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Legal Aid Society Attorneys Publish Article in Columbia Journal of Race and Law Calling for Reforms to Child Welfare Reporting and Investigations

Article Exposes Racial Disparities and Constitutional Violations in NYC Child Welfare Investigations

Attorneys Urge Governor Hochul to Sign Bill Ending Anonymous Reports to the State Child Abuse Hotline

(NEW YORK, NY) - Two Attorneys from The Legal Aid Society published an [article today](#) in The Columbia Journal of Race and Law entitled *Overreporting and Investigation in the New York City Child Welfare System: a Child's Perspective*. The article, written by Melissa Friedman, the Attorney in Charge of Legal Strategy and Training at the Juvenile Rights Practice, and Daniella Rohr, a Staff Attorney who has represented youth in both the Juvenile Rights Practice and Immigration Law Unit, argues that ACS subjects far more children and families to intrusive investigations than is necessary harming children and violating children and families' Fourth Amendment and analogous state rights.

In response to these findings, the authors have called on Governor Kathy Hochul to sign into law the Anti-Harassment in Reporting Act, a bill that passed the full Legislature and would reform a deeply flawed reporting system that for too long has enabled harassment, traumatized families, and disproportionately harmed communities of color.

"ACS, judges, and all stakeholders who care about New York City's children must take urgent note of New York's aggressive reporting and investigation apparatus. As it stands, the system overreaches, violating children's right to privacy and causing immense trauma. Reports and investigations of maltreatment should serve to protect children, not cause unnecessary harm," said **Daniella Rohr, author of the article and Staff Attorney with the Immigration Law Unit at The Legal Aid Society.**

"It is important for city and state actors to understand how much harm a child welfare investigation can cause," said **Melissa Friedman, author of the article and Attorney-in-Charge of Legal Strategy and Training with the Juvenile Rights Practice at The Legal Aid Society.** "The mere act of opening an investigation — especially when it involves invasive questioning, unannounced home visits, or the threat of family separation — can deeply traumatize children and destabilize families, even when no evidence of neglect or abuse is ultimately found. While investigations may be necessary at times, these practices must be used sparingly and with great care to avoid harming the very children they purport to protect. A truly protective system recognizes that support, not surveillance, is often what families need most. This is all the more reason why Governor Hochul must sign the

Anti-Harassment in Reporting Act into law to end this long-standing practice which has caused considerable harm to the clients and communities served by The Legal Aid Society.”

“This article reflects what we’ve long seen on the ground: a child welfare system that treats too many families—especially families of color — as suspects rather than as people in need of support,” said **Dawne Mitchell, Chief Attorney of the Juvenile Rights Practice at The Legal Aid Society**. “This approach not only erodes trust between communities and the institutions meant to protect them but also causes lasting harm to the very children the system is supposed to serve. New York City must invest in real, community-based solutions that keep children safe without violating their rights.”

Background

Child welfare agencies are tasked with protecting children, and in so doing, investigating allegations of abuse and neglect. If done properly, investigating allegations of abuse and neglect can promote child safety. But the data suggests that New York City’s Administration for Children’s Services (“ACS”) subjects far more children and families to intrusive investigations than is necessary. Nearly 100,000 children in New York City are investigated by the ACS each year, and ACS only seeks entry or body-search warrants in 0.4% of investigations. These investigations are aggressive, traumatic, coercive, and violate children and families’ Fourth Amendment and analogous to state rights. ACS only substantiates—that is, finds that it is more likely than not that abuse, or neglect occurred—a small fraction (less than a quarter) of its investigations each year. That means that approximately 75,000 mostly Black and brown children are put through an investigation of their homes and bodies where no evidence of abuse or neglect exists.

This piece argues that ACS’ investigative apparatus not only harms more children than it protects, but the tactics they employ violate the state and federal constitutional rights of children and their families. Using ACS’ own statistics, this piece analyzes the numbers to demonstrate that New York unnecessarily investigates far too many, primarily Black and Brown families. It details the reporting and investigation process in New York City and its history and argues that ACS investigations routinely violate children and their families’ Fourth Amendment rights to privacy. Finally, the piece describes the harm that children and families suffer from ACS’ current practices and lays out essential steps for reform.

The article was drafted by Melissa Friedman and Daniella Rohr in their individual capacities and with the support of The Legal Aid Society.

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The Legal Aid Society is a nonprofit organization that exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For nearly 150 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities.

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