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Parents, Advocates, and Lawmakers Call for Passage of Policies Rooted in Equity, Support, and Empowerment for Families

Slate of Legislation Includes the Family Miranda Rights Act, the Anti-Harassment in Reporting Act, the Maternal Health Dignity and Consent Act, and the Preserving Family Bonds Act

(ALBANY, NY) - Parents, advocates, public defenders, and legislators held a rally in Albany to demand the passage of four bills that aim to shrink the pathways through which families are funneled into the family policing system (also known as the “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 Rights Act** ([A1234 - Walker / S551 - Brisport](#))
- **The Anti-Harassment in Reporting Act** ([A066 - Hevesi / S550- Brisport](#))
- **The Maternal Health Dignity and Consent Act** ([A860 - Rosenthal / S845 - Salazar](#))
- **The Preserving Family Bonds Act** ([A4940 - Tapia / Brisport](#))

“Families do not trust the family policing system because it prevents people from knowing their rights, exercising bodily autonomy, and parenting their children without surveillance and punishment,” said **Joyce McMillan, Founder and Executive Director of JMACforFamilies**. “What New York families actually need are policies that help keep them whole, healthy, and thriving. Together, the Family Miranda Rights Act, the Maternal Health and Dignity Act, the Anti-Harassment in Reporting Act, and the Preserving Family Bonds Act will help ensure families are respected and empowered, and we urge Albany to pass all four bills this session.”

“The family policing system is disproportionately represented by Black, Latino, and Indigenous families. With the Family Miranda Rights Act, Maternal Health and Dignity Act, Anti-Harassment in Reporting Act, and Preserving Family Bonds Act, we are giving Black and Brown families a chance. These proposed bills are crucial so surveilled communities can be given a chance to parent without fear, and a chance to parent with dignity,” said **Maria Hernandez, social work student and parent with lived experience**.

State Senator Julia Salazar, Chair of the Committee on Crime Victims, Crime, and Correction, said: "Protecting children and families demands minimizing their entanglement in the criminal legal system and the harmful outcomes that so often ensue. Our legislative package would go a long way toward providing these protections, including my bill, the Maternal Health Dignity and Consent Act. The drug testing that medical professionals routinely administer to perinatal patients and newborns without informed consent not only is a violation of bodily autonomy, but also risks unwarranted police intervention and the trauma of family separation. This practice undermines the trust perinatal patients place in their medical providers, thereby deterring them from seeking care vital for their health and safety. The Maternal Health Dignity and Consent Act brings relief by requiring written and verbal consent for drug testing--and by limiting testing to only those cases in which it is relevant to apparent medical needs."

"On Family Advocacy Day, we come together to champion the rights and dignity of families across New York," **said Assemblymember Yudelka Tapia.** "Our legislative agenda recognizes the critical role of familial security in a child's development and aims to address systemic injustices that have long disproportionately impacted communities of color--especially in the Bronx, which I represent. By supporting these measures—including my bill, *Preserving Family Bonds*—we are making a meaningful stride toward a system that truly puts families first."

"This legislative package seeks to address systemic inequity, racist policies, and the over-policing of communities of color within the child welfare system. My anti-harassment in reporting bill will prevent the weaponization of the state central registry by those who make knowingly false allegations in an attempt to retaliate against a family or individual. I look forward to advancing these bills. Thank you to my fellow bill sponsors Assemblymembers Rosenthal, Tapia, and Walker as well as Senators Brisport and Salazar for championing these efforts," **said Assemblyman Andrew Hevesi.**

"I'm a parent, so I fully understand and embrace the need to protect children from abuse in any form. But I sponsored the Family Miranda Act in the Assembly, because I firmly believe that we can protect the welfare of children and the rights of parents – at the same time. In an encounter that could involve the trauma of removing a child from the home, it's important that parents and guardians know their rights. This is especially true for parents of color who are disproportionately the targets of investigations launched by child welfare agencies like the Administration for Children's Services. It's about fairness. It's about constitutional protections. It's about racial justice. I urge my colleagues to push the Family Miranda Act across the finish line during the current session," **said Assemblywoman Latrice Walker.**

"The trauma that children experience when they are torn away from loving families is deep and lasting. We must acknowledge the harms our government's family policing policies are causing and take responsibility for making the necessary changes to prevent further harm to New York's children and families," **said Senator Jabari Brisport.**

"A drug test is not an indicator of someone's ability to parent, yet this outdated test-and-report practice has been relied on for years to report parents suspected of using drugs, no matter the harm it may cause to the family in the process," **said Assemblymember Linda B. Rosenthal (D/WF - Manhattan), Chair of the Assembly Committee on Housing.** "Every person seeking medical care should be able to do so without the fear of covert testing that could result in their child being taken from them. Providers take an oath to do no harm, but when providers test and report parents based solely on the results of a drug test or screen, it can cause immense harm to the entire family and make patients less likely to seek medical care. This year, we must pass my legislation to rebuild the trust between medical providers and patients by requiring informed consent before any drug test or screen occurs."

