

**Hope Lyzette Newton, Parent Advocate
Center for Family Representation (CFR)
Oral Testimony for the Committee on General Welfare**

Hearing Date: October 31, 2019

Good morning, I'd like to thank the New York City Council for for having me here today. My name is Hope Lyzette Newton. I am a Parent Advocate with the Center for Family Representation. I also serve on the Board of Directors of RISE Magazine, an organization that trains parents impacted by Child Welfare System how to write and speak about their experience and I am also a member of the Steering Committee for Voices of Women, an organization that works to improve systems women and children go to when escaping domestic violence. I am a mother of three, now young adult children, awarded sole legal custody twice while navigating multiple systems including family and criminal court.

In 2006, the murder of Nixmary Brown Gonzalez prompted reforms in child welfare. These reforms, which included how ACS approaches investigations, had a life changing impact on my family. That same year, my husband and father of my children called in a false and malicious report to the New York State Central Registry. In the midst of a heated custody proceeding, he introduced my family to both family and criminal court. It was the first of many false and malicious reports called in to try to prove that I was an unfit mother. Prior to this case, no one in my family had contact with either of these systems.

Unlike most parents investigated by ACS, I was able to hire a criminal court attorney and had family resources to help me during my family and criminal court cases. Today, I recognize that as privilege. Even though it was a significant financial burden to me and my family, I was able to pay an attorney, go home and back to work within less than 24-hours of turning myself into the authorities. That privilege did not protect me from ACS coming into my home as the

legal enforcement agency with the right to interrogate my entire household and remove my children. If ACS has the right to come into my home and remove children, I should have the right to legal counsel to guide me through the process during the investigative phase of the case. As someone who successfully cleared their name through the State Central Registry, I know it would have changed the outcome.

After my experience, I know now that the investigation is the start of this process. It lays the foundation for how a case is going to proceed. Parents are asked to engage in services that they may not need or that conflict with other obligations. They don't understand that they have the right to say no. Parents are usually in shock, frustrated, angry and annoyed during the start of a case. Having someone present during an investigation to tell you how to protect your rights could change the trajectory of the case. It's beyond difficult to think when emotions are clouding judgement which can result in decisions being made in a child removal. For parents already engaged in services addressing family challenges, having reached out to schools, doctors and law enforcement for help only to have a case called in on them; especially a false and malicious report, the emotional response to the threat of removal is high. The right to counsel at the earliest possible moment in the life of an investigation helps everyone focus on the right issues and leads to better communication about, to, and for the families.

My criminal court case was dismissed and I was offered a 6 month an Adjournment in Contemplation of Dismissal in family court. Unfortunately, for the next (9) nine years, the children's father called in several cases against me all of which resulted in new investigations. I learned from each investigation, but looking back now, I believe having legal counsel present during all the investigations would have potentially cut the time, energy and resources spent on

false and malicious reports in half. Having someone present can help identify issues earlier on in the process and address them quickly and effectively.

The work that I do now has offered me the opportunity to support families that are going through the Child Welfare System. Time and time again, the parents I work with talk about the fear that stays with them even after the ACS investigation. From the very beginning and throughout the entire investigative process, parental authority is being decimated. Parents often become paralyzed by fear when taking their child to the doctor or school because they are afraid that another case will be called in and result in their child being removed. The fear is real and it makes it difficult for them to make the most basic parenting decisions. Having someone to walk you through the investigation and be with you during the first initial meetings can help a parent feel empowered and maintain their confidence to parent their children in a positive manner.

ACS investigations have the ability to inflict harm that can shred family bonds and undermine parental authority. It often feels as though ACS takes advantage of the fact that the low income black and brown families they investigate do not know that they can refuse to answer their questions or submit to the often intrusive nature of their requests. They come to our homes asking to speak to our children outside of our presence. They want to know how much food is in our cupboards and whether they can speak to our children's pediatrician. They want us to tell them everything but don't even tell us what our rights are or sometimes even why they're there.

All parents NEED legal counsel at the very beginning of an investigation to protect their families from unnecessary trauma.

Thank you for listening.