



**Written Testimony of the Article 10 Family Defense Organizations in New York City:  
The Bronx Defenders, Brooklyn Defender Services,  
Center for Family Representation, and  
Neighborhood Defender Service of Harlem**

**Presented to  
The New York City Council Committee on Children and Youth**

**Subject: Examining Racial Disparities in New York City’s Family Policing System and the  
Need for Family Miranda Rights  
February 26, 2026**

**I. Introduction**

This testimony is submitted jointly by the Bronx Defenders (BxD), Brooklyn Defender Services (BDS), Center for Family Representation (CFR) and the Neighborhood Defender Service of Harlem (NDS) (collectively the “family defense organizations”). Our offices are the primary providers of mandated legal representation to parents who are eligible for no-cost representation in Article 10 cases filed in family court in the Bronx, Brooklyn, Manhattan, Staten Island and Queens. Collectively we represent thousands of parents each year. Since 2007, when New York City first contracted with family defense organizations to represent parents, we have represented more than 43,000 parents in family court, touching the lives of close to 100,000 children, the vast majority of whom are Black and Latine and live in under-resourced, low-income communities in New York City.

Together, we have created a nationally-recognized model of representation for parents under investigation and charged with neglect or abuse and at risk of family separation, by providing comprehensive, interdisciplinary representation to parents through teams of attorneys, social workers and parent advocates. Our model has been recognized as the most effective model of representation of its kind.<sup>1</sup> Together, through our collaborative teams working with and

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<sup>1</sup> See Commission on Parental Legal Representation, Interim Report to Chief Judge DiFiore 27-28 (February 2019), available at <https://www.ils.ny.gov/files/2019%20Commission%20on%20Parental%20Legal%20Representation%20Interim%20Report.pdf>; see also Martin Guggenheim & Susan Jacobs, *A New National Movement in Parent Representation*, 47 CLEARINGHOUSE REV. 44, 45 (2013), available at <https://cfmny.org/wp-content/uploads/2021/03/A-New-National-Movement-in-Parent-Representation-Clearinghouse-Review.pdf>.

empowering parents, we have prevented thousands of children from needlessly entering and languishing in the foster system and have reduced the foster system census in New York City by almost 50%.<sup>2</sup>

As law offices representing our clients in navigating this system, we strive first and foremost to meet our ethical obligation to provide high quality legal representation to parents in these high-stakes cases. But our efforts go further and include working to address the underlying issues that drive families into this system: racism, structural poverty, and issues stemming therefrom, including lack of access to quality health and mental health treatment, lack of basic income and necessities, and lack of appropriate education and services for children with disabilities. We also aim to reduce the harm of the consequences of system involvement, such as criminal charges, housing and income loss, education issues and inability to adjust immigration status.

We thank the Council for the opportunity to submit testimony regarding the racial disparities in New York City’s “Child Welfare System” (which, following the leadership of directly-impacted people, we will refer to henceforth as the “family policing system,” see footnote).<sup>3</sup> Our recommendations to the Council are:

1. Immediately amend and pass Int. 449-2026 and Int. 466-2026, requiring the provision of Family Miranda Rights at the first point of contact between ACS and families. Knowing your rights is a matter of equity and racial justice.
2. Ensure Int. 449-2026 and Int. 466-2026 have the most robust impact by providing timely access to representation for families.
3. Pass Resolution No. 153 calling upon the City of New York to recognize institutional and systemic racism and generations of harm embedded in today's child protective services (CPS) systems.

