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**Center for Family Representation (CFR)
Submitted Testimony for Committee on Women and Gender Equity**

Hearing Date: February 22, 2022

Oversight: Barriers to Accessing Survivor Services in New York City

Center for Family Representation (CFR) is grateful for the opportunity to submit testimony to the Committee on Women and Gender Equity. We thank Chair Cabán and the Committee for providing the opportunity to focus on this important issue.

Overview of CFR

CFR is the county-wide assigned indigent defense provider for parents who are facing ACS prosecutions in Family Court Act (FCA) Article 10 proceedings in Queens and New York counties. Since our founding in 2002, we have represented more than 12,000 parents with more than 25,000 children. We represent parents on their original neglect or abuse case and on any related matters like custody, guardianship, visitation and termination of parental rights cases. Our goals are always to prevent a foster placement, or when one is unavoidable, to shorten the time children spend away from their family and to prevent re-entry into placement after reunification.

CFR employs an interdisciplinary model of representation, marrying in court litigation to out of court advocacy: every parent is assigned an attorney and a social work staff member beginning at intake, which is generally the first day a parent is summoned to court, and these teams are supported by paralegals, supervisors, and parent advocates, who are parents who have direct experience being prosecuted by the family regulation system,¹ losing their children to the foster system and safely reunifying their families. In 2015, the New York State Bar Association gave CFR its Award for Promoting Standards of Excellence in Mandated Representation, noting that CFR “exemplifies and

¹ Throughout this testimony, CFR will refer to the “child welfare” system as the “family regulation” system to recognize that the system “is designed to regulate and punish Black and other marginalized people.” Dorothy Roberts, *Abolishing Policing also Means Abolishing Family Regulation*, IMPRINT (June 16, 2020, 5:26 AM) [hereinafter Roberts, *Abolishing*], <https://imprintnews.org/child-welfare-2/abolishing-policing-also-means-abolishing-family-regulation/44480> [<https://perma.cc/3VAJ-H8WP>].

defines the highest professional practice standards, is a recognized innovator in parent representation and is a tireless advocate for legislative and policy reform.” The federal Administration for Children, Youth and Families specifically cited CFR in the addendum to its January 2017 Memorandum on High Quality Legal Representation, issued to all fifty states.

To better guarantee family stability, CFR launched our Home for Good program in 2015 to help families with collateral challenges that are the result of or exacerbate their ACS and family court cases. With the support of City Council, Home for Good serves clients in the areas of housing, immigration, public benefits, and concurrent criminal matters. DoVE funding from City Council is also critical in helping us maintain our model and allows us to provide social work support to survivors of domestic violence. Additionally in 2019, CFR created its Community Advocacy Project, with City Council support, to prevent family separation and court prosecutions by representing parents during an investigation by the Administration for Children’s Services (ACS) and to increase employment opportunities by representing parents in hearings to amend their records in the State Central Register of Child Abuse and Maltreatment (SCR). In 2019, CFR also expanded the scope of its work by launching its Youth Defense Practice, representing young people in Manhattan and Queens criminal and family courts, with the goal of avoiding youth incarceration.

Our Work with Survivors of Domestic Violence

Each year, about 20% of CFR’s clients identify as survivors of domestic violence and about 30% of our clients face neglect allegations specifically related to domestic violence. Thanks in large part to the DoVE funding we receive from City Council; CFR is able to assign a social worker to support every survivor of domestic violence we represent. When ACS files a neglect petition against a survivor of domestic violence, usually a mother, it often alleges that these survivors neglected their children by failing to protect them from the domestic violence perpetrated against them, or for other collateral issues related to domestic violence like mental health, substance abuse, or other poverty related allegations. CFR’s interdisciplinary legal and social work teams engage in case management and advocacy to help survivors safely keep their children at home or reunify their families as quickly as possible. CFR teams advocate against ACS service plans that are often inappropriate, duplicative, or unnecessary. Instead, we assist survivors of domestic violence by identifying appropriate resources, make referrals to services that are better attuned to our client's history and ethnicity, and, if necessary, help them find low cost or sliding scale payment programs, and assist clients in developing safety plans, including finding alternative living arrangements. CFR social work staff assist clients in navigating often complicated and burdensome systems, and aid survivors in securing emergency

shelters and NYCHA safety transfers. Social workers remain in contact with our client's service providers and ensure that family defense attorneys have progress reports from the programs to advocate for increased family time or the return of the child during court proceedings.

