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***NYC Family Defense Providers Submit Joint Testimony to the New York
Advisory Committee to the U.S. Commission on Civil Rights on Racism Within
Family Court and the Family Policing System***

(New York, NY) – The Bronx Defenders, Brooklyn Defender Services, Center for Family Representation, and the Neighborhood Defender Service of Harlem submitted [joint testimony](#) on racism within the family policing system to the [New York Advisory Committee to the U.S. Commission on Civil Rights](#), which is conducting [an investigation](#) of “the New York Child Welfare System and its impact on Black Children and Families.”

The family defense organizations’ written testimony details their experience and observations as defenders on the impact of New York’s family policing system on Black children and families. The testimony shares the racism the organizations have observed and the harm caused by this system that has the power to separate families and keep them separated, and to destroy the legal, emotional, and psychological bonds of families.

The joint testimony describes how deep-embedded [racism](#) in New York City’s family policing system affects Black families who are targeted, controlled, and policed by the Administration for Children’s Services (ACS). Namely, the agency targets and separates Black families disproportionately, often for reasons grounded in racist tropes and poverty, and routinely fails to work diligently towards reunification. ACS repeatedly fails to: expand visitation without being ordered to do so by courts and rarely affirmatively advocates for family reunification; provide timely service referrals and make services accessible to parents; and respect parents and their communities.

Through its experience of defending families in court, the organizations present evidence that family court procedures and practices themselves perpetuate racism and deny Black families due process, respect, and justice. The testimony also outlines how family courts prioritize outcomes that separate families, along with the dangers of broad and subjective language in the laws applied in family courts, which allows implicit bias and racism to significantly impact decision making. The testimony explains how these disparities are not wholly reducible to economic inequality, even while poverty is often conflated with neglect and applied almost exclusively to Black families.

As the Committee concludes its investigation and renders its findings and recommendations, the organizations ask that it recognize the current disproportionality and anti-Black racism rife within this system, acknowledge and accept the expertise of those who have lived that

experience, and present meaningful recommendations that will move us to real safety for Black families.

The family defense organizations offered these key recommendations for overhauling the family court and family policing system:

1. Divest from the family policing system and invest in Black families.
2. Amend the Family Court Act to eliminate, or at least narrow, the definition of “neglect.”
3. Eliminate the termination of parental rights.
4. Repeal ASFA to end the prioritization of adoption over family reunification.
5. Narrow the reach of the State Central Register (SCR).
 - a. Amend or repeal CAPTA and NY Social Services Law section 413 to eliminate mandated reporting.
 - b. Pass the Anti-Harassment in Reporting Bill ([A2479/S902](#)).
6. Ensure that parents and families are aware of their rights.
 - a. Pass the Family Miranda Rights Act ([A1980/S901](#)).
 - b. Provide high-quality timely representation to parents during investigations.
 - c. Pass the Informed Consent Act ([A109/S320](#)).
7. End the silencing, decentering, and other daily acts of racism in family court and create clear reporting and accountability mechanisms.

“The family policing system is a system that reflects and reinforces centuries of anti-Black racism in our society,” said **Miriam Mack, Policy Director of The Bronx Defenders' Family Defense Practice**. “The research, data, and, most importantly, the shared experiences of the parents, children, families and communities targeted by this system make clear that it operates solely to undermine Black familial integrity and to make Black children less safe. We must choose direct investment in communities, an honest reckoning with anti-Black racism and other systems that maintain power, privilege, and social hierarchy in our society. We are encouraged that the New York Advisory Committee to the U.S. Commission on Civil Rights is interrogating this system and encourage the Committee to follow the leadership of those most impacted by the family policing system and call for the total divestment in policing systems and the direct investment in Black families.”

“The family policing system targets, investigates, and separates Black families, inflicting lasting harm, rather than offering the resources that families need to thrive,” said **Nila Natarajan, Associate Director of Policy & Family Defense, Brooklyn Defender Services**. “Divesting from the current system and redirecting funds to eradicate family poverty will help ensure Black children are safe, and our testimony offers numerous legislative and policy changes that would also reduce the harm caused by the current system. As its investigation concludes, we urge the Commission to take seriously the experience of families impacted by family policing and make significant recommendations that will begin to redress the harms caused by this system.”

“The family policing system overwhelmingly targets, surveils, and punishes low-income Black parents,” said **Tehra Coles, Executive Director of the Center for Family Representation (CFR)**. “Approximately 92% of CFR’s clients are Black, Latine, or people of the global majority, and all of them live in poverty. Unrelenting punitive harm—that is rooted in racism—destroys Black families and communities and only makes children less safe. We firmly believe that all parents deserve to know their rights and to be provided with the resources and support they need to strengthen their family bonds. We urge the New York Advisory Committee to the U.S. Commission on Civil Rights to listen to the voices of those most impacted by the family policing system’s anti-Black racism and to call for fully investing in Black families.”

“News reporting, studies, and ACS’s own data and internal documents demonstrate beyond a doubt that New York’s family policing system is predicated on racism and riddled with institutional bias,” said **Zainab Akbar, Managing Attorney for the Family Defense Practice at Neighborhood Defenders of Harlem**. “We appreciate this opportunity to contribute to the U.S. Commission on Civil Rights’ investigation into the impact of this wretched system on Black families, and we hope their efforts will help bring both an end to the so-called child welfare system and a shifting of the system’s resources directly into the hands of the communities our policing systems have targeted for centuries.”

The full testimony can be found [here](#).

About The Bronx Defenders:

The Bronx Defenders is a public defender nonprofit that has developed a holistic model of legal representation that provides systems-impacted individuals with teams of lawyers, social workers, and advocates to address their unique circumstances and identify overlapping needs. Holistic defense has become a national model and enables BxD to defend over 20,000 New Yorkers each year in criminal, family, civil, and immigration proceedings who face incarceration, eviction, deportation, and family separation, among other devastating consequences. Today, BxD is reimagining public defense even further, using community organizing, legislative advocacy, and impact litigation to partner with the communities we serve to drive systemic change.

About Brooklyn Defender Services:

Brooklyn Defender Services is a public defense office whose mission is to provide outstanding representation and advocacy free of cost to people facing loss of freedom, family separation and other serious legal harms by the government. We believe in a client-centered approach and work, in and out of court, to uphold the rights, freedom and dignity of people threatened by unjust, racist and harmful legal systems. www.bds.org

About the Center for Family Representation:

CFR has been the primary and largest provider of family defense to indigent parents in Manhattan since 2007 and in Queens since 2011. CFR opened its office in the Bronx in 2022, marking the third borough the organization serves. We defend parents accused by the City of creating a risk to their children, and defend youth charged with a crime, always with the goal of eliminating the harms of the foster system and youth incarceration. CFR’s interdisciplinary

model offers every client a family defense team consisting of an attorney, a social worker, and a system-impacted parent advocate.

About the Neighborhood Defender Service of Harlem:

NDS, established in 1990, is known nationally and internationally for its innovative, community-based, holistic public defense practice. With offices in New York City, Detroit, Houston, and San Antonio, we have pioneered the holistic model to address problems plaguing public defense. NDS clients have an entire team fighting on their behalf, including criminal and civil attorneys, family defense attorneys, advocates, social workers, investigators, paralegals, law school and social work interns, and pro bono attorneys. NDS deploys all these resources on behalf of our clients, addressing the underlying issues that bring them into contact with the criminal legal system.

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