

Is N.Y.'s Child Welfare System Racist? Some of Its Own Workers Say Yes.

New York City's Administration for Children's Services must protect children without overpolicing families. A report the agency commissioned says it often fails.



Mylana Gerard was not allowed to be alone with her baby for months because of a child abuse investigation. Credit...Nora Savosnick for The New York Times

By [Andy Newman](#)

Nov. 22, 2022, 3:00 a.m. ET

For decades, Black families have complained that the city's child welfare agency, the Administration for Children's Services, is biased against them.

It turns out that many of the agency's own employees agree, according to a racial equity audit the agency commissioned but never publicly released.

A draft report, based on a 2020 survey of more than 50 Black and Hispanic frontline caseworkers and agency managers in Brooklyn and the Bronx, along with many parents and advocates, described a “predatory system that specifically targets Black and brown parents” and subjects them to “a different level of scrutiny.”

In New York’s child welfare system, where Black families are seven times as likely as white families to be accused of child maltreatment and 13 times as likely to have their children removed, “race operates as an indicator of risk,” the report concluded.

The survey laid out deep-seated problems afflicting an agency that must balance protecting the safety of children and respecting the autonomy of families.

A failure to detect signs of serious abuse can have tragic consequences, as a series of [fatal beatings last year in families known to the agency](#) demonstrated.

But families find child welfare investigations [profoundly disruptive, humiliating and even traumatic](#). Caseworkers making unannounced visits strip-search children looking for bruises and peer into refrigerators and around homes looking for signs of bad parenting. One A.C.S. worker in the survey compared the experience to being stopped and frisked for 60 days.

For poor families pulled into A.C.S.’s orbit, who are overwhelmingly Black and Latino, symptoms of poverty are frequently punished as signs of neglect, the survey found.

Because poverty is correlated with higher rates of neglect and abuse, it is difficult to say how much the disparities in the system can be directly linked to income or to race.

But according to the survey, A.C.S. workers and other participants said that rather than starting from a presumption of innocence, “Black and brown parents are treated at every juncture as if they are not competent parents capable of providing acceptable care to their children.”

Caseworkers said they felt pressured to push their way into people’s homes and not tell parents their rights. They “feel complicit in the harm that A.C.S. can cause Black and brown families” and powerless to change the system, the report stated. Most A.C.S. caseworkers are Black, as is most leadership in the agency’s Division of Child Protection, the agency said.

Among the reforms recommended by staff members in the survey was a “Miranda warning” law requiring that parents be immediately informed of their rights not to speak to caseworkers and not to let them in without a court order, and to consult a lawyer.

The agency [has opposed such measures](#), arguing that they would make it harder for caseworkers to immediately assess whether children are safe.

[The draft report](#) was obtained from the city via a Freedom of Information request by the Bronx Defenders, a nonprofit that represents parents in family court. The report, prepared by a consulting firm that helped governments design more racially equitable systems, was based on conversations with those who chose to participate rather than on a quantitative survey.

The report, said Joyce McMillan, executive director of JMac for Families, which advocates for families with A.C.S. cases, reveals an agency “targeting certain demographics” using tactics “based on surveillance and not the actual protecting of a child.”

“The report also tells us that their own workers are not comfortable doing this stuff and that they feel choked into submission,” she said.

The survey comes to light amid a flurry of reports criticizing New York’s child welfare systems. [The state bar association](#) recently declared the state’s system “plagued by racism.” Human Rights Watch and the American Civil Liberties Union [released a report last week](#) concluding that in New York and several other states, Black children are needlessly separated from their families.

Now, the New York office of the U.S. Commission on Civil Rights [is investigating](#) whether child welfare authorities in the state violate Black families’ constitutional rights. The first hearing in the inquiry was held on Friday.

Much of the racial disparity in who gets pulled into the child-welfare system is outside A.C.S.’s control. It must investigate every allegation that meets definitions of abuse or neglect, and such reports can be made by anyone; two-thirds are eventually deemed unfounded. Last year, one in 15 Black children in the city was the subject of a maltreatment investigation; only 1 in 111 white children was.

A.C.S. declined to answer questions about the report, but its commissioner, Jess Dannhauser, said in a statement that the agency continued to work to address “racial inequities that have existed in child welfare for too long.”

“A.C.S. is focused every day on achieving safety and equity. While many have suggested it must be one or the other, we believe they can only be accomplished together,” he said. “We will continue to put policies and initiatives in place that aim to keep children safe while reducing unnecessary A.C.S. involvement.”

Racial disparity in child welfare is intertwined with economic and societal factors putting pressure on families, experts and research suggest. Maltreatment rates are [five times higher for lower-income children](#), according to federal statistics, and Black New Yorkers are [nearly twice as likely as white residents](#) to live in poverty.

Statewide data underscores the connection: [Racial disparities in child welfare involvement](#) and the income gap between Black and white are both much larger in New York City than in the rest of the state.

Stress is at the root of the relationship between poverty and child neglect and abuse, said Melissa Merrick, president of Prevent Child Abuse America, an advocacy group.

“If you can’t pay your rent or you have to work three jobs and take three buses and you don’t have child care,” she said, “all of these things may put you on edge, and maybe make you not be able to bring your best parenting self to the job of parenting.”