## **II. The well-documented institutional and systematic racism embedded in the family policing system requires immediate action from the City Council.**

Data supports what we know from our experience as advocates fighting alongside parents targeted, policed, and punished by the family policing system: racism is a defining feature of the family policing system’s operation and function. From its nearly singular focus on surveilling, controlling and policing racially marginalized and low-income communities and its implicit

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<sup>2</sup> See Martin Guggenheim and Susan Jacobs, *Providing Parents Multidisciplinary Legal Representation Significantly Reduces Children’s Time in Foster Care*, American Bar Association (June 3, 2019), available at [https://www.americanbar.org/groups/public\\_interest/child\\_law/resources/child\\_law\\_practiceonline/january---december-2019/providing-parents-multidisciplinary-legal-representation-signifi/](https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/january---december-2019/providing-parents-multidisciplinary-legal-representation-signifi/)

<sup>3</sup> Our offices have followed the leadership of directly-impacted people and adopted the phrase “family policing system” to describe what has traditionally been called the “child welfare system” or the “child protection system,” to reflect the system’s prioritization of and roots in exploitation, surveillance, punishment, and control rather than genuine assistance to and support of families living in poverty. See Dorothy Roberts, *Abolishing Policing Also Means Abolishing Family Regulation*, The Imprint (June 16, 2020), available at <https://imprintnews.org/child-welfare-2/abolishing-policing-also-means-abolishing-family-regulation/44480>

views on those communities, to its approach to and interactions with these families, the racial disparities that the system produces are broad and deep. Attempts to explain racial disparities as simply symptoms of the disproportionate poverty faced by Black and Latino families are inaccurate - racial bias and racial animus are embedded in the system.

In New York City, “Black and Latino children are overrepresented at every stage of ACS involvement.”<sup>4</sup> ACS data from 2019-2023 show that Black children and Latino children are 6.5 times and 5.7 times more likely to have an ACS case than white children.<sup>5</sup> One in 16 Black children, 1 in 19 Latino children, and 1 in 71 Asian children were subject to an ACS investigation in 2023 compared to 1 in 107 white children.<sup>6</sup> “Black children entered foster care at 13 times the rate of white children and Latino children at 8 times the rate of white children.”<sup>7</sup> Black and Latino children account for 90% of children entering foster care.<sup>8</sup> Of the 1,374 children ACS removed in 2023, 1,230 of those children were Black or Latine.<sup>9</sup>

These rates do not simply reflect the disproportionate poverty of Black and Latino families. Analyzing data from 2019-2023, the Family Policy Project found that poverty alone would result in Black and Latino being investigated at 1.5 to 2 times the rate of white families rather than the 6.5 times and 5.7 times rates experienced, respectively.<sup>10</sup> Black families living in affluent neighborhoods also experienced higher rates of investigation than white families.<sup>11</sup> In other words, data show that “Black children are extraordinarily vulnerable to investigations no matter how rich or poor the neighborhood they live in.”<sup>12</sup>

Consistent with the data, ACS has continually recognized that racism is embedded in its operations, yet the system remains little changed. As far back as 2015, a former ACS commissioner responded to a question about racial disparities in the system by explaining one factor “is really racism. I think we should be honest about that.”<sup>13</sup> In response to a racial equity audit ACS commissioned in 2020, ACS staff identified ACS as “a system that actively destabilizes Black and [Latine] families and makes them feel unsafe.”<sup>14</sup> Echoing the reflections of the families targeted by ACS, ACS staff observe that ACS is “a predatory system that specifically targets Black and Brown parents and applies a different level of scrutiny to them

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<sup>4</sup> Racial Disparities, Family Policy Project, <https://familypolicynyc.org/data-brief/racial-disparities/> (last accessed July 24, 2023)

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> Roxana Saberi & Lisa Semel, *In NY, black families more likely to be split by foster care system*, Al Jazeera America (June 25, 2015 5:00pm),

<http://america.aljazeera.com/articles/2015/6/25/new-york-foster-care-system-racial-disparity.html>.

<sup>14</sup> *New York City Administration for Children’s Services Racial Equity Participatory Action Research & System Audit: Findings and Opportunities (Draft)* (Dec. 2020),

<https://drive.google.com/file/d/1cdgv8maKgGesji79FRJasnSF08fE6Mo8/view?usp=sharing>.

throughout their engagement with ACS,” as such creating a system in which “safety is a privilege of race” and indeed, race is used as an “indicator of risk.”<sup>15</sup>

Despite this acknowledgement, we see everyday how ACS—from caseworkers, to supervisory staff, to the attorneys representing the agency and their supervisors—generally presumes that Black and Latine parents are a risk to their children and act swiftly, if not reflexively, to strip these parents of their ability to make decisions about their children, to separate them from their children, to erase the vital bonds and knowledge they have of their children, and to make it difficult for parents to reunite with their children. Once ACS files a petition in the family court, we see all too often how the courts fail to provide meaningful checks on ACS, often rubber stamping their applications based on racist assumptions.

