



## 7th UpCare Training: Removal as a Means of Managing Domestic Violence. Trauma and Management. Good Removal Practices.

### Introduction

Child removal, also known as child separation, refers to the process of removing a child from their biological parents or legal caregivers and placing them in an alternative care arrangement. It is a common practice in the Western developed world to be responsible for someone else's life (Furlong, 2003).

Child removal can occur in various situations, including:

- ❑ Parental expulsion: When parents are legally prohibited from being in contact with their child.
- ❑ Parental incarceration: When one or both parents are imprisoned, resulting in the separation from their child.
- ❑ Death: In cases where parents pass away, the child may be removed from their care.
- ❑ Termination of parental rights: When the legal rights of parents are revoked, leading to the child's removal.
  - Abuse or neglect: When the child experiences physical or emotional harm due to abuse or neglect by their biological parents.
  - Inability of a parent to protect the child from existing or potential dangers.

In Greece, approximately 70% of child removal cases are related to abuse or neglect by biological parents (Peraki, 2018). After removal, the child often experiences impersonal environments, such as police stations or hospitals, where the duration of stay is uncertain until the bureaucratic process is completed and they are placed in foster care (Koutsoukou, 2013).

Child removal is universally recognized as a traumatic experience (Advancing California's Trauma-Informed Systems, 2010). Studies have shown that children who are removed from their homes perceive it as a "clumsy" experience, facing anxiety-inducing situations such as lack of information, fear of the unknown, and the absence of acknowledgment of their feelings of pain and loss (Folman, 1998).

Clinical research indicates that children who experience removal are overwhelmed by feelings of abandonment, rejection, worthlessness, guilt, and incompetence (Folman, 1998).



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Studies comparing adults who were removed from their homes due to abuse with those who remained have shown that the former are more likely to exhibit behaviors related to substance abuse, psychotic or bipolar disorders, depression, anxiety disorders, and have higher rates of delinquency and criminal convictions for violent crimes (Côté, Orri, Marttila, & Ristikari, 2018).

The process of child removal and subsequent placement in alternative care disrupts children's understanding of themselves, their interpersonal relationships, as well as their sense of security and stability in the world they live in (Mitchell & Kuczynski, 2010).

One may wonder why children are removed considering the impact it has on them. The reality is that some families fail to show signs of improvement or willingness to provide a safe environment for their children (Jones, 1987).

However, in most cases, courts only consider whether a child is at risk if they remain in the care of their parents, without taking into account the harm caused by the alternative solution—removing the child from their home and family (Trivedi, 2019).

While child removal may be evaluated as the best option in certain circumstances to protect the child's well-being, it is crucial to recognize and address the emotional, psychological, and developmental consequences it can have on the child. Efforts should be made to ensure that alternative care arrangements prioritize the child's safety, stability, and overall well-being.

### ***Legal Framework***

Greek laws related to child removal involve various articles from different legal frameworks. These laws address the obligations of individuals, such as private citizens, investigative officials, and educators, to report criminal acts involving children or cases of domestic violence. The following articles are relevant:

#### **Article 40 - Code of Criminal Procedure (Law 4620/2019) - Obligation of Private Citizens:**

Even private citizens are required by law to report punishable acts, which are prosecutable ex officio, if they become aware of them. They must report them to the prosecutor of the misdemeanors court or any investigative officer.

The report can be made in writing or orally, with all the details concerning the act, the perpetrators, and the evidence included.



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### **Article 38 - Code of Criminal Procedure (Law 4620/2019) - Obligation to Report Criminal Acts:**

Investigative officers must promptly report any information they obtain, by any means, about punishable acts prosecuted ex officio to the competent prosecutor.

Other public officials and those temporarily assigned to public service have the same obligation if they become aware of such acts during the performance of their duties.

The report must be made in writing, containing all the relevant information about the punishable act, the perpetrators, and the evidence.

### **Article 23 - Law No. 3500/2006 - Combating Domestic Violence:**

Educators in primary or secondary education who learn or discover that a student has been a victim of a crime related to domestic violence must immediately inform the school principal.

The school principal must then promptly report the punishable act to the competent prosecutor or the nearest police authority.

The same obligation applies to educators and directors of private schools, as well as those responsible for all types of Pre-School Education Units.

When it comes to child removal, each prosecutor and each individual case may be approached differently. However, some observations can be made:

- ⇒ Prosecutors sometimes provide specific instructions and detailed information to the relevant social worker before initiating a social investigation.
- ⇒ Social investigations may be ordered without the necessary information required for conducting the investigation, such as the nature, origin, and precise content of the complaint, as well as the child's specific characteristics.
- ⇒ There is a lack of uniform protocols and rules across all prosecutors' offices.
- ⇒ The absence of institutionally provided social services in the First Instance Courts can be a challenge.

Furthermore, Article 1532 of the Civil Code addresses the consequences of the poor exercise of parental responsibilities. If a father or mother violates their duties regarding the



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care of the child's person or the administration of their property, or if they abuse or are unable to fulfill these responsibilities, various measures can be taken to protect the child's interests.

It's important to note that the interpretation and application of these laws can vary depending on the specific circumstances of each case and the discretion of the authorities involved.

### ***Child Best Interest***

Greek laws related to child removal prioritize the best interests of the child, taking into consideration several factors. These factors include the child's opinion and identity, the preservation of the child's familial environment and relationships, the care, protection, and safety of the child, the possible vulnerability, incapacity, or disability of the child, the child's right to health, and the child's right to education. These principles are in line with General Comment No. 14 (2013) on the right of the child to have their best interests taken as a primary consideration, as outlined in Article 3, Paragraph 1.

