

## Candidate

[REDACTED] Phone: [REDACTED]  
[REDACTED] Alt. Phone: [REDACTED]  
[REDACTED] Email: [REDACTED]

[REDACTED] [REDACTED]  
Graduation (actual or expected): May 2021  
Applying for other fellowships or clerkship: No  
Primary Language: English  
What other languages do you speak:  
French (intermediate proficiency)  
Preferred Pronouns: [REDACTED]

## Proposal

Subject Area Classification:	Racial Justice
Project and Target Population:	Combat family separation and the surveillance of Black and brown mothers by advocating for timelier and holistic representation in child welfare cases and through community outreach and education.

## Host Organization

[REDACTED]  
[REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED] [REDACTED]

# Information Supplied By Candidate

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## Part I. Project Description

### Statement of Need

After a long day, ██████ put in headphones and treated herself to a bath. While she was in the tub, her five-year-old daughter ██████ got out of bed and wandered to her great-grandmother's house across the street. For ██████ a devoted single mom, this incident was life-altering: authorities removed ██████ to foster care.

██████ story is not unique. Black and brown mothers live in fear of "The New Jane Crow." The child welfare system has become for Black women what the criminal legal system is for Black men—an invasive institution that monitors and punishes them for socio-economic factors beyond their control. As society confronts structural racism in policing, it must simultaneously address systems that target families for surveillance and separation.

In New York, nearly 18,000 children live with strangers in foster care. Most were removed not for abuse, but for alleged neglect—often arising from circumstances related to poverty, such as insecure housing, poor nutrition, or lack of childcare. Racial disparities in the foster system are stark. In New York, Black children, who make up less than 15% of the population, comprise nearly 57% of foster youth and are more than twice as likely to be the subject of calls to the Central Registry. Nationwide, over 50% of Black children have had their parents investigated for abuse or neglect, and Black families are twice as likely as white families to be permanently torn apart.

Black and brown parents already face uphill battles in child protective services (CPS) cases, confronting bias, fewer resources, and greater odds of having a past conviction. They are further disadvantaged by the state's failure to require parent representation or information about their rights during the CPS investigation phase. Parents must navigate CPS questioning, home visits, strip body checks of their children, and demands for medical records without support. Indeed, most parents do not meet their lawyer until their first court date, after a full investigation has been completed and, in many cases, after their children have been removed. Moreover, because the state leaves counties to fund representation for indigent parents, the assigned attorneys are often over-burdened and ineffective.

Yet New York is poised to lead. In New York City, advocates have pioneered new models of early representation that are ripe for replication statewide. In this moment of unprecedented attention to racial justice, real change is urgent, and it is possible.

### Project Goals

My project will combat the surveillance and punishment of Black and brown mothers to reduce family separation. I will advocate for early access to counsel and other improvements to parental representation, provide information to parents about their rights and resources in CPS interactions, and educate health care providers about their role in triggering CPS cases through drug testing and reporting. I will also explore opportunities for impact litigation.

Policy & Legislative Advocacy: I will work with coalition partners to advance legislation and policy initiatives that help indigent parents access counsel at the outset of a CPS investigation, as well as other reforms. I will draft support memos, participate in policy briefings, help shape legislation, and comment on proposed administrative changes as opportunities arise. I will seek to expand and deepen the base of support for this issue, building on current momentum for racial justice.

Impact Litigation: I will seek opportunities to file amicus briefs and/or bring litigation challenging the state's failure to provide adequate counsel at pivotal moments in CPS cases, such as the investigation stage and initial removal decisions, where fundamental liberty interests are at stake.

Community Outreach & Education: Many people know their rights when approached by police officers, but few know their options when speaking to CPS investigators, who are not required to provide the equivalent of a Miranda warning to notify parents of their rights to deny entry or refuse to answer questions. CPS frequently pressures parents to provide unfettered access to their homes and make incriminating statements that may be used against them later. To better prepare parents for CPS interactions, I will develop and distribute materials on rights and resources, coordinating with [REDACTED] chapters located throughout the state to reach families in underserved upstate communities.

