

Defending Families Facing Child Removal - Asia Piña, MSW

Episode 21

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Shimon: Welcome to Doin' The Work, the frontline stories of social change, where we bring you stories of real people, working to address real issues. I am your host, Shimon Cohen.

In this episode, I talk with Asia Pena, who is an Early Defense Social Worker for the Family Defense Practice at Bronx Defenders, in the Bronx, New York. Asia explains how she works with a team of social workers, parent advocates, and attorneys, to best defend parents who are being charged with abuse and neglect of children.

We discuss the disproportionate numbers of Black and Brown children, as well as children in poverty, who are removed from their parents. And how racism and systemic oppression set the framework of many child welfare policies and practices. Asia describes that the beautiful, diverse families in the Bronx, who love their children, feel like they are under constant surveillance by the state, in the form of the New York Police Department, and Administration for Children's Services. She also talks about how she got into this work, practicing self care, and shares a message for students interest in working in the child welfare system. I hope you enjoy the conversation.

Hey, Asia. Thanks so much for coming on the podcast, really excited to hear about the work you're doing at Bronx Defenders. Just to get things started off, could you just jump in and let the listeners know what you do?

Asia: Thank you for having me. I am a social worker, as you said, at the Bronx Defenders. The Bronx Defenders is a public defense office, located in the South Bronx, in New York City. We represent families in what we call a holistic model. There's the inter-disciplinary team of folks that we work with, which means that they are parent advocates, social workers. They are community organizers, there are other staff, including attorneys from different disciplines. Disciplines such as criminal attorneys, family attorneys, civil attorneys, housing attorneys, emigration attorneys. We all collaborate, all work together, in a client-center focus to represent individuals and families that need legal representation in the Bronx.

Shimon: That sounds amazing. You know, I followed the work a little bit. I've been so excited to talk to you about what, you know, the role of a social worker is within that system.

Asia: Absolutely. At Bronx Defenders, we have a practice called the Family Defense Practice. We have social workers, parent advocates, and attorneys that all focus in family law, and how to best advocate and defend parents that are being charged with abuse and neglect of children.

So, out of the Family Defense Practice birth, what we now call the Early Defense Practice, and we found that this practice was very important because, by the time that families are already in Family Court, meaning that there's already a case that has been filed, there has been a 60-day investigation that was completed by a Child Protective

worker, by the Child Protective agencies. Here, we call them the ACS workers, the Administration for Children's Services.

So, by the time that families are in front of a judge, there has already been attorneys assigned. The parent gets an attorney, ACS, Child Protective Services, they have an attorney, and also the children have an attorney. By the time they're there, the families, we believe could have been helped differently. We could have strategized differently, to prevent any further surveillance of the government on a family.

We decided to start the Early Defense Practice. There's only two of us, there's myself and another colleague. We like to reference our story like the David and Goliath story, because we're, like, against, or I must say advocating for all families, right, that come to our office, who have this ACS supervision, and the ACS surveilling on them. We strategize with the clients, we strategize with ACS, to prevent going into the Family Court, to prevent the judges from surveilling, and from supervising a family. We work closely with them to see how best we can help support families, and keep families healthy, keep families safe, keep kids together, with their parents, because here, in the Bronx, there is a really high percentage of removals that happen in Family Court. Removals also happen in the communities, removals of children also happen at ACS offices.

I personally have witnessed how ACS workers will take children from their parents arms, and take them into this secret room in the Family Court. Then, the kids are then taken into this secret van, that transports them over to a Children's Center. Which is a huge home ... I don't want to say a home. It's a huge building, that all of the kids that are removed from their parents, that's where they're housed, that's where they live, until there's a foster care agency or another relative takes the kids.

Shimon: Wow. I'm so glad we're talking about this, because I've wanted to talk about the connection within the Child Welfare system, of the disproportionate number of families in poverty that end up in this system, and the disproportionate number of Black and Brown children who are removed from their families. You're at the front lines of this work.

Asia: Mm-hmm (affirmative).

Shimon: So, I was hoping you can speak to that, in how the work you're doing is intervening with that? Or, just that issue in general?

Asia: Well, yes. This is a perfect example, and in one of your questions you mention, what are some challenges in terms of real social change? I just want to include that we are conditioned, society in itself, to believe that families of color are violent, to believe that families of color are drug addicts, believe that families of color are dangerous, and shouldn't have their children, and they should be in jail. That is far from the truth.

Here in the Bronx, we have beautiful families, diverse colors, who love their children, want to thrive with their kids. However, we're being surveilled, highly surveilled by

NYPD. Highly surveilled by ACS workers. I remember driving home from work, and I just made a right turn. I locked eyes with another police officer that was driving on the opposite side of me. I'm a light skinned Latina with curly hair. I'm just driving home. I saw that he started to follow me. I didn't know why I was being followed, but he did start to follow me, and that really scared me. I can only imagine, right, what a Black or Brown man would feel like. Or, even my dad, who is a really dark man. How would he feel if there is police officers that are following him? He didn't do anything.

