



Utah Court Improvement Summit

The Trauma of Removal

August 12 – 13, 2020

Christopher Church, Esq.
Senior Director
Strategic Consulting

SAFE STRONG SUPPORTIVE

casey family programs

SAFE CHILDREN STRONG FAMILIES SUPPORTIVE COMMUNITIES SAFE CHILDREN STRONG FAMILIES SUPPORTIVE COMMUNITIES SAFE CHILDREN STRONG FAMILIES SUPPORTIVE COMMUNITIES SAFE CHILDREN STRONG FAMILIES SUPPORTIVE COMMUNITIES SAFE CHILDREN STRONG FAMILIES SUPPORTIVE COMMUNITIES SAFE CHILDREN STRONG FAMILIES SUPPORTIVE COMMUNITIES

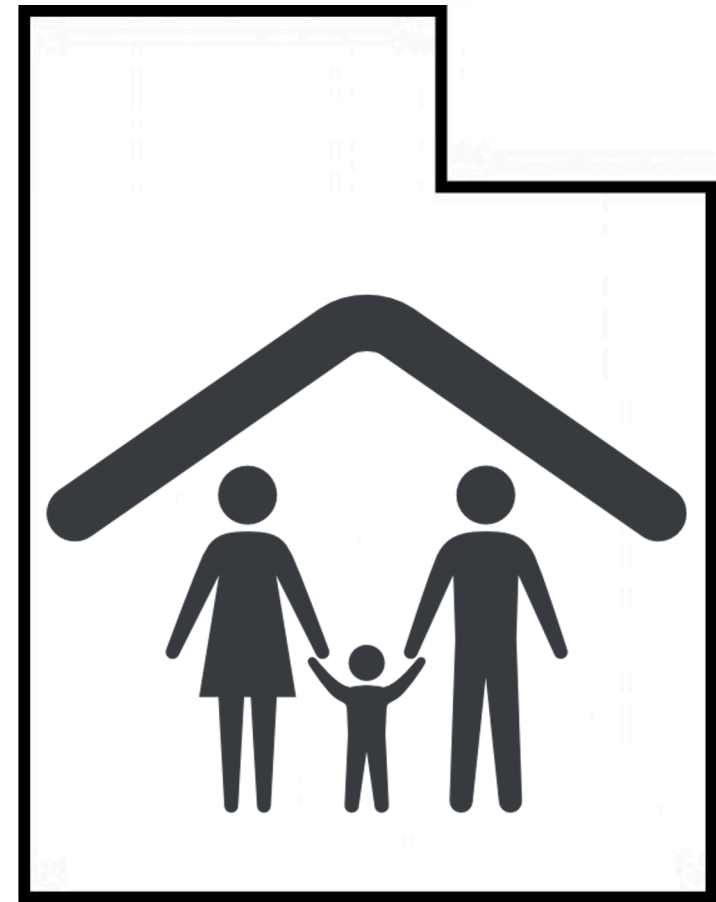
safe children | strong families | supportive communities

Why This Topic?

The Child Welfare System is Responsible for More Than 250K Child Removals Each Year

Very Few Removals are Contested *Before* the Child is Physically Removed

Removals are Not a Benign Intervention: Sometimes Necessary, They Harm Children & Parents



If our goal was to **design a child welfare system where children were removed from their parents' custody without meaningful oversight**, what sort of policies, practices, or laws would we produce to make sure we achieved our goal?



Take two minutes and create a list of everything that comes to mind that would help create a system that removes children without meaningful oversight.

If our goal was to **design a child welfare system where children were removed from their parents' custody without meaningful oversight**, what sort of policies, practices, or laws would we produce to make sure we achieved our goal?



Now, take another minute and review your list. Circle every item you wrote down that remotely resembles something you have done or have witnessed being done in Utah.

If our goal was to **design a child welfare system where children were removed from their parents' custody without meaningful oversight**, what sort of policies, practices, or laws would we produce to make sure we achieved our goal?



In the chat box, share 1 example you circled that you believe most contribute to the problem of removals without meaningful oversight.

Sensationalized Cases


NEWS

Dad who mistakenly gave 7-year-old son 'hard' lemonade at Tigers game sues after boy is taken away

Posted Mar 24, 2011

[Comment](#)

By [John Agar](#) | jagar@mlive.com



Christopher Ratte

APRIL 28, 2008

People

TEXAS POLYGAMY SECT: BEHIND THE GATES

INSIDE THE CULT

- EX-MEMBERS SPEAK OUT
- THE WIVES: WHY THEY STAY
- WHAT WILL HAPPEN TO THE 416 CHILDREN?



Unidentified woman and children from a sect in San Angelo, Texas, after authorities raided a FLDS sect's compound in Elko, Idaho.

