

Pandemic Shows New York Is Too Quick to Split Families, Advocates Say

When fewer children were taken into foster care during lockdown in 2020, child abuse did not appear to rise.

By Andy Newman

March 15, 2023 Updated 1:18 p.m. ET

4 MIN READ

Sign up for The Next Pandemic newsletter. Insights and guidance for preparing for future outbreaks. [Get it sent to your inbox.](#)

As the coronavirus pandemic descended on New York City in the spring of 2020, the child welfare system, like much of the city apparatus, went into near shutdown. The effects were immediate and stark.

With caseworkers limiting home visits, courts open only for emergencies, and closed schools and day care centers no longer watching for signs of abuse, the number of children removed from their homes and placed in foster care dropped by about half.

Despite the fears of law enforcement and child welfare officials, an increase in child abuse did not appear to take place. The number of emergency room visits for children did not rise significantly, and, once the city began to reopen, there were no signs of a backlog of unreported cases, officials have said.

Some critics of the Administration for Children's Services said this unintended experiment proved that the agency was overpolicing families and that it should permanently ramp down surveillance.

Instead, the number of children placed in foster care has gradually crept back up, according to an article published in The Columbia Law Review Forum on Wednesday. As a result, the paper argues, hundreds of children are being torn from their families unnecessarily.

"With clear evidence that children remained safe with fewer family separations, New York City's child welfare apparatus had an opportunity to keep removals low, minimizing the unnecessary harm of removal," wrote the authors, two lawyers for the Legal Aid Society, which represents children in Family Court. "Unfortunately, the upward trend suggests that the system failed to learn this critical lesson."

According to the latest A.C.S. statistics, the number of children placed in foster care because of allegations of abuse or neglect has increased by nearly 25 percent since the peak lockdown period of April to June 2020. During those three months, about 125 children per month were removed. From May 2021 to January 2023, the figure has averaged about 155 children per month.

That number is still well below the average of about 200 per month before the pandemic, and the long-term trend is unmistakably downward: Total placements in foster care have dropped to under 2,700 last year from about 12,000 per year in the late 1990s.

But the paper's authors, Melissa Friedman, the director of child welfare training for Legal Aid's juvenile rights practice, and Daniella Rohr, a staff lawyer for the society, cite studies that found that children placed in foster care were twice as likely to get in trouble with the law or have learning problems and six times as likely to develop behavioral problems as children from similar situations who remained with their families.

Given the permanent damage that removals cause, Ms. Rohr said in an interview, even a small uptick is troubling.

"It's very easy to get caught up in the statistics," she said. "But you have to remember that these are children and families, and even the difference of a tiny number is very significant — it's a whole family's life."

A.C.S. must always try to strike a balance between protecting children from harm and allowing even troubled families to stay intact. Marisa Kaufman, a spokeswoman for the agency, said in a statement that it had "learned a great deal from the Covid-19 pandemic" and was "refining our practices around court filings and removals while acting with appropriate urgency when a child is in danger."

The agency notes that less than 2 percent of its investigations result in removals of children from the home and that removal remains a last resort, turned to only when a child is in immediate danger of serious harm and there are no other ways to keep the child safe.

In June 2021, A.C.S.'s commissioner at the time, David Hansell, was asked by the City Council whether a decline in reports of abuse during the pandemic meant that cases were being missed.

"I'm happy to say that we really haven't seen any indicators of a larger bolus of undetected child abuse," he said. New York is not an outlier; a review of nationwide data published in JAMA Pediatrics in December 2021 found no significant increase in child abuse during the pandemic.

The standard for substantiating an abuse report was also raised by the state last year from “some credible evidence” to “a fair preponderance of the evidence” — a change that A.C.S. supported because it was better for families and matched standards in other states. Last year, the portion of substantiated abuse reports dropped below 30 percent, from an average of about 35 percent in recent years.

Ms. Rohr acknowledged that many things were different during the early days of the pandemic that could have affected abuse rates, but said that job loss, the death of loved ones and the stresses of being trapped at home could easily have led to more abuse, not less.

“Everybody was struggling with mental health, substance abuse at higher rates,” she said. “It could have gone the other way, and it absolutely didn’t.”

A correction was made on March 15, 2023: A previous version of this article described incorrectly a reason for declining foster care placements. The state did raise the standard for substantiating an abuse report, but this most likely did not lead to fewer removals; removals are usually based on an imminent risk of harm, with the abuse report substantiated later.

When we learn of a mistake, we acknowledge it with a correction. If you spot an error, please let us know at nytnews@nytimes.com. [Learn more](#)

Andy Newman writes about social services and poverty in New York City and its environs. He has covered the region for The Times for 25 years. [@andylocal](#)