



# EQUAL JUSTICE AMERICA

**SUMMER 2024**

## **EJA FELLOWSHIP RECIPIENT**

<b>NAME</b>	Anna Lifsec
<b>LAW SCHOOL</b>	NYU Law School
<b>ORGANIZATION</b>	Brooklyn Defender Services

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**Update 1:** This week I'm wrapping up week two of my internship at Brooklyn Defender Services Family Defense Practice. The two weeks have been incredibly informative, with a detailed training program and lots of time in court observation. Through this time I have been exposed already to the punitive reach of the family regulation system. This system is incredibly invasive in the life of my clients, and essentially criminalizes and punishes poverty. Many of our clients have cases against them for simply being the victim of a crime. The staff at BDS are doing incredible work in the policy, direct services, and litigation spaces to change this system. While I support my supervisors on their current case load, I am also able to support the policy team on investigating how to apply the 4th amendment to Child protective services. I'm looking forward to applying the training I've been getting to representing clients in the weeks to come.

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**Update 2:** For my second reflection, I am focusing on the lack of due process within family court. Over the last few weeks, I have observed countless clients trudge through this incredibly slow and exhausting system. Family court proceedings often present a distressing reality for parents, marked by glaring disparities in due process compared to criminal courts. In these tribunals, the principles of fairness and procedural safeguards often seem diluted or even absent. Unlike criminal trials, where defendants enjoy protections such as the presumption of innocence and the right to a speedy trial, family court litigants frequently face prolonged and agonizingly slow legal processes. Cases can languish for years, exacerbating emotional and financial strain on families already in turmoil, and during these prolonged court proceedings, parents are often separated from their children. It is clear to me among the countless reforms necessary in family court, there must be some kind of focus on enhancing due process protections and increasing the court's capacity to hear cases and move cases along. There is too much on the line not to.



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**Update 3:** Today I want to reflect on how the institution of family policing is steeped in white supremacy and institutionalized injustice. Black and Hispanic children account for about 90% of child protective investigations. While poverty is a big factor in who gets targeted by family policing, race plays an even bigger role. Even when you account for child poverty, neighborhoods with more Black and Latino kids face much higher rates of investigations. And it's not like these communities have higher rates of actual abuse; this just shows how deeply racism, both implicit and explicit, is built into the system.

A major way this racism shows up is during the early stages of ACS (Administration for Children's Services) investigations. Reports from ACS have revealed that white families often face less scrutiny and are usually "presumed innocent," while Black and Brown families are unfairly viewed as more suspicious. Studies back this up, showing that caseworkers tend to be biased against Black and Brown families, even when looking at the same conditions of abuse or neglect. This bias skews the entire process, unfairly targeting marginalized communities and reinforcing systemic inequality.

Every single one of my clients, except one, is Black or Brown. All, of course, are poor. Not only does this traumatize and destroy poor communities of color, but it also leaves white children facing difficult childhoods without any support or intervention. All children suffer.

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**Update 4:** This summer has continued to show me so much of the harm of the family policing system and all the ways it can be changed. Recently, I learned about Res Ipsa cases. These are cases where parents bring their children to the hospital, and child abuse pediatricians deem that the infants' injuries likely derived from abuse. Without affirmative evidence, parents can be charged with abuse and have their children removed from their care. This part of the family policing system is rife with racism and bias. White families show up to hospitals and are treated with sympathy, whereas black families are immediately deemed suspicious. These cases are devastating, especially when the parent is dealing with the trauma of both the child's injury and the devastation the family regulation system causes in their lives. Learning about this has made me really eager to explore how to reform the use of res ipsa loquitor in family court.

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**Update 5:** My summer at Brooklyn Defender Services was eye-opening and deeply educational, shedding light on the many flaws and harms of the family regulation system. One of the most striking revelations was the lack of legal rights for parents before they are officially appointed a lawyer, which only happens once an Article 10 petition is filed against them. Before this, parents are left without an attorney and, although they technically have rights, they often don't know about them, aren't given the chance to assert them, and even if they do, their rights are



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frequently ignored. Without a system for suppressing evidence in family law, there are few remedies for these violations.

This experience has inspired me to focus my career on early defense work, which I see as crucial to the future of family defense. Parents need access to attorneys and advocates earlier in the process when ACS begins its surveillance. This support helps them understand their rights and ensures they have someone fighting for them. I worked with clients this summer who had endured years of harassment from ACS without any formal court cases. Many had resigned themselves to this intrusion as a permanent part of their lives, unaware that ACS cannot conduct unfettered surveillance without court orders if access is denied.

I am passionate about empowering families to know their rights and am eager to work in policy or affirmative litigation to expand these protections. However, of course the issues with family regulation do not stop there. The unfairness of court proceedings that drag on for years and the lack of procedural safeguards for families are just two more examples. One particularly difficult case comes to mind. ACS removed an autistic child from his mother because she was late picking him up from day care. A judge who, after mistakenly sending the child to his abusive father, harshly criticized our client for not mentioning a custody order that hadn't been discussed. However, the judge hadn't given our client the space and time in the initial court appearance to mention that the child should not be sent to his abusive father, thousands of miles away. Weeks later, the child has still not been returned. It often feels like the system picks a side—whether it's a parent, foster parent, or grandparent—and does whatever it takes to justify that choice, turning critical issues into a high-stakes game where the real losers are the children caught in the middle.