

October 5, 2018

Dan Ruben  
Executive Director Equal Justice America  
13540 East Boundary Road  
Building II, Suite 204  
Midlothian, VA 23112

Dear Mr. Ruben,

I am writing to express my sincerest thanks for the assistance that Equal Justice America provided me this summer. My internship at Brooklyn Defender Services Family Defense Practice was more meaningful than I could have ever imagined. Working in the family defense practice at a public defender office provided me with numerous opportunities to learn about and observe firsthand the interconnected legal issues facing people in low-income communities. Not only did I receive outstanding supervision and mentorship, but I also had the privilege of working with parents in Kings County Family Court, which reaffirmed my commitment to providing direct legal services.

Child welfare agencies are tasked with not only making difficult decisions but also with doing so when the stakes are extraordinarily high. No one would deny the importance of ensuring children's safety; however, the actual practice of family court showed me that a culture of fear and anxiety—combined with systemic racial and cultural biases—leads to poorly thought out state intervention that works more harm in the lives of many families and children caught up in the child welfare system. For every case of serious harm in family court, there are far more that stem from the realities of parenting while poor. I saw how poor parents struggling to make ends meet found themselves accused of neglecting their children—by, for instance, living in dilapidated, low-income housing, by not having enough groceries in the house, or by leaving children unattended because they could not afford childcare.

But even beyond cases like that, where economic support would ease, if not eliminate entirely, any risk of harm to a child, there were some cases that seemed purely punitive. One client, a woman I'll call Ms. Z, seemed to be in family court simply because she refused to comply with the Administration for Children's Services (ACS)'s burdensome scrutinizing of her family. Ms. Z first became involved in the child welfare system when she sought help for her daughter. Noticing some troubling emotional behaviors in her 6-year-old, Ms. Z called a city helpline, asking to be connected to therapeutic services. When Ms. Z, whose family's Medicaid coverage had been temporarily deactivated, could not find a therapist for her daughter within three weeks, ACS filed a petition against her in family court alleging that she had medically neglected her child by failing to get her into therapy services fast enough.

Over the following year and a half, despite the fact that every time ACS observed her daughters they were in perfect health, ACS continued to fight to prove that Ms. Z had been neglectful. It was clear that ACS fought so hard in this case—where the risk of harm was extremely remote—as a punishment for Ms. Z's unwillingness to comply with the agency's frequent, invasive home visits (for which they had no judicial warrant). On the one hand, as a future lawyer, I recognized that Ms. Z's case could have resolved more quickly if she had simply complied. But on the other hand, I admired Ms. Z's resistance. If the point of family court were

rehabilitation and the protection of children's wellbeing, then why was ACS dragging this family into court every other month despite there never being any real safety concerns?

I thought about Ms. Z's resistance as I drafted the motion to dismiss the petition against her this summer. I was grateful that I could help in her legal fight, and I tried to bring her resolved, determined spirit to my research and writing. One of the arguments we raised was that, pursuant to the Family Court Act, the "aid of the Court was no longer required." That provision of law seemed to square exactly with what Ms. Z had been saying all along.

I was thrilled to learn just last week that the motion I researched, wrote, and filed this summer was ultimately accepted by the judge. The judge recognized that mere non-compliance with ACS is not neglect, particularly when there is no evidence that a child is at any risk of harm. After nearly two years of fighting, Ms. Z had finally won.

This summer was one of tremendous learning and significant responsibility. It was also a summer that would not have been possible without the assistance of Equal Justice America.

Deepest thanks,

Ryan Mendías  
New York University School of Law  
Class of 2019