



**Family
Legal Care**

Free Family Law Helpline
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Child Protective Proceedings: Rights and Responsibilities

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In New York City, the agency that brings charges of child abuse or neglect against you is called the **Administration for Children's Services (ACS)**. ACS used to be called BCW or CWA. When the case goes to Family Court, it is called a **child protective proceeding**.

During a child protective proceeding, Family Court can decide:

- If you abused or neglected your children
- If your children will still live with you
- Where your children will go if they cannot stay with you

When ACS files a child protective proceeding against you, you have **rights** and **responsibilities**. A right is something that you are entitled to. A responsibility is something that you must do. Sometimes rights are also responsibilities. Your lawyer, Family Court, and ACS also have responsibilities. These rights and responsibilities are listed below.

Your rights and responsibilities

1. You have the right and the responsibility to know exactly what you need to do to get your children back. In particular, you should know:

- What you have been ordered to do.
- How much time you have to do it in.
- What will happen if you do not **comply** with an order. Comply means do what an order says.
- Who can help you.

The fastest way to get your children back if they are in foster care is to do all of the things that ACS and the court tell you to do.

2. You have the right and the responsibility to understand the steps in a child protective proceeding. There are many stages and steps in the proceeding. You will probably have to go to court several times. Ask your lawyer to explain each step. Read the material provided by Family Legal Care or another agency.

3. You are responsible for keeping in **contact** with your children if they are in foster care. Keep in contact means talk to or visit. If you do not keep in contact with your children for many months, ACS can ask that your parental rights be **terminated**. This means you will no longer have the right to talk to or visit your children. You must tell ACS where you are at all times.

4. You are responsible for making plans for your children to return to your home. This means you must make your home safe for them, and you must be able to meet their emotional, physical, educational, medical, and financial needs.

5. You have the right to know and meet your children's teachers, health providers, and mental health providers while they are in foster care.

6. You have the right to report complaints about ACS, foster care agencies, or your lawyer.

- To report complaints about ACS or a foster care agency, call (212) 676-9421.
- To report a complaint about your lawyer:
 - If his or her office is in Queens, Staten Island, or Brooklyn, call (718) 923-6300.
 - If his or her office is in Manhattan or the Bronx, call (212) 401-0800.

For more information or support, call the Child Welfare Organizing Project (CWOP) at (212) 348-3000.



Your rights and the responsibilities of ACS

1. You have the right to supportive services, such as drug treatment programs or housing programs. ACS is responsible for helping you get these services.

Please note: Your lawyer may also be able to help you get these services if you cannot get them yourself. Ask your lawyer if he or she has a social worker.

2. When ACS removes your children from your home, the agency is responsible for looking for relatives to take care of them before placing them in foster care. You have the right to tell ACS about relatives who ACS can contact about taking care of your children.

3. You have the right to visit your children in foster care. ACS is responsible for arranging these visits. You have a right to know when and where your visit will be. You have a right to ask that visits take place at a time that is good time for you. You have a right to ask for more visits.

4. When your children are in foster care, ACS is responsible for meeting every six months to plan for their future. These meetings are called **Service Plan Reviews**, or **SPRs**. You have a right to attend these meetings. You are allowed to bring someone with you to these meetings—including your lawyer, a friend or relative, or a counselor from a program you are in.

Your rights and the responsibilities of the court

1. You have the right to a lawyer. The court is responsible for giving you a lawyer if you cannot afford to hire one. Make sure you write down the lawyer's full name, phone number, and office address. Ask the lawyer what is the best time to call.

2. You have the right to demand to have your children returned to your care immediately. You do this by asking for a **1028 hearing**. A hearing is a proceeding before a court.

3. If your child is removed from your home, the court is responsible for scheduling a **permanency hearing** eight months from when your child was first placed into foster care, and at least every six months after that for as long as your child is in care. At permanency hearings, the court is responsible for looking at what progress is being made towards having your child leave foster care.



Please note:

Fourteen days before every permanency hearing, ACS should mail both you and your lawyer a **permanency report**. The permanency report provides an update on how your child is doing. You have the right to get this report. ACS is responsible for getting it to you.





Your rights and the responsibilities of your lawyer

1. Your lawyer is responsible for explaining to you the steps in a child protective proceeding.
2. Your lawyer is responsible for talking with you about all of your legal options. These include your right to a 1028 hearing and your right to **appeal** your case. An appeal is when you ask to have a higher court **review**, or look at, your case. For more information on appeals, see the Family Legal Care guide, "**Appealing Family Court Orders**," which is available at familylegalcare.org.
3. Your lawyer is responsible for representing YOU. Everything you tell him or her is **confidential**. This means that your lawyer is not allowed to tell anyone – the judge, another lawyer, or a person from ACS – anything you say without your permission.

Notes

Need more help? Family Legal Care offers free legal information and advice on New York family law and court procedure.



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