

Brooklyn (BDS) Defenders

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Brooklyn Mother Brings Federal Lawsuit Against the NYC Administration for Children's Services Over Repeated, Traumatizing Investigations Based on False Allegations

Brooklyn Defenders and Crowell & Moring Sue ACS After Agents Violated Family's Constitutional Rights and Subjected Child to Repeated Questioning and Physical Examinations for Nearly Three Years

(BROOKLYN, NY) – Brooklyn Defender Services, in collaboration with pro bono counsel **Crowell & Moring LLP**, filed a lawsuit on behalf of a Brooklyn mother and her son against the NYC Administration for Children's Services (ACS) in the U.S. District Court for the Eastern District of New York over ACS's numerous violations of the family's constitutional rights in its ruthless investigations of baseless reports of abuse and neglect at their home and school.

[As reported in ProPublica](#), Plaintiffs Ms. L.B.* and her young son Kyle* (*pseudonyms to protect the family's privacy) bring the lawsuit after nearly three years of invasive ACS investigations that all stemmed from anonymous reports of demonstrably false allegations. Despite finding the allegations to be unfounded in each investigation, ACS continues to invade Ms. B and Kyle's private life without their consent through repetitive home searches, interrogations of Kyle at his school, and examinations of Kyle's body, causing them severe and ongoing harm, distress, and anxiety.

"Because of ACS, I lost so much. Their relentless investigations made me feel like I couldn't protect my son like I promised him I would. I'm filing this lawsuit to ensure that other parents know that they have rights and that no other families go through this," **said Ms. B.**

Without action from the court, ACS will continue to harass and terrorize Ms. B and her son, in violation of their constitutional rights under the Fourth and Fourteenth Amendments.

"For decades, ACS has targeted, surveilled, and investigated families without any recognition of their rights. We are proud to join Ms. B and her son in bringing this lawsuit as an effort to challenge the status quo so that other families are not similarly traumatized by ACS," said **Jessica Marcus, Director of Law and Appeals, Brooklyn Defenders' Family Defense Practice.** "Despite finding the allegations of abuse against Ms. B to be false and being told by judges that there was no legal basis to continue investigating the family without her consent, ACS

unlawfully continued to question, examine, and knowingly traumatize them for almost three years. This lawsuit challenges ACS's refusal to respect the constitutional rights of caregivers and children, even after judges warn that its investigations are overly aggressive."

Ms. B's experience is emblematic of the experience of many NYC parents—predominately Black and Latine New Yorkers—who are subject to invasive ACS investigations of their home without a warrant or entry order. [Out of more than 56,000 searches conducted annually, ACS requests fewer than 100 warrants on average. In 2022, more than seventy percent of all ACS investigations, and more than ninety percent of investigations resulting from anonymous reports, were unfounded. Less than ten percent resulted in court involvement, and less than three percent resulted in children being placed in the foster system.](#)

This lawsuit comes as families and advocates push for "Family Miranda" legislation in New York State ([S901/A1980](#)), which would require ACS agents to inform parents of their rights orally and in writing at the beginning of an investigation. In addition to this critical legislation, family advocates are also calling for the enactment of [the Anti-Harassment in Reporting Act](#), which would reduce the number of anonymous false calls by requiring that every caller confidentially provide their name and contact information when making a report to the SCR hotline.

"No family should have to experience the terror and harassment inflicted by ACS on Ms. B and her young son," **said Nila Natarajan, Associate Director of Policy & Family Defense at Brooklyn Defenders' Family Defense Practice.** "New York must take action to ensure parents know their rights at the start of an ACS investigation by enacting Family Miranda legislation. Also, critically important to protect families like Ms. B's is the Anti-Harassment in Reporting Act, which will prevent investigations stemming from malicious anonymous reports."

Background

Beginning in 2021, the New York State Central Register (SCR) received anonymous reports alleging abuse and neglect against Ms. B, a Brooklyn mother, with a now ten-year-old son, Kyle.

Each anonymous call contained similar, preposterous false claims, including allegations about additional minor children who do not exist. ACS investigated each of these reports, but determined that each one of them was "unfounded" (not based in fact). Despite finding early reports to be baseless, over the course of the next two years and more than a dozen investigations, ACS investigators repeatedly demanded to enter and search Ms. B's home and to question and physically examine her child every time an additional anonymous report was made to the SCR.

On multiple occasions, investigators told Ms. B she was required to let them in, and, therefore, Ms. B believed she had no choice but to let them enter or risk ACS removing her son from her care. Each time, Ms. B and her son were subjected to invasive and disturbing questions and searches, including of his body. At no point did an ACS investigator tell Ms. B that, absent a court

order, they needed her consent to enter the home, or that she had a right to speak to an attorney to help her better understand her options.

When Ms. B learned that she had the right to deny ACS entry to her home and tried to exercise her rights, ACS instead went to her child's school, took him out of class and interrogated him against his will and without Ms. B's consent. As a result, her child, who used to thrive at the gifted and talented program where he is enrolled, developed anxiety, and is now frequently scared to go to school.

On three occasions, judges of the New York Family Court rebuked ACS for its conduct in investigating baseless reports against Ms. B and denied ACS's requests for court orders requiring her to provide them access to her home and child. ACS did not relent. Instead, the agency has indicated it will not change its approach to investigating both ongoing reports and any future reports made against Ms. B based on the same false allegations, including the most recent false report made against Ms. B in August 2023.

As a result of the pending investigations, Ms. B was suspended from her job at a residential facility for disabled adults and children, and while she was reinstated after the initial cases were deemed unfounded, she was eventually let go when ACS started new investigations.

The Fourth and Fourteenth Amendments protect parents like Ms. B and children like Kyle during child abuse and neglect investigations. The Fourth Amendment of the U.S. Constitution that protects individuals from unreasonable searches and seizures by government agents applies to ACS investigations. ACS investigators violated this obligation when they falsely told Ms. B she was required to permit searches of her home and her child's body, and subjected her child to intrusive questioning at school against his will, all without a court order, and they continued to do so even after their applications for court orders were repeatedly denied.

ACS's actions also violate the due process clause of the Fourteenth Amendment, which protects the fundamental right of parents to care for and make important decisions about their children, and the fundamental right of children to be cared for by their parents. ACS investigators unconstitutionally interfered with Ms. B's and her son's fundamental right to family integrity when they repeatedly questioned him and physically examined him over her objections, ignoring her attempts to protect him from the harm they were causing.

The lawsuit seeks relief including: an injunction preventing ACS from searching Ms. B's home and interrogating Kyle at his school without a court order; reasonable compensatory and punitive damages; and any other appropriate relief to remedy ACS's violations of Ms. B and her son's rights under the Fourth and Fourteenth Amendments.

[Read the full complaint here.](#)

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