

Battered Women's Resource Center
Voices of Women Organizing Project
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Parents' Rights When Accused of Child Abuse or Neglect

Statistics show that 60% to 80% of ALL accusations of child abuse are unfounded. This high rate of unsubstantiated accusations devastates innocent families and diverts the efforts of professionals involved in abuse cases. This also reduces help to families who really need it.

If you are charged with child abuse or neglect by the Administration for Children's Services (ACS) you have the right to legal representation. **You Are Not Alone!**

You have the right not to let ACS in your home without an order from the courts. **Caution: refusing ACS entry into your home could be held against you.**

* Ask to see a warrant before allowing Law Enforcement or social services into your home. You have the right to protection against "illegal search and seizure" under the Constitution.

* **DON'T SPEAK TO ANYONE ABOUT YOUR CASE** without first consulting a lawyer. **Everything you say can and will be used against you.** If you cannot afford a lawyer, the courts should appoint one (**this lawyer is called an 18B attorney**).

* **DO GO ATTORNEY SHOPPING.** Seek out an attorney who is **experienced** in child abuse and neglect cases. **Some attorneys have rates geared to your income; some will accept "pro bono" cases (without charge).** (See below for phone numbers.)

* **DO KEEP A DAILY JOURNAL.** A journal should document what you do, where you go and the people you see or are with you. Keep receipts of your expenses. Try to reconstruct everything you did and where you were at the time of the allegations.

* **DOCUMENT EVERYTHING.** If possible, every time you talk to Administration for Children's Services (ACS), document what was said and who you spoke to and the time and date you spoke to that person. This information can help you with your case. It can help you correct any misunderstanding that can hurt your case.

* **ARM YOURSELF WITH KNOWLEDGE.** Knowledge is power! Knowing how the system works and what is required of social workers can help you.

* **LEARN TO SPEAK THEIR LANGUAGE.** Social workers, the courts and your attorney may use phrases like: "indicates," "seems to think," "appears," "could be" and others, to make their case in court. Learn to use their key words in your everyday language so it becomes natural and then use them to help your case. The judge may not see their statements as implications or opinions but could accept them as fact. Whatever you do, **DON'T LIE** but **DO** make your case as strongly as possible, using their key words when you can. Be as prepared as possible.

* **REQUEST THAT THEY 'PUT IT IN WRITING'!** If you have children in foster care, make sure you understand your rights. There is a Service Plan Review (SPR) that will keep you updated on your child/ren's development. The SPR is part of planning for the return of your children. At these meetings the worker may recommend you do things that are not part of SPR. Request that they put the recommendation in writing. It is very important that you keep track of all additional charges or recommendations that you may be subjected to. Keeping personal records of your progress or charges could benefit your case.

* **WHO'S SAYING WHAT?** If you are involved with ACS, you have the legal right to look through your case file (and have copies of it). Social services may tell you that you must have your attorney request that information in writing. If that happens, ask your attorney to request a copy of ALL case notes and any other documentation that ACS has against you. (By law, ACS is required to list every contact they have had with you, including all phone calls.) This step may help you in your defense.

* **CHECK YOUR COURT RECORDS.** Check **all** court documents for errors. Simple things like names and birth dates are often wrong. List all errors and give your attorney a copy. It establishes a pattern of errors, which may be used in your favor.

* **KNOW YOUR CONSTITUTIONAL RIGHTS.** The Bill of Rights, part of the United States Constitution, is the law. Unfortunately, we the people often don't know what our rights are. We the people have a duty to change the system when it no longer works. We can't rely on others to protect our rights; we must do it ourselves. Learn your Constitution and keep a list of the rights that were violated in your case.

IF YOU ARE A VICTIM OF DOMESTIC VIOLENCE:

You cannot be charged with "failure to protect" your children from witnessing abuse against you. You can insist that ACS help you and your children find safety away from your abuser, instead of having your children removed. If your batterer is the person abusing the children, make sure the case is indicated against him and *not* you.

