

**MEMORANDUM IN SUPPORT**  
S.901/A.1980

*The Schuyler Center for Analysis and Advocacy urges the Legislature to pass S.901/ A.1980, to require Child Protection Services caseworkers to advise parents and caregivers of their rights at first contact.*

The Schuyler Center for Analysis and Advocacy is a 152-year-old statewide, nonprofit organization dedicated to policy analysis and advocacy in support of public systems that meet the needs of disenfranchised populations and people experiencing poverty.

Each year, over 148,000 New York families are subjected to invasive, stressful child protective investigations.<sup>1</sup> These investigations do not generally begin with an explanation of the family's rights, including their right to speak to an attorney.<sup>2</sup> Parents are generally not informed of the allegations against them. Once a caseworker enters the home, they can conduct searches and interrogations, and can use what they find against the parent in Family Court, often resulting in family separation. New York State's own data shows only 33% of families in New York receive Preventive Services before their child is removed from their home. Most children in foster care stay for more than a year (64%), and about a third (33%) stay for more than 3 years.<sup>3</sup>

Parents not knowing their rights creates a power imbalance in the child welfare system. Investigations are often fraught with confusion, panic, and trauma for the whole family.<sup>4</sup> It is overwhelmingly Black, Latino, and low-income communities that experience these investigations.<sup>5</sup> Yet, over 76% of these investigations find no maltreatment.

S.901/A.1980 would require Child Protective Services (CPS) to inform parents and caregivers of their rights at first contact. Informing parents of their rights would prevent unnecessary investigations and family separations, and deescalate investigations, while allowing CPS to focus resources on the kids that need protection.

*May 7, 2024*

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<sup>1</sup> Schuyler Center for Analysis and Advocacy. 2024. Fostering Transparency and Accountability in New York's Child Welfare System. <https://scaany.org/wp-content/uploads/2023/12/Fostering-Transparency-and-Accountability-in-New-Yorks-Child-Welfare-System.pdf>

<sup>2</sup> Hager, E. December 29, 2022. In Child Welfare Cases, Most of Your Constitutional Rights Don't Apply. ProPublica. <https://www.propublica.org/article/some-constitutional-rights-dont-apply-in-child-welfare>

<sup>3</sup> Schuyler Center. Fostering Transparency.

<sup>4</sup> Friedman, M., & Rohr, D. (n.d.). Reducing family separations in New York City: The COVID-19 experiment and a call for change. *Columbia Law Review*, 123(2). <https://columbialawreview.org/content/reducing-family-separations-in-new-york-city-the-covid-19-experiment-and-a-call-for-change/>

<sup>5</sup> New York State Bar Association. April 2022. Report and recommendations of the Committee on Families and the Law: Racial Justice and Child Welfare. <https://nysba.org/app/uploads/2022/03/Committee-on-Families-and-the-Law-April-2022-approved.pdf>