"NYSDA stands with families, advocates, and defenders to demand that New York treat all families with dignity and respect. The right to raise one's child and the right to be raised by one's parents are fundamental human rights. But those rights are regularly undermined by the family regulation system and its stigmatization of poverty and systemic racism, which results in the disproportionate targeting of Black and brown families and low-income families," **said Susan C. Bryant, Executive Director of the New York State Defenders Association (NYSDA).** "The Family Miranda bill and The Maternal Health, Dignity, and Consent Act will ensure that parents are advised of their rights, 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. Passage of these bills will keep parents and children safe together."

"As public defenders in the Bronx, we see every day how virtually any interaction with the Administration for Children's Services destroys family bonds and the well-being of children," **said Sean Egan, Interim Policy Director in the Family Defense Practice at The Bronx Defenders.** "That is because contrary to ACS's stated mission, the agency prefers to police, surveil, and separate families rather than connect them to supportive resources and services when attempting to address child neglect or family well-being. All the available evidence over decades has shown that these punitive responses to poverty or lack of opportunity are worse than band aids - they exacerbate the systemic drivers that cause family instability. The four bills we are advocating for today will go a long way to help orient New York towards real support and care for families."

"Every day, New York families are targeted and torn apart by a system rife with racism that conflates poverty with neglect," **said Nila Natarajan, Associate Director of Policy & Family Defense, Brooklyn Defender Services.** "With this slate of legislation, New York can begin to address some of the many harms the family policing system inflicts upon families, by empowering families with their rights in the face of invasive investigations and preserving familial bonds amid the immense trauma of the termination of family rights. We are grateful to

stand alongside impacted families, advocates, and legislators to fight for these policies to keep families whole and safe.”

"Today, I am proud to stand alongside Impacted Parents, survivors of the family policing system, my colleagues, and our elected allies to say that next year is too late! In the face of an increasingly volatile federal government, the New York State Legislature needs to pass these bills immediately.” **said Mark Papish, Supervisor of Policy and Government Affairs at Center for Family Representation.** “Family Miranda, the Anti-Harassment in Reporting Act, The Maternal Health, Dignity, and Consent Act, and Preserving Family Bonds will take us closer to a New York that stands with families in trying times rather than one that works to dismantle Black and brown families.”

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, among other harms. 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 equity, support, and fairness. Advocates are calling for the passage of four state bills:

The Family Miranda Rights Act ([A1234 - Walker](#) / [S551 - Brisport](#))

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

Data shows that FPS investigations can be highly stressful for children and families. For children, investigations often include disruptive visits to their home and school, invasive questioning by a stranger, and even strip-searches. Black, Latine, and low-income children and families have borne the brunt of this failure to inform parents of their rights. Privileged families are not targeted by this system at nearly the same rates, and are more likely to be aware of their rights and have the means to contact an attorney.

The Family Miranda Rights Act requires workers to inform parents and caretakers of their rights at the start of an investigation. This legislation does not create new rights; it simply ensures that parents are aware of the rights already guaranteed by New York State law and the Constitution. This bill will improve equity and transparency in FPS investigations and empower parents to make the best decisions for their families.

The Anti-Harassment in Reporting Act ([*A066 - Hevesi / S550- Brisport*](#))

New York State allows anyone to make a report of child maltreatment without providing 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 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 reducing the number of malicious false calls. 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 Maternal Health Dignity and Consent Act ([*A860 - Rosenthal / S845 - Salazar*](#))

Medical professionals routinely drug test and verbally drug screen perinatal patients 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 drug tests and verbal drug screens are reported to family policing agencies. This practice, called “test-and-report” exposes families to the violence of family separation and deters pregnant people from accessing essential prenatal and postpartum health care.

The Maternal Health Dignity and 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/alcohol/cannabis biological test on a perinatal person and/or their newborn; (2) written and verbal informed consent before administering a verbal drug/alcohol/cannabis screen to the perinatal person and/or their newborn in a hospital setting; and (3) verbal informed consent before administering a verbal drug or alcohol screen to the perinatal person and/or newborn in a non-hospital setting.

The act also requires that any drug/alcohol/cannabis test or screen only be performed if it is within the scope of the medical care being provided. It permits drug/alcohol/cannabis testing without informed consent only when a physician determines an emergency exists, the person is in immediate need of medical attention, and an attempt to secure consent would result in delay of treatment which would increase the risk to the person's life or health.

The Preserving Family Bonds Act (*A4940 - Tapia / Brisport*)

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) aims to give 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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