



NEW YORK CITY LAW DEPARTMENT
OFFICE OF THE CORPORATION COUNSEL

Michael A. Cardozo, *Corporation Counsel*

Press Release

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For Immediate Release

**APPELLATE DIVISION AGREES WITH CITY
AND MAKES CHILD ABUSE FINDING IN CASE
WHERE MOTHER DIRECTED 12-YEAR-OLD SON TO ROB A BANK**

***FINDING COULD IMPACT FUTURE CASES WHERE PARENTS USE THEIR CHILDREN IN THE
FURTHERANCE OF CRIMINAL ACTIVITY***

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New York, February 9, 2005 – The Appellate Division, First Department, has reversed a Manhattan Family Court's denial of an abuse finding in a situation where a mother sent her child to rob a bank. The Family Court had made a finding of neglect and not abuse, and the City appealed. The Appellate Division agreed with the City and found that an abuse finding was more than amply supported by the same facts that led to the original court's finding of neglect. The City received the legal ruling yesterday.

Marta Ross, Assistant Corporation Counsel in the New York City Law Department's Appeals Division and the City's chief lawyer on the case, noted, "What this mother did was not merely poor supervision. What she did was put the child's life in danger, because the police could have shot him in response to the robbery call.

"The important distinction is that an abuse finding could eventually lead to termination of parental rights, if warranted," she continued. "We are very gratified with the Court's decision, because it could impact future cases where a parent will use his or her child in furtherance of criminal behavior – for example, as sometimes happens in drug sales."

The case involved a mother, Tamara Rivers, who on Aug. 28, 2003, directed her then 12-year-old son to enter a Citibank branch at 50 Avenue A in Manhattan and present a demand note to the teller. The note read, "Give me \$30,000 or I will shoot you!!!" The child was given the money. However, a later Police Department investigation found that the mother had conspired with the bank teller, Monique Grey, to stage the robbery. The mother and teller were both arrested. Rivers pled guilty to grand larceny and endangering the welfare of a child. The 12-year-old was removed from her, charges against the youth were dropped, and an abuse petition was filed against the mother in Family Court.

However, the lower court found a finding of just neglect. The Appellate Division's court ruling disagreed with the lower court and entered a finding of abuse, reasoning that the mother had put the child in such a dangerous situation that abuse had occurred. The court also noted in its finding that the youth was lucky not to have been shot. The child is currently in a family member's custody.

Representing the Administration for Children's Services (ACS) at the trial level was Abbe Kalnick, Special Assistant Corporation Counsel of ACS.

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