

What Do Incarcerated Parents Need to Know About ACS?



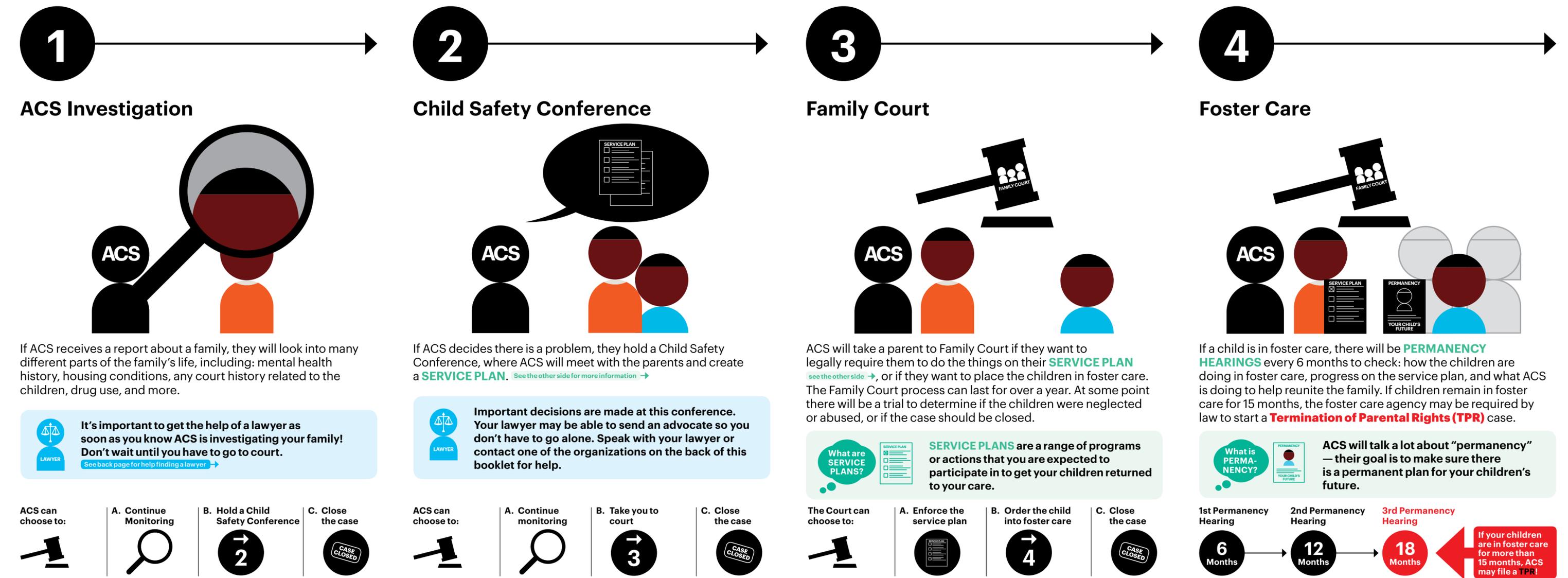
The ACS Process

The Administration for Children's Services (ACS) is a New York City agency responsible for protecting children and has the power to remove children from parents in cases of abuse or neglect.

Incarcerated parents are at a much higher risk of being investigated by ACS, so every incarcerated parent needs to understand how ACS's process for supervising and removing children works, and what they can do to prevent that from happening.

This side of this booklet shows how ACS's process works. The further along an ACS case is, the greater the risk of losing your parental rights.

The other side explains what you need to know to end the ACS process with the best results for you and your children.



It's important to get the help of a lawyer as soon as you know ACS is investigating your family! Don't wait until you have to go to court.
[See back page for help finding a lawyer](#) →

Important decisions are made at this conference. Your lawyer may be able to send an advocate so you don't have to go alone. Speak with your lawyer or contact one of the organizations on the back of this booklet for help.

What are SERVICE PLANS? **SERVICE PLANS** are a range of programs or actions that you are expected to participate in to get your children returned to your care.

What is PERMANENCY? ACS will talk a lot about "permanency"—their goal is to make sure there is a permanent plan for your children's future.



5 TPR Termination of Parental Rights

If ACS files for Termination of Parental Rights, a trial will be held. If you are found to have neglected or abused your children, your parental rights can be terminated. This means you lose the right to custody or visitation of your children, and they will be put up for adoption.

The court can also accept a "conditional surrender"—this is when a parent's rights are terminated but they are still able to visit or contact their children.

[Turn over to learn what incarcerated parents need to know](#) →

Contact one of these organizations to get help from a lawyer:

BRONX

The Bronx Defenders
360 East 161 Street
Bronx, NY 10451
Office (718) 838-7878
Toll Free (800) 597-7980

BROOKLYN

Brooklyn Defender Services
177 Livingston Street, 7th Fl.
Brooklyn, NY 11201
Office (718) 254-0700
Toll Free (888) 898-0700

MANHATTAN

Neighborhood Defender Services of Harlem
317 Lenox Avenue, 10th Fl.
New York, NY 10027
Office (212) 876-5500

MANHATTAN AND QUEENS

Center for Family Representation
40 Worth Street, Suite 605
New York, NY 10013
Office (212) 691-0950

This guide is for informational use only and is not a source of legal advice. Speak to a lawyer to get legal advice for your situation.

