

**The Bronx
Defenders**

**Redefining
public
defense**

**SENATE STANDING COMMITTEE ON JUDICIARY SENATE STANDING
COMMITTEE ON CHILDREN & FAMILIES**

SUBJECT: NEW YORK STATE FAMILY COURT

**Wednesday
November 1, 2023
10:00 am**

**250 Broadway
Assembly Hearing Room 1923, 19th Floor
New York, New York 1007**

**Oral Testimony of Dessera Wright, Policy & Parent Advocate, The Bronx
Defenders, PLAN Coalition Member, JMacforFamilies**

My name is Dessera Wright and I am a Parent and Policy Advocate for The Bronx Defenders' Family Defense Practice, a member of the PLAN Coalition, and a collaborator with JMacforFamilies. Chairs Hoylman-Sigal and Brisport, thank you for allowing me to testify today.

I speak to you today as a parent who has been directly impacted by this system and has experienced Family Court. It was 1995 and I was a young person and had just become a mother. The hospital where I gave birth called in a case on me because I tested positive for marijuana during the labor and delivery for my child. I was 17 years old. . I was still in school, living with my grandmother, and doing everything that I needed to do to care for my new baby, who I loved deeper than words can convey.

But when I showed up in family court for the first time, none of that mattered. The judge did not see me. She did not see Dessera Wright, a young mom, doing all she could to make the best life for her new baby. It didn't matter. From her demeanor, from her body language, from the words coming out of her mouth, I knew that when the judge looked at me all she saw was a mom who smokes weed and does not take care of her kids. A mom who needed the court's oversight.

I was always painted in a negative light, no matter how hard I tried to comply with the many mandates the system put on me. For example, I lived in the Bronx and my son was placed in foster placement in Brooklyn. Even though I was still in school, I managed to make it to and from Brooklyn multiple times a week to visit with my son. On the few occasions I was late to a visit or missed a visit, the judge scolded me and suggested that I didn't understand the importance of visiting my own son. But the court never scolded ACS or the foster parent when they consistently failed to bring my son to visits. **In fact, the court rarely said anything at all.** Because I tested positive for marijuana at birth, ACS and the court mandated me to do a drug treatment program. But neither ACS nor the court cared that there were no drug treatment programs geared toward marijuana use, much less programs geared toward minors. Because I was 17, I was turned away from every referral that ACS sent me. These were programs for adults, I was a child. Despite this, when I came to court, the narrative was only "mom is not engaged in services." "Mom is not complying with court orders."

No one cared that I was a child myself. No one cared that I was still in school, and that while running all over New York City to find a drug treatment program for marijuana use, I was missing out on my education. No one cared that an education was far more important for my own wellbeing and my baby's well

being, than a drug program. The Court was only concerned with ACS's formulaic service plan. And when I did do the services that I found on my own -- Anger management and parenting -- that was largely ignored by the Court.

At a certain point, I just stopped going to court, because it was pointless. And let me be clear about what I mean. Showing up to court was pointless because it was clear to me that there was no due process, much less justice for me, a young, Black mom. To go to family court was to endure routine discrimination, humiliation, ignorance, condescension, and hostility. Family court was a space where it was clear that I was a second class citizen, who would forever be denied respect, fairness, and justice. I was tired of hearing that I was a bad parent and that I was not doing anything for my child. I was tired of walking into a court, day after day, where the only people being hauled in there were people that looked like me, Black and Brown parents, as if my entire community was substandard. It is so telling that it is only Black and Brown parents in family court, when we know that white and wealthy parents do many of the same things that cause Black and Brown parents to lose their children. You can't tell me that there were no white parents who smoked weed. Yet, I never once saw a white parent in family court.

Overall, my experience with family court made it clear to me that it was not a place where I could get justice. Once the judge read the paperwork that ACS submitted, that was it. That's what the judge believed, that's what shaped the judge's opinions and orders. The idea that family court is neutral is a fiction. Moreover, my experience showed me that family court was not and would never be a space of support. Family court destabilized my life -- it made me homeless at 17 and deprived me of my education. It destabilized my child's life. Family court caused me and my family harm, from which my children and I have had to heal.

As an adult, I tell my youngest son, who is only 8 years old, don't ever think the courts are for you. You have to fight for yourself, you must know your rights, you must know the law. You need to involve yourself in everything that involves you. The judges do not see you, they see paperwork, they see what the government says you are. This system is not a system that was built for us or will ever be fair for us.

So finally, to end my remarks. How do we move forward? The way we must move forward is to shift the power and autonomy back to parents and communities most impacted by family court. You must narrow the pathways that push people into the family policing system, of which the court is part. To do this, you should ensure that not another day goes by where parents in New York State do not know their rights when ACS knocks at the door. You must champion and pass Family Miranda Rights Senate Bill 901. You must ensure what happened to me does not happen to other pregnant people -- and pass the Informed Consent Bill, Senate Bill 320, which requires that healthcare providers obtain written and verbal informed consent before drug testing a pregnant person or their newborn. And Finally, you must pass the Anti-Harassment in Reporting Act, Senate Bill 901, which would do away with anonymous reporting to the SCR. We know from experience and data that anonymous reporting is fatally flawed and undermines rather than fosters child safety.

Thank you for the chance to speak today and for your attention to this important issue.