Health Care Provider Outreach & Education: Many child removal cases begin with health care providers, who mistakenly think they must test infants and pregnant individuals for drug exposure and report positive tests to CPS. Public health groups strongly oppose this: it can lead to separation of newborns from nursing parents and deter pregnant people from seeking health care. I will develop and present educational materials to health care providers to clarify their requirements under law and help them understand the devastating consequences of over-reporting.

## Two-Year Timeline

### 0-6 Months:

- Collaborate with coalition partners and [REDACTED] chapter offices to identify key stakeholders across the state.
- Deepen relationships with coalition partners and develop short-, mid-, and long-term goals, which may include pursuing litigation, testifying at hearings, meeting with agency officials, educating legislators, and engaging the public.
- Identify opportunities to file amicus briefs by tracking cases in New York State courts and federal courts. Draft and submit briefs.
- Monitor intakes for potential impact cases or pro-bono referrals. Engage in legal research to inform potential litigation.
- Work with the [REDACTED] eight chapters to connect with community-based organizations providing resources to impacted families.
- Begin developing Know Your Rights (KYR) and educational materials for parents and health care providers.

### 6 - 12 Months:

- Pursue opportunities for legislative and administrative advocacy, such as testifying at hearings, meeting with agency staff, and educating legislators.
- Continue to identify opportunities to file amicus briefs. Draft and submit briefs.
- Continue to monitor intakes for potential impact cases or pro-bono referrals and engage in legal research.
- Work with [REDACTED] chapters and community-based organizations to coordinate and present KYR trainings for parents in underserved areas.
- Disseminate educational materials to health care providers throughout the state, targeting public hospitals.
- Explore potential opportunities to partner with social work schools to develop a clinical program focused on advocating for parents.
- Collaborate with [REDACTED] communications and organizing departments to develop public engagement strategies.
- Reflect on the successes and challenges of the first year. Reassess project goals to ensure the needs of impacted communities are being met.

- 12 - 18 Months:**
- Continue to support legislative and administrative advocacy.
  - Continue to identify opportunities to file amicus briefs. Draft and submit briefs.
  - Continue to monitor intakes for potential impact cases or pro-bono referrals. Potentially draft a complaint and initiate civil litigation, as appropriate.
  - Expand and continue KYR trainings with community partners for parents in underserved communities.
  - Expand and continue educational outreach to health care providers throughout the state.
  - Strategically incorporate communications and organizing efforts to bolster advocacy.
  - Continue to explore potential opportunities to partner with social work schools to develop a clinical program focused on advocating for parents.

**18 - 24 Months:**

- Continue legislative advocacy efforts.
- Support any ongoing litigation efforts.
- Bolster legislative advocacy and litigation profile through public engagement campaigns, including potential media opportunities.
- Continue KYR presentations and provider education.
- Leave the [REDACTED] with a transition memo summarizing the current state of play and identifying ongoing advocacy and litigation opportunities.
- Transition KYR and provider education outreach to appropriate chapter staff and community partners.
- Develop sustainability plan for the project.

## Distinction Between Project and Existing Services

There are no services currently provided that address the need of the community to be served.

## Community Collaboration

Collaborating with community-based service providers will be essential to this project's success. Local direct service providers witness firsthand the destructive impact CPS can have on families and play a key role in identifying the mechanics of injustice. Because they are closest to the problems, they are also in the best position to inform solutions. It is important that every stage of this project is guided by the lived experience of impacted families and the practitioners who stand with them, and I plan to collaborate with them throughout my work. I have already discussed this project with the Bronx Defenders, PLAN, and CFR, and they welcome the [REDACTED] contributions in this space. I will also draw on the [REDACTED] chapter offices' relationships with direct service providers in upstate communities to learn about the unique issues they face and support their clients through KYR trainings.