The Center for Urban Pedagogy is a nonprofit that uses the power of design and art to increase meaningful civic engagement. welcometoCUP.org

The Bronx Defenders provides holistic and client-centered criminal defense, family defense, immigration representation, civil legal services, and social work advocacy to low-income people of the Bronx. bronxdefenders.org

Brooklyn Defender Services provides comprehensive criminal, family and immigration defense representation and related services to people who cannot afford to retain an attorney in Brooklyn. bds.org

Manuel Miranda Practice (MMP) uses graphic design to make places and content visible, legible, and navigable to people. manuelmiranda.info

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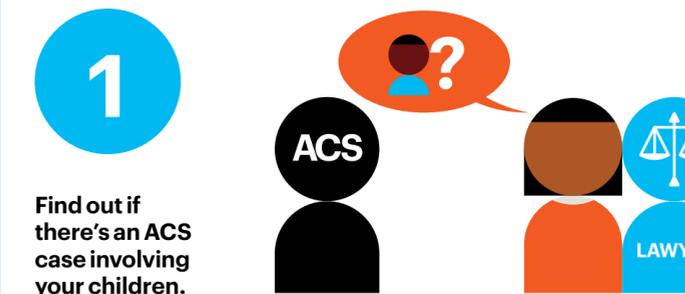
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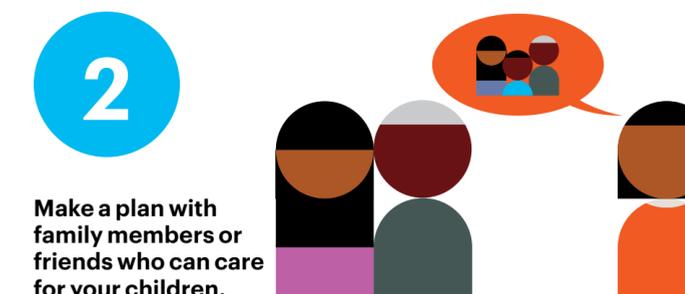
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What Incarcerated Parents Need to Know

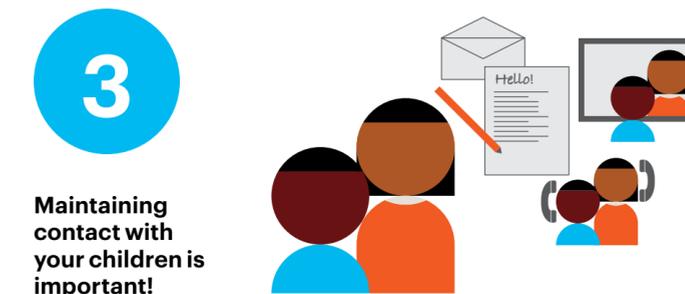
If you are an incarcerated parent, there are important steps you need to take and rights you have when dealing with ACS. Doing these steps and working with your lawyer will help you keep your parental rights and end the ACS process in a way that most benefits you and your children.



- Contact a lawyer for help finding out if there is a Family Court case involving your family. (See back page for help finding a lawyer.)
- If you have a case, contact Family Court and ask to have a lawyer assigned to represent you.
- Contact ACS directly to find out the status of your case, to propose a family member or friend who could care for your children, to ask for a service plan, or to ask for visits with your children.
- Be careful what information you provide ACS since anything you say can be used against you. If you can, talk with a lawyer before speaking with ACS.



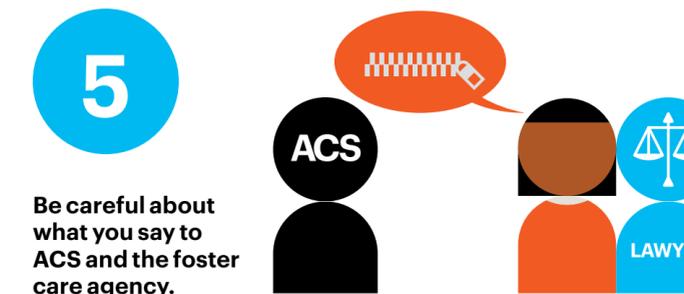
- Give their names and contact information to your lawyer and the ACS caseworkers.
- Your lawyer can fight for your children to live with a family member or friend instead of being placed with strangers. This will help keep ACS from getting involved in the first place and will give you better options during the process if ACS does get involved.



