



**Center for Family Representation (CFR)
Oral Testimony of Hannah Mercuris
Presented Before**

New York State Assembly Standing Committee on Children and Families

Hearing Date: October 9, 2024

Subject: The Statewide Central Register

Good morning, my name is Hannah Mercuris and I am Senior Policy Counsel at the Center for Family Representation. Thank you Assemblymember Hevesi and the Standing Committee on Children and Families for holding this hearing today to reveal and examine the practices of the Statewide Central Register, an opaque government entity that functions as a clearinghouse - determining whether families will be subjected to harmful, invasive, and unnecessary investigations by family policing agencies.

CFR is the county-wide assigned indigent defense provider for parents who are facing family policing prosecutions in Queens, New York, Bronx, and Richmond counties. Since our founding in 2002, we have represented more than 13,500 parents with more than 27,500 children. 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 and these teams are supported by paralegals, supervisors, and parent advocates who are parents who have direct personal experience being prosecuted by the family policing system,¹ being separated from their children by the foster system, and safely reunifying their families.

¹ Throughout this testimony, CFR will follow the leadership of directly-impacted people and chosen to use the term “family policing system” to describe what has traditionally been called the “child welfare system” or the “child protection system,” to reflect the system’s prioritization of and roots in surveillance, punishment, and control rather than genuine assistance to and support of families living in poverty. [The family policing 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>].

CFR helps families prevent and navigate family policing investigations and works zealously to reunite families who are separated by the foster system. We take the lead of directly impacted families and seek a world where the family policing system is dismantled until it is abolished. We know that family safety and wellbeing can be achieved without surveillance, prosecution, or separation.

As today's hearing has already revealed, requiring that the SCR be transparent, consistent, and discerning in preventing unnecessary investigations is the very minimum of what New York families have been owed.

OCFS's intentional lack of transparency about the SCR and our government's willingness to tolerate it shows clearly that the experiences and advocacy of families - who have been saying for years that parents and young people are being harmed by family policing investigations - have not been heard.

CFR's community advocacy practice, which provides early defense and advice to parents and caregivers navigating family policing investigations and also helps families appeal indicated reports in the SCR, has seen families experience unnecessary and unrelenting investigations over and over again.²

For example, CFR worked with a parent to amend and seal an indicated report in the SCR. The report was made by a mandated reporter after a child expressed suicidal ideation in school and the school perceived the parent to be "standoffish". However, the parent immediately responded to the concern and the child had already been receiving home-based mental health services. This child and her siblings were then forced to endure a terrifying family policing investigation.

Ending mandated reporting ensures that families experiencing hardship do not experience additional harm from family policing investigations.

In the last few months CFR worked with a client who has been the subject of repeated harassing reports by her landlord, who wants to illegally evict her and her children from their voucher-subsidized apartment. ACS knows that these allegations are false - and they've met with the landlord and the family's service providers to discuss the reports - and yet the investigations continue. Screening out a case like this, where similar repeated unfounded allegations have occurred before and where the family is already receiving comprehensive services would spare this family from navigating yet another invasive and terrifying family policing investigation.

Passing the Anti-Harassment in Reporting Act would reduce unnecessary investigations and passing the Family Miranda Rights Act would ensure that families experiencing family policing investigations know their rights and can find legal and social work support.

We agree with others who have testified already that adopting a structured screening tool for the SCR to screen out reports that do not meet the legal threshold for neglect or abuse would have an immediate impact on families across the state. It is clear screening reports out at that early stage would protect families from experiencing the harmful biases that exist once investigations begin, when family policing agents make judgments based on race/ethnicity/country of origin, poverty, employment - whether people are working or what they do for work - , family structure, and perceived “compliance” with the investigation - none of which are at all related to whether the allegations that have been made meet New York State’s current legal standard for neglect or abuse nor whether those allegations are “more true than not”.

We also urge the Standing Committee on Children and Families to ensure that any action taken to “screen out” cases from the SCR does not merely divert those cases into harmful “differential response” programs or send them to the “HEARS” line.

Differential response programs have been lauded as a way to provide a “child protective response” without subjecting a family to an investigation. At CFR, our clients experience New York City’s differential response program, called “CARES” , as just as invasive, terrifying, and harmful as a traditional investigations, often with the same consequences.

A parent that CFR recently advised has been the subject of repeated harassing and easily disproved calls made by a former neighbor. Prior investigations based on these reports have been unfounded. The most recent of these calls alleged that Ms. C’s older child had not been to school for an entire year, which family policing agents could have immediately confirmed was false.

Despite that, ACS still ensnared this family in CARES surveillance, repeatedly calling Ms. C and her husband and insisting on searching their home. During that search they told Ms. C that the CARES program was voluntary but that if she did not consent to CARES, it could “turn into an investigation at any time.” They demanded that Ms. C share the name and location of her younger child's daycare and told Ms. C to fill out an 8 page survey which asked questions about her health, support system, and “how she deals with stressful situations.” Terrified that an open family policing investigation would impact her employment, Ms. C tried to determine how she could comply with CARES without sharing so much private information, but the CARES worker grew frustrated and left. A few days later, the CARES worker called Ms. C’s husband over and over every 6 hours but when he didn’t return her calls, their family heard nothing else. Weeks later, Ms. C received a letter in the mail, the CARES case had apparently been converted back into an investigation. It was “unfounded”. **Diversion into “FAR” or Differential Response programs does not minimize the harm that families experience from investigations.**

The legislature already knows how these shared goals - fewer investigations, less harm to families, and fewer opportunities for families to experience the bias and racism within family policing - can be achieved. Given the ways that the Statewide Central Register has already

failed families and its resistance to transparency and reform, the legislature can not rely solely on SCR screen out to make meaningful change.

Our legislature must:

- End mandated reporting
- Pass the Anti-Harassment in Reporting Act
- Pass the Family Miranda Rights Act
- Pass the Informed Consent Act
- Refuse to fund any expansion of family surveillance, including programs such as “CARES”

Thank you for your attention to this important issue and for the opportunity to testify today. Please feel free to contact me with any questions.

Hannah Mercuris, Esq. (she/her)

Senior Policy Counsel

Center for Family

Representation, Inc.

40 Worth Street, Suite 605

New York, NY 10013

email: hmercuris@cfrny.org

phone: 347-716-0742