

# What You Need To Know About ACS

Parents' Rights When Dealing With the NYC Administration for Children's Services



MAKING POLICY PUBLIC

# What do Parents Need to Know About ACS?

The Administration for Children's Services (ACS) is the New York City agency that investigates reports of neglect and abuse of children. ACS investigates anyone reported to them.

Dealing with ACS can be overwhelming and scary because they have the power to remove your children from you.

Having an ACS case doesn't mean you are a bad parent. Most ACS cases in NYC are brought against low-income parents in communities of color.

This poster will help you understand your rights and how to advocate for yourself to get the best results for your family if you are the subject of an ACS investigation.



## How will I know if it's ACS?

ACS investigators might not look official. There are many names they may call themselves, including "Child Protective Specialist" (CPS), "caseworker," or just "ACS." Ask to see their ID if they don't show it to you. You should also ask for the supervisor's name and phone number.

## Will I have a lawyer?

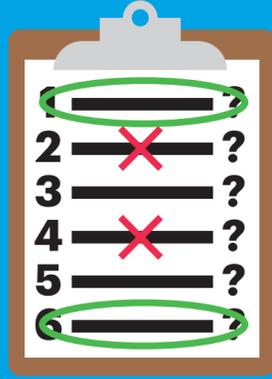
During an ACS investigation, you do not have the right to a lawyer, but you can consult with a lawyer or advocate. Find out who to contact on the back page.

If your case goes to Family Court, you have the right to a lawyer who will advocate for you. If you can't afford one, a lawyer will be assigned to you.

# Parents Have Rights When Dealing With ACS

You only have to answer questions about the allegations that are being investigated.

You shouldn't offer any information that isn't about the allegations. If you have a criminal case, contact your criminal defense attorney before speaking with ACS about the allegations.

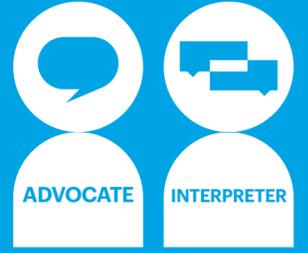


You don't have to reveal private information like your medical history or your intimate relationships.



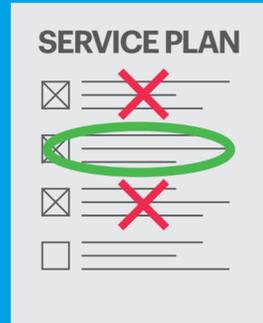
You are allowed to talk to a lawyer or advocate before answering ACS's questions. You have the right to an interpreter.

See contact information on the back page for parent defender organizations.



You have the right to access preventive services. You can choose to only participate in the services you feel will be helpful for your family.

See [What are SERVICES and SERVICE PLANS?](#) on the next page for more information.



You never have to tell ACS your immigration status.



Unless ACS has a court order or search warrant, you have the right to refuse to speak to ACS or allow them into your home.

This will not stop the investigation and may make it worse. ACS may talk to your children at school, your children's teachers, service providers, and doctors. Contact a lawyer from the back page if you are considering not letting ACS into your home.



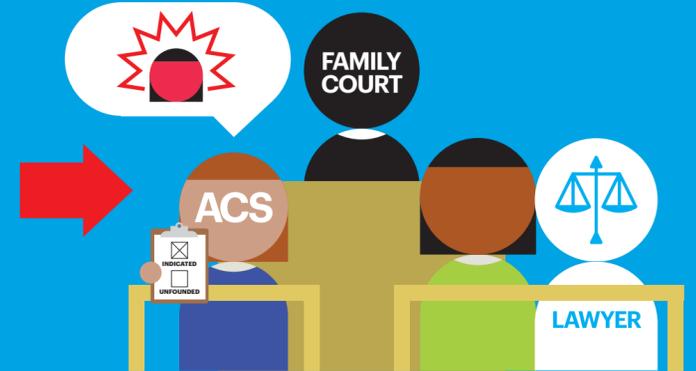
## Parents Should Know What to Expect When Talking to ACS

You have to decide when to cooperate with ACS and when to assert your rights to get the best results for your family. Here are some things to consider:

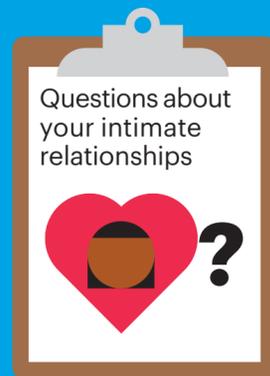
Do your best to stay calm, even though the conversation may be upsetting. Ask questions if something doesn't make sense.