Dr. Merrick said that conditions including racial bias, disinvestment in communities of color and lack of access to support systems all drive disparities in abuse.

But Black families in New York City are also more likely than Hispanic and Asian families to be accused of neglect or abuse or to have their children removed, even though Hispanic and Asian families have higher poverty rates. A New York Times analysis of 83 child homicides from 2016 to 2022 found that Black children in the city were killed by family members at about seven times the rate for white and Asian children and three times the rate for Hispanic children.

Several Black parents with recent A.C.S. cases said in interviews that they felt they would have been treated differently if they were white.

“I think A.C.S.’s goal was to prove abuse,” said Mylana Gerard, 25, who lost the right to be alone with her infant son for nearly a year after he was found to have 16 fractured ribs.

Even after she gave A.C.S. records from a specialist stating that the fractures were probably caused by a genetic variant, the agency waited five months before clearing her. Ms. Gerard, who works for a nonprofit and lives in the South Bronx, said she believed that if she were white and richer, A.C.S. would have tried harder “to find out what was going on with my son.”

Disparities in the child welfare system persist in New York City even as the overall number of children removed and placed in foster care continues to fall, from [40,000 in the late '90s](#) to 14,000 a decade ago to under 7,000 today.

Once Black families are in the system, the outcomes of their cases are more likely to be severe. As this year began, 4,300 Black children were in foster care — about 1 in 90 — while only 406 white children were — about 1 in 1,100.

Image



Angel Charles is fighting to keep custody of her daughter after A.C.S. charged her with “derivative neglect” based on her history with the agency a decade ago. Credit...Nora Savosnick for The New York Times

The racial gap has also defied years of attempts by the agency to close it.

A.C.S. has had an “Office of Equity Strategies” since 2017. It has a Racial Equity and Cultural Competence Committee and an Equity Action Plan. It requires implicit bias training for staff.

It assigns a growing percentage of its caseload to a noninvestigative track that connects families to the help they need. It supported legislation that [raised the evidence threshold](#) for substantiating abuse reports and that required bias training for mandated reporters of abuse, including teachers and medical workers.

Gladys Carrión, A.C.S.’s commissioner from 2014 to 2016, said that the challenges the agency faced were universal — and enormous.

“There is no child welfare system in the U.S. that stands out as being able to have effectively dealt with the issue of disparity,” she said. “To A.C.S.’s credit, they’ve tried a bunch of things, maybe more than other jurisdictions, and none of them has moved the needle.”

She added that the agency faced the impossible task of keeping every child safe without overpolicing families. “This is the only place which has a standard that you can never make a mistake.”

In October 2020, while the study, conducted by the [National Innovation Service](#), was underway, A.C.S.’s then-commissioner, David Hansell, touted it to the City Council.

“We must listen, even when it is difficult,” [he said](#). “And we must look critically at our own attitudes, even when it is painful.”

In the survey, many A.C.S. workers focused on how allegations of neglect — a broad category that includes inadequate guardianship, food, clothing or shelter and [accounts for two-thirds of all maltreatment reports](#) — are used to sweep poor families into the system.

Mandated reporters, the workers complained, often “file reports that describe conditions indicating poverty but not neglect.” Teacher make reports “based on the cleanliness of a child’s clothing or whether they bring food to school.”

Caseworkers said they spent so much time chasing unfounded neglect claims that it became harder for them to protect children from abuse. They suggested the agency push lawmakers for clearer neglect standards.

Emma Ketteringham, who heads the Bronx Defenders' family practice and participated in the survey, said that nothing appeared to have changed at A.C.S. since the report.

“The bigger picture here,” Ms. Ketteringham said, “is that we have A.C.S. publicly committing to be an antiracist organization and then not even sharing the findings publicly, let alone implementing them.”

Angel Charles, a 37-year-old travel nurse, thought her dealings with A.C.S. were behind her.

Ms. Charles, who herself experienced sexual and physical abuse, had three children removed for abuse and neglect in her early 20s after her 3-year-old son burned himself on a radiator, she allowed her children to miss school and she kept an unsanitary apartment, her lawyer said. Ten years and many hours of therapy later, she says she has gotten her life together and has been steadily employed.

But after she gave birth to a daughter on New Year's Day, an A.C.S. worker came to her hospital room, Ms. Charles said. The agency charged her with “derivative neglect,” meaning it considered her unfit to parent a new child based on her history — and has continued to press the case despite positive evaluations from her therapist and her baby's foster-care agency, her lawyers said.

Ms. Charles is still fighting to keep her baby. She said that if she were white, she would not have faced this battle.

“I do feel attacked,” she said. “I've missed 10 months of my daughter's life over this.”

Andy Newman writes about social services and poverty in New York City and its environs. He has covered the New York metropolitan area for The Times for 25 years and written nearly 4,000 stories and blog posts. [@andylocal](#)

A version of this article appears in print on Nov. 22, 2022, Section A, Page 1 of the New York edition with the headline: Child Welfare Agency Is Accused Of Racial Bias, Even by Its Staff. [Order Reprints](#) | [Today's Paper](#) | [Subscribe](#)