

Dan Ruben  
Executive Director  
Equal Justice America  
Building II – Suite 204 13450 East Boundary Road  
Midlothian, VA 23112

Dear Mr. Ruben,

I spent ten weeks this summer at the Neighborhood Defender Service of Harlem (NDS) in Harlem, New York. I interned with the Family Defense Team (FDT), which provides civil legal defense to parents and caretakers involved in the child protective system. The FDT attorneys, social workers, and parent advocates provide comprehensive services in an integrated team model, working with the Criminal Defense, Civil Defense, and Immigration Defense teams to address the far-reaching and interrelated penalties of involvement in criminal and civil legal proceedings.

Before spending my summer at NDS, I knew that I wanted to provide parent representation to clients with Article 10 neglect and abuse proceedings in Family Court in New York City. After completing my summer with FDT, my dedication to providing this representation was reaffirmed. Furthermore, my commitment to providing holistic, strengths-based legal advocacy grew.

Family defense work and the state of the child welfare system highlight the continuing need for legal efforts to protect people's basic right to have and to raise children. A system that is supposed to help families and keep children safe often instead does incredible violence to these families. It unnecessarily separates children from their parents and places children in foster care for lengthy periods of time, rather than addressing the underlying root issues, like poverty, mental health challenges, substance abuse, and racism. Poor parents and parents of color are most often involved in the child welfare system, amounting to a systemic deprivation along race and class lines of the right to have a family. Parents are rarely given an opportunity to be heard. When they are not silenced, caseworkers, attorneys, and family court judges frequently do not listen to what parents have to say. Protecting family autonomy is critical to protecting civil rights.

During my internship, I performed a variety of tasks to support the goal of providing holistic advocacy to clients in Harlem, including researching, writing motions, interviewing clients, prepping trials, and appearing in court cases and conferences. For example, I met with one client, Ms. R. Ms. R had submitted to a charge of neglect in Family Court. Her son was home in her care, and she had completed all of the services that the Administration for Children Services (ACS) had asked her to complete. But her record with the Statewide Central Register (SCR) now contained a permanent indication of child neglect. This was particularly damaging for Ms. R, because she had for a long time wanted to pursue a career in teaching, and had already begun working towards a degree in education. Any potential employers for jobs involving working with children would be able to access the SCR and see that Ms. R had an indicated case of child neglect. But they wouldn't be able to see the nature of the case and the grounds for the alleged neglect.

Ms. R's case was the result of poverty, not willful neglect or maltreatment. The neglect petition accused her of inadequate guardianship and medical neglect, in that her

son had been diagnosed with “failure to thrive.” But this was due in large part to Ms. R’s difficulty in breastfeeding and inability to access resources to help her feed her son. Furthermore, her son was diagnosed with a number of developmental delays which Ms. R had of course not been able to diagnose herself, and her son had not been able to access treatment without these diagnoses. As soon as Ms. R was given support around food and developmental treatment for her son, her son’s health rapidly improved. By the time I met with her, he was a happy, healthy, normally-functioning toddler.

Ms. R’s case in Family Court does not show that she is a “danger” to other children. Rather, it is an indication that she was a single parent struggling financially to provide for her infant. The answer to that problem is support, not punishment. Indeed, an indicated finding on the SCR will only create future challenges and harm for her and her son. By limiting her employment prospects in a field in which she is qualified to work, the indicated case of neglect will limit Ms. R’s future ability to financially provide for her child.

I met with Ms. R to hear about the details of her case, how she and her son are doing now, and why she wants to work in education and how it is important to her family’s future wellbeing. I helped Ms. R draft an affidavit for her to tell her story to the court. I wrote a motion asking the court to vacate the finding, which would then make it much easier to challenge the SCR indication in an administrative proceeding. The results of this are still pending, but I am hopeful that Ms. R will eventually have her record sealed and amended so that she may pursue a career in education.

After my summer at NDS, I realized how committed I am to legal work that partners with the communities it seeks to serve. I recognize that I am not and cannot be an expert on what a community or a client needs or wants, but can be a partner to clients, working together to protect their rights and advance their goals. I am grateful for the chance to work with the clients that I meet, and even more grateful that they trust me to listen to their stories and advocate on their behalf. I will never know what it means to be in any of their positions, but I will keep trying. I am grateful I was able to work in Harlem this summer, and I would not have been able to live and work in New York City without the support of the Equal Justice America fellowship grant. Thank you for your support.

Sincerely,

Julia Popkin  
NYU School of Law  
Class of 2017