Expressing anger can be used against you, including later in court. It's ok to ask ACS to come back later if it's a bad time.



Be ready to hear hard questions. ACS may ask:



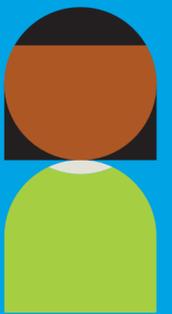
Answer the questions you feel comfortable answering, not necessarily the ones ACS is asking.



If ACS asks a question that you feel uncomfortable answering, you can say:



**I need to talk to a lawyer about that.**



If something happened in the past that is no longer relevant (like smoking marijuana as a teen), you can say:



**I don't currently have any issues with that.**



**RECORDING IN PROGRESS**

When interacting with ACS, remember that everything you say or do is written down and can be used against you later, including as a basis to remove your children.

# How Does an ACS Case Work?

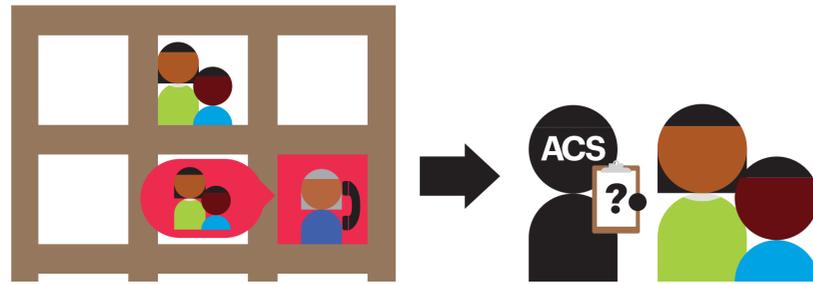
ACS cases are complicated, and every one is different. Here are some of the stages you might go through:

## ACS Investigation

If ACS receives a report of a child at risk, they will start an investigation.

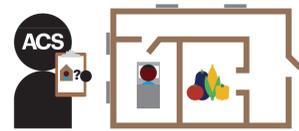
**If you have a criminal case, contact your criminal defense attorney right away before talking to ACS about the allegations.**

An ACS investigation begins with a phone call to the Statewide Central Register (SCR) hotline.



This call might be made anonymously. ACS has to investigate the report. Some professionals, like police officers, teachers, social workers, doctors, and nurses, are required to call the SCR if they suspect a child is being neglected or abused. See [What is NEGLECT and ABUSE?](#)

During their investigation, ACS will look into every aspect of your family's life.



They will visit your family's home and ask to look around. They will check things like food, sleeping arrangements, cleanliness, smoke detectors, and window guards.



ACS can talk to other family members and anyone else involved with your children's lives, including teachers, doctors, and neighbors.



ACS will talk to your children at school or at home without you there.

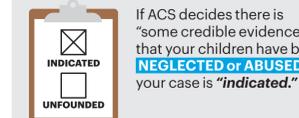


ACS will even look at your social media accounts. Make sure to practice safe social networking and consider setting your accounts to private.

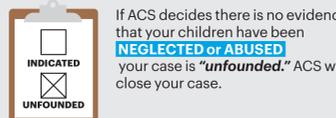
**After investigating, ACS can choose to:**

- Continue monitoring
- Hold a Child Safety Conference
- Conduct an EMERGENCY REMOVAL
- Close the case

ACS has to complete their investigation within 60 days. Then ACS will decide whether your case is *indicated* or *unfounded* and will send you a letter with this information.



If ACS decides there is "some credible evidence" that your children have been **NEGLECTED or ABUSED**, your case is "*indicated*."



If ACS decides there is no evidence that your children have been **NEGLECTED or ABUSED**, your case is "*unfounded*." ACS will close your case.