Collaborating with partner organizations will be key to generating momentum and leverage for legislative advocacy. The [REDACTED] has relationships with community-based and legal impact organizations like PLAN, Movement for Family Power, and National Advocates for Pregnant Women that can help develop a strategic legislative advocacy plan that includes stakeholders and policymakers as allies. PLAN is a network of affected parents, legal services providers, and non-profit organizations that have experience with child welfare-involved children and families across the state. They have deep insight into the realities of the current system of parent representation and can help craft responsive advocacy approaches that incorporate compelling individual stories. Movement for Family Power works nationally to reduce the harms associated with the foster system. We can collaborate to bring tactics and lessons from other states to bear in New York. National Advocates for Pregnant Women will also be a useful ally in the realm of drug testing and reporting, as they can provide nuanced expertise on an intricate legal landscape. We will also partner with health organizations and associations that can facilitate connections to health care providers for education and engagement.

Ultimately, this project will not only rely on collaboration with other organizations, but also on the trust of

impacted communities. I intend to listen to and learn from community members and direct service providers and continually calibrate my work to respond to their needs and goals.

## **Potential Sponsor Involvement**

Fellowship sponsors can meaningfully expand the reach of this project. Law firms may have the opportunity to serve as co-counsel on impact litigation that establishes a parental right to earlier representation in CPS cases. Attorneys may assist with legal research, drafting pleadings, complaints, and briefs—including potential amicus briefs—and factual investigation. I can also refer individual clients facing CPS cases to a sponsoring law firm for pro-bono representation. Additionally, I am eager to train law firm staff, including both attorneys and paralegals, to deliver KYR trainings. This would significantly enhance this project's capacity to reach more parents throughout the state.

Non-legal sponsors would also be valuable assets in this work. Communications experts could help design education and training materials, along with graphics, websites, and flyers for both targeted and general audiences. They could also support media advocacy, such as by helping place op-eds. Any sponsor organization would additionally be welcome to support legislative advocacy efforts, accompanying me to hearings and meetings with local representatives. I would also be delighted to share my work with the sponsoring organization in order to deepen their understanding of these issues.

## **Candidate Pro Bono Experience**

During my first year of law school I volunteered with the International Refugee Assistance Project to support pro bono attorneys working on an asylum case for an Iraqi client. I worked with a team of students to provide regular updates to the supervising attorneys and facilitate communication between them and the client, who ultimately obtained a visa.

In addition to this direct experience with pro bono attorneys, I have significant experience coordinating projects and managing others, even those who are senior to me. Working as New York Governor Cuomo's briefer, I regularly assigned briefings to senior policy staff and respectfully managed and edited their work. As New York's Deputy Organizing Director on a 2016 presidential campaign, I additionally oversaw the work of full-time organizers and large numbers of volunteers. More recently, I was a member of my law school's Community Advocacy Lab clinic, where my client was a nonprofit organization. In this role, I served in a sense as the pro bono attorney, engaging in advocacy in concert with and at the behest of another entity. I believe these experiences have prepared me well to coordinate pro bono activities among busy attorneys, accounting for deadlines, revisions, and meaningful engagement.

## **Part II. Candidate's Personal Statement**

### **Personal Statement**

My perspective on the world and commitment to working towards social change were shaped by my upbringing at the nexus of privilege and insecurity. My sister and I were primarily raised by a single mother, who worked and sacrificed tirelessly so that we could benefit from educational resources and opportunities in a community we could barely afford. As a child, I witnessed the exhaustion and anxiety that my mom bore, even in our position of relative advantage. As I grew older, I began to understand the systemic nature of racial, gender, and economic oppression that makes striving for opportunity even more difficult for low-income women of color.