ROB LOWE SEX SCANDAL



THE NANNY'S SHOCKING ALLEGATIONS



ASHLEE SIMPSON PREGNANT!



TEEN BEATING VIDEO THE VICTIM'S STORY

Sensationalized Cases

NEWS

Dad who mistakenly gave 7-year-old son 'hard' lemonade at Tigers game sues after boy is taken away

Posted Mar 24, 2011

Comment

By [John Agar](#) | jagar@mlive.com



Christopher Ratte

If there were any day that I could change in the history of my life, I would not have to think about it to know the answer. The day that I would change is April 5th, 2008. My reason to change this day is what I am about to read.

It all started when my dad decided to take me to a Detroit Tigers game. I had been to several baseball games before and enjoyed them, and he was sure that I would enjoy the future ones. As we arrived at the game we bought some food and beverages, (note that one of them was mike's hard lemonade.) As we got settled in our seats, we chatted until the game started. Somewhere in the eighth inning a security guard approached us and said to my dad, "Sir, the beverage that your son is drinking is alcoholic."

"You're kidding," said my dad, even though he knew that security guards like that didn't lie on a regular basis.

My dad tried to take the bottle from me, but the security guard snatched it up before my dad had a chance to look at the ingredients. So we stood up and followed the security guard out of the stands and up to a policeman's office with a couple of other security guards. The policeman interviewed my dad a bit, and then took us down to the first aid room, where they gave me a small shot and took me to the children's hospital.

As I got settled in the ambulance with the security guards, my dad called my mother and my twelve-year



More Than 250K Children Removed

- ❖ **No Media Attention**
- ❖ **No High Dollar Lawyers**
- ❖ **No University Resources**

The image features three hands holding large, colorful numbers against a light gray background. The number 1 is green and held by a hand in a teal sleeve. The number 2 is pink and held by a hand in a yellow sleeve. The number 3 is orange and held by a hand in a teal sleeve. The numbers are arranged horizontally across the top of the frame.

