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'Miranda Warning'-style Bill for Parents Fails in New York City Council

BY MADISON HUNT



Joyce McMillan speaks at a rally earlier this year to push for legislation that would have required New York City's Administration for Children's Services and other family regulation agencies to inform parents of their Miranda rights at the city and state level. Photo by Hiram Alejandro Durán.

A bill that would have required New York City social workers to inform parents at the beginning of an investigation into child abuse and neglect of their right to legal counsel has failed to get a vote during the last City Council voting day for the year.

Similar to police reading Miranda rights to arrestees, the legislation proposed by City Council Member Stephen Levin sought to inform parents that they can have a lawyer present or deny home entry to city workers — known as child protective specialists — who do not have a court order.

Levin's office did not respond to requests for comment. But in a November interview with The Imprint, he said he sought to find a balance with city workers' need to investigate children's safety and parents' rights to protect themselves and their families.

“If I got a knock on my door, I don't know what I would do,” Levin said. “There's a level of fear and intimidation that a parent feels during an investigation, and if they don't know what their rights are, how are they going to assert those rights?”



The Administration for Children's Services (ACS) did not respond to a deadline request for comment. But earlier this year, the agency had **pushed for** amendments to the so-called Miranda-warning proposal, advocating instead for providing parents “with information verbally and in writing about the child protection process and their legal rights, while also ensuring CPS can see the children and assess their immediate safety,” according to a statement emailed by agency spokesperson Marisa Kaufman. “We strongly believe that there are ways to ensure parents understand the process and their rights, while also fulfilling our obligation to assess and protect the safety of the children,” she stated.

The failure of the bill's passage, as the legislative season winds to a close this month, is a blow to parent activists who have been rallying behind it for almost a year.

Similar statewide legislation failed to pass this year as well but could be reintroduced in 2022.

“These guys are elected by the communities, but they base their decision on what unions and ACS says, which are the same people that the community is seeking to be protected from,” Joyce McMillan, founder of JMac For Families and the Parent Legislative Action Network, said of City Council members.

According to city statistics, more than 50,000 New York City families are investigated for child maltreatment each year, mostly under the broad category of neglect, that is closely linked with poverty, not due to allegations of physical or sexual abuse.

That number plummeted [during the beginning of the pandemic](#), but the number of investigations and removals into foster care is slightly higher this year compared to last year. But both numbers remain below counts in 2018 and 2019.

During a state Assembly committee hearing in October, more than a dozen child welfare advocates [chanted](#) outside state offices demanding changes to the child welfare system, including passage of the Miranda rights bill. Referring to the child welfare system as a “family policing system,” they said the bill would have better regulated the surveillance of vulnerable communities.



Shekar Krishnan, democratic nominee for New York City Council District 25, speaks outside the state Assembly committee hearing in October. This week, New York City Council failed to vote on the bill that would require social workers to inform parents of their right to legal counsel at the beginning of an investigation into alleged abuse or neglect. Photo by Hiram Alejandro Durán.

More than 80% of the 7,300 children in New York City foster care are either Black or Latino, city data show, communities impacted by historic and systemic discrimination.

Without clear notice of their rights, advocates say, parents investigated by CPS workers are left too disadvantaged to properly protect themselves against government workers with the power to remove their children. Justice thereafter, when low-income parents are eventually granted a court-appointed attorney, also often falls short, advocate McMillan said.

Parents often meet with their attorneys for the first immediately prior to court hearings, leaving them with little understanding of the reason for the investigations into child abuse and neglect, providing them with inadequate time to defend themselves and leaving their children at times in the care of foster parents they've never met.

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After a report of abuse or neglect has been received, within 24 hours child protective specialists make an unannounced visit to the family home. Meanwhile, ACS investigations can last, at minimum, 60 days, and often longer. City workers have the right to interview family members, neighbors, teachers and other connected parties to discover whether maltreatment has indeed occurred and protective measures are warranted.

Activists pushing for reforms of the system in New York City said parents' rights are too often trampled in the process, and by extension their children, who are taken into foster care when a case cannot be made for them to remain at home.

“Imagine someone coming in and out of your house when they’re ready to come in,” McMillan said. “No advanced notice, no appointment. It’s an invasion of privacy.”

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