

# The Trauma of Removal

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# The Trauma of Removal Roadmap

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- The Harm of Removal
- Changing the Narrative
- Arguing the Harm of Removal
- Ways to Reduce the Harm of Removal



# Harm of Removal

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- Difficulty with developing healthy attachments
- Low self-esteem
- General distrust of others
- Mood disorders
- Socio-moral immaturity
- Inadequate social skills
- Cognitive and language delays
- Struggle with addictions
- Suicide Attempts

# Harm of Removal

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- Depression
- Difficulty sleeping
- Acute stress
- Developmental regression
- Long term chronic medical conditions; liver disease, hypertension, obesity, cardiovascular disease, decreased longevity, and obstructive pulmonary disease.
- Neurological changes because cortisol the stress hormone floods the brain and begins to damage brain cells.
- More likely to be arrested.
- Attachment Issues
- Post Traumatic Stress Disorder

# Change the Narrative

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- Removal vs. Harm of Removal
- Should the child be removed?
- What is the present harm?
- Does the harm in the home outweigh the harm of removal?
- Safety first and only
- Threat of Danger + Vulnerability of Child – Parental Protective Capacity



# Scientific Research and Writings

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# Visiting with Infants and Toddlers in Care

## by Margaret Smariga

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- “A child who is removed from a home because it was determined unsafe is exposed to a new danger – emotional and developmental harm. Even when a parent has mistreated the child, the separation causes strong and painful emotional reactions. Professionals working with foster children often do not understand the child’s distress when removed.”



## Protecting and Promoting Meaningful Connections

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- “Children placed in foster care are separated from the only world they know—their parents, home, school, neighborhood, place of worship, extra-curricular activities, friends, pets, and sometimes, even siblings. These separations are traumatic to children, regardless of their age and reason for placement.”



# Psychological Damage Inflicted by Parent-Child Separation is Deep, Long- Lasting.

by Allison Eck

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- “The scientific evidence against separating children from families is crystal clear and we all know how bad it is for children to be separated from caregivers.”
- “Even when children are in the care of parents who may not be able to meet their needs, they still organize their behaviors and thinking around these relationships and go to great lengths to maintain them.”

# Inside the Brains of Children Separated from Parents

## NOVA PBS Official

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- “Stress from separation can impact a child’s brain within the first few minutes.”
- “Time is very important when dealing with young children because deterioration of this attachment can take place very quickly; even a few weeks away from a parent is an enormous amount of time for an infant.”



# Redefining the Baseline; Reasonable Efforts, Family Preservation, and Parenting Foster Children in New York

by Rebecca Bonagura

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- “Removal and placement in foster care may have a worse impact on the child than neglect ...Just as neglect can contribute to cognitive, social and emotional problems, removal may also cause emotional problems disrupting a child’s ability to bond with his or her primary caregiver.”

Medical Care for the Child at Risk:  
On State Supervision of Parental Autonomy  
by Joseph Goldstein

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- “The fact that parents are imperfect may sometimes take action against their child’s interests does not justify greater intervention – it requires less. Indeed, there is no evidence that the State necessarily can or will do better.”



# Case Law

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## Santosky v. Kramer, 455 U.S. 745 (1982):

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- A New York Statute required the state to prove its case in a termination of parental rights beyond a preponderance of the evidence. The U.S. Supreme Court held that the due process clause of the Fourteenth Amendment recognizes a fundamental liberty interest of the right of a parent to its offspring and therefore, the state's burden must be to prove termination of parental rights by clear and convincing evidence.



## Jacinato-Castanon de Nolasco vs. U.S. Immigration and Customs Enforcement (2018)

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- The American Academy of Pediatrics states that separating children from parents is a highly destabilizing, traumatic experience that has long term consequences on child well-being, safety and development.

# Nicholson v. Williams (2002)

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- Attachment between parent and child forms the basis of who we are as humans.
- Another serious implication of removal is that it introduces children to the foster system which can be much more dangerous and debilitating than the home situation.



## Ms.L. v. U.S. Immigration & Customs Enforcement (2018)

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- Court discusses the harms associated with forced parent child separation.
- Psychological distress, anxiety, and depression associated with separation from a parent would follow the children well after the immediate period of separation – even after eventual reunification with a parent.

# Reducing the Harm of Removal

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- Informing Parent of Issues
- Speaking to Child, if age appropriate
- Family support and placement resources
- Immediate child therapy
- Immediate family therapy
- Frequent and Meaningful Visitation
  - Telephone and Video Calls



# Thank You!

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- Darice M. Good 404.234.5475 [darice@goodlegalfirm.com](mailto:darice@goodlegalfirm.com)
- ABA Trauma Caused by Separation of Children From Parents: A Tool to Help Lawyers
- ABA Child Safety Protection Guide