

Preventing Harm of Separation



Protecting our communities and protecting our youth requires protecting our families. Keeping families together keeps communities safe. OPD's parental defense division is a national leader in representing parents in the family policing system, and has critical expertise in identifying and addressing the harms caused by the family separation.

Preventing the harms of separation protects children by avoiding the trauma and long-term effects of family separation.

60% of children in foster care are there for issues of neglect.

- Issues of neglect include issues related to poverty such as housing and food insecurity.
- Issues of neglect also include issues related to the parent's ability to cope like mental illness and substance use disorder.
- Many issues of neglect can be resolved with the proper supports, services and resources.

Harms of Family Separation

- Family Separation can disrupt a child's brain architecture and affect their short and long term health.
- Separation parents, family and community causes feelings of grief, loss and confusion.
- Family Separation can lead to post traumatic stress disorder, isolation, substance use disorder, mental illness and anxiety.

Harms of Foster Care

- Children in foster care have higher rates of physical, behavioral and mental health conditions than the general population.
- Children in foster care are more likely to have education deficiencies, health problems, juvenile justice involvement, substance use disorders, live in poverty as adults and become homeless.
- Children in foster care are more likely to be abused in foster care than in the general population.

Solution

When courts make a best interest of the child finding to determine if a child should be separated from their parents, they should consider and make findings on the record of the specific harms a child can face in being separated from their parent, as well as determine how that harm is outweighed by the harm the child may experience if they were to remain at home and receive services that target the specific risk of harm the court wants to prevent.

States with Similar laws and policies: Washington D.C., New York, Iowa, Montana and California, New Mexico, South Carolina, Hawaii, Minnesota, Nebraska and Connecticut