

Grief-Informed Strategies for Mitigating Harm During Family Separation: A C.A.R.E. Checklist for Dependency Court Judicial Officers

PURPOSE: This checklist provides grief-informed and trauma-informed considerations to help judicial officers reduce the ambiguity, loss, and trauma children experience when entering and moving through foster care. It can assist courts in:

- Minimizing trauma during removal and placement.
- Preserving family relationships, community connections, and cultural identity.
- Reducing ambiguity by ensuring children receive clear, consistent information.
- Strengthening stability and continuity in education, routines, and relationships.
- Supporting meaningful child participation in decision-making when appropriate.

STRUCTURE: It offers structured guidance for three key foster-care transition transactions:^{1,2}

- A. Removal (Apprehension Transaction):** A transaction when the child has been removed from their original home and transferred into a foster care setting.³
- B. Placement (Foster Home Placement Transaction):** Any transaction experienced by a child as a direct result of being removed from their caregiver(s), including the initial removal from their home, moves between foster care placements, and return home.
- C. Family Time (Family Time Transaction):** A foster care transition transaction involving scheduled, court-ordered contact between a child in foster care and their non-custodial parents or siblings.⁴

SUGGESTED USE: Judicial officers may use this bench card during hearings, when shaping orders, or when directing parties to develop coordinated plans that promote safety and well-being. Because every dependency case is unique, judicial officers should apply the guidance in a manner tailored to the specific circumstances of the case. This tool complements statutory requirements and standard judicial practice by centering the

¹ Based on empirical research conducted on the lived experience of children in foster care and the Value Model of C.A.R.E. (see Appendix A; Mitchell, 2016),

² For a comprehensive list of specialized terms and their definitions, please refer to the Glossary at the end of this document.

³ “Foster care” is used to describe any out-of-home placement setting, including licensed/unlicensed foster care, kinship care, and congregate care.

⁴ “Family time” refers to court ordered contact between parents, children, and siblings as defined in law, which requires early, consistent, and frequent visitation unless limitations are necessary to ensure the child’s health, safety, or welfare (RCW 13.34.065).

child's relational permanency and well-being in every foster-care transition. This list is most effective in dependency proceedings when it is shared with all system partners so that all parties understand the types of questions the court may ask.

This bench card was developed through a partnership between the Administrative Office of the Courts' Family & Youth Justice Programs and Life Transitions International, an organization founded and led by Dr. Monique Mitchell, PhD, FT.

REMOVAL (THE APPREHENSION TRANSACTION)

Preserving the Family Relationship

- Is this removal absolutely necessary?
- Are there truly no safety interventions that would allow this child to remain safely in the home?
- What facts does the Department rely on to assert that threats to child(ren) safety outweigh the harm of removal and placement?
- What specific reasonable efforts were made by the Department to prevent this removal, and why did those efforts fail?

Removal Planning

- What will the removal look like for the child(ren)?
- Would it be helpful to request that parties meet to complete a [C.A.R.E. Checklist](#) to direct removal planning?
- Have there been steps taken to identify a familiar and trusted person who can be present or available to support the child(ren) during the removal? If not, would it be helpful for the court to direct parties to meet and plan for this?
- What efforts will be made to remove the child(ren) in the least traumatic way possible that provides support to the family? (Removals from schools and other public places should not occur unless it is necessary or considered the best course of action due to the specific circumstances of the case).
- If I find that removal is in the child's best interest, what orders are needed to minimize the ambiguity and trauma of this transition?
- What specific supports will be in place during the removal process and how have the parties coordinated these supports in advance?

Structural Ambiguity

- What efforts will be made to provide a definition of foster care to the child(ren)?
- What efforts will be made to explain the situation to the child(ren) and the steps being taken to keep them safe?