This past month, the Honorable Rowan Wilson, Chief Judge of New York shared the following words at his State of the Court Address: “If we had a magic wand we should use it to eliminate Family Court entirely by eliminating all the problems families have... but that isn’t possible, because the root causes of the distress that families, parents and children have are not created by the courts, but are fomented elsewhere.... Those problems are not made by Family Court, and cannot best be addressed by Family Court.... But at present, it falls on Family Court to adapt from treatment of symptoms to treatment of the underlying ills.”<sup>16</sup> As recognized by the highest ranking judge in New York State, family court is not the answer to the issues our clients face, and yet again and again the family policing system subjects our clients and their families to incredibly traumatic and demonstrably racist investigations with catastrophic results that leave generational scars.

We, alongside families impacted by this system, have written and testified extensively about the ways racism operates throughout the family policing system. We provided comprehensive written testimony<sup>17</sup> and recommendations to the New York Advisory Committee to the United States Commission on Civil Rights during its eighteen-month investigation into the system, much of which was adopted in its report.<sup>18</sup> That report quoted our testimony that “racism . . . continues to impact New York’s child welfare system and forms the foundation for how it functions.”<sup>19</sup> We have testified about the racism of the mandated reporting system<sup>20</sup> and the

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<sup>15</sup> *Id.* at 14-15.

<sup>16</sup> Hurubie Meko, “Family Court Is Flooded by Cases It Can’t Address, Top N.Y. Judge Says: Judge Rowan D. Wilson Says Poverty and Issues Like Mental Illness, Which the Courts Struggle to Deal With, Drive Many of the Cases That End up in Family Court.,” *The New York Times*, February 9, 2026, <https://www.nytimes.com/2026/02/09/nyregion/new-york-family-court-reform.html>

<sup>17</sup> Written Testimony of the Article 10 Family Defense Organizations in New York City: the New York Family Policing System and Its Impact on Black Children and Families <https://bds.org/assets/images/Joint-Testimony-to-the-New-York-Advisory-Committee-to-the-U.S.-Commission-on-Civil-Rights.pdf>

<sup>18</sup> “Examining the New York Child Welfare System and Its Impact on Black Children and Families,” (May 2024), <https://www.usccr.gov/files/2024-05/ny-child-welfare-system-sac-report.pdf>

<sup>19</sup> *Id.* at 33.

<sup>20</sup> Written Testimony of the Article 10 Family Defense Organization in New York City: the Child Welfare System and the Reporting of Child Abuse and Maltreatment in New York State <https://www.bronxdefenders.org/wp-content/uploads/2023/10/NYS-Assembly-Hearing-Mandated-Reporting-2023-Joint-Testimony-FINAL-10.6.23.pdf>

harms of the Statewide Central Register (SCR).<sup>21</sup> We have written reports based on our client’s experiences, finding that ACS treats Black and Latine Families more harshly than white families, rushing to judgment and exploiting racial tropes and stereotypes while violating laws and rules that exist to protect against unjust and wrongful interference in family life.<sup>22</sup>

Accordingly, we urge the city council to act on the recommendations below.