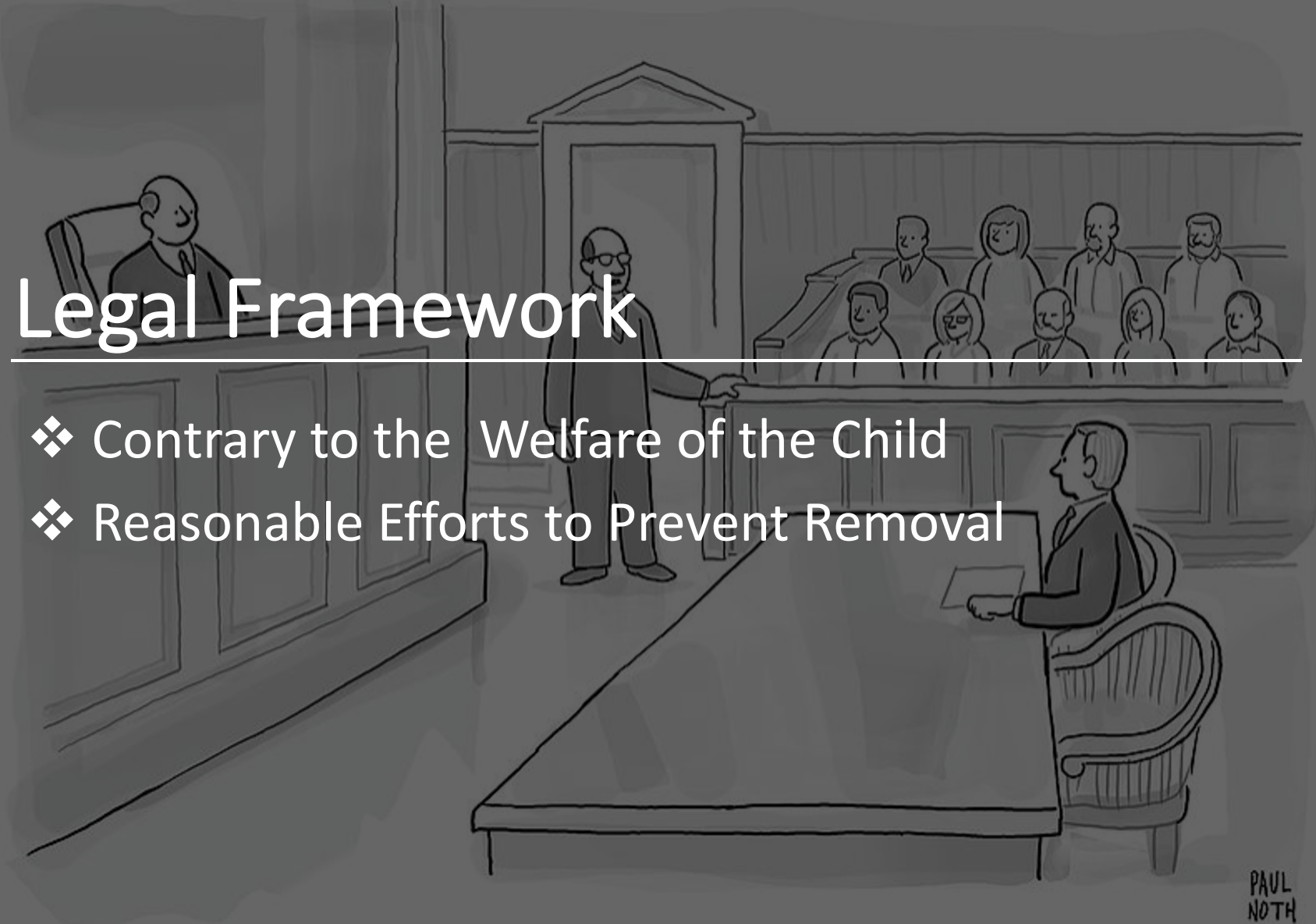
Three Reasons

1. The Law
2. The Research
3. The Data

— Fundamental Liberty Interest

Legal Framework

- ❖ Contrary to the Welfare of the Child
- ❖ Reasonable Efforts to Prevent Removal





Harm of Removal

Placement in foster care replaces familiarity with a pervasive sense of ambiguity and inherent confusion about what is happening and why, and when it will end. Each of these ambiguities “threatens child well-being.”

Dr. Monique Mitchell

The background of the slide features the silhouettes of a man and a woman standing against a clear blue sky. The man is on the right, facing left, and the woman is on the left, facing right. They appear to be in conversation. A large, semi-transparent white circle is overlaid on the left side of the image, containing the text.

Harm of Removal

Removal “lies outside the range of typical childhood experiences.” Physical separation is often experienced as a significant rejection or loss.

Dr. Catherine Lawrence

The background of the slide features the silhouettes of a man and a woman standing side-by-side, looking towards the right. They are set against a clear blue sky with some light, wispy clouds. The silhouettes are dark and solid, contrasting with the lighter sky.

Harm of Removal

Removal prevents parents from asserting their rights, responsibilities, and identities as parents, resulting in role ambiguity. Role ambiguity causes parents to experience confusion, grief, and trauma.

