



THE FAMILY MIRANDA RIGHTS ACT

S901A (BRISPORT)/A1980A (WALKER)

In New York, family policing system* (FPS) workers are not required to inform parents of their rights at the start of an investigation. As a result, parents are not able to make informed decisions for their **families and are often coerced into complying with harmful investigations** without knowledge of their rights—including the right to speak to an attorney and to deny entry into their home without a court order.

Data shows that FPS investigations can be highly stressful for children and families. For children, investigations often include disruptive visits to their home and school, invasive questioning by a stranger, and even strip-searches. Black, Latine, and low-income children and families have borne the brunt of this failure to inform parents of their rights. Privileged families are not targeted by this system at nearly the same rates, and are more likely to be aware of their rights and have the means to contact an attorney.

The Family Miranda Rights Act requires workers to inform parents and caretakers of their rights at the start of an investigation. **This legislation does not create new rights**; it simply ensures that parents are aware of the rights already guaranteed by New York State law and the Constitution. **This bill will improve equity and transparency** in FPS investigations and empower parents to make the best decisions for their families.

THE FACTS

- 1 in 2 Black children will experience a FPS investigation. Data shows that FPS investigations can be highly stressful for children.
- The vast majority of families impacted by FPS are not investigated for child abuse, but because poverty is conflated with neglect, and because of racism. In New York City, 96% of FPS investigations do not reveal safety concerns.
- CPS agents routinely violate the rights of families during investigations. Despite needing a court order to enter a home, FPS workers in New York City do not obtain a court order 99.8% of the time.

Contact Miriam Mack (miriamm@bronxdefenders.org) with questions.

*We use the phrase “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 exploitation, surveillance, punishment, and control rather than genuine assistance to and support of families targeted by the system, many of whom are living in poverty.