An *indicated* case will remain on your record on the State Central Register. It could be used later by ACS or employers. To challenge an indicated case, send a letter to the SCR office within 90 days and say you want to challenge your indicated case. Include the names and dates of birth of your children.

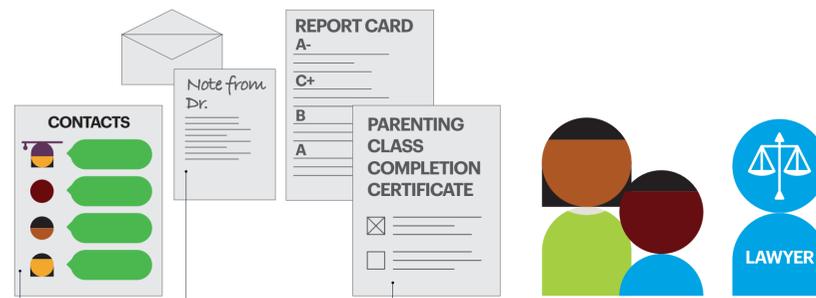
**NYS Office of Children and Family Services**  
Statewide Central Register  
P.O. Box 4480  
Albany, NY 12204

## Child Safety Conference

If ACS thinks your children are at risk, they might hold a Child Safety Conference. This is a facilitated meeting between ACS and the parent where important decisions about your family are made.

**ACS might have a lot of different meetings with you. But it's important to ask if a meeting is a "Child Safety Conference" so you can get ready for it.**

Bring things that show you are actively caring for your children, such as:



Contact information for people who can say positive things about you.

Immunization cards, report cards, attendance reports, or letters from your children's school or doctor.

Documentation showing any services you've finished.

Before the meeting, you can talk to someone at a defender services organization to get ready. See the back page to find help.

This is what to expect at a Child Safety Conference:



You can't bring a lawyer, but you can bring an advocate or someone who can say positive things about you. ACS can also provide a parent advocate with personal experience who can help you.



ACS will talk about possible outcomes. Parents will be given a **SERVICE PLAN**.



ACS will have a few people there: your caseworker, a supervisor, and a facilitator who will lead the meeting.



ACS will discuss their concerns, family strengths, and ideas to keep the children safe.

**After the Child Safety Conference, ACS can choose to:**

- Continue monitoring with SERVICES
- File a case in Family Court and ask for court-ordered supervision
- File a case in Family Court and ask to remove your children

It is possible that the Child Safety Conference can end with ACS deciding to remove your children from you. If this happens:



Be careful about what you say to ACS. You can talk to ACS about who will care for your children.



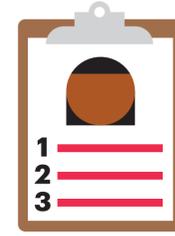
Give ACS the contact information of trusted friends or family members who can take care of your children. ACS will run a criminal and SCR background check on that person and other adults living in their house.

## Family Court

If ACS wants to legally force you to do something or remove your children, they will file a case in Family Court.

**The first day in court won't be a trial. You will meet with your lawyer and plan your legal strategy together. Be prepared for it to take your whole day.**

If your case goes to Family Court, you will be assigned a lawyer. Work with your lawyer to get the best results for your family during the court process. Here are a few other things you should know about Family Court:



A petition is the legal document that ACS files to start a case against you in Family Court.



The allegations in the petition are what ACS is saying you have done to neglect or abuse your children. But remember this is just ACS's side of the story. You'll get a chance to share your side of the story, too.



Bring the same things that you brought to the Child Safety Conference that show you are actively caring for your children.

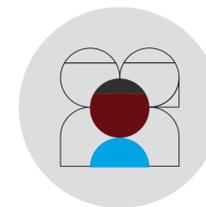
**The court can choose to:**

Continue monitoring with court-ordered supervision.



"Court-ordered supervision" means a judge has decided ACS must continue to monitor your family. The court can legally require you to agree to follow your service plan or any court orders before letting your children stay at home with you.

Order that your children be placed into foster care.



Your children could be removed from you and placed in foster care or the care of another person. You can suggest a friend or relative that you trust to take care of your children.