### **III. Recommendations**

#### **A. Immediately amend and pass Int. 449-2026 and Int. 466-2026, requiring the provision of Family Miranda Rights at the first point of contact between ACS and families - knowing your rights is a matter of equity and racial justice.**

Given the well established and deeply harmful impact of the family policing system - and investigations specifically - on families of color, it is vital that the city council briefly amend and bring Int. 449-2026 and Int. 466-2026 to a vote. Int. 449-2026 will ensure that agents of the Administration of Children’s Services (ACS) retain all existing legal authority to conduct investigations, while verbally providing parents the information and transparency they need to protect their families from unlawful abuse of that authority. This straight-forward legislation does not create any new rights, and instead ensures that families under government investigation are informed of their rights during that harrowing process. Given the current escalation in government surveillance and the increased fear of family separation amongst our city’s most marginalized communities, it is vital that we immediately take action to protect family integrity.

ACS investigations subject families to invasive, stressful, and traumatic treatment. Among other things, investigations include far-reaching inquiries into parents’ mental health, medical, sexual, and partnership histories, forced disclosure of deeply private health information, and home searches that include opening cabinets, drawers, closets, and beyond, almost universally without a warrant or other court order. Staggeringly, in 2024, ACS conducted 51,453 investigations but sought court orders in only 0.4% of those investigations, confirming nearly all ACS searches take place without a warrant, without process and counsel, and without judicial review.

Similar to the ways in which the criminal legal system was exposed for using pretext to “stop-and-frisk” a person based on their race or the neighborhood they live in, an initial investigation can lead to further invasive involvement by the family policing system, including

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<sup>21</sup>Written Testimony of the Article 10 Family Defense Organization in New York City: Statewide Central Register of Abuse and Maltreatment,

<https://bds.org/assets/images/2024.10.09-Joint-Defenders-Testimony-SCR-Assembly-Hearing.pdf>

<sup>22</sup>“This Wound is Still Fresh: Stories of Family Survival in the Face of the Administration for Children’s Services Racism,” The Bronx Defenders

<https://www.bronxdefenders.org/wp-content/uploads/2025/06/ACS-racism-report-FINAL.pdf>

surveillance of a family, and even the removal of children from their home. Families living in homeless shelters, under incredible economic stress, are living under the fear that one argument between parents or one moment of impatience with a child may lead to a knock on their door from a CPS worker. School attendance interrupted by homelessness, or an angry landlord seeking to evict a family illegally can result in a call to the family policing authorities and begin an investigation into a family. The trauma of these investigations is amplified because parents are left uninformed about the process and their right to make decisions about how the system intervenes in their family.

White, affluent families are far more likely than low-income families and families of color to have ready access to counsel, and to information about their legal rights when faced with an investigation. Conversely, Black families and other communities of color have historically been targeted by law enforcement agencies and are more likely to experience coercion on the part of the family policing system, and less likely to feel comfortable asserting their right to speak to counsel before acceding to the demands of ACS. For low-income families of color in New York City, this expansive and largely unchecked government intervention all occurs without ever being told their existing rights, guaranteed to them by both New York and federal law, and without any access to advice about how that information could be used against them in court.<sup>23</sup> Indeed, ACS's ability to obtain vast amounts of information from parents without ever seeking judicial review depends entirely on the parents not knowing their rights. Worse yet, the parents who do know and exercise their right to not engage with ACS are punished. We have seen countless instances in which a parent's exercise of their right to deny ACS entry into their home results in ACS threatening to call the police, and on many occasions, ACS does in fact return to the home with armed police. This is all done without seeking a court order authorizing entry into the home.<sup>24</sup> Even more, the parents' decision to exercise their rights is often held against them throughout their ACS and family court case. They are subject to harsher surveillance, are not trusted to follow orders, and reunification and settlement are denied or delayed based on the parents' decision to exercise their rights.

Passage of Int. 449-2026 and Int. 466-2026 will empower families targeted by ACS investigation with full knowledge of their rights during the course of what can be an invasive and traumatic process. Ensuring that parents have knowledge of their existing rights during an ACS investigation will allow parents to make informed decisions for their family and minimize the harm and confusion of ACS investigations. Better informed parents can make better decisions for their children. This legislation was conceptualized and is now championed by the very families we are naming have been harmed by ACS' practices. Should this Committee want to move our

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<sup>23</sup> Families who cannot afford to retain attorneys to represent them in family policing cases routinely are not connected to counsel until an Article 10 case comes to family court.

