File #: Res 0216-2026, **Version:** *

Res. No. 216

Resolution calling on the State Legislature to pass, and the Governor to sign, A.6792A/S.5484B, which would require child protective services to orally and in writing disclose certain information to parents and caretakers who are subject to a protective child services investigation

By Council Members Hudson, Louis and Stevens

Whereas, In 1973, the New York State Legislature enacted the Child Protective Services Act, allowing investigations and interventions in reported cases of child abuse and maltreatment; and

Whereas, The enactment of the Child Protective Services Act of 1973 established Child Protective Services (CPS) in each New York State County and has led to violations of parents' and caretakers' legal rights, often resulting in litigation, and has also caused needless trauma that comes from those invasive investigations; and

Whereas, According to the New York City Administration for Children's Services (ACS), less than 4% of the agency's annual more than 56,000 cases reveal a safety concern that would require the removal of the child from the home; and

Whereas, The National Innovation Service (NIS) conducted a report on ACS in 2020 on creating more racially equitable systems and found that the CPS system was predatory by specifically targeting Black and Brown parents and subjecting them to higher investigatory scrutiny; and

Whereas, The NIS report found that ACS caseworkers will often falsely claim or imply that they are legally mandated to enter a parent's or caretaker's residence even though they are usually not, and recommended ACS institute a "Miranda warning" to state the parent's or caretaker's rights upon initial contact; and

Whereas, Reporting and statistics from news outlets on the harmful consequences of CPS procedures have led to demands for parents and caretakers to be informed of their legal rights once a CPS investigation is initiated; and

Whereas, A.6792A, introduced by Assembly Member Latrice Walker, and its companion bill, S.5484B, introduced by Senator Jabari Brisport, requires CPS investigators to orally and in writing disclose certain information to parents and caretakers who are subject to a protective child services investigation to ensure that parents and caretakers know their legal rights upon the initial point of contact, and that it is documented in the case record that such information has been provided; and

Whereas, By requiring CPS to provide such information to parents and caretakers, the State would ensure that parents and caretakers have full knowledge of their legal rights and can access advice and representation to protect those rights; now and therefore, be it

Resolved, That the Council of the City of New York calls the State Legislature to pass, and the Governor to sign, A.6792A/S.5484B, which would require child protective services to orally and in writing disclose certain information to parents and caretakers who are subject to a protective child services investigation.

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Res. #0012-2024
12/30/2025 3:46 PM