

KNOW YOUR RIGHTS: ACS

INDICATED RECORDS OF NEGLECT MUST BE SEALED AFTER 8 YEARS

An indicated ACS case stays with a person and can cause people to fail background checks as part of employment. If an indicated ACS case shows up on a background check, it can stop a person from working with certain vulnerable populations including children, the elderly, and the sick. This means that you likely won't be able to work in a hospital, daycare, school, retirement home, surgical center, and a multitude of other places.

Prior to a recent change in the law, an indicated case would remain on a person's permanent record until the youngest child would be an adult. Now, an indicated case becomes automatically sealed after 8 years. If you have a previous indicated case of neglect, and it has been more than 8 years, your record should be sealed and it should no longer affect your ability to gain employment!

ACS AND YOU: WHAT ARE YOUR RIGHTS IF ACS INVESTIGATES YOU

- 1 All services are voluntary until a court order is issued.
- 2 ACS has a right to ensure the physical safety and well-being of a child or children.
- 3 You do not have to be a parent for an ACS investigation to be started against you. ACS can investigate anyone connected to a child.
- 4 If you have a prior indicated record of neglect, ACS must seal that record after 8 years.
- 5 The standard for an indicated case is now a fair preponderance of the evidence (a higher standard than before!).

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The Administration for Children's Services, or ACS, is a New York City government agency designed to promote and protect the safety and well-being of New York City's families and children. ACS can get involved during domestic violence incidents if children are present for the violence. Here are a few things you should know about ACS and how you can best be prepared in the event ACS *does* get involved with you and your family.

ALL SERVICES ARE VOLUNTARY

When investigating a family, ACS will frequently say that a family must complete services otherwise they will start a court case. The fact of the matter is that this is a threat. All services offered are voluntary unless a court orders you to do services. Refusing services alone is not a reason for ACS to file a court case.

ACS frequently tries to pressure families into services they feel are necessary by saying they are mandatory, but the fact is that they are all voluntary and you can refuse services if you don't want to do them.

STANDARD TO INDICATE IS HIGHER

Under a new law, the standard that the ACS uses to indicate a case became higher. For you, this means that ACS needs more evidence than before of abuse or neglect of your child to indicate a case against you.

YOU DON'T HAVE TO BE A PARENT FOR ACS TO INVESTIGATE.

ACS can investigate any adult that is caring for the child or in the presence of the child. For example, a babysitter or daycare provider can be investigated by ACS. Another example is the new partner of one of the parents can be investigated by ACS.

ACS HAS A DUTY TO INVESTIGATE.

By law, ACS must investigate any abuse or neglect allegation called into the State Central Register. This means that within 24 hours of the call, an ACS social worker, or CPS, must make contact with the child. If ACS is unable to get in contact with the child, they seek an order from a Judge to see the child. This means if you refuse ACS to see your child, ACS can force you to let them see the child.

However, ACS just has to see that your child is safe. You can tell ACS that they do not have permission to speak with your child.

ALL SERVICES ARE VOLUNTARY UNTIL A COURT ORDER SAYS OTHERWISE!



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