October 21, 2021

Press Contacts:

Emily Whitfield, The Bronx Defenders, [ewhitfield@bronxdefenders.org](mailto:ewhitfield@bronxdefenders.org)

Dan Ball, Brooklyn Defenders Services, [dball@bds.org](mailto:dball@bds.org)

Sam McCann, Neighborhood Defender Service of Harlem, [smccan@ndsny.org](mailto:smccan@ndsny.org)

Joyce McMillan, JMacForFamilies, [advocateandorganize@gmail.com](mailto:advocateandorganize@gmail.com)

**Defenders, Advocates and Impacted Parents Urge Passage of Legislation Requiring ACS and Other Family Regulation Agencies to Inform Parents of Their *Miranda* Rights**

*Black and Brown Parents “Live in Fear” of Losing Children to a Racist, Dysfunctional System*

NEW YORK -- At a hearing today before the New York State Assembly Committee on Children and Families, impacted parents, defenders, and advocates testified in favor of legislation at the city and state levels that would ensure that all parents are informed of their right to consult an attorney and are made aware of their existing rights at stake at the start of an investigation, when critical decisions about their families are made.

Similar to the well-established *Miranda* warnings provided to an individual when they are placed under arrest in a criminal case, Family *Miranda* Rights legislation would require family regulation workers to disclose essential information to parents and caretakers at the time an investigation begins.

State Senator Jabari Brisport and Assembly Member Latrice Walker have sponsored Family *Miranda* Rights bills in the State Legislature - [S.5484A](https://www.nysenate.gov/legislation/bills/2021/S5484) / [A.6792.](https://www.nysenate.gov/legislation/bills/2021/A6792) The Progressive Caucus of the New York City Council has introduced similar legislation in the New York City Council.

As advocates testified today, these proposals do not create any new rights, but merely require the Administration for Children’s Services (ACS) and other family regulation caseworkers to inform parents of their existing rights when an investigation begins. Equipped with this critical information, parents and caretakers will be in a better position to make informed decisions about the best course of action for their family. Despite the straightforward nature of these proposals, the de Blasio Administration has consistently stood in the way of this common-sense legislation, ensuring that the city’s parents remain in the dark.

“It’s common-sense legislation. Keeping our rights a secret allows them to violate our rights and break up our families,”said **Joyce McMillan, Founder of PLAN and Founder and Executive Director of JMacforFamilies.** “We parents are working to prevent our children from being pipelined into the foster system to prison.”

"No child should have to suffer because of the failings of others,” said **D’Juan Collins, a parent activist**. "The law *must* be a double-edged sword, cutting both ways. Until that happens there can be no justice. Parents must know their rights and ACS should be mandated to tell parents their rights from the beginning of every investigation and during visits.”

“Mayor de Blasio’s Administration for Children’s Services has said repeatedly that it is committed to unraveling the structural racism in New York’s City’s child welfare system. Yet ACS is now opposing City Council bills that would require them to tell families their rights during investigations. It is difficult to imagine a more basic step toward racial justice than informing people of their rights, and it is deeply disturbing that the City does not want *all* families to know the limits on the government’s legal authority. It is time for a City Council vote on family Miranda warnings,” said **Chris Gottlieb, co-director of the NYU Family Defense Clinic.**

“The family regulation system invokes fear and trauma for Black and Latinx families through surveillance and policing,” said **Emma Ketteringham, Managing Director of the Family Defense Practice at The Bronx Defenders.** “Parents are not informed of their rights during devastating and invasive ACS investigations where decisions are being made about their own families. This lack of transparency and overreach of power continues to cause harm and separate families, not empower and support them. Albany and the City Council should pass and act on the Family Miranda bills that will ensure the rights of all parents are respected and protected.”

“Speaker Corey Johnson and City Council must stand up and protect New Yorkers from the harmful overreach, surveillance, and intrusion of the family regulation system,” said **Jennifer Feinberg, Litigation Supervisor, Policy & Government Affairs, The Center for Family Representation.** “Poor Black and Brown families are disproportionately targeted by ACS. They should be informed of their rights when their families are under investigation and be able to consult an attorney, just like any white family of means would do. Pass the Family Miranda bills (Int. 1718 and 1736) and allow Black and Brown families to know their rights.”

"Black and brown parents live in fear of the government using its vast resources and unchecked power to separate them from their children here in New York State. Families need support, not surveillance and separation," said **Zainab Akbar, Managing Attorney of the Family Defense Practice of Neighborhood Defender Service of Harlem.** "This very important set of bills helps protect existing rights, ensures equity and protects families from false and malicious reports. For years, it’s been called the ‘child welfare system,’ but those of us who have seen its devastating impacts call it by its actual function – the family policing system. Albany and NYC City Council should pass and enact the bills to put some power back in the hands of the Black and brown families that the family policing system targets."

“The family regulation system is a form of policing that targets poor Black and Brown families for surveillance and separation. Yet these families have even fewer protections when interacting with the Administration for Children's Services than defendants in the criminal legal system. No parent should face an agency with the power to remove their children without knowing their rights. The City Council must stop condoning confusion and potential abuse of power by making sure families have the information they need to make informed decisions during ACS investigations,” said **Jenna Lauter, Equal Justice Works fellow at the New York Civil Liberties Union.**

"Families have clear existing legal rights, and it is essential they are aware of them,” **said Nila Natarajan, Supervising Attorney & Policy Counsel, Brooklyn Defender Services.**  “As public defenders representing thousands of parents in Brooklyn, we witness first-hand the ways the family regulation system harms families, beginning with the initial ACS investigation. Families endure invasive home visits and questioning—before having legal counsel and often without knowledge of their rights—leaving families confused, traumatized, and misled. When we, as their advocates, inform families of their rights and advise them of their choices, we see that parents—empowered with this knowledge of their rights—are able to make the best decisions for their families. We urge New York City and State legislatures to take action now to address the racial inequities of the family regulation system. Enact the Family Miranda bills to ensure every family has the benefit of knowing their rights.”

###