

Understanding the Harm of Removal and Balancing of Safety



August 10, 2023

The **Keeping Families Together Act** makes fundamental changes to how courts make decisions about ordering the removal of children from the home.





The Star surveyed inmates in 12 states.
Of those responding, **1 in 4** said
they had been in foster care.

[MUSIC]

0:06 / 5:20

State care of another kind

Kansas City Star
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<https://www.youtube.com/watch?v=DB1DyrkCAkl&t=14s>

Separating children from their families can cause irreparable harm, disrupting a child's brain architecture and affecting his or her short- and long-term health. This type of prolonged exposure to serious stress - known as "toxic stress" - can carry lifelong consequences for children.

-American Academy of Pediatrics





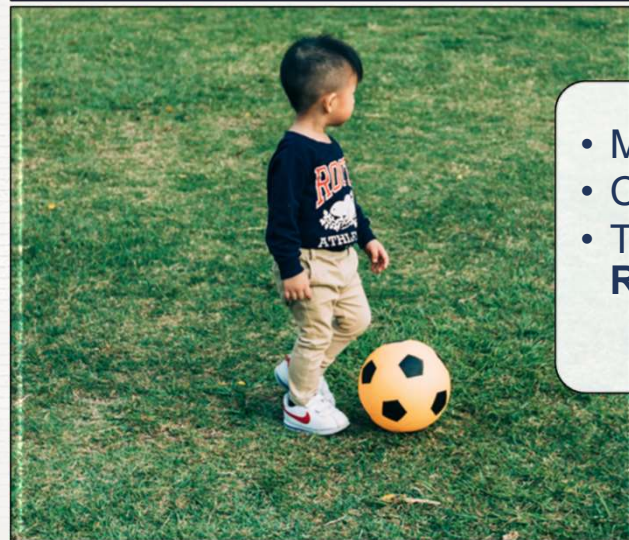
Patterns of Stress Activation

Unpredictable

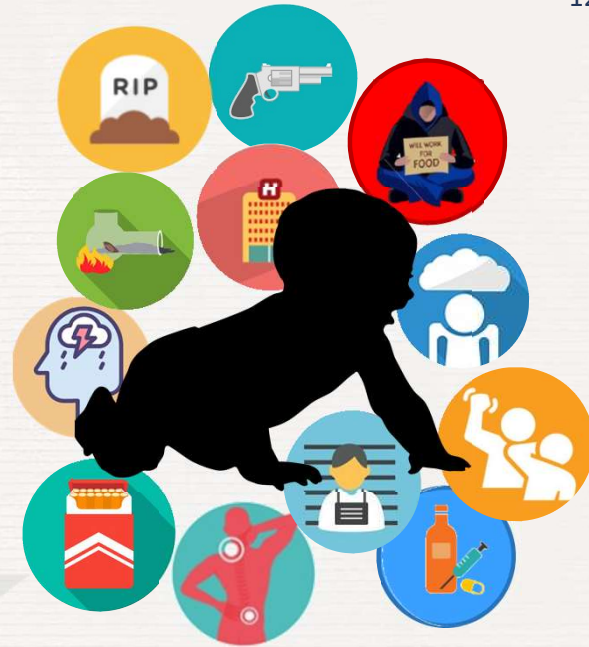


- Extreme
- Prolonged
- Sensitization/
Vulnerability

Predictable



- Moderate
- Controllable
- Tolerance/
Resilience



Placement into foster care **does not stop** the accrual of additional ACEs

Adverse Childhood Experiences and Psychosocial Well-Being of Women Who Were in Foster Care as Children, **Delilah Bruskas, PhD, RN; Dale H Tessin, MS**, Perm J 2013 Summer;17(3):XX-XX

Ambiguous Loss

Physical absence with psychological presence



- **Placement Reason Ambiguity**
- **Structural Ambiguity**
- **Placement Context Ambiguity**
- **Relationship Ambiguity**
- **Role Ambiguity**



C.A.R.E.
Checklist



Children generally suffer worse outcomes when removed than if they had been allowed to remain in **marginal homes**.

(Ryan & Testa 2005; Doyle 2007; Doyle 2008; Doyle 2013; Lowenstein 2018)

Mental and Physical Health of Children in Foster Care

<http://pediatrics.aappublications.org/content/early/2016/10/14/peds.2016-1118>

Children who have been placed in foster care are:

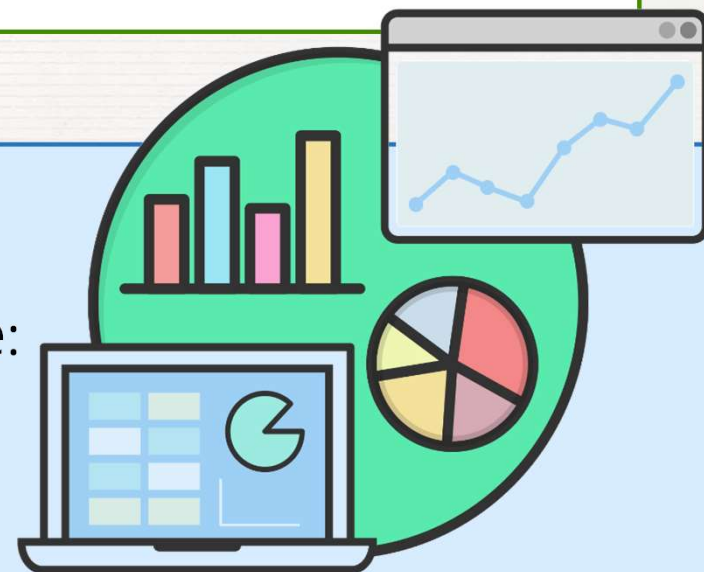
7x as likely to experience depression

6x as likely to exhibit behavioral problems

5x as likely to feel anxiety

3x as likely to have attention deficit disorder, hearing impairments and vision issues

