



Are you a domestic violence survivor and ACS is involved with your family?

Do you want to know what your rights are if ACS comes to your door?

Do you have an indicated ACS case that is making it hard to find a job?

Are you worried ACS may try and remove your children?

DVP

Domestic Violence Project

WE CAN HELP

- We provide free legal assistance, clinical services, and financial empowerment services to survivors of intimate partner violence.
- We provide legal and social work services to assist domestic violence survivors facing child welfare involvement to safely keep their families together.

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The Child Protective System & Domestic Violence

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DOMESTIC VIOLENCE PROJECT

Parents: Know Your Rights When Dealing with ACS



The information in this brochure is intended to provide parents with information about their rights and responsibilities when they are involved in the child welfare system in New York City, called ACS. When ACS comes to your door, you have rights and can make choices to help keep your children safely at home.

This guide is not intended to be legal advice. You should consult with an attorney to discuss your specific case.

How Does an ACS Investigation Begin?

1. A report is called in to the State Central Registry in Albany, New York.
2. An Oral Report Transmission "ORT" is generated and the report is sent to a field office in the locality where the child lives.
3. If the report is accepted, ACS conducts an initial investigation within 24 hours. ACS then has 60 days to "indicate" or "unfound" a report. The evidentiary standard to indicate a report is "credible" evidence.
4. ACS can close the case without offering services; offer services but not bring the case to Court; or bring the case to court and file a petition in Family Court against the parent.

PARENT'S RIGHTS

A parent has the right to:

Refuse to allow ACS into their home

Unless ACS has a court order, a parent can refuse to open the door. But ACS will likely continue their investigation even if a parent does not open the door.

If ACS believes the children are in immediate danger, ACS can come to a parent's home with the police to remove the children, even without a court order. If you are considering refusing to allow ACS into your home, you should immediately seek the advice of an attorney.

An interpreter

Do not rely on family members or friends to interpret.

Know what the allegations

are being made against them.

Know who they are talking to

Ask for the case worker and supervisor's names and phone numbers.

Refuse to share private information

with the ACS caseworker or investigator.

Consult an attorney

A parent should especially consult an attorney immediately if they refuse to allow ACS into their home or refuse to share information with ACS.

Preventive services

ACS is required to offer a parent services to help them overcome any obstacles to keeping their family together.

WHEN ACS COMES TO YOUR DOOR



- If ACS comes to a parent's home, it is very important to stay calm. Getting angry and upset almost never helps to get ACS out of a family's life.
- Know that you are not a bad parent -ACS becomes involved with families for many reasons including if your children have witnessed or been exposed to domestic violence and this does not make you a bad parent.
- Ask for the name and contact information for the case worker who is investigating the case.
- Keep records of ACS visits and conversations with the ACS case worker. Include the date and name of the caseworker.
- Keep copies of documents to show you are taking care of your children including your children's school report cards and other school records, daycare records, and documents showing your child's medical care.
- If ACS asks you to attend any conferences to discuss the allegations, you can bring people to support you including family members, friends, and advocates. You should speak with an attorney before attending the conference about how to discuss the allegations at the conference.
- If you have been arrested or have a criminal case, you should speak with an attorney before discussing the allegations with ACS.