Dr. Kendra Nixon



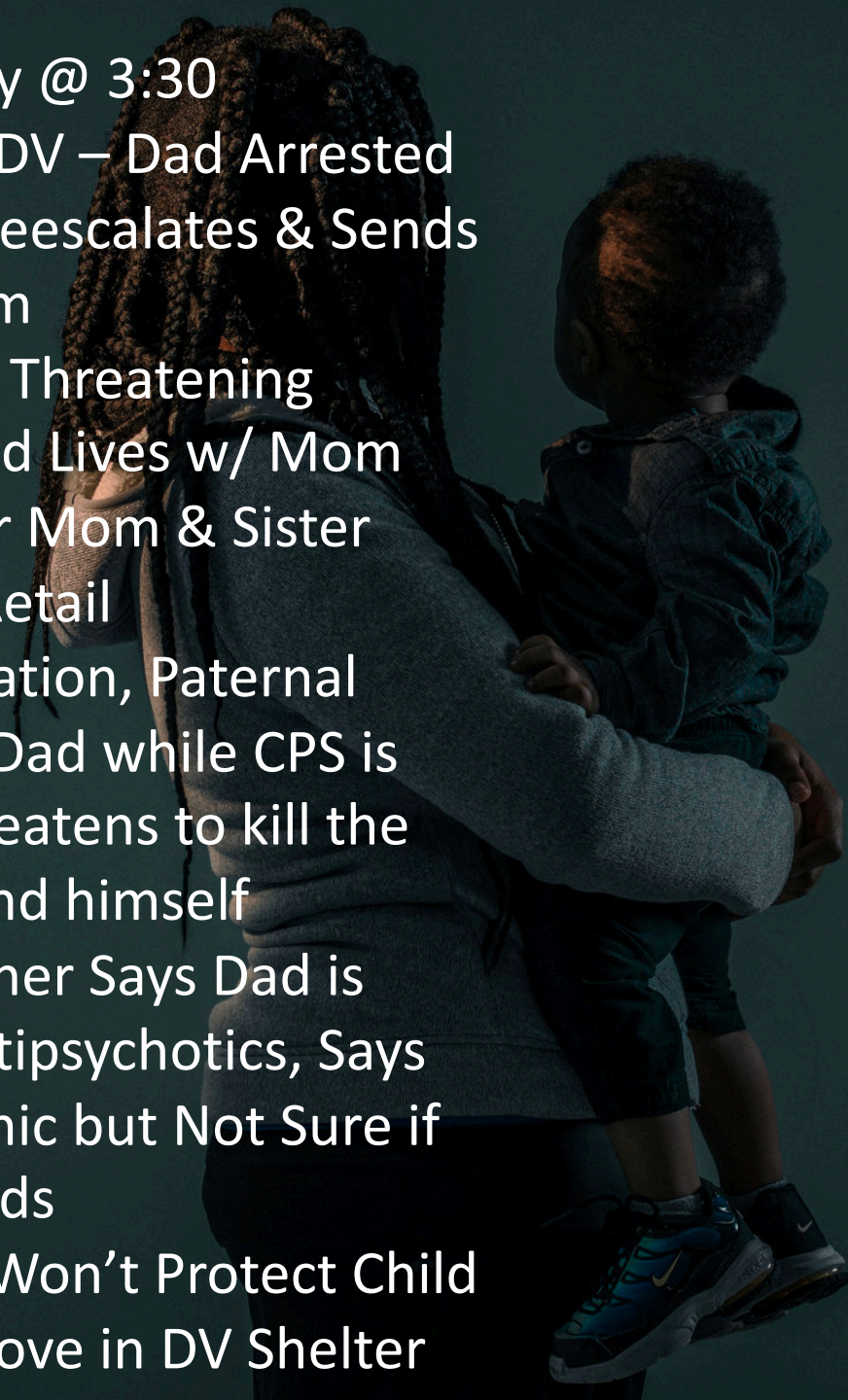
Harm of Removal

“The effect is catastrophic
... There’s so much
research on this that if
people paid attention at all
to the science, they would
never do this.”

Dr. Charles Nelson

Ex Parte Hearing Friday @ 3:30

- ❖ Thursday Early AM DV – Dad Arrested
- ❖ Law Enforcement Deescalates & Sends Child Home w/ Mom
- ❖ Dad Angry, Defiant, Threatening
- ❖ Never Married, Child Lives w/ Mom
- ❖ Mom Lives with Her Mom & Sister
- ❖ Works full-time in Retail
- ❖ During CPS investigation, Paternal Grandmother calls Dad while CPS is present, and he threatens to kill the mother, his child, and himself
- ❖ Paternal Grandmother Says Dad is Refusing to take Antipsychotics, Says Mom is Schizophrenic but Not Sure if Complying with Meds
- ❖ CPS Worried Mom Won't Protect Child
- ❖ Mom Refused to Move in DV Shelter



Ex Parte Hearing Friday @ 3:30

- ❖ Thursday Early AM DV – Dad Arrested
- ❖ Law Enforcement Deescalates & Sends Child Home w/ Mom
- ❖ Dad Angry, Defiant, Threatening
- ❖ Never Married, Child Lives w/ Mom
- ❖ Mom Lives with Her Mom & Sister
- ❖ Works full-time in Retail
- ❖ During CPS investigation, Paternal Grandmother calls Dad while CPS is present, and he threatens to kill the mother, his child, and himself
- ❖ Paternal Grandmother Says Dad is Refusing to take Antipsychotics, Says Mom is Schizophrenic but Not Sure if Complying with Meds
- ❖ CPS Worried Mom Won't Protect Child
- ❖ Mom Refused to Move in DV Shelter

1. Definitely Remove

2. Close Call, But Remove

3. Close Call, But Deny

4. Definitely Deny



PC Hearing Monday @ 9:00


- ❖ At Start of Hearing, Mom: “I have a lawyer already helping me with my OP, can we reschedule this so they can help me here?”
- ❖ CPS Stands by Testimony at *Ex Parte and* re-summarizes facts.
- ❖ Mom & Dad Both Repeatedly Interrupt; the Judge Kindly Requests they Wait Until Later in the Hearing, Where they Will Have an Opportunity to Speak
- ❖ CASA Acknowledges She Has Not Had an Opportunity to Visit/Talk to Anyone Yet.
- ❖ Judge Advises Parents to Speak to Clerk to Obtain Contact Info for Their Court Appointed Att’y



PC Hearing Monday @ 9:00

- ❖ At Start of Hearing, Mom: “I have a lawyer already helping me with my OP, can we reschedule this so they can help me here?”
- ❖ CPS Stands by Testimony at *Ex Parte* and re-summarizes facts.
- ❖ Mom & Dad Both Repeatedly Interrupt; the Judge Kindly Requests they Wait Until Later in the Hearing, Where they Will Have an Opportunity to Speak
- ❖ CASA Acknowledges She Has Not Had an Opportunity to Visit/Talk to Anyone Yet.
- ❖ Judge Advises Parents to Speak to Clerk to Obtain Contact Info for Their Court Appointed Att’y