2x as likely to suffer from developmental delays, asthma, obesity and speech problems





Disproportionate Impacts¹⁶

Specifically Black & Indigenous Families

- Acceptance for investigation (Zuravin et al., 2005)
- Substantiation of alleged maltreatment (Ards, et al., 2003)
- Placement in out of home care (Rivaux, et al., 2008)
- NOT being placed with Relatives
- Multiple Moves within the first 12 months
- Length of time in placement
- Longer time to reunification (Hill, 2005)

<https://www.dcyf.wa.gov/sites/default/files/pdf/reports/CWRacialDisparityIndices2019.pdf>

The Assessment of Harm must be specific to the child



Ex Parte Pick Up Order

“...reasonable grounds to believe that removal is necessary to prevent imminent physical harm to the child due to child abuse or neglect, including that which results from sexual abuse, sexual exploitation, or a pattern of severe neglect.”

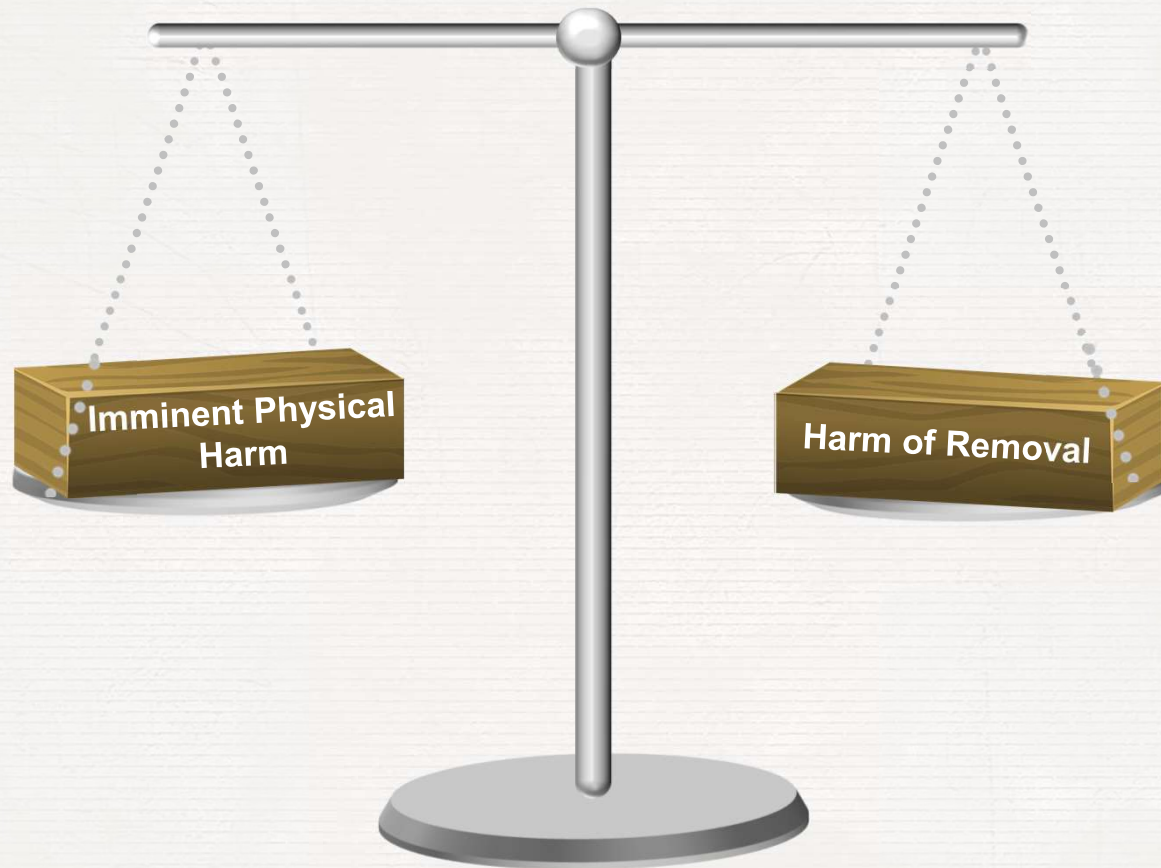
13.34.050(1)(b)

“[A]n affidavit or declaration been filed by the Department in support of the petition setting forth specific factual information evidencing insufficient time to serve a parent with a dependency petition and hold a hearing prior to removal.”

13.34.050(1)(c)



Balancing Test



Mitigation of Harm Through Relational Connections

Placement

- Relative/suitable other
- Supports reunification
- Provides stability
- Includes siblings

Family Time Visitation

- Frequent / consistent
- Least-restrictive, natural setting
- Developmentally appropriate

Educational Stability

- Same school
- Pre-school and/or daycare

“Connectedness has the power to counterbalance adversity.”

-Dr. Bruce Perry

Child & Family Specific Mitigations

- Race & Ethnicity
- Religious observances
- Culture & traditions
- Language
- Routines
- Extracurricular activities
- Medical & dental providers
- Pets
- Belongings
- More.....

Cannot do this without knowing the family

WHAT IF? WHAT
WHAT WHAT IF? IF?
IF? WHAT IF?

Thank You!

Jacob D'Annunzio

Jacob.Dannunzio@opd.wa.gov

Jasmine Hodges

jasmine.hodges@dcyf.wa.gov

Tarassa Froberg

tarassa.froberg@dcyf.wa.gov