- You have to show you are staying involved in your children's life to help keep your rights as a parent.
- You should stay in touch with your children however you can, including: visits, phone calls, videos, photos, letters, cards, etc.—as long as there is no court order prohibiting contact with your children.
- The Children of Incarcerated Parents Program (CHIPP) can help bring your children to see you regularly: [212-341-3322](tel:212-341-3322)
- Osborne Association offers tele-visiting for some facilities: [718-637-6560](tel:718-637-6560)
- The New York Public Library has a video visitation program: [646-397-7618](tel:646-397-7618)



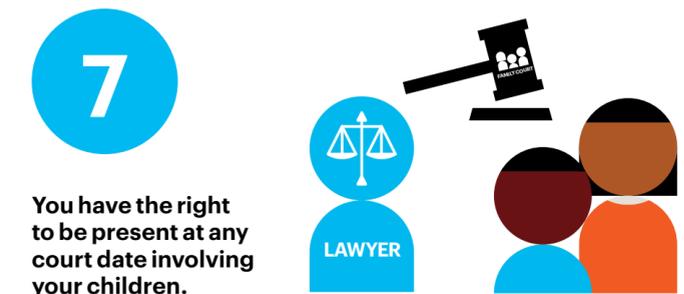
- Keeping a written record of any visits with your children will help you prove your case in court. Get written proof of any services you attend, communication with ACS or the foster care agency, and any child support payments you make.
- The foster care agency has to prove they worked with you to set up visits with your children, so make sure you keep a record of any time you contacted the agency or ACS to set up a visit.



- Do not discuss any aspect of your legal cases with ACS or foster care agency caseworkers without speaking with your lawyer first.
- Get professional help when dealing with ACS (like a public defender, hired lawyer, or nonprofit agency).
- Do not say anything regarding your mental health diagnosis, drug abuse or addiction, your criminal case, or domestic violence—these statements are admissions that could be used against you in court.



- Even if your children are in foster care, you have the right to make medical and educational decisions for your children. (As long as your parental rights have not been terminated.)
- Contact your children's schools and medical offices and ask them to send you updates on educational conferences or medical appointments, and the well-being and performance of your children.



- This is called "being produced."
- Contact Family Court and ACS to find out about any upcoming court dates.
- Send a request to Family Court for an order to be produced.
- State prisons will usually transport you to court.
- Federal prisons will usually set you up on a phone or video call.
- Get help from legal advocates to set this up. [← See back page](#)



When ACS files a case against you, they are required to develop a "service plan." The service plan has steps you can take to address the issues that made ACS start (file) the case. Completing your service plan will help end your case faster.

- The service plan can include a wide range of programs that you and your children are expected to participate in, like:
- Anger management
 - Parenting classes
 - Batterer Accountability or Domestic Violence program
 - Preventive services (an agency contracted by ACS monitors your home and makes referrals to ensure your children's safety and family stability)

Be careful! Some things included in service plans can put you at risk of further legal trouble. Talk to a lawyer before doing any of these kinds of programs:

- Random drug tests
- Mental health evaluations
- Drug treatment programs

You should always talk to a lawyer about getting ACS to agree to the services that would be best for you—and won't put you at risk of other legal action.



It is extremely important to understand if your children are legally in "foster care." If your children are in "foster care" it means your children have been legally removed from you by Family Court and are in the care of ACS. If your children go into foster care:

- ACS will assign your children to a foster care agency.
- The foster care agency can assign your relatives to take care of your children—this is called "kinship foster care."
- The foster care agency could also assign strangers to take care of your children—this is called "non-kinship foster care."
- If your children are in either kinship or non-kinship foster care and remain in foster care for 15 months or more, ACS may be required to file a petition to terminate your parental rights.
- Talk to your lawyer to determine if your children are in foster care, and make sure you find out how long they have been in foster care.



If you are incarcerated and pregnant, ACS is very likely to get involved. You need to have a plan for who can care for your baby. You should ask about nursery programs that would allow your baby to stay with you in your facility.

- If you are incarcerated at Rikers, tell Correctional Health Services that you are pregnant and ask to speak to the DOC nursery manager. Contact Hour Children if you are interested in prenatal and new mother programs at Rikers: [718-433-4724](tel:718-433-4724)
- Contact the Healthy Mothers, Healthy Babies Program at The Bronx Defenders to see if you qualify for supportive assistance: [718-838-7878](tel:718-838-7878)



It's important that you become a "legal father" so that you will be notified about any legal actions involving your children. If ACS files for a Termination of Parental Rights and you are not a "legal father," your children could be adopted without your consent.

To become a "legal father" you need to prove you are the father. To do that...

Establish paternity:

- Prove you were married to the mother at the time of the birth.
- Make sure your name is on the birth certificate.
- Go to court with the mother and agree together to establish you legally as the father.
- File a paternity petition in Family Court.

Visit your children monthly and pay child support:

- Write to Family Court and ask for help finding out how to pay child support.
- Even small payments from the pay you earn inside of the correctional facility will help.
- Ask other family members or friends to help you pay.
- Make sure you keep documentation of any attempt to arrange for or pay child support.