An ACS case that goes to Family Court could take a long time to finish. You may have to commit to working on your service plan and return to court many times. Every case is different, but once you are in court, you have a right to a lawyer. You can ask your lawyer for a social worker if you think that would be helpful. Your lawyer and social worker will work with you as a team and help you reach your goals for your family.



## What is an EMERGENCY REMOVAL?

If ACS believes a child's life or health is at risk, they have the power to take your child away from you immediately. This is called an "emergency removal."

Normally, ACS has to take you to court before they can remove a child. If ACS believes there is an emergency and does not have time to go to court, they can remove your child first and get permission from the court later.

This can happen even when the court is closed, like in the middle of the night. If ACS does an emergency removal, they have to file the case in Family Court on the next day the court is open.

ACS may tell you that your children have to live with a family member or friend without a getting a court order first. However, ACS is required to file a case against you in court to do this. Contact an advocate if this happens to you. (See back page.)

## What are SERVICES and SERVICE PLANS?

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 caused ACS to file the case. Completing your service plan will help end your case faster and keep your family together.

The service plan can include a wide range of programs (services) that you and your children are expected to participate in, like:

- Anger management
- Parenting classes
- Domestic violence programs
- 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 the following:

- Random drug tests
- Mental health evaluations
- Drug treatment programs
- Sex offender treatment
- Abusive partner intervention programs

You do not have to do all the services offered by ACS, and you should work with ACS to figure out services that will help the most. Services are just recommendations for you (unless a judge in Family Court orders them to be done). You can even suggest your own and ask ACS for things that will be helpful for your family such as childcare, food, furniture, MetroCards, and cash assistance. Services are generally covered by insurance or Medicaid.

## What is NEGLECT and ABUSE?

**ABUSE**  
The legal definition of "abuse" is: Intentionally and seriously hurting a child or exposing them to an unsafe situation. Abuse is a more serious charge than neglect.

**NEGLECT**  
The legal definition of "neglect" is: When a parent "exposes a child to an imminent risk of harm." "Imminent risk" means nothing bad actually has to happen—just the likely possibility of it (even if the child doesn't get hurt), like if a parent uses illegal drugs or does not send a child to school.

# Where Can a Parent Find Help?

Get the help of an advocate or lawyer:

## BROOKLYN

### Brooklyn Defender Services

195 Montague Street, 5th Floor  
Brooklyn, NY 11201  
Office (347) 592-2500  
Toll Free (888) 898-0700

## BRONX

### The Bronx Defenders

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

## UPPER MANHATTAN

### Neighborhood Defender Service of Harlem

317 Lenox Avenue, 10th Floor  
New York, NY 10027  
Office (212) 876-5500

## REST OF MANHATTAN

### Center for Family Representation

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

## QUEENS

### Center for Family Representation

89-14 Parsons Blvd. 2nd Fl  
Jamaica, NY 11432  
Office (212) 691-0950

**Making Policy Public** is a program of the Center for Urban Pedagogy (CUP). CUP partners with policy advocates and graphic designers to produce foldout posters that explain complicated policy issues like this one.  
[makingpolicypublic.net](http://makingpolicypublic.net)

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### The Center for Urban Pedagogy (CUP)

is a nonprofit organization that uses the power of design and art to increase meaningful civic engagement.

[welcometoCUP.org](http://welcometoCUP.org)



### Brooklyn Defender Services

provides high quality legal representation and related services to people who cannot afford to retain an attorney.

[bds.org](http://bds.org)

### Manuel Miranda Practice

uses graphic design to make places and content visible, legible, and navigable to people.

[manuelmiranda.info](http://manuelmiranda.info)

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THE KRESGE FOUNDATION

Lily Auchincloss Foundation, Inc.



## 5 Things to Remember When Talking to ACS:

- 1 Stay calm and stay positive.
- 2 Know your strengths! Goals and dreams can be strengths. Aspiring to obtain a HSE or a job is a strength!
- 3 Be open to accepting services.
- 4 Answer the question that is being asked and don't offer extra information.
- 5 It's ok to take notes and ask questions.