As we write in detail below, survivors of domestic violence are often put in fragile positions. When the resources they rely on, like public assistance, housing, or counseling services, are not working or are inaccessible they become even more vulnerable. CFR teams work to ensure our clients have continuous access to services and resources. CFR staff also represent clients at administrative proceedings directed toward securing or preserving public benefits and safe housing. Additionally, CFR makes efforts to educate at-risk survivors by providing "Know Your Rights" trainings at community agencies as well as presentations on the collateral consequences of child welfare, immigration, and criminal involvement. Finally, many perpetrators of domestic violence use anonymous calls to the SCR to harass their partners. CFR's Community Advocacy Project, funded through City Council's Right to Family Advocacy Project, allows CFR to represent survivors at administrative hearings to amend and seal their SCR records in order to preserve the survivor's economic opportunities and allow them greater financial stability to live independently from their perpetrators.

COVID-19 Trends

Despite widespread fear of large increases in domestic violence during the COVID-19 pandemic, recent findings by the National Bureau of Economic Research showed that pandemic-related shutdowns were actually linked to a decrease in domestic violence assaults, particularly simple and aggravated assaults.² Additionally, the Bureau reported that there were no significant increases in domestic violence pre-shutdown.

However, the COVID-19 pandemic also led to the closures of various service providers and increased difficulties in accessing resources nationwide. A 2020 study conducted in Chicago showed that the stay-at-home order was linked to a significant decline in reports of domestic violence within the Black community, along with a decrease in resource availability.³ The National Domestic Violence Hotline

² Andre Claudio, *Domestic Violence Declined during Covid-19 Lockdowns*, Route Fifty, November 18, 2021, available at <https://www.route-fifty.com/public-safety/2021/11/domestic-violence-declined-during-covid-19-lockdowns/186943/>.

³ Louisa Baidoo, BA; Tanya L. Zakrison, MD, MPH; Gillian Feldmeth, BS; et al., *Domestic Violence Reporting and Resources During the 2020 COVID-19 Stay-at-Home Order in Chicago, Illinois*, JAMA Network Open (Vol. 4, Issue 9), September 2, 2021, available at <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2783683>.

reported that public health restrictions created barriers for survivors who needed connection and resources. CFR observed a similar reduction in available services during the pandemic. Many of our clients' services were interrupted after the initial shutdown and it took a significant amount of time for those services to resume. Throughout the pandemic, CFR remained open. Our staff ensured that survivors were reconnected to services and resources as quickly as possible by providing new referrals for virtual services, assisting clients in obtaining necessary technology, and offering assistance in applying for public benefits.

Barriers for Survivors of Domestic Violence

Survivors of domestic violence are often reluctant to disclose their situations or seek assistance out of fear, shame, and lack of adequate support. The low-income Black and Latine⁴ survivors CFR serves grapple with the added fear that they will be reported to ACS and their children will be removed if they seek help from the police, mental health providers, or domestic violence support groups. All of these purported "supports" are mandated reporters, required to report suspicions of child neglect. However, while many mandated reporters believe they are reporting the perpetrator of domestic violence, once ACS becomes involved, they will often assert allegations not only against the perpetrator of domestic violence, but against the survivor as well. In most instances, by the time CFR meets the survivor, ACS has already been called and a neglect case has been filed against the survivor alleging that they failed to protect the child from the domestic violence, or for other collateral issues related to domestic violence like lack of adequate housing, mental health, substance abuse, or other poverty related allegations. Instead of supporting survivors of domestic violence, mandated reporters and ACS often add additional strain on survivors and their children. In court, survivors experience increased trauma and fear, and no longer have control over the details of their personal lives that are exposed. ACS frequently fails to connect survivors with appropriate services and resources quickly, and instead blames them for the domestic violence they endured and treats them with suspicion for the duration of the case. Of course, unnecessary removals of children from the survivor parent also lead to further harm and trauma for survivors and their children.