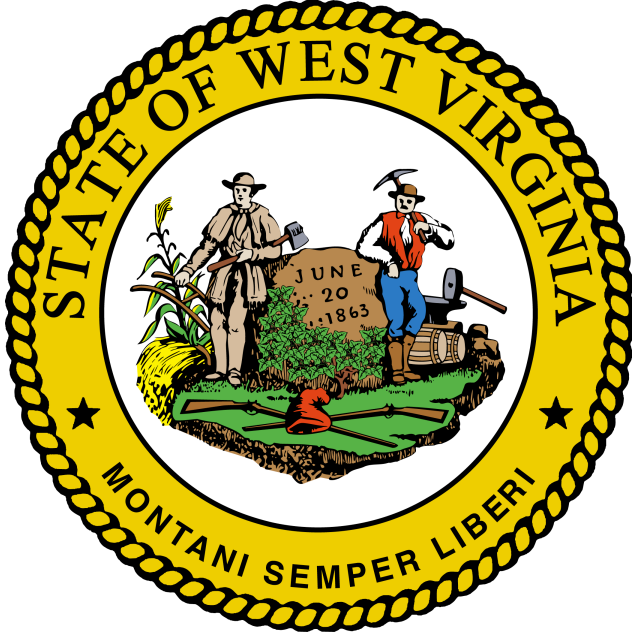
1. Definitely Stay in Care
2. Close Call, But Stay in Care
3. Close Call, But Send Home
4. Definitely Send Home



Friction Among Experts

27 experts and 103 line workers
“emphasized the same case
characteristics in making
decisions ... but varied widely
in the decisions they made on
identical cases.”

