

Center for Family Representation (CFR)
Oral Testimony for the Committee on General Welfare

Hearing Date: October 31, 2019

My name is Andrew Ford and I am a senior staff attorney at the Center for Family Representation. I want to take this time to speak about the importance of parents having access to counsel during ACS investigations. To do that, I want to address some common misconceptions about the role of parent's attorneys in the child welfare process.

First, parents' attorneys are concerned with the best interests of children. It is our job to advise our clients on how to best achieve their goals, and because our clients are parents, and parents are committed to the well-being of their children, our objective is to keep their children safe and at home permanently.

Second, opponents of parents having attorneys during the ACS investigation stage often raise concerns about the process becoming "too litigious." However, there are already attorneys involved in the process- they just work for ACS. Many ACS caseworkers have received interrogation skills training from NYPD officers, and these caseworkers frequently reach out to ACS attorneys for advice on whether they need more information from the parent before closing a case, indicating it, or filing a petition. These are investigations, not simple visits. Investigations could lead to removals of children, petitions being filed, orders of protections being sought, and parents being split up when one parent is asked to leave the family home.

Parents are not informed of any of these potential outcomes during these investigations. It is rare that parents are even made aware that not only do they not have to speak with ACS, but they don't have to allow their children to speak with ACS or be examined by ACS employees

either. When the stakes are so high, and with so much information is withheld, it is no wonder so many parents mistrust ACS.

We also want to note that any parent with means would immediately seek legal advice if ACS contacted them. There is no question that they would be entitled to do so. However, most parents who are investigated by ACS are not of means. 82% of our clients are people of color and 100% of them are poor. So to say that parents who are investigated by ACS should not have access to assigned counsel during these investigations is a decision that disproportionately impacts low income black and brown families. To oppose parents being informed of their rights or being assigned attorneys during ACS investigations is, in practice, a denial of their rights. That approach should be soundly rejected and we believe that, with the appropriate amendments, passage of these bills will achieve that.