

Child Welfare Agents Almost Never Get One.

by Eli Hager, photography by Stephanie Mei-Ling, special to ProPublica and NBC News

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Each year, child protective services agencies inspect the homes of roughly 3.5 million children, opening refrigerators and closets without a warrant. Only about 5% of these kids are ultimately found to have been physically or sexually abused.



Ronisha Ferguson's two sons were removed from her custody and put into foster care after she refused to let child welfare caseworkers into her home without a warrant.

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The banging on Ronisha Ferguson's apartment door in the Bronx started on a Thursday afternoon as she waited for her two sons to get home from

Ferguson, a nurse working 10-hour double shifts, knew instantly who she'd find in her hallway that day in February 2019.

For years, caseworkers from the Administration for Children's Services, New York City's child protective services bureau, had been showing up unannounced like this and inspecting her kitchen, her bathroom and her bedroom — and her children's bodies — without a warrant.

A domestic violence survivor who previously lived in a shelter, Ferguson had never been accused of child abuse, ACS case records show. But she had faced repeated allegations of parenting problems largely stemming from her long hours at work, including that she'd provided inadequate supervision by having her 14-year-old daughter babysit the boys when they were 5 and 2, and had also allowed the kids to miss dozens of days of school.

The social workers pounded and pounded like police, she said.

This scene plays out an average of more than 150 times a day — tens of thousands of times a year — across New York, overwhelmingly in the neighborhoods with the most Black and Hispanic residents, according to ACS data.

By law, ACS caseworkers are not allowed to enter and search a home without either permission to enter or an entry order, which is the legal equivalent of a search warrant, unless a child is in imminent danger. But many parents don't know that they have the right to deny these government agents or don't push back for fear of losing their children, according to parents and their advocates. And caseworkers frequently say things that are coercive and manipulative in order to get inside homes without going to a judge, according to interviews with more than three dozen former ACS workers, New York City Family Court judges, parents, children and attorneys.

A ProPublica and NBC News investigation found that the agency obtains an average of fewer than 94 entry orders a year to inspect homes, meaning it has a warrant less than 0.2% of the time.

Across the nation, child protective services agencies investigate the home lives of roughly 3.5 million children every year, according to statistics from the federal Department of Health and Human Services. Only about 5% of them are ultimately found to have been physically or sexually abused.

With rare exceptions, all of these investigations include at least one home visit, and often multiple, according to a review of all 50 states' child welfare statutes and agency investigative manuals.

Yet in a ProPublica and NBC News survey that drew detailed responses from 40 state child welfare agencies, all said they would only obtain a warrant or court order to search a home — or call the police for help — in rare cases when they are denied entry. None said they keep any data on how often they get an entry order.

It's a staggering reality — likely millions of warrantless searches a year — and one that has not been reported before.

Family Defense Clinic.

“And with it,” she said, “comes a kind of mass insecurity in many neighborhoods about the next knock on the door.”

Ferguson said she came to fear that sound, knowing the humiliating drill that would follow.

Nearly every time, caseworkers would examine the contents of her refrigerator and cabinets, noting what she lacked, and scrutinize the cleanliness of her floors and how she organized her clothes, her case records show. In one report, they gave as evidence of child maltreatment that she had let her bedroom get “dusty and stuffy” and hadn’t disposed of “a large garbage bag.”

Then they would instruct her children to lift up their shirts and pull down their pants, leaving their underwear on, to look for bruises, scrapes and scratches, she said.

So Ferguson was exasperated to find ACS back at her doorstep that afternoon in 2019 — this time to investigate a tip that her then-8-year-old son was still absent from school too often and had a bruise and a cut under his eye. (He and his siblings said he got the injury roughhousing with them and their grandmother’s cat while their mom was at work, according to case records, which were partially redacted by Ferguson’s lawyer to protect other relatives’ privacy. A judge later dismissed the case.)

“I thought I was done with these people,” Ferguson said of the pounding on her door, adding: “What was the Constitution for? What was all that about?”

In New York, a sweeping state law mandates that ACS caseworkers attempt to inspect a child’s home every time they’re forwarded a tip about possible child maltreatment from the [state’s central hotline](#), no matter how serious the allegation is or whether it has anything to do with the condition of the household.

Less than 4% of the agency’s more than 56,000 cases each year end up revealing a safety situation requiring the removal of a child from a home, according to data provided by an ACS spokesperson.