• What efforts will be made to invite the child(ren) to ask questions about foster care and express any concerns they may have? • What efforts will be made for a supportive adult (who is trauma-informed adult and grief-informed) to be present at the time a child is notified of the need to be removed from their family and home?
Placement Reason Ambiguity
• What efforts will be made to provide the child(ren) with a developmentally appropriate explanation of why they are being removed from their home and placed into foster care? • Would it be helpful to request that the Department or other party talk with the child(ren) to identify the reason for the out-of-home placement and explain it to the child in an age-appropriate manner?
Children's Belongings
• Is there a plan in place to ensure the child has time, support, and conditions to identify and collect the belongings they wish to bring with them? If not, would it be helpful for the court to direct parties to meet and plan for this? If the child is present at the hearing, is it appropriate for the court to ask if there are items, activities, etc. that are important to bring with them that could make their time in care easier?
Family Processing Time
• Have arrangements been made to ensure the child(ren) and their parent(s) have time to process the information together prior to the child's removal, when safe and appropriate? If not, would it be helpful for the court to direct parties to meet and plan for this? • What efforts will be made for the child(ren) and their parent(s) to have time to process the information together with a trauma-informed and grief-informed social worker prior to removing the child(ren)?
Children's Experiences of Involvement with Law Enforcement
• If law enforcement was present during the removal, would it be helpful to direct the child's attorney or GAL to discuss with the child(ren) that they are not in trouble, they are not going to jail, and they are there to help them during the process?
Children's Experience of Transportation to Placement
• What efforts will be made for someone with whom the child(ren) is familiar to be present during the removal? • What efforts will be made for a supportive adult (who is trauma-informed and grief-informed) to be present to assist the child(ren) during the removal process?

• What efforts will be made to provide the child with sensitivity, compassion, and support while being transferred from the original home to the foster care placement? • What efforts could the Department or other party make to explain to the child(ren) where they are going and if there will be any location stops prior to their arrival to the foster care placement?
Sibling Relationships and the Sibling Bond
• What efforts will be made to keep siblings together in the same placement? If applicable yet unattainable, what efforts will be made to provide the children with an explanation for why they are not being placed with their sibling(s)? What efforts will be made to explain to the children that they will get to see their siblings again and when?
Ambiguous Loss
• What efforts can the Court make to explain to the child(ren) that they will get to see their parents again and when that will happen? • What efforts can be made by the Department to talk with the child(ren) about visitations, preservation of their family connections, and when they will get to see their family again?
Kinship Placement
• What efforts will be made to identify a kinship family member prior to placing the child(ren) in a nonkinship placement?
Children's Placement Preference
• If developmentally appropriate, has the child had an opportunity to express their views about the placement, and have those views been communicated to the court?
Relationship Ambiguity and Placement Context Ambiguity
• To mitigate relationship ambiguity and placement context ambiguity, what efforts could the Department make for the caseworker to talk to the child(ren) about the people and pets residing at the placement prior to their arrival at the placement?
Temporal Ambiguity
• What is the Department's plan for ensuring timely follow-up with the child and caregiver within the first days and weeks of placement?

PLACEMENT (THE FOSTER HOME PLACEMENT TRANSACTION)
Continuity of School and Education
What efforts will be made to stabilize the child(ren)'s education and peer relationships by not relocating the child(ren) to a new school?
Grief-Informed and Trauma-Informed Psychological Support
What efforts could be made to identify a trauma-informed and grief-informed counselor or therapist for the child(ren)?
Relational and Cultural Connections
What efforts will be made to maintain a child's relationships with their peers, their community, their culture, and anyone they believe is important in their life?
Extracurricular Activities
What efforts will be made to maintain a child's extracurricular activities and commitments?
Inviting, Involving, and Engaging Children in Decision-Making Opportunities
- Is the Court doing everything they can to ensure the child(ren)'s voice(s) are included in decision-making? - If legal counsel has been assigned to the child(ren), has the child(ren)'s attorney had sufficient opportunity to meet with the child(ren), discuss the situation in developmentally appropriate way, and ascertain the child's position? - If there is a GAL/CASA on the case, have they had sufficient opportunity to meet with the child(ren) and understand the child(ren)'s circumstances?

FAMILY TIME (THE FAMILY TIME TRANSACTION)

Feasibility and Viability of Family Time

- Is there a clear plan for family time, including frequency, location, supervision level, and transportation responsibilities?
- How has the family time plan been tailored to meet the child(ren)'s developmental stage, cultural background, and relational needs?

Ambiguous Loss, Temporal Ambiguity, and Preserving Family Connections

- What efforts will be made for the child(ren) and their parent(s) to have a family time within 72 hours of removal (excluding holidays and weekends)?
- What efforts could be made by the Department or other parties to talk with the child(ren) to explain that they will have visitations with their family, including who will be included in family time, how often they will have family time, and when and where they will have family time?
- What efforts could be made by the Department or other parties to talk with the child(ren) to explain that they will have visitations with their family, including who will be included in family time, how often they will have family time, and when and where they will have family time?
- What efforts have been made by the Department to ensure that ordered family time begins as soon as possible and continues consistently, especially during the initial transition into foster care?
- What efforts are being made to ensure the child(ren) and their parent(s) and family members have consistent and ongoing supervised/unsupervised family time?
- What efforts could be made to identify a trauma-informed and grief-informed counselor or therapist for the child(ren)?
- Has the Department explored creative opportunities for additional contact (phone calls, video calls, letters, cultural practices) between in-person family time?