So, we have NYPD, that stands for the New York Police Department, that are surveilling families, that are surveilling the community. There's an NYPD officer down here in the South Bronx, on every corner. They're in uniform, and they're also undercover. We don't know, I don't know, if they're around for our safety, or if they're around to cause any trouble. We know that there has been trouble between the police and the community, that is not a secret.

I've also been walking down the street, numerous times, where I'm walking to a meeting, I was with an intern of mine. I'm glad that she was able to experience this. One of the young ladies that was just hanging out in front of her building, asked me if I was an ACS worker. It pains me, it was very hurtful for me, to be thought of as an ACS worker, solely because I'm walking down the street. I just had a regular bag, I didn't have anything to suggest that I was an ACS worker, or anything to suggest that I work with the government, or whatever. I just had regular clothes on, and I was walking to a meeting. She thought that I was going to be in somebody's house, to remove somebody's children. That was far from the truth.

That is to say that, this community is pained. We're in pain, there's a lot of trauma, there's a lot of tension. Not only is the NYPD surveilling this community really strongly, but so is ACS. NYPD takes people to jail, and ACS, at times, removes kids. They're permanently destroying families that live in these communities, in two very strong ways. Jail, and separation of families.

Shimon: Right. It's all under the guise of safety?

Asia: Yeah.

Shimon: Then, it makes it very difficult to argue against that, because you're arguing, supposedly, against safety? We know that's not what really going on here. Maybe you could, obviously without too many details or anything, give us an example of a case where maybe there would have been a removal, but you were able to intervene and work with the family, and work that out? I think that type of thing is going to be important for podcast listeners to hear.

Asia: Yeah. There's been numerous cases where that has happened.

One of the many. There's this one family that I worked with, she called us to let us know there was an incident between her and her husband, who is the father of her children. Police were called, ACS was called. ACS called in a meeting. These meetings that they

have, the first meeting is called the Initial Child Safety Conference, short for ICSC, a CSC is what we call them. So, we were called into this meeting. The ACS workers were alleging that she has placed her children in harm's way, because she did not call the police as soon as her partner assaulted her. Therefore, they were going to remove her children.

So, we were there to say, that is not what's going to happen. You're not going to remove these children from this mom, because she was trying to actually defend herself, she was actually trying to protect her children from what was happening. She cannot literally pick up a phone and call the police when she is getting brutally assaulted. Who can pick up the phone and say, hey police, come. I'm just getting hit right now.

Shimon: Right.

Asia: Nobody would do that. So, it was crazy for me to even be in the same room with workers who know what happened. We told them exactly what happened, and they still decided to want to remove the children. Had it not been for my presence, for the early defense work, for what we did in the early stages of this case, these kids would have been removed. If that parent did not have an advocate with her, in this meeting, those children would have been removed, solely because she was trying to protect them from somebody that was assaulting her.

Shimon: It's just so intense. It's just really, really intense because the outcome for those kids, if they're removed, and what that means for their life, and all the negative statistics that are associated with ending up in the Child Welfare system -

Asia: Right.

Shimon: - that would have happened, if you're not there?

Asia: Absolutely. When kids are removed, and placed in a different foster home, not only are they removed from their parent. They don't know when they're going to see their parent again. They're placed in a completely different home. They're then placed in a different school. They have a new bed, they have a new teacher, they have new friends, they have a new school building that they have to go to. They have new clothes, if they even have new clothes. That's traumatizing for children, and it stays. Kids don't forget those things, it stays with them for a long time.

Shimon: What was the outcome, in terms of, the kids stayed with her? What happened within that family?

Asia: Right. After the meeting, ACS will give their recommendation, we're going to remove the children. So, we say no, we are in disagreement. We have to go to court, there's a petition that's filed by the ACS workers. In court, the judge decided that the kids were not going to be removed. So, thankfully, that was the solution to that case. The kids stayed with their parent, and the parent was referred to a domestic violence counseling, and some services that will help her, and also help the children as well, because the kids

were present, and were part of this incident. So, the entire family, then, began therapeutic services instead of being removed over this instance.

Shimon: Right. Therapeutic services, rather than an additionally traumatizing experience?

Asia: Exactly.

Shimon: This is your daily work?

Asia: Every day.

Shimon: How many cases like this do you intervene with, each week?

Asia: Each week we intervene in at least, at least, 50 of these cases. Or, even 100. Some of us are preventing these cases from being filed, and others are already in court, with cases that have already been filed. We have some social workers and parent advocates that are working out in the field, and trying to prevent this. Then, we have some that are in court, with the families, trying to prevent any more trauma from occurring in the home.