Rather than being saved from harm, most children are forced to watch as their moms and dads are “humiliated, rendered powerless and turned into second-class citizens in their own homes,” said David Shalleck-Klein, founder and executive director of the [Family Justice Law Center](#), a newly formed civil rights organization that is considering filing a rare class-action lawsuit challenging such searches as unconstitutional.

Black and Hispanic children are disproportionately the ones going through this, accounting for at least 83 percent of children in ACS cases last year, agency data shows.

This “is one of the most important — yet unaddressed and misunderstood — civil rights issues of our time,” Shalleck-Klein said.



Administration for Children's Services caseworkers confronted Ferguson at the front door of her apartment in the Bronx.

said he has been shadowing his front-line staff looking for less intrusive ways of doing their jobs. It is “something we really need to work at,” he said.

Dannhauser said he is open to striking a balance between families’ privacy rights and his agency’s fundamental legal and moral responsibility to keep children safe.

ACS officials emphasized in additional responses to ProPublica and NBC News that the law requires them to attempt to evaluate a child’s home before going to court. The fact that they must do this is a choice that lawmakers have made, they said. The searches, which ACS calls home evaluations, can also identify families’ needs and connect them with services, including food pantries, the agency said.

Almost always, officials said, caseworkers get permission from a parent to come inside, which they said explains why they only need to get an entry order in less than 0.2% of cases. (The agency does not, however, collect data showing how often families consent or object to home entry, and officials did not respond to a ProPublica and NBC News finding that ACS has no way of tracking whether consent is freely given.)

ACS has also fought proposed legislation that would require caseworkers to give a Miranda-style warning to parents at their front door, informing them of their right to remain silent, to refuse entry and to speak to a lawyer or have one present. Versions of the bill will be reintroduced in the coming months at the City Council and the State Assembly in Albany.

Ferguson believes her constitutional rights were violated that day at her apartment, and is now suing New York City in federal court. (The city denied her claims in a court filing this summer.)

When she met the caseworkers at her door, they asked about the mark on her son’s face, records show, and she felt unjustly accused. Retreating into her apartment, she pulled up a know-your-rights website on her phone, she said.

Even people accused of murder, she read, are protected from indiscriminate, warrantless searches by the government.

Returning to the doorway, animated by years of pent-up frustration, she stood her ground at the threshold of her home.

“Fuck you, you’re not coming in here this time,” she recalls saying.

“I wasn’t my best self,” she said.

Because Ferguson wouldn’t let the ACS workers in — or let them take her sons for further inspection after they arrived home on their school bus — the caseworkers left. But they called the New York Police Department, case records show.

And at about 4:30 a.m., according to the records, they banged on her door again.

It was pitch black outside when she was jolted awake on her fold-out bed.

More Power Than Police

The Fourth Amendment reads: “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated.”

Although the Supreme Court has never definitively weighed in on the Bill of Rights’ applicability to child welfare investigations, many federal and state courts have found that there is no “social worker exception” to this fundamental protection of the home.



Ferguson's sons at home in the Bronx. Searches may include intrusive inspections of children's rooms.

Yet upon entering a household, child welfare agents do not typically articulate what specifically they are looking for, as they would have to do to get a warrant. They don't stick to what's in “plain view,” the way that police are mandated to when inside a home without a warrant. They may open every closet, check the label on every medicine bottle and flick every light switch and faucet on and off. Whatever they find will likely be admissible later in family court.

This is all confusing to actual police.

Shamus Smith, an NYPD officer for more than a decade who is now a professor at John Jay College of Criminal Justice, said that while on patrol he frequently used to get calls to assist ACS. “We didn't necessarily understand the powers and privileges they had,” he said, expressing amazement that caseworkers could comb through whatever they wanted within a home as if they had a “blank check” instead of a warrant — and no deterrent if they overstepped. “What the hell does ACS have that we don't?” Smith said.



as families in the child welfare system, said he often tells clients under investigation by the FBI not to open the door for anyone unless they have a warrant. But he would have a hard time recommending that when it comes to ACS agents, he said, because they have the power to take children without a court order.

In response to this reporting, ACS officials drew a distinction between their work and what police do, saying that the Fourth Amendment applies only to the criminal justice system and that entry orders are categorically different from search warrants.

But the New York state law governing how ACS should obtain entry orders explicitly says that the procedure “shall be the same as for a search warrant” as described under criminal law. And the federal circuit court overseeing New York City has found that an order issued by Family Court “is equivalent to a search warrant for Fourth Amendment purposes.”

