MOVEMENT FOR FAMILY POWER COMMENDS THE RELEASE OF THE REPORT OF THE JOINT SENATE TASK FORCE ON OPIOIDS, ADDICTION, AND OVERDOSE PREVENTION


Despite progress to support people who use substances rather than criminalize them, the number of people involved with the child welfare system due to allegations of drug use continues to steadily climb. In particular, new parents are accused of neglecting their children by using drugs during pregnancy at a disproportionately high rate, against the recommendation of leading medical organizations. Unconsented drug testing fissures the trust between patient and provider, and mandated reporting can result in the separation of newborns from their parent and cause irreparable and unnecessary generational harm to families.

Informed consent for drug testing is a first step to rebuilding the trust between the pregnant person and the provider that has been undermined by hospitals’ decades long practice of targeting pregnant people, particularly Black and Latinx pregnant people, for unconsented drug tests. We especially applaud the Task Force’s recommendations to bar drug testing without maternal consent except in cases of medical emergency, to limit the use of drug testing by the child welfare system, and requiring the use of best practices by the child welfare and family court systems. Drug tests are not parenting tests. As noted in the report, keeping mothers and infants born with Neonatal Abstinence Syndrome together has a positive impact on both mother and child. While we applaud the Task Force’s recognition of this, we urge them and the Office of Children and Family Services to develop detailed guidance to limit unnecessary CPS interference.

“In New York, parents of color are disproportionately targeted for drug testing and intervention by the child welfare system. Obtaining informed consent for drug testing during pregnancy and postpartum is a first step towards equity,” says Kassandra Frederique, Managing Director of Policy, Advocacy, and Campaigns at the Drug Policy Alliance. “We are pleased with recommendations to reduce harms and promote safer substance use, respect autonomy and
decision-making for people who use substances, and implement best practices for supporting families impacted by drug use.”

“The recommendations included in this report are important steps forward to protect families and treat parents who use substances with dignity. My children were removed after my urine was tested and found to contain a substance. Nothing else was taken into consideration before or after the removal of my children. Although I was tested twice a month for over 18 months and found to have no substance in my system, child welfare agents continued to keep me and my children separated citing my refusal to complete a treatment program,” says Joyce McMillan, the We Are Parents Too Coordinator at Sinergia, Inc. and advocate with the Parent Legislative Action Network, and Director of JMacforFamilies. “Neither my urine nor a treatment program could speak to who I was as a parent, and there is nothing about a drug test that can tell anyone how much a parent cares for their child. I'm encouraged that the Task Force is thinking about this issue, but for me and people like me it is 20 years too late. I urge the Task Force to take the lead on protecting families by supporting the informed consent bill to ensure parents have Miranda-style rights and access to legal counsel.”

"In our work as family defense attorneys, we have seen firsthand the way in which social services - in particular, child welfare and health care systems - stigmatize, marginalize, surveil, and criminalize Black and Latinx pregnant and parenting people who use drugs. Every day we see newborns unnecessarily taken from their parents immediately after birth, resulting in long lasting and devastating trauma. We are encouraged by the Task Force’s recognition that no pregnant person in New York should be drug tested without their consent by medical care providers,” says Emma Ketteringham, Managing Director of the Family Defense Practice at The Bronx Defenders. “Nonconsensual testing is a violation of a person’s bodily integrity, undermines maternal-fetal health, and unnecessarily exposes the pregnant person and their newborn to possible family separation. Moreover, newborns are separated from their parents not because their parents pose a risk of harm to their safety and wellbeing, but because of outdated and unjustified beliefs about drug use. We look forward to working with the Task Force on strengthening these protections and helping end the over policing of Black and Latinx parents in the child welfare system.”

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Representatives from the Movement for Family Power, the Drug Policy Alliance, The Bronx Defenders, Sinergia, Inc. and the Parent Legislative Action Network are available for comment: info@movementforfamilypower.org

**ABOUT MOVEMENT FOR FAMILY POWER**

Movement for Family Power works to end the foster system’s policing and punishment of families and to create a world where the dignity and integrity of all families is valued and supported. Movement for Family Power is currently the only national organization solely dedicated to supporting organizing and movement building to fight the child welfare and foster system’s policing and punishment of families.