<sup>24</sup> Under Section 1034 of the Family Court Act, family policing agencies can seek court orders to help them facilitate an investigation and assess children even before they have filed a case in court. The Family Court Act specifically allows family policing workers to obtain orders to gain access to a home or remove a child, orders of protection, or other forms of intervention prior to filing a petition in court.

city beyond naming these harms, and bring us to a place of action - to empower and support families - it must continue to move this legislation forward.

The harm caused by the imbalance of power between people facing these coercive situations and the law enforcement agents who are investigating them has been recognized for nearly 60 years in the criminal legal context. It is time to give the same basic protections to families being targeted for separation and harm. Passing Int. 449-2026 and Int. 466-2026 will help to address systemic inequities by empowering families with knowledge of their rights and eliminating economic and racial disparities in families' access to legal information and counsel that is both timely and comprehensive. The family police take advantage of families who do not have access to information, resources or know how to access legal support to invade families' privacy, and disrupt children's sense of safety and stability in their homes, all without judicial oversight. Instead, they should inform parents that they have the right to protect their children from these intrusions when faced with baseless investigations.

Int. 466-2026 complements Int. 449-2026 and provides for the written provision of rights to parents at the first point of contact with ACS and requires that these rights are available in designated citywide languages. Int. 466-2026 must be amended to fully mirror the robust list of rights listed in Int. 449-2026. Once amended, we urge you to pass both pieces of legislation to ensure that families in New York City know their rights. Inclusion of the written provision of rights is pivotal given the confusing and chaotic nature of an ACS investigation, which is only amplified for families whose primary language is one other than English.

In recent years, ACS has attempted to alleviate criticisms of its systematic use of invasive and coercive tactics by beginning what it labeled a pilot program in which ACS agents provided some limited written information regarding legal rights to families under investigation in certain zip codes. The information provided was incomplete - it did not include the full list of rights delineated in Int. 449-2026. Moreover, based on our offices' work with families who received this information, the dissemination was limited to a sheet of paper tucked away at the bottom of a larger stack of papers handed to families at the end of a harrowing and confusing conversation. We support ACS affirmatively providing families well-vetted and thorough information, including our offices' contact information. However, given the Constitutional rights at issue and the potentially traumatizing investigative process, it is essential that the provision of written information on the rights of parents during an ACS investigation be required by law to ensure that all people under investigation be provided the information at the first point of contact with ACS. The passage of Local Law 29 of 2025 was intended to mandate that ACS provide contact information for "legal services" to all "covered individuals" during "covered proceedings"<sup>25</sup> and yet we know that ACS has failed to provide this information at all required interactions. It is vital that the City Council pass both Int. 449-2026 and Int. 466-2026 in order to ensure legal rights are correct and clear, and that their provision is mandated. We would also invite the

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<sup>25</sup>Local Law No. 29 (2025) of City of New York § 21-925 available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=7107467&GUID=A5BC247E-7278-466F-90FF-E51D5136F6AE&Options=ID%7CText%7C&Search=>

council to remind ACS that local laws must be complied with, and would enthusiastically join conversations about ensuring compliance with Local Law 29 of 2025, as well as future local laws.

**B. Help ensure Int. 449-2026 and Int. 466-2026 have the most robust impact by providing timely access to representation for families.**

Currently, low-income parents being investigated by family policing agencies who cannot afford to hire counsel may not be able to access an assigned attorney until ACS files an abuse or neglect case against them in family court. Our offices bridge this gap in representation via our Early Defense Practices. Our offices have been using an interdisciplinary approach, relying on attorneys, social workers, and parent advocates to intervene early during an ACS investigation. When a family learns they have the right to speak to an attorney during the course of an investigation - our offices are there to effectuate that right and meet that need.

