

The Trauma of Removal

Removing a child from home is a traumatic event for the child and family members. Even when the child has been abused or neglected, separation from family may have a lifelong negative impact on all family members, but most significantly on the child.

As a part of any hearing when removal is possible, it is important that the parties and the judge consider the impact of removal on the child. Surprisingly, no state has statutory law focusing on the impact of removal on the child.

The parties in juvenile court proceedings should spend time addressing the impact of removal on the child as well as the steps to take to reduce trauma the child may experience.

First, state law should require that the court address the trauma of removal at any hearing when removal from parental care may take place.

Second, the court should focus on the legal requirement that the agency provide reasonable efforts to prevent removal from parental care.

Third, if removal is ordered by the court, the parties should address several

additional issues: (1) whether it is possible to place the child with kin. Placing with kin is preferable to foster care and congregate care. Studies show kin placement will likely result in fewer medical and mental health problems and a longer life for the child. Kin placement is also preferred in the law; (2) whether it is possible to keep the



child in his or her current school. Other than a child's family, the most significant social group a child experiences is at school. Changing schools disrupts friendships and interrupts learning; (3) whether it is possible to keep siblings together; (4) whether it is possible to place the child in the neighborhood where friends live; (5) whether the child will need mental health services to overcome the trauma of

removal; (6) whether the court can order a visitation schedule that maximizes contact with family members; (7) whether the visitation schedule will include medical, dental, religious, educational, and sports events where family members can be present; (8) whether it is appropriate to appoint a Court Appointed Special Advocate (CASA) for the child. Social worker reports should address each of these issues so that those attending the court hearing can express their views.

Removal from parental care can be a necessary step to protect a child from further neglect or abuse. Yet, removal must be accompanied by discussion of how best to support the child once removed. The issues listed above are a good starting point for that discussion. 🗣️

Endnotes

- 1 Wan, William, "What Separation from parents does to children: The effect is catastrophic," *The Washington Post*, June 18, 2018. Trivedi, S., "The Harm of Child Removal," 43 *New York University Review of Law & Social Change*, 523 (2109)
- 2 *Id.* Trivedi.
- 3 45 CFR §1356.21(b)
- 4 Edwards, L., "The Urgency of Placing Children with Relatives," *The Guardian*, Vol. 42, No. 04, Summer 2020.
- 5 *Id.*
- 6 Fostering Connections Act, P.L. 110-351, & Edwards, L. *Reasonable Efforts: A Judicial Perspective*, NCJFCJ, Reno 2022 at pp 56-61.
- 7 See 45 C.F.R. §1356(g)(3)
- 8 Edwards, L. *Reasonable Efforts: A Judicial Perspective*, NCJFCJ, Reno, NV 2022 at pp 49-56.



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