



**TESTIMONY OF LAWYERS FOR CHILDREN**

To the New York City Council Committee on Children & Youth, "Oversight - Examining  
Racial Disparities in New York City's Child Welfare System

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Thank you, Chair Stevens and the Committee for Children and Youth for holding this hearing and providing us with the opportunity to testify.

Founded in 1984, Lawyers For Children is a not-for-profit legal corporation that represents individual children in voluntary foster care, abuse, neglect, termination of parental rights, adoption, custody and guardianship proceedings in family court, and advocates for system-wide reform to improve the lives of children in foster care. On average, we represent children and youth in more than 6,000 court proceedings each year. Based on our experience in individual cases, we have also successfully participated in numerous class-action lawsuits and helped to effectuate change in City and State policies and practices to promote positive outcomes for all children in foster care.

We are pleased that the Council continues to focus on the critical issue of racial disparities within the child welfare system. As attorneys and social workers who directly represent children involved in that system, we share your commitment to tackling this issue, and believe that it can be done while keeping children safe from harm. In order to answer the question of how to alleviate the insidious overrepresentation of children of color in the child welfare system and harms of family policing, we must look at the front door to that system, as well as what happens to children and families after they have stepped inside.

### **Reducing Unnecessary Calls to the State Central Registry**

Although the number of children in foster care continues to decline, the percentage of Black and Latinx children brought to the front door of the child welfare system through reports to the Statewide Central Register of Child Abuse and Maltreatment (SCR) remains disturbingly high. A staggering 1 out of every 15 Black families in New York City and 1 out of every 18 Latino families are investigated by ACS compared to 1 out of every 86 white families.<sup>1</sup>

It is critical to address this disparity because it sets the stage for the even greater racial disparity among children who are removed from their families, and highlights the devastating impact that a child protective investigation itself can have on a family.

Once a report of child maltreatment is received, caseworkers may be dispatched to interview children in the middle of the night. Children may be pulled out of their classrooms in front of their peers for questioning. They may be subjected to physical exams and temporarily removed from their families. All of these actions, even if the report is ultimately “unfounded” can have a lasting, negative impact on a child. Families are well aware that the vast majority of SCR reports are made by teachers, medical professionals, and preventive services workers. As a result, some children develop a fear of going to school, some parents avoid seeking medical attention, and too many families decline to access supportive services that might be helpful to their family, creating a ripple effect that can increase racial disparity in the child welfare system.

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<sup>1</sup> See: <https://familypolicynyc.org/data-brief/racial-disparities-2019/>

A majority of SCR reports are made by “mandated reporters” -- teachers, doctors, social services workers, and others who are required, by law, to report suspected maltreatment. In fact, NYC Schools make approximately 10,000 reports to the SCR each year.<sup>2</sup> Mandated reporters play an important role in protecting children who are victims of maltreatment. However, it is important to point out that according to national data from the U.S. Department of Health & Human Services, close to 7 out of 10 reports made by mandated reporters are unsubstantiated.<sup>3</sup> In order to address this issue, steps must be taken to reduce the number of unnecessary reports, and also to ensure that families can access needed services without fear of sparking a child protective investigation.

In this respect, the problem of racial disproportionality does not fall solely on ACS. The SCR reports are made by employees of a broad range of City agencies, including the NYC Schools, the NYC Health and Hospitals Corporation, the Department of Homeless Services, and the Human Resources Administration. As such, those agencies play a significant role in the overrepresentation of children of color in the child welfare system. In order to reduce that overrepresentation, action must be taken to ensure that decisions about whether to call in a report of suspected maltreatment are not influenced by racial bias. It has been said that a White child who appears at a hospital with a broken arm goes home with a cast and a lollipop, but a Black child who appears at a hospital with a broken arm goes home with a cast, a lollipop and a CPS investigation. In the schools, for example, one third of reports are motivated by complaints of “educational neglect,” including absenteeism, which most often does not meet the threshold of “impairment” or “imminent risk of impairment,” that is required to substantiate a neglect cause of action. In order to change this trend, mandated reporters must be trained and retrained on a regular basis in racial equity, perception, and implicit bias to ensure that decisions about whether to call in a report are based solely on objective factors of risk.

We are not the first to say that poverty is the biggest driver of reports to the SCR, and that a lack of resources is the biggest threat to the health and safety of children who become entangled in the child welfare system. Now it is time to engage all of the other City agencies to train their mandated reporters to consider whether a referral to a food bank, a day care provider, a mental health service, an afterschool program or any other community-based support could eliminate the perceived risk and do away with the need to make a call to the SCR. This is the only way to begin to transition from the role of mandated reporters to mandated supporters.