Our teams are available to advise parents about their rights, their choices and the consequences of decisions during an ACS investigation. Through early advocacy and identification of needed resources, we work with families to avoid unnecessary and traumatic family separations and, often, avoid prosecution and litigation all together. The statistics show that when families are aware of and able to exercise their rights by connecting with our early defense teams, they avoid unnecessary and incredibly traumatic prosecution. In approximately 86% of cases represented by BxD or CFR during ACS investigations, the investigations did not proceed to court. BDS similarly saw rates around 85%, while NDS witnessed around 90%.

During the course of an ACS investigation, critical decisions are made that have grave consequences for a family, including whether the family will be connected to needed supports, whether a case will be filed in court, and, most significantly, whether children will be separated from their parents and, if so, who will care for them. Without access to counsel during this investigation parents are forced to meet with ACS investigators and make critical decisions impacting the integrity of their family, discuss the allegations against them, and navigate the state's intervention in their family without any professional support.

Early access to counsel has been recommended repeatedly. New York's Commission on Parental Legal Representation established in 2018 by Chief Judge Janet DiFiore recommended that parents be granted access to counsel during a child protective investigation.<sup>26</sup>

“Giving parents representation when it matters – before they appear in court - is consistent with principles of equal protection and due process; can prevent unnecessary and prolonged separation of children from their parents; and can mitigate the disruption and trauma that accompanies State intervention into the family. Timely access to counsel

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<sup>26</sup> Commission on Parental Legal Representation, Interim Report to Chief Judge Defiore, 16 (February 2019), <http://ww2.nycourts.gov/doc/15446>

may also help reduce the disproportionate percentage of children of color in New York's foster care system."<sup>27</sup>

In addition, the standards of practice for parents' attorneys adopted by the American Bar Association in 2006 recommend that attorneys actively represent parents during an investigation.<sup>28</sup> In recently-issued eligibility standards, the Office of Indigent Legal Services (ILS), the state agency tasked with overseeing the state's defense function, also recommended that counsel be assigned to parents during the investigation stage of a case. The Office of Court Administration codified these standards as a court rule.<sup>29</sup>

Representation at the investigation phase of a case is an effective and much needed bulwark against a multitude of avoidable harms to the low-income, predominantly Black and Latine families most often targeted by the family policing system. It also makes real the promise of family's legal rights during the course of an investigation.

**C. Pass Resolution No. 153 calling upon the City of New York to recognize institutional and systemic racism and generations of harm embedded in today's child protective services (CPS) systems.**

As detailed above, we believe the most important and most immediate step the City Council can take to address racism embedded in this system and to protect children and families is to amend and pass Int. 449-2026 and Int. 466-2026. However, we fully support the passage of Resolution No. 153 *in conjunction* with these bills. We agree that "ACS needs a change in its policies and procedures to rectify the harm done to Black and Latinx families and to prevent future harm."<sup>30</sup> We commend the Council's recognition of the long history of racism embedded in the family policing system, tracing to its roots in Slavery, Black Codes, and the separation of Indigenous children from their parents.<sup>31</sup> And we are encouraged by the Council's explicit recognition of the work of local, state, and international bodies and news organizations that have detailed the racism of this system.<sup>32</sup> However, as law offices working daily to prevent the harms of the family policing system, and who have worked closely with the families who have named this legislation as a priority, we must reiterate that passage of this resolution without passing Int. 449-2026 and Int. 466-2026 leaves Black and Latine families without vital protections to prevent unnecessary separation and will leave racism embedded in this system intact.

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<sup>27</sup> *Id.*

<sup>28</sup> See American Bar Association, Standards of Practice for Attorneys Representing Parents in Abuse and Neglect Cases 10 (2006), available at [https://www.americanbar.org/content/dam/aba/administrative/child\\_law/aba-parent-rep-stds.pdf](https://www.americanbar.org/content/dam/aba/administrative/child_law/aba-parent-rep-stds.pdf)

<sup>29</sup> Fam. Ct. Rule 205.19.

<sup>30</sup> City Council of N.Y.C. Proposed Resolution No. 153 (2026) available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=7862997&GUID=C78078E8-3352-4070-BB00-B9B3E381E575&Options=ID%7cText%7c&Search=>

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

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