Rossi, Schuerman, Budde

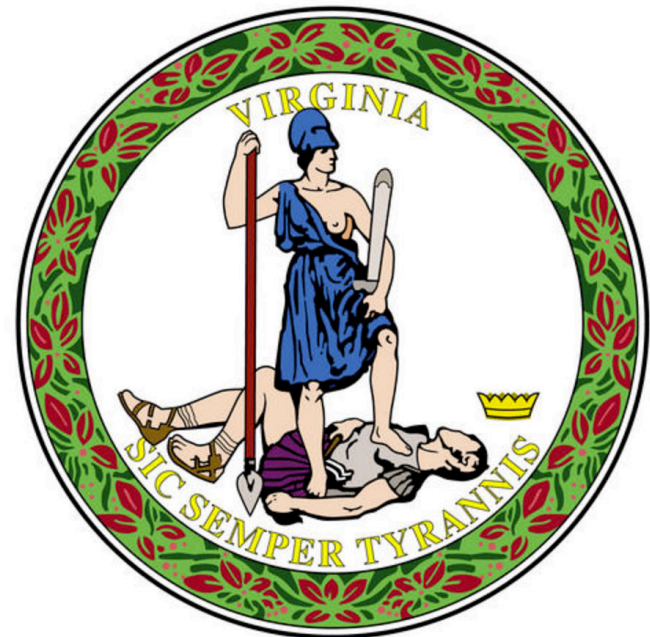


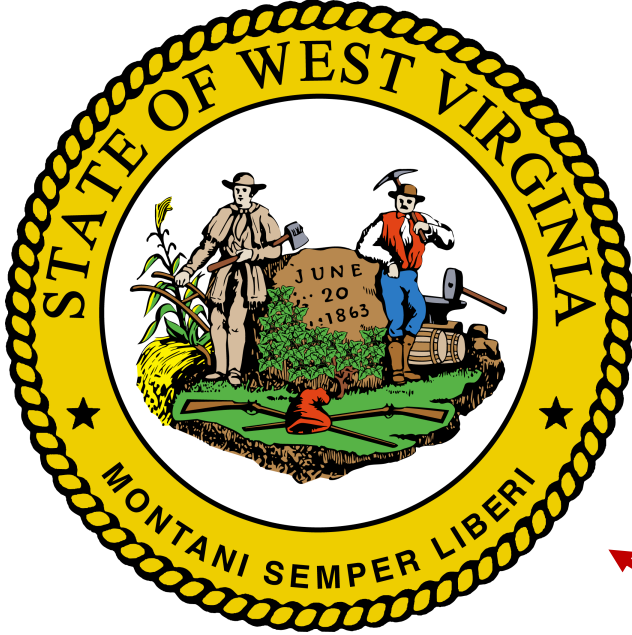
Average Monthly Removal Rate

11.4 children for every 10,000 in the population

Average Monthly Removal Rate

1.2 children for every 10,000 in the population

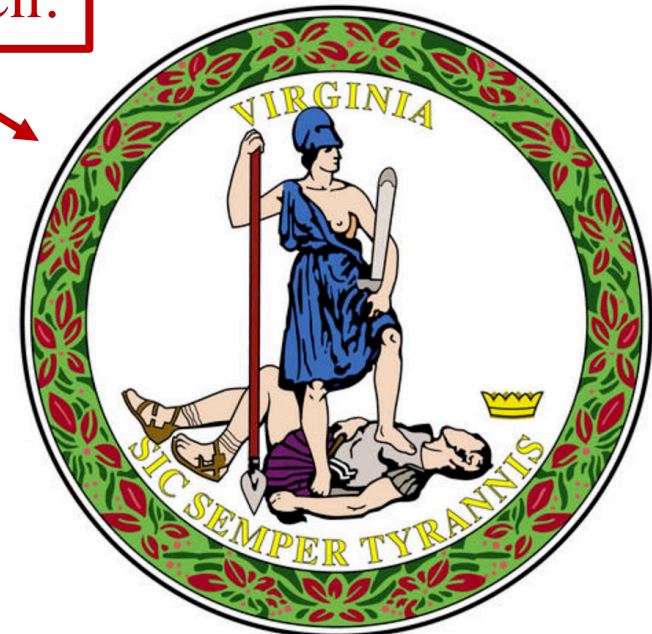




Average Monthly Removal Rate

11.4 children for every 10,000 in the population

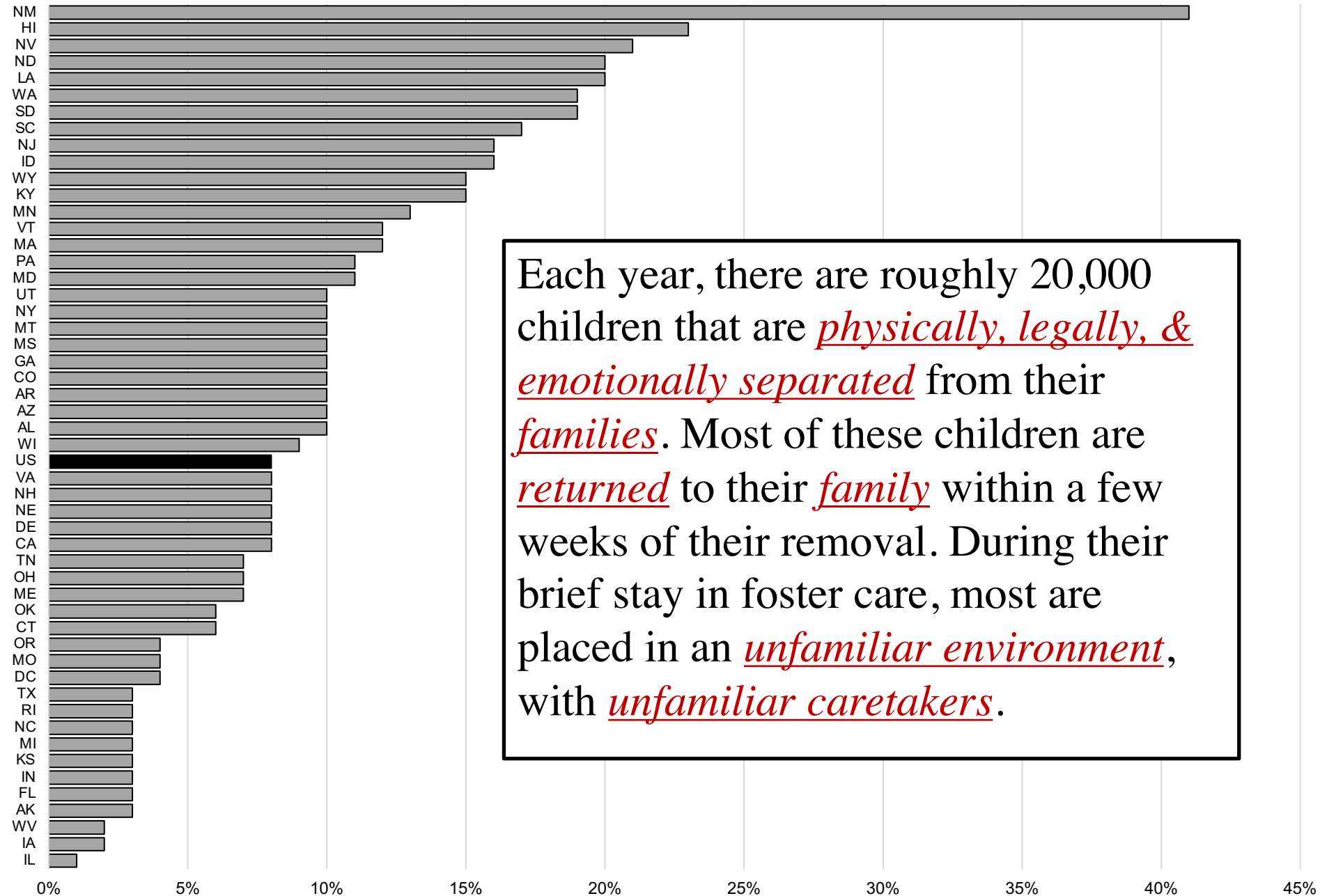
The removal rate differs by a factor of nearly ten.



