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December 10, 2021

Commissioner David Hansell
Deputy Commissioner Alan Sputz
NYC Administration for Children's Services
150 William Street
New York, NY 10038

Re: Comments in response to NYC Administration for Children's Services Parent Advocate/ICSC Initiative Concept Paper

Dear Commissioner Hansell and Deputy Commissioner Sputz,

This letter is in response to the request for public comments on the Parent Advocate/ICSC Initiative Concept Paper. We appreciate the opportunity to provide feedback on the re-procurement of contracts for Parent Advocates for families participating in Initial Child Safety Conferences (ICSC). As an organization that employs Parent Advocates as key members of our family defense teams, the Center for Family Representation (CFR) is keenly aware of their essential role in working with Parents and families being investigated and prosecuted by your agency. We strongly oppose, however, the procurement of Parent Advocates as agents of ACS.

As you know, CFR is the county-wide indigent defense provider for Parents who are respondents in Family Court Act (FCA) Article 10 proceedings in Queens and New York counties. Currently, CFR represents on average 1,300 new clients each year in Article 10 proceedings, and in supplemental proceedings like custody, guardianship, visitation and termination of Parental rights cases. CFR has served over 12,000 Parents with more than 25,000 children since our founding in 2002. 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 Parent Advocates, who have personal experience being investigated and prosecuted by ACS, as well as paralegals and supervisors.

CFR's Parent Advocates are a critical component of our interdisciplinary teams, offering emotional support and mentorship to Parents who may be experiencing similar challenges, but at the very least understand the experience of being investigated by ACS. Collectively, our Parent Advocates have decades of experience working in that role, both at CFR and within foster care agencies that contract with ACS. CFR's Parent Advocates and social work staff attend ICSCs and other agency conferences with ACS contracted Parent Advocates and have had the opportunity to build personal relationships with those Parent Advocates and observe their work.

CFR opposes this procurement and program not because we do not value Parent Advocates and their contributions, but because employing them as agents of ACS undermines their efficacy, further traumatizes families and communities, and uses Parents who have already been harmed by the system to perpetuate further trauma to their communities.

Parent Advocates contracted by ACS are in essence paid by ACS. Their training and professional development are reviewed, approved and limited by ACS, they are trained alongside ACS personnel and child protective specialists, and ACS judges the effectiveness of the contracting organization based on how Parent Advocates contributed to ACS' recommendations following an ICSC. Parent Advocates contracted by ACS are incentivized and, in fact, trained to support the positions of the agency. While ACS may describe the role of Parent Advocates as a support to the parents, they are really tasked with supporting parents to cooperate with ACS' determinations, which significantly limits their ability to fully advocate for the parent's true voice. The Parent Advocate role should be to raise the voices of Parents, help them advocate for their own needs, ensure that they know their rights, and problem-solve with members of a parent's own family and community to avoid ACS involvement, the removal of a child, and/or prolonged surveillance. Any procurement of Parent Advocates by ACS undermines that role and diminishes the Parent Advocate's capacity to build trust and work successfully with a Parent.

The Parent Advocate's involvement with the family is also designed to keep Parent Advocates in the dark, with little information absent what is dictated to them by ACS, again making it more likely that Parent Advocates will toe the agency line. Parent Advocates contracted by ACS are expected to advocate for the Parent without adequate time to speak with the Parent and in a setting where ACS has already determined a removal of a child may be necessary. The concept paper envisions Parent Advocates meeting the family only 15-20 minutes prior to the ICSC, with the main goal of determining whether the Parent wishes to have the Parent Advocate present during the conference. This is insufficient time for a Parent Advocate to learn the history of the family and identify the needs and a potential safety plan for a family, particularly when a Parent is likely in crisis, terrified of losing a child. This program is designed to maintain the status quo, with ACS in a position of ultimate power, while purporting to "level the playing field."

If ACS is truly committed to supporting Parents and achieving racial equity as they profess to be, they should commit to supporting investment in community-based organizations who employ Parent Advocates as well as early defense programs, where Parent Advocates work with Parents alongside attorneys and social workers to navigate an ACS investigation. Early defense teams who are able to get involved as soon as an ACS investigation begins ensure Parents understand their rights, work with families to identify their needs and create a safety plan to avoid family separation, and assist with locating kinship resources when a removal is unavoidable. Parent Advocates working in early defense have all the information and training they need to support Parents, untarnished and unlimited by any connection to ACS.

We implore ACS to reconsider this program and instead support programs that provide funds for truly community based Parent Advocates and early defense practices to ensure Parents have voice and choice for their families.