

Testimony of Latia Govan, Lived Expert

Presented to the New York State Senate Standing Committee on Children and Families and Senate Standing Committee on Judiciary

Subject: Conducting oversight of the Family Court throughout the State, including its resources, operations, and outcomes

November 1, 2023

My name is Latia Govan and I am a graduate of JMACforFamilies' H.E.A.L. Program and a mother of seven and grandmother of one, whose life has been disrupted by the Administration for Children's Services (ACS) and the family court process for nine years.

ACS first came into my life in 2014 when I was pregnant with my fourth child and residing in a shelter with my mother and three other children. I was in a domestic violence situation at the time and had a mental concern that caused ACS to file a case against me. ACS then tried to remove my children instead of offering support. The judge disagreed with ACS and stated they should help me and my family instead, and paroled my children to my mother. Eventually, my case was resolved with a suspended judgment. However, after the shelter kicked my children and I out of our home, ACS filed to remove my children again.

An emergency hearing was supposed to be held. My attorney, the Attorney for the Child, my children's fathers, the maternal grandmother, and I were waiting outside of the courtroom to get in front of the judge. However, the judge never gave us the opportunity to be heard, violating my due process rights. He granted ACS's request without any of us present, and my children were sent to the Children's Center, until they were eventually released to their fathers.

The next time I had a child in 2017, my son, Ezekiel, was removed from my hospital room. I had no open or active ACS case at that time, but my prior case was used against me. I represented myself in court and was not successful. My son remained in foster care. In 2019, I had my sixth child. ACS filed again. I represented myself pro se, and was unsuccessful.

In 2021, I gave birth to my seventh child, and my infant daughter was removed from me. That time, I was represented by my local public defender office. My attorney asked for a 1028 hearing to keep my daughter with me. That hearing lasted almost eight months, while my child remained in foster care, because of multiple adjournments and prolonged testimony. I was breastfeeding at the time and remember having to bring my own breast milk to my daughter's foster placement. My milk was enough, but I was not.

In 2022 ACS filed a new petition against me. The public defender office that had been representing me, no longer could, because of a conflict.

Since then there've been three 18(b) attorneys assigned to my case. All of them have failed to represent me and my best interests. They were used to conspire against my rights to due process by not filing motions, not showing me the petition against me, not informing me of my rights, not communicating with me, and only speaking to me at court proceedings. One of these attorneys waived my right to a 1028 without my consent.

The unethical and unconstitutional acts allowed to persist in the courtroom, causes only more harm to families. Judges abuse their discretion and conspire with ACS. They need to be held accountable for the many ways they abrogate parent's human and civil rights in the courts. There needs to be some kind of oversight for the officers of the court. Parents need lawyers that come from holistic offices who will let them know their rights, execute the rights of their clients, and take affirmative action on client's behalf.

We do not need to put more resources into the family court system. We need to eliminate the harms of the family courts, by making sure parents know and can assert their constitutional rights. You all have the power to pass bills like Family Miranda Rights, to protect families going through separation.

Thank You.