We urge the City Council to strengthen oversight of City agencies, including the NYC Schools, the NYC Health and Hospital Corporations, the Department of Homeless Services, and the Human Resources Administration. Over the last few years, NYC Schools have made strides to issue policies clarifying that calling in a report to the SCR is the last resort<sup>4</sup> and collecting data on such reports, but more needs to be done. The Council can do the following:

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<sup>2</sup> See: <https://www.nytimes.com/2026/02/19/nyregion/school-absences-child-protection.html>

<sup>3</sup> See: <https://pmc.ncbi.nlm.nih.gov/articles/PMC5227926/>

<sup>4</sup> See: <https://infohub.nyced.org/docs/default-source/default-document-library/joint-nycps-acs-guidance-on-preventing-educational-neglect-and-supporting-families-for-attendance-improvement---final2-28-2025.pdf>

- Require agencies to conduct regular training for child-serving staff with respect to implicit bias, perception, and racial equity as it specifically relates to mandated reports
- Require agencies to train staff on alternatives to reports to the SCR, including referrals to community-based services
- Collect and release aggregated data on the most frequent types of maltreatment reports (e.g. educational neglect, etc.)

In addition, we urge the City Council to issue a resolution supporting A/9283/S8602, which is currently pending before the New York State Legislature. That bill, the Supporting Families Together Act, would eliminate the civil and criminal penalties for mandated reporters who might, instead of calling the SCR, provide services and assistance to a family in need. LFC's professional social work staff feels strongly that too many cases are called in by mandated reporters motivated by a fear of reprisal due to a failure to report, and that this legislation will help to reduce the over-reporting that is at the heart of the racial disparities in the child welfare system in New York City.

### **Offering Alternatives to Support Children & Families Outside of ACS**

ACS has made tremendous progress expanding primary prevention and preventive services, increasing the use of community-based services and supports to provide voluntary services to families. However, for many of our clients and their families, a fear that they will be reported or investigated prevents them from seeking support from ACS and its contracted agencies. For this reason, we hope that the City Council will open pathways to other ways in which assistance can be provided to families without the specter of ACS.

One example that could be expanded on is the Council legislation on the agenda today--Int. No. 424. We support the creation of a pilot program administered by the Department of Health & Mental Hygiene to provide mental health services for children who were returned to their care following ACS removal. The impact of those removals on children can not be understated. However, there is an acute shortage of mental health services for children throughout the city, and too many families become involved in the child welfare system because they are not able to access services that are needed to keep children safe. For this reason, we urge the City Council to provide funding for expanded mental health services that help keep families safe, together, and free from ACS intervention.

### **Ensuring Access to Know Your Rights Information During Investigation**

Ensuring that families who are the subject of a child protective investigation understand all of their rights with respect to ACS involvement is an important step that must be taken to help address the racial disparity in New York's child welfare system. It should go without saying that notice of those rights must be provided in a language that the family understands. Parents who understand that they do not need to let ACS enter their homes without a court order, that they do not need to make their children available for interviews and strip searches, and have the right

to consult with an attorney before speaking to ACS are far less likely to become ensnared in a child protective matter. For this reason, we urge you to pass Int 449-2026 and Int 446-2026, requiring ACS to notify parents of their rights at the outset of an investigation. We urge you to also require that children and youth also be provided with information regarding their rights during an investigation - including when and how to invoke their right to refuse to speak to an ACS worker.

### **Strengthening Standards for Child Welfare Frontline Workers**

Decisions about whether to indicate cases and whether to remove children from their homes should be made only by case workers who are well-trained to make decisions based on articulated risk factors. Lawyers For Children has previously testified regarding the importance of enhancing the qualifications, training, and recruitment of Child Protection Specialists, but our position bears repeating here. The critical assessments made by CPS workers require an understanding of safety and risk, child development, trauma, the complex challenges that families experience, and the need to balance the harm of removal against the risk of remaining at home. These assessments require highly trained professionals who are most able to ascertain key facts, effectively interview children and families, use engagement techniques and synthesize all of the relevant information with a clear understanding of the ways in which bias might influence decision-making. For these reasons, we urge the City Council to provide ACS with the resources needed to employ a sufficient number of licensed Masters-level social workers to oversee the frontline child protective staff.

### **Conclusion**

Dismantling racial disparities within the child welfare system requires taking a close look at the system's front door. For too long, this door has been thrown wide open, unnecessarily drawing in Black and Brown children and their families. It is now time to close that door to all but those who truly need the assistance of the child welfare system, preserving precious resources for children who are truly at risk of harm, and preserving stability and providing community-based supports for children who are not.

We urge the City Council to take steps to encourage the City's child-serving professionals outside of ACS to help open the door to community-based support and resources for families in need. We look forward to continuing our work with the Council to identify solutions and reduce racial disparities in the child welfare system.