I came to law school to become a more effective ally in the fight to reduce inequalities and improve access to justice for all. I also hoped it would reveal a lynchpin issue that, if resolved, could loosen a tangle of other problems and generate a cascade of positive effects. I believe "The New Jane Crow" is that issue. In Professor Kimberlé Crenshaw's intersectionalities workshop, we discussed a Dorothy

Roberts article about prison and foster care. I was struck by the incisive way it connected the threads of structural racism, sexism, and classism to reveal a vicious cycle of oppression. It threw into relief the systemic stressors, rooted in our history of slavery and stereotypes about Black women's capacity for motherhood, that my family was privileged not to face.

Roberts' analysis also resonated with my experience volunteering with women incarcerated at Rikers Island. While these visits began as poetry discussions, they invariably evolved into conversations about personal values, family, and life's challenges; most women wanted to talk about their children and expressed that being separated from them was the most difficult aspect of their incarceration. This small window into their anguish profoundly affected me and grounds my commitment to this project.

In addition to continuing to listen and learn from impacted communities, I will also bring my own insight into the New York policymaking process to this fellowship. Working as Governor Cuomo's briefer, I had a unique window into the considerations that drive decision-making in New York government. As an advocate, lobbyist, and organizer with the Women's March, I further explored the range of tactics needed to influence the conversation. More recently, in my law school clinic, I learned how to use movement lawyering methods to advocate for policy change, while working to eliminate incarceration fees in New York State. I applied these lessons last summer as a policy intern with the [REDACTED] working in coalition to advance civil rights at the intersection of race and gender through legislation and public education. As an EJW fellow, I will draw on my familiarity with the dynamics of New York politics and bureaucracy to fight effectively alongside New York families.

My personal experience and exposure to others' struggles fuel my commitment to fighting the violence of family separation, and I believe combatting the foster system's disproportionate harms is an integral part of the struggle for racial, gender, and economic justice. If selected for this fellowship, I will use my skills to help break the oppressive cycle of family surveillance, disruption, and punishment and effect meaningful, community-centered change.

# Information Supplied by Host Organization

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## Part I. Host Organization Background

### Total Number of Attorneys on Staff

27

### Previous Experience Hosting Equal Justice Works Fellows

Yes, we have experience hosting fellows.

### Pro Bono Experience

The [REDACTED] has extensive experience working with law firms. For example, over the past several years, the [REDACTED] worked with pro bono attorneys to analyze the results of Freedom of Information Law requests concerning data and policies from more than 20 police departments, culminating in the release of a "Police Report Card." We often co-counsel with pro bono partners on major litigation, such as our class action lawsuits challenging the solitary confinement practices in New York prisons and the stop-and-frisk practices of the New York City Police Department. We also routinely engage with law firms on more discrete legal and policy research and writing projects. Our New York City location coordinates our relationships with many law firms' pro bono programs, and we have recently designated an experienced attorney, Lisa Laplace, to prioritize and expand our collaboration with pro bono partners.

## Part II. Candidate Relationship with Host Organization

### Candidate Experience at Host Organization

[REDACTED] has done substantial work with the [REDACTED] as a legal policy intern during the summer of 2020. Due to the pandemic's virtual realities, the [REDACTED] did extensive onboarding with [REDACTED] and the rest of the 2020 intern class. This onboarding focused on [REDACTED] policy and procedures, DEI trainings, and aimed to develop students' skills in writing and more. As an intern, [REDACTED] attended weekly policy department meetings where staff provided updates on their ongoing projects and discussed strategic approaches for a wide-variety of civil rights issues. She also met with staff and conducted legal research and writing for members of the policy department. [REDACTED] met separately with her supervisor and mentor weekly to monitor progress, answer questions, and provide feedback, both of whom will play significant roles in [REDACTED] fellowship. Over the summer, [REDACTED] participated in the development of the [REDACTED] agenda related to the family regulation system, the core of her proposed fellowship project, and worked closely with the staff who will supervise and work with her. [REDACTED] is fully informed about the salary and benefits provided by [REDACTED]