Shalleck-Klein, of the Family Justice Law Center, said that “the Fourth Amendment is about the whole government, not just the police.”

The nine former ACS caseworkers who spoke with ProPublica and NBC News acknowledged that they had nearly complete access to families’ homes, saying that their supervisors never told them to advise parents they had the right not to cooperate with a search.

“Rights — no, we never did that. I didn’t even know that was a thing,” said Natasha Walden, a child protective specialist from 2019 to 2021 in Queens, adding that her goal was just to get inside and make sure the kids were safe.

To up the pressure, some caseworkers said they would use lines like “I don’t want to discuss your business out here in the hallway.” Others: “Well, I’m not going to stop coming.” “Why not, if you don’t have anything to hide?” Still other caseworkers said they framed getting a warrant to search the residence as “a warrant being put out on you,” which they admitted is misleading.

Many said they had to find ways into homes even based on anonymous or repetitive tips to the state hotline, which in some cases come from a parent’s abuser, a jilted ex or a neighbor with a grudge.

“Someone said Mickey Mouse lives at 123 Disney Lane doing something evil,” said Shytavia Cole, a child protective specialist in Staten Island from 2018 to 2021. “And I have to go in every time.”

“It’s all actually kind of immoral,” she said.

ACS responded that the majority of reports to the hotline are not anonymous and are made by mandated reporters of child abuse and neglect, including police, pediatricians and teachers. These calls are first vetted by the state to determine whether they would constitute child maltreatment if true. An ACS spokesperson added that caseworkers receive training on the U.S. Constitution, state laws and the court system and are taught that parenting is a protected constitutional right.



permission or a new court order each time.

Once inside the residence, officials said, they have an opportunity to assess and help address potential child safety concerns, including whether window guards are installed or there is drug paraphernalia left out within the reach of kids.

Critics questioned whether this type of comprehensive home inspection is a constitutional or even logical response to, for example, an allegation of a child missing school.

Many former caseworkers said they were most upset by having to routinely conduct searches of children's bodies, down to their underwear. (More than two dozen caseworkers, parents, children and attorneys said the practice is part of every or nearly every initial home visit by the agency, regardless of whether there is any allegation of physical or sexual abuse.)

In response to this ProPublica and NBC News finding, an ACS spokesperson said the agency will send a reminder to its child protective specialists that body checks are not required as part of every visit and should be decided on a case-by-case basis with supervisory guidance. Photos should also be taken in as sensitive a manner as possible.

"For the child, it's about bodily integrity," said Allison Green, legal director for the National Association of Counsel for Children, a legal advocacy organization, pointing out that it is kids who sometimes experience the most invasive parts of these searches.

She added that the searches may include intrusive inspections of children's rooms, which many see as "their castles."

"Our Lives Were Destroyed"



Ferguson is suing New York City in federal court, alleging in part that her “refusal to allow government agents to search her home” did not constitute probable cause to remove her children.

Around 4:30 that February morning, Ferguson, terrified, went to the door. She opened it a crack, revealing a hallway full of ACS agents and police officers, standing shoulder to shoulder.

In cellphone video she took of what happened next, one officer claimed that ACS now had a court order to remove her sons. She asked to see it; he did not respond. (A review of case records and court documents shows that no removal order had been issued by a judge at any point. When Ferguson stated this in her lawsuit, the city denied it.)

The video then shows another officer sticking his foot into the doorway and grabbing the phone out of her hand.

ACS and the police eventually convinced Ferguson to let them inside to take her children — by threatening her with arrest, according to video she took after she got her phone back. This scared her, she said, because she would be no help to her kids from jail.

The agency didn’t justify its actions until afterward, claiming that her refusal to cooperate suggested that the boys, who were 8 and 5, may have been in imminent danger, according to a case report. Her anger also



Ferguson descended into a panic, missing work to go to court that morning to try to figure out where her children were being held.

Days later, when she finally got to visit her sons at a foster agency, they told her that they were being punched and shoved by their foster parent, she said. That allegation later was corroborated by ACS, according to a case report.

“Our lives were destroyed,” Ferguson said.

And she still didn’t know when she would have her children home again.

“You Have the Right to ...”

In recent years, parent advocates in New York — as well as Texas and other places — have pushed to require that caseworkers read people their rights like police do.

Proponents say that borrowing the Miranda concept from the police would make it clearer that child welfare workers are playing a similar role.

