



FAMILY JUSTICE LAW CENTER

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**DOMESTIC VIOLENCE SURVIVOR FILES APPEAL TO END
UNNECESSARY, UNCONSTITUTIONAL, AND TRAUMATIC
SURVEILLANCE BY THE ADMINISTRATION FOR CHILDREN'S
SERVICES.**

Mother is not accused of anything, yet an order from Brooklyn Family Court – like thousands issued in similar cases across New York every year – requires her to allow government agents to search her home and strip-search her child whenever they want.

Mother's appeal argues the order is illegal.

NEW YORK CITY – Today, Ms. W., the mother of a one-year-old baby, filed an appeal in the New York Appellate Division, Second Department to vacate an order from Kings County (Brooklyn) Family Court that requires her to comply with ongoing and limitless surveillance of her home and her child's body by the Administration for Children's Services (ACS). Ms. W. is represented on the appeal by the Family Justice Law Center and the NYU Family Defense Clinic. The law firm Orrick, Herrington & Sutcliffe LLP is appellate counsel to the Family Justice Law Center on the brief.

Ms. W. is accused of nothing. She is involved in a Family Court case because her child's father committed acts of domestic violence *against* her in the child's presence. The father is a respondent (a parent charged with wrongdoing) in the neglect case. Ms. W. is charged with no wrongdoing (she is called a non-respondent parent). Ms. W. called the police and kicked the father out of her home. Her abuser is also barred from the home and from being around Ms. W. and her child by an order of protection. Nonetheless, ACS asked for, and the judge issued, an order allowing Ms. W. to keep custody of her child but requiring her to accept that ACS government agents could make unlimited inspections of her home—where the father does not live.

These unnecessary searches are traumatic for parents and children—and they have been for the W. family. ACS workers can rummage through entire homes during these searches. They inspect labels in medicine cabinets, pull out drawers in bedrooms, open cabinets, and inspect refrigerators. They even frequently strip-search children.

The type of order the Family Court issued in Ms. W.'s case is not an anomaly. These orders are routinely handed down in similar cases thousands of times every year by Family Courts across New York. This appeal also seeks to end that practice.

“All I did was try to protect myself and my baby, and it feels like we’re being punished. I hope my case can change how ACS deals with families like mine. Parents experiencing domestic violence should know they can seek help without being treated as if they are criminals,” said **Ms. W.**

“The boundless home-search order against Ms. W., a loving and caring mother who is not accused of anything, is blatantly illegal. It is not permitted by the statute. It violates the Fourth Amendment. And it intrudes into the sanctity of Ms. W’s private family life. Worse, it further traumatizes a family that is recovering from domestic violence. The government should not perpetrate this type of double abuse,” said **David Shalleck-Klein, Executive Director of the Family Justice Law Center.** “Ms. W.’s appeal is groundbreaking. It has the potential to prevent ACS from punishing her and, more broadly, to transform how government agencies and family courts treat New York families like hers.”

“We’re proud to take on this fight to protect basic American freedoms,” said **Naomi Scotten, an Orrick partner** collaborating pro bono with FJLC and NYU on the case. “Family services should not be inserting itself into the home lives of fit parents. We hope that this case ensures that mothers like our client can raise their children without unjustified state interference.”

“Unfortunately, the experience of this family is all too common: in the name of child welfare, ACS offers policing rather than social work,” said **Chris Gottlieb, the Director of the NYU Family Defense Clinic.** “But the Constitution applies to all government actors, however they label themselves. It is time to stop the over-policing of low-income families of color. Survivors of domestic violence deserve support, not surveillance.”

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