

Family Court Shutdown due to Coronavirus Could Cause Termination of Parental Rights for Countless Families

By Allie Parker, Health Impact News | April 13, 2020



Federal laws require states to initiate termination of parental rights when a child has been in foster care for 15 of the last 22 months. With family courts shutting down across the country due to the Coronavirus outbreak, delaying reunification and adjudication hearings, could families face termination of their parental rights without due process?

Family Reunification on “Indefinite” Hold

In a [story](#) by Abigail Kramer for [Center for New York City Affairs](#), March 30th, Kramer reports,

“Amid the chaos caused by Covid-19, New York City parents with kids in the child welfare system have lost access to the Family Court judges normally entrusted with protecting their rights.”

Kramer found,

“at least one case where the child welfare agency for New York City held custody of a child for more than a week without seeking permission from a judge, according to family members who were desperate to bring the child home.”

CPS must have a signed order by a judge in order to remove a child from their home, unless the agency feels a child is in imminent danger, at which time the agency can proceed with an

“emergency removal.” The agency must then seek the approval of a judge on the following business day. At that time, the family is likely assigned an attorney or has already sought legal counsel to contest the removal and petition the court to return the child home.

With the potential spread of COVID-19, family courts have closed or reduced caseloads. According to the report by Kramer, regarding a statement from the New York State Office of Court Administration, judges are holding hearings by phone and video, only on “essential/emergency” matters. The administration did not respond to the author’s request for further comments on their story.

Kramer states, according to attorneys who represent parents, judges are continuing to hear petitions from the Administration for Children’s Services (ACS) seeking to remove children from their homes and place them in foster care, but they are not willing to hear motions by parents seeking to return children home.

The attorneys claim the results of this will be,

“Children may be held unnecessarily, away from parents who have little legal recourse or protection.”

Emma Ketteringham, managing director of the Family Defense Practice at The Bronx Defenders, is quoted in an email statement as stating,

“ACS continues to take children away from their parents. Yet the court has built a system where government power will go unchecked and children and parents have almost no ability to challenge their continued separation.

This approach denies Constitutional rights, does irreparable harm to the children the system claims to protect, and is a message to the world that the families in the child welfare system, the vast majority of whom are low-income and of color, are not ‘essential.’”

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