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**General Welfare Committee on Racial Disparity in Child Welfare
Oral Testimony of Tehra Coles
Center for Family Representation**

October 28, 2020

Good afternoon, my name is Tehra Coles and I'm a litigation supervisor at the Center for Family Representation.

CFR represents 3000 parents in Queens and Manhattan each year and every single year, at least 90% of our clients are Black, Brown, and People of Color.¹ They are all poor, many face housing insecurity, lack access to proper medical care and, when they first become involved in the system, are unfamiliar with how the family regulation system works.² Each parent's case began with an investigation by the City. There have been many times in my career where my client and I were the only Black people in the courtroom.

We also know that the separation of children from their parents or even the threat of it are among the most potentially consequential, dramatic and harmful acts the government can take. This authority should bring with it the protections that provide the necessary counter-weight to that power. This is especially true in a system that by all accounts over-scrutinizes, investigates, and separates families of color.

When families with means are investigated, they have access to information, by virtue of their privilege, and the ability to obtain support that people who are poor do not. People of means usually have ready access to an attorney, at a minimum. We occasionally get a call from those privileged parents, who are often white--- and they know that they can and should seek legal advice before engaging with one of the most powerful government institutions in our city.

¹ The Center for Family Representation is the county-wide indigent defense provider in Queens and New York counties for abuse and neglect cases. In 2016, with support from the City Council, we began our Home For Good practice. Home for Good is made up of several practice areas: Immigration, Housing and Public Benefits, Re-entry prevention, and Adult criminal defense. In 2020 we began representing youth in juvenile delinquency proceedings also in Queens and Manhattan.

² The scholar Dorothy Roberts explains why the "child welfare system" is more aptly called the family regulation system because it's a system that works to control and punish Black and Brown families. See "Abolishing the Police Also Means Abolishing Family Regulation" Dorothy Roberts. The Imprint. June 16, 2020 at: <https://imprintnews.org/child-welfare-2/abolishing-policing-also-means-abolishing-family-regulation/44480>

Most parents that we eventually represent did not know their rights when they were being investigated-- and the City isn't required to tell them. This can have far-reaching and traumatic consequences-- especially when children are unnecessarily removed.

Information is power and sharing of information connotes respect. Those in power often withhold information as a weapon of control often under the guise of looking out for the greater good. Currently ACS is opposed to giving parents that information. The impact of this is that parents are kept in the dark about their rights when being investigated by the City.

The City disempowers parents and fails to show them respect by limiting and trying to control their choices during investigations. If the City were interested in empowering parents, they would explain: No. They do not have to allow their child to be stripped and physically examined by the worker that showed up on their doorstep moments before. No. They don't have to sign a blank medical release. . No. They do not have to tell them intimate details of their private lives or that Yes - anything and everything that the parent says can be used in an application to remove their child or may show up in a petition filed against them.

To be clear, the allegations that most of the petitions we see include those related to poverty but other examples include that parents co-sleep with their babies, that they smoke marijuana, or that they had a fight in the presence of their child.

If we are serious about addressing the racism in the family regulation system we could start by empowering and respecting the Black and Brown families it targets by leveling the playing field so they have the same ability to react to and engage with ACS, that privileged parents do: we should ensure they have information.

We know that the City and others have opposed giving parents this information. The arguments in opposition have been similar to what we hear from those who oppose reforms aimed at addressing racism and brutality in law enforcement: If you make this change then we cannot do our job.

The City has also claimed that requiring CPS workers to inform parents of their rights would turn an investigation into something more like a police encounter. To the extent that systemic racism is, in part, characterized by a lack of awareness on the part of those in power, this too reflects an ignorance of what we hear from parents all the time about and how ACS is viewed in their communities. For many parents, ACS is just like the police, perhaps worse because of the stakes. Many parents see ACS as threatening, unfair, and looking for a reason to take their children. The City has also said that giving this information would potentially interfere with an investigation--but that is not our experience when we can intervene early---ACS ALWAYS has the power to remove children if it believes a threat of harm to a child is imminent--access to information and legal and social work support just means a parent has support in facing a large and powerful government force.

This is why we urge the City Council to immediately pass a resolution calling on the State legislature to pass the Miranda bill currently pending in the Senate. While we wait for that legislation to pass, the Council should pass its own legislation requiring workers to inform parents of specific rights at the first point of contact with the family and information on agencies parents can access to get critical legal and social work advice. This need not mean a worker is advising a parent--it does mean that the worker would give the parent basic information.

The system cannot support and respect parents of color while also perpetuating systemic racism by refusing to give unbiased information to parents when they are being investigated. The City does not deny that it prosecutes Black and Brown people at a higher rate than any other group. But if it is not required to inform those it investigates of even their most basic rights, it further disempowers and harms Black and Brown parents and their children. Disempowerment is a hallmark of systemic racism, one that information can help to address.