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Advocates and Impacted Families Renew Call for Family Miranda Rights Legislation After Uncovered ACS Report Reveals It Knew of Its Own Discriminatory Practices

(NEW YORK, NY)— Today, the *New York Times* [reported](#) on a Freedom of Information Law request by The Bronx Defenders, which revealed the New York City Administration for Children's Services (ACS) commissioned an internal audit in December 2020 that found racial bias - and perverse incentives for staff to protect themselves rather than families - are pervasive. However, rather than publicly reveal such findings and commit to change, ACS hid the report.

As members and allies of the Parent Legislative Action Network (PLAN), we demand action to end the family regulation system's racial discrimination. At minimum, this requires passage of Family Miranda rights legislation at the city and state level so that ACS staff are required to inform parents of their legal rights, something ACS staff and leadership admit in the internal audit is necessary. The public also deserves to know why ACS hid this report, such that it required a public records request to release it.

"True help and support comes with true transparency," **said parent advocate Joyce McMillan, Founder and Executive Director of JMACForFamilies**, "ACS's suppression of this report shows the unwillingness to change practices that disproportionately oppress Black and Brown families."

The **ACS internal audit**, which can be [read here](#), is alarming. According to its **findings**, the agency:

- “Actively destabilizes Black and brown families and makes them feel unsafe” by:
 - Subjecting families to a surveillance experience that one staff member described as “being stopped and frisked for sixty days,” with the goal of “find[ing] small things to use” against parents while simultaneously denying them “the help that they need”;
 - Presuming Black and brown parents to “be a risk to their children”;
 - Giving white parents “opportunities to fail and try again, while Black and Brown parents are treated at every juncture as if they are not competent parents capable of providing acceptable care to their children”;
 - Not developing systems to ensure that the agency makes “reasonable efforts” to keep families together, as required by law;
- Incentivizes its staff “to be invasive and not tell parents their rights”;
- Hides data about decision-making processes, including data on race and poverty;
- Encourages leadership and staff to orient their work “around protecting themselves from internal consequences rather than ensuring the safety of a family.”

These findings are consistent with the experiences of parents, parent advocates, and legal advocates within the family regulation system. ACS staff default to removing children from their parents, resort to racial stereotypes in their investigations, and use indicators of poverty to justify their disciplinary actions, rather than consider the needs and welfare of children and families.

Advocates and impacted families have called for ‘Miranda rights’ legislation to ensure that parents can exercise their rights to know the allegations against them, to consult counsel, to refuse drug or alcohol testing, and to refuse entry into their home by ACS officials.

ACS’s official position has been to oppose Family Miranda legislation. However, the internal audit reveals that staff and individuals within ACS leadership agree with parents and advocates “that one of the most immediate opportunities to hold ACS accountable is to support legislation that would establish ‘Miranda rights’ for parents” in the family regulation system.

While other [reports](#) and [investigations](#) have shown data that strongly suggests racial discrimination in the family regulation system, this is a rare case of family regulation workers admitting to such practices. The report’s existence comes after the first week of hearings by the New York Advisory Committee of the U.S. Commission on Civil Rights, which [announced](#) in September its intention “to examine the extent to which racial disproportionalities and disparities exist in the New York child welfare system and its impact on Black children and families.”

“ACS tried to bury this alarming report, and now it’s hiding information the public should know about how ACS leadership responded to the report and why this report was hidden for so long. Despite receiving a FOIL request for its communications about the report nearly a year ago, ACS

has produced none,” said **Kshithij Shrinath, Legal Fellow at the Impact Litigation Practice of The Bronx Defenders**, “The public has a right to know how ACS handled a report finding system-wide racial bias, and The Bronx Defenders will fight to get that information, including, if we have to, filing a lawsuit.”

“This report confirms what impacted communities and family defenders have been saying -- and ACS has been denying -- for years: ACS explicitly targets Black and Brown families for policing, surveillance, and family separation, and the agency knows it,” said **Zainab Akbar, Managing Attorney of the Family Defense Practice at the Neighborhood Defender Service of Harlem**. “ACS has built a myth of benevolence, but the time for a reckoning is now. Those who care for children and families can no longer continue to sincerely call this the ‘child welfare’ system; this report exemplifies why impacted communities instead call it the ‘family policing system’. Family Court judges, appointed attorneys for children, and other stakeholders in the Family Court system are now on notice that ACS's surveillance and separation of families is predicated on deep and entrenched racism, and must be treated with the utmost skepticism.”

“These findings echo our experience in representing parents in family court over the past fifteen years: ACS functions to surveil, separate, and punish Black and Latine families. Critically, the report shows just how important it is that parents know their rights and have early and free access to legal representation. ACS must reckon with this reality and must be held accountable for the racial bias ingrained within it, which destabilizes families and communities with generational consequences,” said **Lauren Shapiro, Managing Director of the Family Defense Practice at the Brooklyn Defenders**.

“This disturbing report affirms what CFR has been seeing, in our representation of thousands of parents facing ACS investigations and prosecutions since 2007: racial bias disrupts and harms Black and brown families,” said **Michele Cortese, Executive Director of the Center for Family Representation**, which represents parents in Queens, Manhattan and the Bronx. “We call upon ACS to hold its leadership accountable for the findings of this audit, at all levels: with investigative caseworkers, its supervisors and managers, its prosecuting attorneys, and those setting policy.”

About the Parent Legislative Action Network (PLAN)

PLAN was founded by [JMacforFamilies](#) and is a coalition of parents directly impacted by the family regulation system, attorneys, social workers, and academia that are committed to reducing and eventually ending the family regulation system’s harms and transforming the way society supports families. **Members include:** JMacforFamilies, Center for Family Representation, The Bronx Defenders, Brooklyn Defender Services, and Neighborhood Defender Service of Harlem.

PLAN engages in legislative, judicial, and media advocacy and organizes the very communities that are under child welfare surveillance and control. While PLAN works primarily in New York,

it is building community with similarly minded parents and other stakeholders across the country to grow a movement to reform and abolish the child welfare and foster care system as we know them today.

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