



FAMILY JUSTICE LAW CENTER



SULLIVAN & CROMWELL

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*****CIVIL RIGHTS CLASS ACTION LAWSUIT*****

PARENTS SUE NEW YORK OVER UNCONSTITUTIONAL DELAYS IN PROCESS TO CHALLENGE THEIR HARMFUL LISTINGS ON CHILD MALTREATMENT REGISTRY

The vast majority of parents—roughly 70%—prevail in challenging their listings

Illegal delays block employment and caregiver opportunities

NEW YORK – Today, three New York parents filed a federal class action lawsuit against the New York State Office of Children and Family Services (OCFS) for violating due process by forcing families to endure extreme delays while appealing their reports on the Statewide Central Register of Child Abuse and Maltreatment (SCR), leaving many unable to work in a wide range of jobs or care for relatives.

“Having an indicated SCR report has made it difficult for me to find work and provide for my family,” said **Veronica Voe, a Plaintiff in the lawsuit who is proceeding by pseudonym to protect her and her child’s identities.** “The lengthy delay in the appeal process has added immense stress and leaves me concerned about the long-term impact on my reputation.”

Well over 100,000 calls reporting suspected child abuse or maltreatment are made to the SCR hotline each year. Following investigation, local Child Protective Services (CPS) agencies, including the Administration for Children’s Services (ACS) in New York City, determine in tens of thousands of cases annually that the report is “indicated,” meaning that CPS believes the

allegations are supported by a fair preponderance of the evidence. Parents are sometimes found to have “indicated” reports based on allegations of maltreatment that are actually the result of poverty—such as limited food in the pantry or the condition of their housing.

Most parents who challenge their report in the registry are left to navigate and litigate the complex process on their own, as there is no right to counsel in these administrative proceedings—even though the government is represented by an attorney. **Yet, even with this imbalance of power, the vast majority—roughly 70%—of parents who appealed had their reports amended to “unfounded” and/or sealed, clearing the way for employment and caregiver opportunities.**

OCFS’s own data show that from 2020 through mid-2025 thousands of parents whose names are listed on the SCR have been forced to wait over a year to obtain a decision that corrects the record in their case.

The consequences of being listed on the SCR are severe and fall disproportionately on low-income and Black and Latino families. A broad range of employers with jobs that involve contact with children are required to check the SCR before hiring an applicant. As a result, parents seeking employment in fields such as nursing, teaching, day care, and health care are denied employment until OCFS gives them a chance to clear their names from the SCR. Individuals hoping to become caregivers to grandchildren or nieces or nephews are likewise barred from doing so while OCFS delays their hearings. These harms do not fall evenly: low-income New Yorkers—particularly Black and Latino families, and especially low-income women of color—are both overreported to the SCR and more likely to work in the affected professions or seek kinship caregiving roles, compounding the harm.

The Family Justice Law Center, Brooklyn Defender Services, the Center for Family Representation, the NYU Family Defense Clinic, the international law firm Sullivan & Cromwell LLP, and Of-Counsel the New York Civil Liberties Union and the American Civil Liberties Union, bring this class action lawsuit asking a federal court to order OCFS to change its policies and practices to protect parents’ rights to due process and give New Yorkers the chance to clear inaccurate records without delay.

“For thousands of New York families, this lawsuit offers hope for an end to a bureaucratic nightmare that has cost them jobs, separated children from loving relatives, and deepened inequalities in the child welfare system,” said **David Shalleck-Klein, Founder and Executive Director of the Family Justice Law Center.** “When the harms are so great, it shouldn’t be taking the government over a year to render a decision—especially when the vast majority of parents challenging their inclusion on the SCR prevail.”

“As public defenders, we see firsthand the harm a parent’s SCR indicated report can have on a family—from a parent losing a long-standing job, to reduced employment opportunities and the inability to be a family support system for loved ones in crisis,” said **Lauren Shapiro, Managing Director of the Family Defense Practice at Brooklyn Defender Services**. “New York families deserve a fair and timely process when they seek to appeal their inclusion on the SCR. We are deeply grateful to the plaintiffs and witnesses in this case who have bravely stepped forward to fight against unconstitutional delays in SCR appeals, which have hindered their ability to work and provide for their families.”

“CFR’s SCR Appeals Unit represents hundreds of parents and caretakers every year who seek to amend or seal their indicated reports in the SCR,” said **Melissa Lombreglia, Attorney-In-Charge of the SCR Practice at the Center for Family Representation**. “This lawsuit offers our clients, who are primarily Black and Brown, hope that the appeal process can occur in a timely manner so that they can remove a barrier to employment and seek economic freedom for their families. Working class New Yorkers, who are disproportionately impacted by bureaucratic delays, deserve timely appeals processes to ensure they can access job opportunities and continue to contribute to the vitality of New York’s economy.”

“The family regulation system is one of the primary ways the state surveils and punishes Black women—branding them as ‘unfit,’ restricting their work, and destabilizing their families,” said **Aditi Fruitwala, Senior Staff Attorney with the ACLU**. “Child abuse registries function like a shadow criminal record, locking mothers of color out of jobs and opportunities long before any fair process occurs. That is not child protection. It is systemic injustice.”

“For too long, thousands of parents, who are disproportionately low-income and Black and Brown, have been trapped in bureaucratic limbo after being placed on New York’s SCR. As a result, many have lost their jobs and their ability to support their families or care for their loved ones,” said **JP Perry, Senior Staff Attorney at the New York Civil Liberties Union**. “We hope that the court will end this administrative nightmare and affirm that every parent and caregiver placed on the registry is entitled to a fair, transparent, and timely process.”

“No parent’s ability to support their family or care for a loved one should be blocked by bureaucratic delay,” said **Chris Gottlieb, Director of the NYU Family Defense Clinic**. “When government agencies are getting it wrong 70% of the time, people deserve to have timely review.”

“The Constitution requires individuals to have a meaningful opportunity to challenge government actions that affect their livelihoods and family status,” said **Suhana Han, a partner at Sullivan & Cromwell LLP**, which is representing plaintiffs on a pro bono basis. “We are proud to work with our nonprofit partners to represent parents and caretakers who have been left

in limbo for far too long because of the government’s delays, and to seek reforms that will ensure respect for due process and fundamental fairness.”

The [Complaint](#) was filed in the U.S. District Court for the Southern District of New York.

Coverage of the case from *The New York Times* here: [Parents Wait Months to Be Taken Off N.Y. Child Abuse List, Lawsuit Says](#)

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