Shimon: It's just such powerful work. I'm really glad, again, that we're talking about this. So, you're handling a lot of cases, and this is really intense work. There's trauma happening at the family level, at the community level, you've described both. For you, what's the biggest challenge with this work?

Asia: The biggest challenge for me, is seeing people that look like me, remove children from families that look like us. The majority of the CPS workers, ACS workers that we come across, they look like me. They're folks of color, going into family's homes, in the Bronx, that all look like me. They're deciding, right then and there, to separate families, separate children, from families that look like me. It hurts me, it pains me, because I know the aftermath effects, I know the trauma that happens. It's a permanent trauma, and it's really hard to come back from that.

We're conditioned to believing that families of color cannot parent children. Unfortunately, the press is all over that. Unfortunately, the press speaks about what's going on in the South Bronx, NYPD is always in the South Bronx. There is a lot of press, and a lot of media to talk about what's happening when NYPD is involved, but there isn't a lot of press to talk about what happens when children of color are removed from their homes, and the reasons why. We don't see that happening in the press.

Shimon: Yeah. This police presence, ACS presence, State presence, does not exist in white neighborhoods.

Asia: No.

Shimon: Or, middle class neighborhoods.

Asia: No, it does not. We represent close to, at least, 1500 parents, 1500 families a year, on these cases.

Shimon: How do you ... Have you had any experiences talking with folks that work for ACS, about this exact issue that you just shared this challenge for you? Have you seen any breakthroughs there, any acknowledgement that they're part of ... That they're complicit in this oppressive system?

Asia: Absolutely. We have had multiple conversations with ACS, our managers have had multiple conversations with ACS, on a much higher level. There has been, also, a new law, which just passed, which we are very grateful for this law. I just want to give you a little background.

So, when families, when a parent is being investigated for child abuse or neglect, there is a 60-day investigation. What that 60-day investigation looks like is that the worker will go into the home, they will check all the cabinets, or the cubbies, or the beds in the home, make sure that there is food in the home. They will also take off the children's clothes, to look for any marks or bruises. They will do that for 60 days. They will come in at whatever time, during the day. It can be at 2 o'clock in the afternoon, it could be at 2 o'clock in the morning. They'll wake up the kids, put a flashlight on their face, and say, "You need to get up, I need to look at your body."

Shimon: Wow.

Asia: After those 60 days, if the ACS worker, the Child Protective workers believe that the allegations, right? Let's say, for example, the parent is being accused of not supervising the child, right? At the end of the investigation, if ACS believes that allegation is correct, and is true, then that case is indicated. Meaning that, that parent has an indicated case on their record, until their youngest child turns 28 years old. Meaning that, that parent cannot work with children, right? Cannot become a school social worker, cannot work in a daycare center, cannot work with children until their youngest child turns 28 years old.

There's a new law that just passed that says, instead of it being up to 28 years, it's now going to be 8 years. That stems from a lot of advocacy from our office. We personally went to Albany and lobbied for that to be changed, and it happened. We will continue to push for more comprehensive reform.

Shimon: Yeah, that's a huge victory. They're getting sentenced to these employment barriers, right? It's like getting sentenced, when you ... It's just unbelievable. I didn't know about that, I didn't know about that at all.

Asia: Yes, that happens in New York City, every day.

Shimon: So, shifting topics here. How did you get into this work? How did you get into social work, and the work you're doing?

Asia: Well, it's a little funny, because I didn't know that this work existed. I didn't know that social workers could work with lawyers, right? That's very innovative, it's very creative.

So, after college, I interned with a private attorney, because I wanted to be a lawyer. I soon learned that I did not want to be a lawyer, thankfully. I love my lawyer friends, and I have lots of respect for them, but I do want a life after work. I don't want to have to read thousands and thousands of pages after eight hours work. So, during my internship with him he told me, "You know, you can be getting paid for this." He walks me over to what I now know to be the Legal Aid Society. He helped me with my resume, he helped me with my cover letter. Two weeks later, I got hired as a Paralegal.

At the Legal Aid Society, they also have a branch called the Juvenile Rights Practice, and they represent children that are in foster care, and youth that have any delinquency cases, any delinquency court matters. So, I was able to represent children on both sides, in foster care, and also kids in the delinquency matters. There, I learned that there were social workers and paralegals, and other folks that work with lawyers in an inter-disciplinary role. I then remembered also going to the Bronx Defenders as a high school student, because I was part of the mock trial team, and the debate team. I always said, if I ever come back to the Bronx and work, I want to work at the Bronx Defenders, because I really love their strategies, and I really love how zealous they are.