Prepared by Diana Henriquez for the Voices of Women Organizing Project - June 2003

* HERE ARE SOME VERY IMPORTANT NUMBERS THAT CAN HELP YOU:

Legal Aid Society

Brooklyn: 1368 Fulton Street, 2nd Floor, Brooklyn, NY 11216 (718-636-1155)

South Brooklyn Legal Services: 105 Court Street, Brooklyn, NY 11201
(718-237-5500) (Hotline: 718-237-5572)

Bronx: 540 East Fordham Road, Bronx, NY 10458 (718-295-5598)

Manhattan: 299 Broadway, 4th Floor, New York, NY 10007 (212-417-3700)

Queens: 65-021 Main Street, Flushing, NY 11367 (718-340-4300)

Staten Island: 25 Hatt Street, 3rd Floor, Staten Island, NY 10301 (888-837-6687)

Food and Clothing Citywide

New York Association for New Americans, Inc.

Center for Women and Families

17 Battery Place, New York, NY 10004 (212-425-5051) (Hotline: 888-242-5828)

Bronx

SCAN

867 Gerard Avenue, Bronx, NY 10452 (718-590-5770)

Brooklyn

Safe Horizon Child Advocacy Center

30 Main Street, Brooklyn, NY 11201 (718-260-6080)

Queens

Queens Women's Network WomenSafe

161-10 Jamaica Avenue, Suite 207, Jamaica, NY 11432 (718-657-6200)

Staten Island

Safe Horizon Child Advocacy Center

280 Richmond Terrace, Staten Island, NY 10301 (718-358-8930)

Manhattan

East Harlem Community Center

130 East 101st Street, New York, NY 10029 (212-358-8930)

Services for Battered Women

24 hour domestic violence hotline: 1-800-621-HOPE

Non-residential services (counseling, advocacy, help finding shelter)

Brooklyn

Park Slope Safe Homes Project (718-499-2151)

H.E.L.P. Homeless Services (718-992-7980)

Queens

New York Asian Women's Center (212-732-0054)

Queens Legal Services Corp. (718-657-0424 - hotline)

Bronx

Sanctuary for Families (212-349-6009)

Violence Intervention Program (212-360-5090)

Staten Island

Society for Children and Families (718-273-2727)

Manhattan

Allianza Dominicana, Inc. (212-740-1960)

New York Association for New Americans
(212-425-5051)

City Wide

NYC Gay and Lesbian Anti-Violence Program (212-714-1184)

Barrier Free Living Domestic Violence Program
-for disabled women (212-533-4358)

Survivors of domestic violence complain that the system set up to help battered women and their children fails to do so. As a result of this breakdown of the system:

- Battered women and their children are not protected from abuse;
- Battered women are discriminated against;
- Battered women are treated in a degrading manner;
- The batterer is allowed to continue his abuse through family court;
- The economic rights of battered women and their children are not respected.

Battered Women's Bill of Rights

You have the right not to be abused.
You have the right to cry.
You have the right to be safe in your own house.
You have the right to have anger over past beatings.
You have the right to choose to change the situation.
You have the right to freedom from fear of abuse.
You have the right to request and expect assistance from police or social service agencies.
You have the right to share your feelings and not be isolated from others.
You have the right to want a better role model of communication for you and your children.
You have the right to be treated like an adult.
You have the right to leave the battering environment.
You have the right to privacy.
You have the right to express your own thoughts and feelings.
You have the right to develop your individual talents and abilities.
You have the right to legally prosecute an abusing spouse.
You have the right not to be perfect.
You have the right to educate your children as you see fit.
You have the right to bring your children up in the religion of your choice.
You have the right and responsibility to protect and defend your children.
You have the right to do what you can to protect your children without having them taken.

In the U.S., one in five women will be victims of domestic violence in their lifetime.

A woman is battered every 9 seconds.

55 percent of women report having been physically assaulted and or raped in their lifetime.

Each day 10 women in the U.S. are killed by an intimate partner.

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