Average Monthly Removal Rate

1.2 children for every 10,000 in the population

Percent of Children Discharged within 30 Days of Removal 2019 AFCARS Removal Cohort



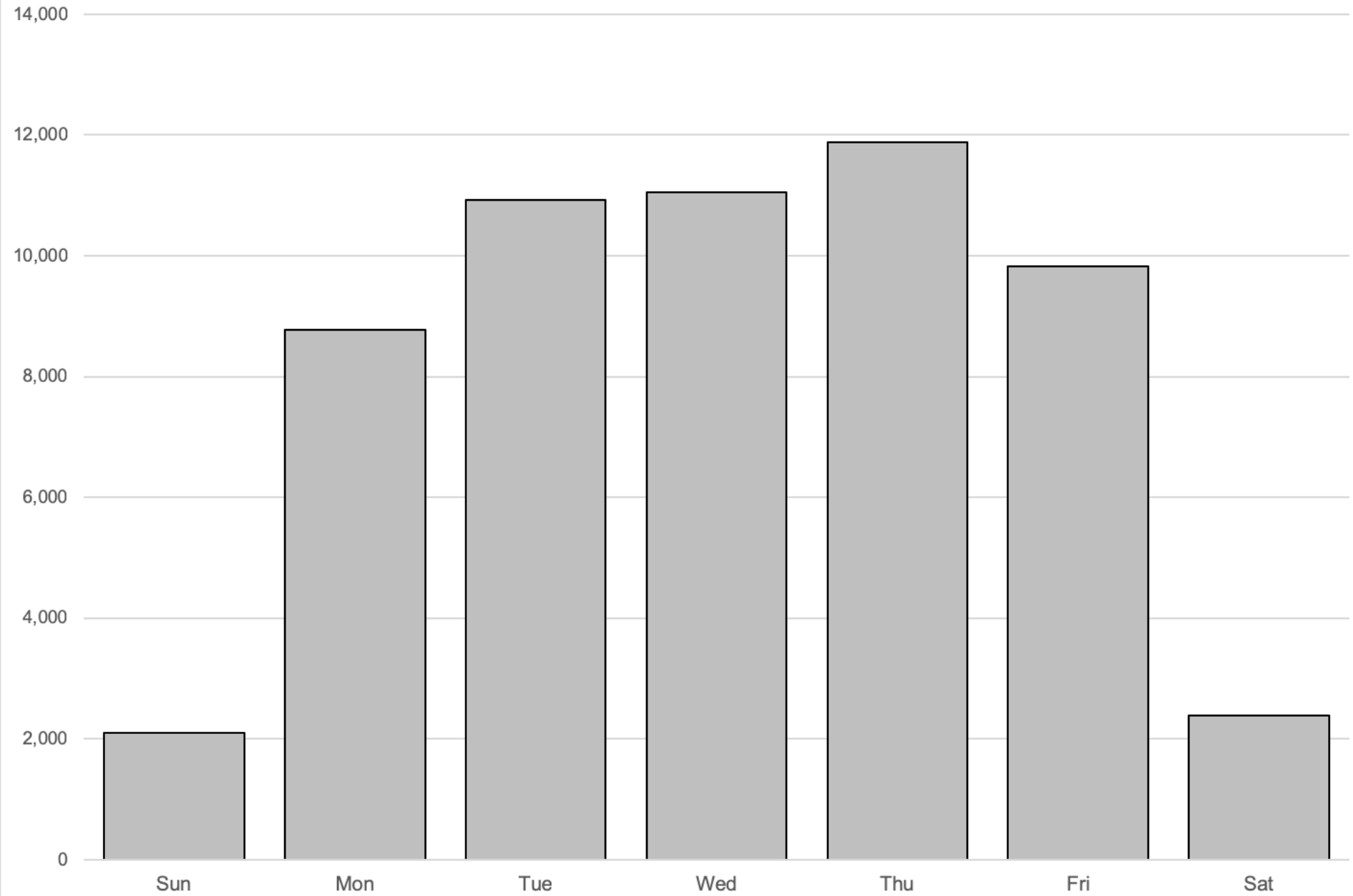
Each year, there are roughly 20,000 children that are *physically, legally, & emotionally separated* from their *families*. Most of these children are *returned* to their *family* within a few weeks of their removal. During their brief stay in foster care, most are placed in an *unfamiliar environment*, with *unfamiliar caretakers*.



