

FAMILIES DESERVE TO KNOW THEIR RIGHTS

# THE NEED FOR MIRANDA IN CPS INVESTIGATIONS

**S5484B (Brisport) / A6792A (Walker)**

We are parents with lived experience, legal service providers and non-profit organizations working with families across New York State who are involved in the family regulation system, also known as the child protection system. We are working to ensure that all parents understand that they have rights during an investigation by Child Protective Services (CPS). New York families frequently experience CPS as unnecessarily invasive, highly stressful, and even traumatic because parents are not informed about their rights during these investigations. The lack of information often results in confusion, distress and panic for both the adults and the children involved. Far too often, this leads to unnecessary and harmful family separations. We strongly support S5484B/A6792A, a bill requiring CPS to inform parents and caretakers of their rights at the first point of contact with a family.

Each year, over 165,000 New York families are subjected to invasive, stressful child protective investigations without being advised of their basic rights. When CPS comes knocking, parents receive no explanation of their rights, are rarely informed of the allegations against them, and are not told of their right to speak to an attorney. Instead, parents are often misled about their rights and pressured to acquiesce to demands that are harmful to their families. CPS investigators pressure parents to allow them to search their home, interview family members, access private medical records, and much more. Even though New York law is clear that parents can refuse these requests absent a true emergency or a court order, investigators often tell parents that if they decline these demands, then their children will be removed. It is overwhelmingly people of color from low-income communities who are subjected to these rights violations and forced separations.

In 1966, the United States Supreme Court decided the landmark case of *Miranda v. Arizona*, a case that changed the American legal system by requiring police to advise people of their rights when they are placed under arrest. *Miranda* warnings were a critical first step toward reigning in police abuses and have helped people understand and assert their rights during criminal investigations. Yet during child protective investigations, where missteps carry the profound risk of unjustified family separation, parents typically remain unaware of their rights.

**S5484B/A6792A** would change this by requiring CPS to inform parents and caretakers of their rights at the start of child protective investigations. This common-sense bill does not create any new rights. It simply ensures that parents and caregivers have information about existing rights so that they can make informed decisions for their families.

New York has robust safeguards in place to ensure that child protective workers are able to conduct a thorough investigation into allegations of child neglect and abuse. Nothing in this legislation curtails these protections or limits the legal mechanisms available to CPS during an investigation. It will ensure that CPS retains all the legal authority necessary to protect children, while providing the information and transparency parents need to protect their families from unlawful abuse of that authority.

This is a racial justice issue. Black, Indigenous, and Latine families bear the heaviest burden of family regulation system involvement throughout New York State. Black families in particular are significantly more likely to be reported, investigated, placed on the statewide registry, and forcibly separated than are families of any other race. In New York City, for example, Black families are 5 times more likely than white families to be reported to the child abuse hotline, 7 times more likely to have a case indicated, and 14 times more likely to be separated. The communities affected consistently report that the targeting of their families and neighborhoods for CPS investigations feels threatening, degrading, and highly stressful—much like over-policing by law enforcement in those same communities.

Rights can only be meaningful if they are known, understood and respected by both government officials and the communities they serve. New York families facing child protective investigations and the risk of family separation deserve to know their rights. **S5484B/A6792A** is a critical first step towards making that a reality.