## Part III. Project Background

### Conception of Project and Its Relationship to Mission of Host Organization

This proposal grew out of a recognition of the need to confront the racial justice, gender justice, due process, and civil liberties issues rampant in the child protective system in New York, as well as the

shortcomings of existing models of legal representation. Following the lead of grassroots activists and defense providers, the project focuses on the ways in which child protective services often remove children from their homes for reasons having much to do with poverty and circumstances beyond a parent's control and in ways that overwhelmingly impact families of color and women of color. Where the criminal legal system has been called the New Jim Crow, the child welfare—or family regulation—system has been called the New Jane Crow. Our project will focus on strengthening the due process protections afforded to parents at the early stages of child welfare investigations through better access to counsel and information about a parent's rights, including through legislation, possible litigation, and outreach to stakeholders, such as social workers and health care providers. The fellow will focus on parts of upstate New York where resources are scarcer. This is one pillar of our broader racial and gender justice agenda.

The project builds on the [REDACTED] prior litigation and legislative work to ensure a meaningful right to appointed counsel. In 2014, the [REDACTED] settled a lawsuit brought against five counties for failing to adequately ensure that criminal defendants received effective assistance of counsel, requiring a number of reforms. In 2017, in response to our lawsuit, legislation reformed New York's public criminal defense system statewide, including shifting costs from cash-strapped counties to the state. One of the aims of this project is to expand these types of reforms to the often-overlooked parental defense system, particularly in underserved regions that have few, if any, institutional legal services providers.

The fellow's work will be distinct from that of current [REDACTED] staff; she will be the only staff member focusing primarily on child welfare issues, although she will be supported and mentored by a team of attorneys. The [REDACTED] maintains relationships with other advocates working on these issues and supported legislation reforming the family regulation system; we hope to use this fellowship to expand that work into a more robust part of the [REDACTED] agenda. The EJW fellow will play an indispensable role helping us accomplish that objective.

## Part IV. Supervisor Information

### Supervisor's Expertise in Project Subject Area

X will supervise [REDACTED]. X has over a decade of relevant experience, including nearly seven years at the [REDACTED]. Since 2009, [REDACTED] worked on projects involving both access to justice and government regulation of families at the intersection of race and gender. These have included working in traditional and alternative intervention models around violence within family systems; developing family supports in the contexts of kinship care, re-entry after incarceration, and access to benefits and housing; and involvement with the statewide advocacy campaign to ensure that defendants throughout New York have appropriate access to counsel. [REDACTED]

X is also a core participant in the Gender & Sexuality and Racial Justice Working Groups. Among other things, X participates in a project across these groups that aims to reinforce alternatives to police involvement where interpersonal violence has occurred.

### Supervisor's Experience Managing Staff

X has over nine years of experience managing and supervising attorneys. This includes several years of providing direct supervision to multiple [REDACTED] staff attorneys/counsels and legal fellows and managing project teams that involve attorneys of varying levels of experience. Prior to their time at the [REDACTED] X trained and supervised other early-career attorneys in both document production and criminal appeals defense. In addition, during law school, X established and administered for two years a pro bono project that involved the training and supervision of law students, law graduates, and admitted attorneys in representation at public benefits hearings.



# Supervisor's Proposed Interaction with Fellow

X meet with [REDACTED] for an hour once a week to check-in on the status of the project and provide feedback. In addition, X and [REDACTED] will meet at least twice a month with Policy Counsel XY, who has been developing the regulation and who has more than three years' experience representing clients in the child protective system prior to joining the [REDACTED] and with Senior Policy Counsel AB, who co-chairs the [REDACTED] Gender & Sexuality Workgroup and leads work on pregnant people's rights. These meetings will be opportunities to ensure the project is on track to meet its anticipated milestones, to brainstorm strategies, and to troubleshoot any issues that arise in achieving the project's goals. In addition, [REDACTED] will participate in Policy Department meetings once a week, which will allow her to seek feedback from a broad range of experienced civil rights attorneys and provide updates on her project.