Introduction to ACS, Court Proceedings and Your Legal Options

What is ACS?

In New York City, the Administration for Children's Services (")ACS") is the agency in charge of making sure that children are not neglected or abused.

What does ACS do when it receives a report that a child is in danger?

ACS is required to take action after it learns that a child may be in danger. When a report is received, ACS must investigate to determine whether the information in the report is true and whether the child is safe at home.

If the child is found to be unsafe, ACS may first try to work with the family to create a safety plan for the child. This may include taking steps to keep the child safe at home or placing the child with a relative for a short time without going to court. If the child is still in danger or the family is unable or unwilling to follow the safety plan, ACS may remove the child from the home. In an emergency, ACS must remove the child from the home immediately.

Who must ACS notify when a child is removed from the home?

When a child is removed from the home, ACS is required by law to make thorough efforts to locate relatives of the child and notify them of the child's removal. ACS must notify grandparents, other relatives, and persons identified by a child five years of age or older as playing or having played a significant role in her life.

ACS **must inform relatives of their options** to be a placement resource for the child. ACS must inform relatives about how to become a foster parent and about any other help available to relatives who care for a child in their home. If you have not been notified after ACS has removed a child, contact ACS immediately to find out the details of the child's court case and to ask about your legal rights. If you are having problems with a foster care agency, contact ACS's Office of Advocacy, at (212) 676-9421.

What happens after a child is removed from the home?

ACS will bring a child protective proceeding. The Court will hold hearings to decide whether the claims of child abuse or neglect are true. If the court finds they are true, a hearing will be held to decide whether the child should return home or remain under the control and custody of ACS. The completion of these hearings can take months or even years, and the Court must decide where the child is placed in the meantime. The Court relies heavily on the judgment of ACS and foster care agencies in making placement decisions. Foster care agencies are independently-run organizations hired by ACS.

What are the phases of a child protective proceeding?

There are three basic phases that occur when the child is removed from home because of neglect or abuse allegations and placed in foster care. First, the court must approve removal of the child from the home and placement of the child with ACS through a removal hearing in court. Then the court must determine at a Permanency Hearing whether the child should be returned home or remain in foster care. The Permanency Hearing must be held no more than 240 days (eight months) after the removal of the

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child. Hearings will continue to be scheduled every six months after the first permanency hearing until the child returns home or moves to another permanent living arrangement.

What does a courtroom look like?

When you enter a courtroom in Family Court, you will typically see a judge or referee sitting behind a raised desk in the back-center of the courtroom. On one side, next to the judge, will be the court clerk. On the other side, the court officers (in police uniforms) will often sit. There will be long tables with chairs where you come in. If you started the case, you are called the "petitioner." The petitioner sits behind the table on the right side. The "respondents" (the birth parents, if you started the case) will sit behind the table on the left side. If the Court has appointed an attorney for the child, that person will sit to the left of the respondents.

For more information about your options, please contact
MFY's Kinship Caregiver Law Project at 212.417.3850