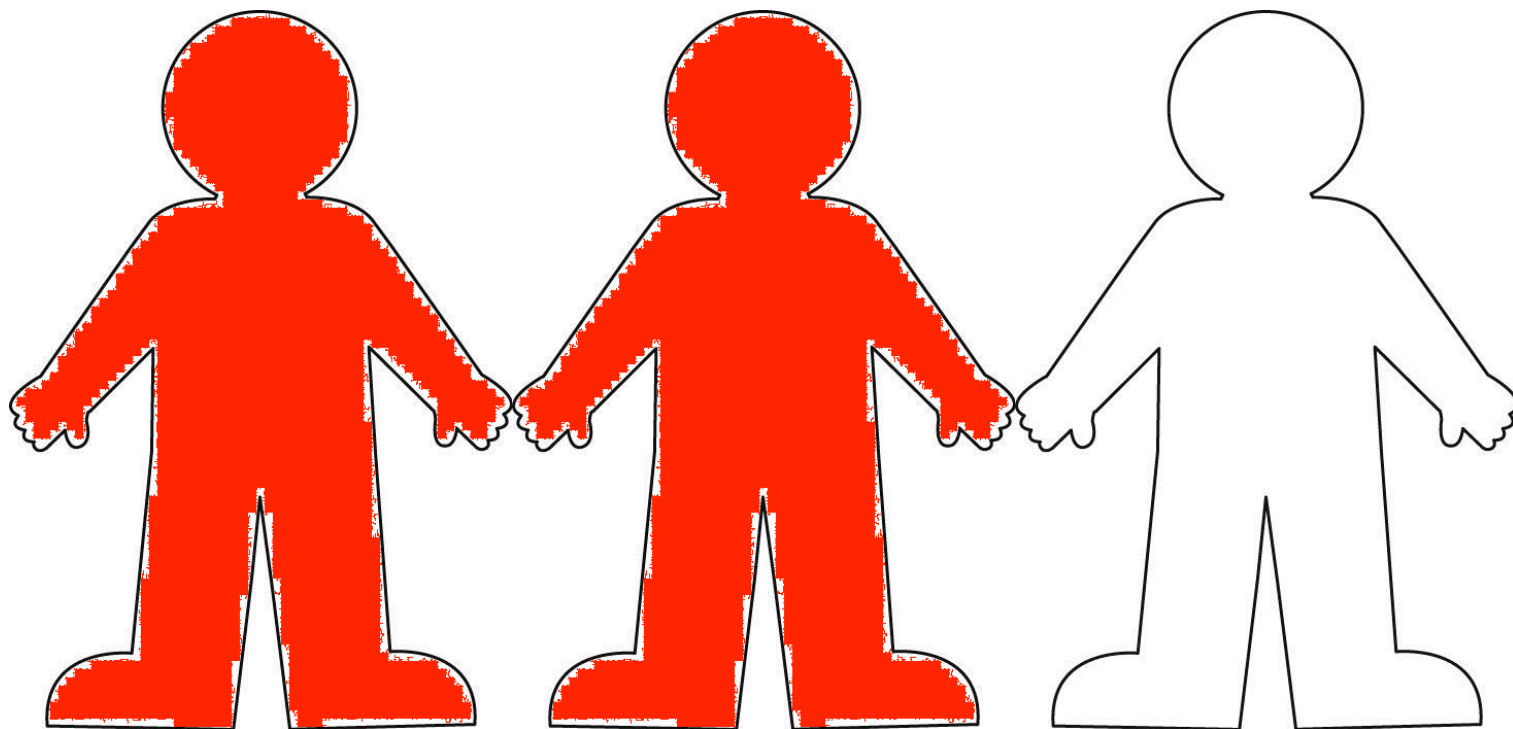
Emergency & *Ex*
Parte Orders

Removals to Foster Care by Day of the Removal

18 States Totaling 237 Aggregate Years, 2000 to 2017 FFY



Removal Reasons



63% of removals implicate neglect as a reason for removal, the most common removal reason.



Thank you!

Christopher Church
cchurch@casey.org

SAFE STRONG SUPPORTIVE

casey family programs

SAFE CHILDREN STRONG FAMILIES SUPPORTIVE COMMUNITIES
SAFE CHILDREN STRONG FAMILIES SUPPORTIVE COMMUNITIES
SAFE CHILDREN STRONG FAMILIES SUPPORTIVE COMMUNITIES
SAFE CHILDREN STRONG FAMILIES SUPPORTIVE COMMUNITIES
SAFE CHILDREN STRONG FAMILIES SUPPORTIVE COMMUNITIES
SAFE CHILDREN STRONG FAMILIES SUPPORTIVE COMMUNITIES
SAFE CHILDREN STRONG FAMILIES SUPPORTIVE COMMUNITIES
SAFE CHILDREN STRONG FAMILIES SUPPORTIVE COMMUNITIES
SAFE CHILDREN STRONG FAMILIES SUPPORTIVE COMMUNITIES
SAFE CHILDREN STRONG FAMILIES SUPPORTIVE COMMUNITIES

safe children | strong families | supportive communities