At that time, I didn't know that the Bronx Defenders had any social workers. While I was at the Legal Aid Society, I went to grad school. I worked full time, I went to school full time. Graduated, got my Masters, and applied to work in the Bronx. I really wanted to work with parents of these children, of kids that are being removed from them. While I was at Legal Aid, for instance, I had this one client, who he was I believe in his late teen years. I want to say, 17, 18 years old. I worked ... At Legal Aid, there's a specialized program, or a specialized department, who works with kids who are aging out of foster care, so I worked with older teens, that were already what New York City calls Free for Adoption, meaning that the parents rights have been terminated, or also meaning that they decided to live independently from their parents.

This youth, in particular, he was Free for Adoption. He lived on his own, he didn't have any parents, he didn't know where his relatives were. He had no idea who his kinship's were, right? He didn't know if he had an uncle, a sister, nothing. He asked me one day, "Miss, can you connect me with my mom?"

Simon: Mm-hmm (affirmative).

Asia: At that time, I didn't know how to connect him with his mother, because the documents that we get for children that are already Free for Adoption, that information is not shared. I had no way of connecting this child to his family. I firmly believe that if I had any information, right? I did go to ACS and say, hey, we need the names and numbers of anybody for this child, and they didn't have that information either. Had that child been connected to somebody in his family, he would have not had any conversations with any NYPD officers. He would not have had any experience in the criminal justice system. He probably wouldn't even be in foster care.

Then, I decided, you know what? I want to work with parents. I want to work with parents who have these allegations against them, and I really want to dig. What's underneath? What is causing this? Why has this happened? And try to prevent it, and work, and intervene at the crust, to prevent anything from happening to families. Particularly families of color, because I'm a Latina myself. It's very hurtful, and it's very painful to see families of color being separated by other Child Protective Agency workers who are also of color. Then, not having the ability to reconnect with your family, it's a huge problem for me, and it's very painful.

Shimon: How do you deal with that pain?

Asia: So, I believe in God. I have a strong faith, it keeps me solid, it keeps me sane. I have my prayer group, I have my folks that I pray with, I go to Church very often. It keeps me grounded. I don't know where I would be, had I not had a strong faith. This career can take you to many places. It's very important to come back, and ground yourself. Self care is important, too.

I love going to the beach. I travel. When I'm done with work, I'm done with work. When I'm at work, then I'm at work. So, self care is key in this work, and having a support system is also key in this work as well.

Shimon: Yeah, absolutely. I'm glad that you just jumped right out there, and shared your faith, and didn't hold back. I think that's an area, from my experience talking with other social workers, and people doing frontline work, spirituality is really important. Sometimes we don't talk about it, you know?

Asia: Mm-hmm (affirmative).

Shimon: I wanted to ask you something else. There are a lot of students, more and more students and social work educators, who listen to this podcast.

Asia: Mm-hmm (affirmative).

Shimon: Some of the students are going to go work in the equivalent of some form of child protective services, or the Child Welfare System, in different states it's called different things.

Asia: Right.

Shimon: What do you want to say to folks who are considering that? I just thought maybe you've got a message? I mean, you've already said a message, for sure. Very specifically, what do you want to share to people who that's what they want to do? Maybe they grew up in that system, and they think it's going to ... You know, obviously, there are kids in that system, and they need help, right?

Asia: Right, right.



Shimon: People want to go in that system, but it's easy then to become part of that very system, and not have any critique of it.

Asia: Right. That's a good one. I thought about that long and hard, because it's something that we deal with on a daily basis.

I would say, get your Masters in Social Work. I would say, learn about childhood development, adolescent development. Learn about attachment, learn all these theories that we learn in Grad school, and be compassionate, and be merciful with families. Learn about families. Don't just go into somebody's home, make an assumption, and execute on that assumption. Don't go in there with your biases, we need to check our biases. We need to go in there, and not think that this is a family that we know for 100 years. It is not a family that we know for 100 years, we just met them. We have five minutes, right? I would say, ask lots of questions.

Also, build a rapport, build a relationship with the families that you're working with, because they need it. ACS is not in families homes, just because. Something happened, so be compassionate. Learn about them, want to help them. Don't go in there with attitudes. I have lots of clients who tell me that the workers that went in there were cursing at them, or were screaming at them, and just were very rude. Don't do they, be respectful and help. Not just make a decision, solely based out of fear. Really make a decision based on the evidence, based on the conversations you have with clients, based on everything that the clients are telling you. Don't base it out of fear, don't base it out of your own emotions. This career can also be very emotionally driven, and a lot of mistakes happen when you make decisions based on emotions.

So, that's what I would say.

Shimon: I think that's really good. I think that's a really powerful message, and the whole interview has been powerful. I just want to thank you so much for coming on the podcast, and sharing your experience. Also, want to thank you for doing the work in the community. You're out there, doing really difficult work, and helping people who really need it.

Asia: Thank you so much.

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