

Rights When There is a Child Protective Investigation

Para ver este artículo en español por favor [visite aquí](#). (To view this article in Spanish, [visit here](#).)

If there is an investigation in NY by Child Protective Services (CPS), a parent or caretaker has the following rights:

1. The parent or caretaker is not required, unless court ordered, to permit the child protective services representative to enter the residence of the parent or caretaker;
2. The parent or caretaker who is the subject of the investigation is entitled to be informed of the allegations being investigated;
3. The parent or caretaker is not required, unless court ordered, to speak with the child protective services representative, and any statement made by the parent, caretaker or other family member may be used against the parent or caretaker in an administrative or court proceeding;
4. The parent or caretaker is entitled to seek the advice of an attorney and to have an attorney present when the parent or caretaker is questioned by a child protective representative;

Note: There is a right to free court assigned counsel if and when a court petition is filed naming you as a person legally responsible for the children who are the subjects of the petition.

5. The parent or caretaker is not required, unless court ordered, to allow a child protective services representative to interview or examine a child;
6. The parent or caretaker is not required, unless court ordered, to agree to any requests made by a child protective services representative, including, but not limited to, requests to sign a release of information, to take a drug or alcohol test, or to submit to a mental health evaluation;

7. You may request contact information for resources which may be available to parents and caretakers during a child protective services investigation, including legal services from a designated organization.

In October 2021 there is proposed legislation in New York that parents or caretakers must be advised of these rights, "at the initial point of contact." Unless or until this legislation is passed, there is no requirement that people be informed that they have these rights, which never-the-less currently exist. As of September 2022 this proposed legislation has not been made a law.

(c) Legal Assistance of Western New York, Inc. ®

This article provides general information about this subject. Laws affecting this subject may have changed since this article was written. For specific legal advice about a problem you are having, get the advice of a lawyer. Receiving this information does not make you a client of our office.

Last Review Date: September 2022

Last updated on September 15, 2022.

[Family](#)

Print

Table of Contents

NEWS

News & publications

The news about recent activities for needed peoples.

[More News](#)

6 Mar 2023

Notice of LawNY Board Meeting

The next meeting of the LawNY Board of Directors is scheduled for Thursday,...

[Continue Reading](#)

3 Feb 2023

LawNY Statement on the Killing of Tyre Nichols

[Continue Reading](#)

From the Twitter feed

[Follow Us](#)

Do you know a first year law student looking to gain experience this summer? Have a passion for housing justice? Join LawNY as a 2023 Summer Diversity Fellow. Fellows will receive a \$7,500 living stipend and housing stipends are available. <https://t.co/WBAsMBiots> <https://t.co/RYVmhxiOjU>

LawNY

Mar 23, 23



Lori Jones is our next staff spotlight! Lori is the Receptionist for our Ithaca office. Lori works daily on the frontlines of the work we do. She is the first to meet and triage cases as they come in. #StaffSpotlight #thankyou #CivilLegalAid <https://t.co/276uqSIf8u>

LawNY

Mar 23, 23



Spring is here! Join us with other community agencies on March 29th from 5pm-7pm at Milly's Market and Café in Penn Yan to learn more about our services.
<https://t.co/P83bnCl6Xo>

LawNY

Mar 22, 23



Have student loan debt? Take control of your student debt with free, unbiased, one-on-one counseling. Call 585-325-2520 or email EDCAP@lawny.org to schedule a session with one of our Student Debt Counselors! #studentloandebt #CivilLegalAid
<https://t.co/SBBD1qkxPX>

LawNY

Mar 21, 23