The proposed practice would differ from Miranda warnings in part because child welfare cases are civil, not criminal, proceedings. Therefore, evidence obtained without properly “Mirandizing” a family would likely continue to be allowed in family court, experts said.

Still, it would at least ensure that social workers know the constitutional rules, so that they can be held liable later through lawsuits or other penalties for crossing those lines, advocates said.

They also pointed out that the right to deny entry already exists, so not verbalizing it is just a way of exploiting educational inequality and lack of access to legal counsel to get inside less-privileged households.

In a 2020 memorandum opposing the idea, the city of New York argued that a formal legal warning to parents would unnecessarily escalate cases that could otherwise be closed or addressed with services. It noted that “two-thirds of ACS investigations are unfounded, and only about 1 in 10 currently ever go to court.”



Ferguson plays with her sons at a park near their home. ACS agents and police convinced her to let them inside to take the boys after threatening her with arrest.

The memo also said the practice would potentially make the relationship between social workers and parents more adversarial and “spark unwarranted fears.”

But four recent New York City Family Court judges said in interviews that they support the movement for a Miranda-style warning, in part because ACS too expansively defines its authority to engage in searches and seizures and too rarely seeks court approval for such actions.

Ann O’Shea, a Family Court judge in Brooklyn from 2005 to 2019, said that most parents who have had an ACS caseworker show up at their door will say that it’s already an adversarial situation, with or without rights being read. “They are telling you you’re a bad parent,” she said. “You can lose your child, and that is monumental.”

In neighboring Connecticut, one of the nation’s only experiments with this kind of active statement of rights in child welfare cases has been going on for the past decade.

Michael Williams, deputy commissioner of operations for the Connecticut Department of Children and Families, said in an interview that the written reports of his staff show they are getting more information from families than they did prior to implementation of the policy. The greater transparency, he said, has brought down the anxiety of the interaction.

“We are not experiencing what New York is stating,” Williams said, adding that there has been no negative impact on child safety.

It is relatively rare for affluent families to experience any of this, according to dozens of caseworkers, judges and lawyers around the country. Such parents are more likely to have a lawyer and to immediately refuse entry, and workers are more likely to then seek a warrant or choose not to search the home, experts said.



investigated, a time when low-income parents typically go without legal counsel. She tells them to politely decline any home inspection until she can be present. “Affluent families are very used to a high level of privacy,” she said, emphasizing that this differential treatment by the system is not fair.

She added, “I’ve never had one of these result in the removal of a child.”

“You Would Think There’d Be Some Accountability”

A month after Ferguson’s children were taken from her, she finally got a ruling from a court. A judge found that the boys were not in danger with her, ordering them returned home. The decision also said she should go to therapy and anger management and make her home available to ACS for inspections going forward.

The case later was permanently dismissed, with the judge finding that Ferguson’s hostility toward letting the agency into her private life was not itself evidence of a mental health issue or of child neglect as defined under New York law, according to court documents.



Ferguson’s sons were 8 and 5 when they were separated from their mother.

“I just have protecting-my-kids syndrome,” Ferguson said, adding, “In a place like New York City, you would think there’d be some accountability.”

That’s why she brought the federal lawsuit against the city, as well as the ACS agents and NYPD officers involved in the seizure of her children, alleging in part that her “refusal to allow government agents to search her



The city responded in its court filing that throughout the case, the two agencies' employees "acted reasonably, lawfully, properly, constitutionally, without malice, and in good faith." The individual ACS agents and police, the filing also argued, are shielded from liability under the doctrine of qualified immunity, which says that government officials cannot be held personally responsible for violations of constitutional rights that are not clearly established.

An ACS spokesperson added that the agency could not comment on an individual case, due to confidentiality laws.

An NYPD spokesperson said the department provides assistance when requested by its partner agencies, including ACS. Officers may be present as ACS performs its duties, the spokesperson said, in order to ensure the safety of all parties. The department declined to comment on pending litigation.

ProPublica and NBC News attempted to reach all 12 ACS employees listed in Ferguson's lawsuit and left messages for most of them, but none responded. Reporters were not able to reach the four NYPD officers named in the complaint.

Ferguson said she still can't figure out how to talk to her sons about that time when the strangers came in the middle of the night to take them away — all because she'd tried to guard them and their home. "This shouldn't be in their memory, and it kills me that I can't take it out," she said.

At least her boys will always know, she said, that "when it comes to their rights, their mom doesn't play."