation decades ago. That’s one of the reasons I became a Parent Advocate to help protect Family Civil Rights. Legislators must pass the Family Miranda Bill to ensure that families like mine--who care deeply about our children’s safety--are informed about our rights at the start of an investigation, and are treated with the dignity and respect that we deserve. Black and brown families should not be treated like second class citizens particularly when such actions by CPS are a violation of our civil rights and deemed unconstitutional.”

"Involuntary or uninformed drug testing of pregnant and postpartum persons undermines their trust in their medical providers and disincentives their pursuit of medical support during pregnancy and in childbirth. Devastatingly worse health outcomes are a result, including higher maternal morbidity and mortality. And as we know, Black and Brown people suffer this disservice disproportionately. [The maternal mortality rate among New Yorkers](#) is more than 18 deaths per 100,000 live births. For Black, non-Hispanic women in our state, pregnancy-related mortality is five times higher than for white, non-Hispanic women, at 54.7 deaths versus 11.2 deaths per 100,000 live births. These trends are unacceptable, especially when solutions are so close at hand," **said Senator Julia Salazar (D/WF - 18th Senate District).** "I implore my colleagues to join us in passing our bill prohibiting drug, cannabis, or alcohol testing of pregnant or postpartum individuals and newborns unless the parent consents and it's within the scope of medical care or the testing is necessary for a medical emergency."

“The Preserving Family Bonds Act is a critical piece of legislation that will ensure children in the foster care and child welfare systems maintain ties to their parents when it is in the best interest of the child,” **said Assemblymember Yudelka Tapia.** “Denying children an emotional connection to their birth parent can make family separation even more traumatic and difficult for children.

This bill addresses these harms and ensures children’s socioemotional needs are prioritized in our state’s child welfare and foster care systems.”

“As public defenders fighting along families in and outside of family court everyday, we see families in need of support who are instead met with surveillance, punishment and separation at the hands of the racist and discriminatory family policing system,” **said Nila Natarajan, Associate Director of Policy & Family Defense, Brooklyn Defender Services.** “Today, I am thankful to join families impacted by the system, advocates, and legislators who refuse to accept the harmful status quo and instead call for policies that will empower and strengthen families. As we enter the final weeks of this year’s legislative session, it is critical that Albany listen to families, pass these four bills, and make real change that will keep families whole and safe.”

"New York families deserve care and support, not surveillance and punishment," **said Jesse McGleughlin, Policy Counsel of The Bronx Defenders' Family Defense Practice.** "New York cannot claim to be a state that cares about the wellbeing of children, while thrusting Black, Latine, and low-income families into a web of coercive control that causes tremendous and long-lasting harm. As a step toward fairness and respect for the rights of New York families, the Legislature must pass the Family Miranda bill which ensures that all New Yorkers—regardless of race, class, or zip code—are informed of their rights as enshrined in New York law and the United States Constitution. The Legislature must also pass Informed Consent, which will promote the health and wellbeing of families while respecting the dignity and bodily autonomy of birthing people, as well as Anti-Harassment in Reporting, and Preserving Family Bonds.”

“It is long past time that our state’s legislation reflects what New York parents have been saying for years,” **Hannah Mercuris, Senior Policy Counsel, Center for Family Representation.**

“They need to know their rights during family policing investigations, they need to be able to make informed decisions about their medical care and the medical care of their babies, they need to be safe from anonymous harassment, and they need to be able to maintain the bonds that they create with their children. Over-policing of families must end. If New York legislators didn’t already know, they will certainly know after today. Families are safer together.”

“NYSDA stands with the countless number of families who have been separated by the family policing system,” **said Susan C. Bryant, Executive Director of the New York State Defenders Association (NYSDA).** “The right to raise one's child and the right to be raised by one's parents are fundamental human and constitutional rights. But those rights are undermined by the family policing system, which disproportionately targets Black and brown families and equates poverty with neglect. New York must take action to safeguard the rights of all families by passing these four bills. The Family Miranda and Informed Consent bills will ensure that parents are told about their rights and how to exercise them, the Anti-Harassment in Reporting bill will reduce false reports to the State Central Register by eliminating anonymous reporting, and the Preserving Family Bonds Act will give judges discretion to authorize contact between a

child and their families of origin when it is in the best interests of the child. These bills will empower families and keep parents and children safe together.”