In addition to ACS caseworkers failing to make referrals for CFR's clients, survivors regularly experience barriers when trying to access resources intended to keep them safe. Housing insecurity is especially challenging for survivors of domestic violence and continues to be one of the greatest

⁴ We use the term "Latine" through our testimony as a non-gendered term that is more accessible and pronounceable in the Spanish-language. For more information about the use of this term, please see Andrea Merodeadora, *Latino, Latinx, Latine: The Grammatical Gender Neutral in Spanish*, available at <https://puentera.medium.com/latino-latinx-latine-a3b19e0dbc1c>.

barriers CFR's clients experience. For survivors with ACS involvement, lack of suitable living arrangements can lead to a removal of the child, prevent a parent from having more regular and frequent unsupervised and overnight visitation with their child, and delay reunification of the survivor and their child. Survivors of domestic violence struggle to move out of their current residence, which ACS often deems unsafe, to safer housing at a domestic violence shelter or a new apartment for various reasons. Survivors may lack the financial stability and resources, such as housing vouchers, to obtain new and safe housing. If their only housing option is a domestic violence shelter, the burden is placed on survivors to call a domestic violence hotline daily to explore if there is space at the shelters for them. More often than not, CFR's clients must call day after day, as there is no immediate availability. If ACS has removed our client's child, efforts to identify a shelter placement are even more complicated, as it can be more difficult to secure a bed if the survivor does not have her children in her custody. Not only are single women's shelters less available, but they tend to be less comfortable and private than family shelters, where a family will typically have their own private room. Limited emergency housing availability and the inability to satisfy the criteria to enter the shelter system often force survivors to remain in an unsafe home, making it more likely that ACS will become involved or in cases where ACS is already involved and a child has been removed, making it more difficult to accomplish reunification.

For those survivors residing in NYCHA or Section 8 housing, who have often waited years to obtain that housing, a domestic violence incident can be devastating as it may require them to give up their stable apartment. Leaving for a domestic violence shelter will lead to the loss of the NYCHA or Section 8 housing, as a survivor would have to leave that apartment and prove they have nowhere to reside to enter the shelter system. Alternatively, our clients who reside in NYCHA are frequently encouraged to apply for a safety transfer, but this process can often take several months as NYCHA waits for an apartment in a different complex to become available. Even then, there is likely to be another waiting period so NYCHA can repair and renovate the new unit to ensure it is habitable. CFR staff attempts to assist survivors with their NYCHA safety transfers and in locating emergency shelters or alternative safety living arrangements, but lack of resources remains a challenging issue. As survivors wait to find alternative living arrangements, ACS will sometimes file a neglect case or remove a child based upon the survivor's "unsafe" living environment.

CFR's clients have also experienced challenges with identifying domestic violence counseling services to support survivor's healing from the trauma they have endured. During the pandemic, CFR social work staff has searched for available services for survivors, but we have found long waitlists of up to 4 months before a client is assigned a therapist due to staff shortages and lack of availability.

Time is of the essence when it comes to ensuring survivors feel safe and are getting the immediate support they need. Survivors may lose interest in seeking the help intended to support them when there is a lack of timely access and availability of services. Additionally, when ACS is involved, any delay in services can lead to prolonged separation of a family or extended surveillance.

The overall lack of urgency to address survivor's needs that our clients have experienced, particularly during COVID-19, has not only exacerbated their mental and emotional trauma, but it has affected the progress they can make in their neglect cases as well. If our clients are unable to access resources and services timely due to no fault of their own, their chances of having a neglect petition filed against them for failing to provide adequate guardianship and supervision increases and survivors are more likely to lose their children to an ACS removal. ACS and family courts infer that because the survivor has not been able to stop their abuser from causing harm, engaged in appropriate services, left the home and obtained safe housing, that they are incapable of caring for their child and keeping that child safe. This same inability to access services and safe housing also prevents survivors from safely reunifying with their children quickly following a removal of a child. Survivors need immediate interventions and support to ensure family integrity.

CFR's social work staff has and continues to work diligently to offer concrete support to survivors who are forced to face the reality of an unsafe situation and to best assist survivors with navigating through available resources within NYC. But without immediate service availability, it has been a challenging road for survivors. We hope that City Council will continue to support survivors of domestic violence by directing financial support to survivors to allow them to better access safe housing and services, as well as by supporting the programs, like CFR, that serve them.

Conclusion

We are grateful for the invaluable opportunity to share our thoughts about this important issue and to hear from other stakeholders in the area. Thank you for your commitment to ensuring that survivors of domestic violence can access the supports and services they need to thrive, and which allow them to remain safely with their children and families. We look forward to being a part of this ongoing conversation. If you have any questions, please do not hesitate to reach out to CFR's Litigation Supervisor of Policy & Government Affairs, Jennifer Feinberg, at jfeinberg@cfrny.org or 646-276-6385.