Family-Centered Atmosphere

- What supports are being provided to the parents and child(ren) to promote positive, safe, and meaningful family time?
- If family time is going to occur in an institutional or DCYF-office setting, what efforts is the Department making to hold family time in the most natural, least restrictive, most family-like setting possible?

• What efforts could the Department and other parties make to include the child(ren) in decision-making around where supervised/unsupervised family time will be held? • Does family time and/or communication (phone, video, etc.) need to be supervised? If yes, why?
Reducing Family Time Barriers
• What barriers to visitation have been identified and what efforts will be made to minimize barriers (e.g., transportation, scheduling conflicts, distance) for the child(ren) and parent(s) to participate in family time?
Preserving Family Activities, Routines, and Culture
• What efforts could the Department or other parties make to discuss with the parents what activities, routines, or cultural practices that can be incorporated into family time to support bonding and reduce additional experiences of loss?
Infrequent and/or Missed Family Time
• If family time is inconsistent, or there are problems with it occurring regularly, how is this being communicated and discussed with the child(ren)? Does a change need to occur to the court-ordered family time? • If reductions in family time have been proposed, what specific safety threats justify the reduction, and what steps are being taken to remedy them?
Children's Coping Efforts after Family Time
• In cases where a child is reportedly "dysregulated" after family time, would it be helpful to request that the Department work with the parent and caregiver to develop a plan for transitioning between family time?
Role Ambiguity
• What efforts could be made to mitigate the experience of role ambiguity for the child(ren)? For example, does family time include the child(ren)'s siblings? Does the child have the opportunity to have family time with their parent(s) alone as well?

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GLOSSARY⁵

Ambiguity: Occurs when an individual has a lack of clarity due to having no information, not enough information, or conflicting information. Ambiguity interferes with an individual's ability to cognitively appraise (perceive and assess) the potential threats of an event.

Ambiguous Loss: A lack of clarity about the psychological and/or physical presence of members in the psychological family.

Apprehension (Removal) Transaction: A foster care transition transaction involving a child being removed from their original home and transferred into foster care.

Cognitive Appraisal: An individual's psychological assessment of whether an event will be helpful (benign-positive), harmful (stressful), or benign (irrelevant).

Family Time Visitation Transaction: A foster care transition transaction involving scheduled contact between a child in foster care and their non-custodial parents, siblings, or extended family.

Foster Care Transition Transaction: Any transaction experienced by a child as a direct result of being removed from their caregiver(s) and placed into foster care.

Foster Home Placement Transaction: A foster care transition transaction involving a child's entry into and residency in a foster care placement (i.e., family foster home, group home, etc.). A foster home placement transaction occurs each time a child is moved to a new placement.

Placement Reason Ambiguity: A lack of clarity about the reason for being placed in foster care.

Placement Context Ambiguity: A lack of clarity about the context of the foster care placement.

Relationship Ambiguity: A lack of clarity about the people with whom they will be residing.

Role Ambiguity: A lack of clarity about one's role in familial contexts.

Structural Ambiguity: A lack of clarity about the meaning of foster care.

⁵ Mitchell, M. B. (2016). *The neglected transition: Building a relational home for children entering foster care*. Oxford University Press.

Temporal Ambiguity: A lack of clarity about the duration of the foster care placement.

Transaction: An encounter between a child and a situation that precipitates cognitive appraisals and new relational meaning.

APPENDIX A

Building a Relational Home: A Value Model of C.A.R.E. (Mitchell, 2016)

VALUE	VALUE ACTION	VALUE STATEMENT
 Communicate	Actively listen, provide information, and ask and answer questions appropriately, when needed	<i>"Your communication to me about your needs, experiences, and aspirations is important and valued."</i>
 Affirm	Affirm a child's strengths, potential, and worthiness of unconditional love	<i>"You are important and valued."</i>
 Recognize	Recognize and acknowledge the needs, experiences, and aspirations that are significant to a child	<i>"Recognizing and acknowledging your needs, experiences, and aspirations is important and valued."</i>
 Ensure	Attend to a child's needs to ensure their safety, permanency, and well-being are met	<i>"Attending to and ensuring your needs are met is important and valued."</i>