“Families are New York’s most important resource. And, keeping families together should be New York’s Number 1 Priority,” **said Mark D. Funk, Chair, Family Court Committee, Chief Defender’s Association of New York.** “The bills that we are advocating for today-Family Miranda, Informed Consent, Anti-Harassment and Preserving Family Bonds-are common sense approaches to keeping families together. New York Families are Stronger Together!”

Background

Each year, nearly 150,000 New York families endure the harms of lengthy, invasive, and stressful investigations and ongoing surveillance by the family policing system. The harmful impact of reports to the family policing system and subsequent investigations has a ripple effect, sewing distrust between New York families and professionals like teachers, doctors, mental health clinicians, and others who are designated as mandated reporters. And for many, the harm continues well beyond the investigation. Day in and day out, thousands of children are separated from their parents, some even facing termination of parental rights (what many have called the “civil death penalty”) despite the well-documented harms of family separation.

More must be done to shrink the pathways into the family policing system so that all New York families have the opportunity to live free from surveillance and threats of separation. To do this, New York must invest in policies rooted in transparency, equity and fairness. Advocates are calling for the passage of four state bills:

Family Miranda Rights, A1980 (Walker) / S901 (Brisport)

In New York, family policing system (FPS) agents are not required to inform parents of their rights at the beginning of an FPS investigation, including the right to speak to an attorney and to deny entry into their homes without a court order. As a result, parents are not able to make informed decisions for their families and are often coerced into complying with harmful investigations that can result in family separation.

Data shows that FPS investigations can be highly stressful and traumatic for children. FPS investigators conduct disruptive visits to families' homes and children's schools, ask children invasive questions, and even strip-search children. Black, Latine, and low-income families are disproportionately harmed by FPS' coercive tactics, with more than 80% of investigations involving Black and Latine families.

The Family Miranda Rights Act requires FPS workers to inform parents and caretakers of their rights—verbally and in writing—at the start of an investigation. This legislation does not create new

rights; it simply ensures that government agents inform parents of their rights already guaranteed by New York State law and the Constitution. This bill will improve transparency in FPS investigations and empower parents to make the best decisions for their families.

Informed Consent for Drug Testing and Screening, A109B (Rosenthal) / S320B (Salazar)

Medical professionals routinely drug test perinatal people and their newborns without consent, and often without a medical reason. Drug testing without informed consent undermines maternal-fetal health and is a violation of the pregnant person's right to dignity and bodily autonomy. In addition, positive toxicologies are reported to family policing agencies -- which expose families (disproportionately Black and Latine families) – to the violence of family separation and deter pregnant people from accessing essential pre- and perinatal health care.

The Informed Consent Act would require all medical professionals who provide healthcare to pregnant people, new parents, and newborns to obtain: (1) written and verbal informed consent before administering a drug and/or alcohol biological test to a perinatal person or newborn; (2) written and verbal informed consent before administering a verbal drug or alcohol screen to a perinatal person or newborn in a hospital setting; (3) verbal informed consent before administering a verbal drug or alcohol screen to a perinatal person or newborn in a non-hospital setting.

Anti-Harassment in Reporting, A2479 (Hevesi) / S902 (Brisport)

New York State allows anyone to make a report of child maltreatment without providing any personal information. As a result, anonymous reports are often used to harass parents through false and malicious reporting. Angry exes, unscrupulous landlords, and feuding neighbors use anonymous reporting to call in false allegations against parents. Domestic violence survivors report that their abusers routinely use anonymous reporting as a harassment tool. State law requires the family policing system (FPS) to conduct an extensive investigation of every allegation of child neglect or abuse, even if the report is clearly part of a pattern of harassment.

The Anti-Harassment in Reporting Act offers a simple solution to drastically reduce the number of malicious false reports. In order to deter these harmful reports, the bill requires that callers provide their name and contact information when making a report to the hotline. This information would be kept confidential, while still allowing FPS the ability to speak with the source of the report as part of their investigation.

The Preserving Family Bonds Act, S8153 (Brisport) / A9000 (Tapia)

Many children experience immeasurable trauma when their families are subject to an investigation, and when they are forcibly separated from their parents and placed in the foster system. For many children in the system, the right to regular visits with their parents – many of whom are fighting to bring their children home – is a vital source of love, stability, and healing. Yet, when parental rights are terminated, children may be abruptly denied the right to stay in contact with their parents.

The Preserving Family Bonds Act (PFB) gives judges discretion to order continued contact between children and their families of origin after termination of parental rights when – and only when – such contact is in the children’s best interests. This law will allow New York family courts to better address the realities of impacted families and better meet the unique needs of individual children while they navigate this discriminatory system.

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