Internationally, scientific research indicates that decisions regarding child removal are often made in urgent situations with limited information available (Pickett & Maton, 1997). The notion of urgency is also related to the pressure faced by professionals in the field of child protection, who are often required to make quick decisions based on information obtained from different sources that may be either questionable or insufficient (Spratt, Devaney, & Hayes, 2015).

The concept of professional bias, also referred to as "confirmation bias" (Munro, 2020), is another aspect that affects decision-making. It can be described as the tendency of professionals to seek or interpret information in a way that confirms their initial assessment or preconceived notions. Terms such as "verification" (Holland, 2011), "fixed thinking" (Brandon et al., 2009), or "adaptation-driven bias" (Taylor, 2010) are also used to describe this phenomenon.

Munro (2020) outlines a series of techniques used by professionals in the field of child protection that can lead to confirmation bias. Firstly, there is the technique of "avoidance," where professionals consciously or unconsciously avoid certain information that contradicts their initial assessment. Secondly, there is the tendency to "forget" or disregard elements or events that invalidate their initial judgment. Thirdly, professionals may underestimate the source of information.



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It is important to note that when children experience a traumatic event, they do not always exhibit traumatic stress symptoms. Multiple factors can influence the consequences, and these factors can be identified as both protective and risk factors.

In summary, Greek laws regarding child removal prioritize the best interests of the child, taking into account various aspects such as the child's opinion, identity, preservation of familial environment and relationships, care and safety, vulnerability or disability, and the child's rights to health and education. However, it is crucial for professionals involved in child protection to be aware of the potential biases that can influence decision-making, such as confirmation bias, and to actively seek a comprehensive understanding of the child's situation before making any determinations.

### ***The Harm of Removal***

The process of removal and separation from one's family can have profound and lasting effects on children. The fear and uncertainty associated with this experience not only affect their understanding of themselves but also their interpersonal relationships and sense of safety and stability in the world they inhabit. Children often report feelings of ambiguity, doubt, loss, and trauma, sometimes equating their removal to abduction. Let us delve into the specific harms caused by removal and how they affect children's well-being.

#### **Fear of Transition:**

The fear of transition significantly influences children's comprehension of themselves, their interpersonal relationships, and their sense of security and stability. They struggle with uncertainties about their whereabouts and the reasons behind their placement, leading to emotional distress and a diminished sense of belonging.

#### **Doubt in Relationships:**

Apart from losing their familial environment, children are confronted with the challenge of building connections with new individuals. This uncertainty in relationships adds an additional layer of stress and strain, affecting their ability to form trust and establish meaningful bonds.

#### **Role Ambiguity:**

Children struggle to make sense of their situation and their purpose in it. They grapple with questions about where they are and why they have been separated from their family, which can lead to confusion and a lack of clarity about their identity and place in the world.



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### **Ambiguous Grief:**

Children mourn the loss of family members who are still alive but "out there" somewhere. This ambiguous grief, loss without death, can trigger anxiety, confusion, despair, and other negative consequences for a child's mental well-being.

The Complex Trauma of Removal:

Children exposed to multiple unresolved traumatic events that endanger their personal safety and well-being experience complex trauma. The following are some of the specific consequences:

- ❑ **Physical Dysregulation:** The trauma of removal can manifest in various physical dysfunctions, such as sleep disturbances, somatic complaints, and disruptions in bodily functions.
- ❑ **Emotional Regulation Difficulties:** Children may face challenges in managing their emotions, resulting in heightened reactivity, emotional outbursts, and difficulty coping with stressors.
- ❑ **Impaired Self-Regulation:** Removal trauma can impair a child's ability to self-regulate, leading to difficulties in controlling their behavior, attention, and emotions. This can affect their overall functioning and capacity to navigate daily life.
- ❑ **Cognitive Impairment:** Complex trauma can disrupt cognitive functions, leading to difficulties in attention, memory, and learning. These cognitive impairments can hinder academic performance and intellectual development.
- ❑ **Increased Cortisol Levels and Neural Damage:** Prolonged exposure to stress and trauma can elevate cortisol levels (the stress hormone) and cause damage to brain cells, affecting a child's neurological development and overall brain health.
- ❑ **Multifaceted Health Consequences:** Removal trauma can have extensive implications for a child's physical and mental health, including increased vulnerability to various illnesses and psychological disorders.

### **Children in Foster Care:**

Children placed in foster care settings often exhibit a range of challenging behaviors and struggles that stem from their experiences of removal. These may include:

⇒ High Aggression Rates



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- ⇒ Anger Issues
- ⇒ Enuresis (bedwetting)
- ⇒ Speech and Language Disorders
- ⇒ Attention-Seeking Behaviors
- ⇒ Shame and Embarrassment
- ⇒ Eating Disorders
- ⇒ Defiance and Resistance
- ⇒ Selfishness
- ⇒ Thumb-Sucking
- ⇒ Excessive Crying

The harms of removal on children's well-being can be far-reaching and long-lasting. Some of the consequences include:

- Nightmares and Sleep Disturbances
- Intrusive Thoughts (repetitive, unwanted, and often distressing thoughts or images that provoke anxiety)
- Traumatic flashbacks represented through play or artwork
- Negative beliefs about others, themselves

### ***Good Practices on Reducing The Harm of Removal***

Researchers who study crises and traumatic events have identified three critical protective factors that can help children cope with crisis and trauma situations:

- Sufficient information about what is happening to them.
- A suitable support system.
- Effective mechanisms for managing the fear and anxiety caused by the crisis (Aguilera & Janice, 1974).
- Among younger children, there is often a need to adopt crisis coping strategies from an adult (e.g., seeking information) and rely on an adult to help them organize and adapt to their experiences (Sutherland-Fox, 1985).

Henry and Richardson (2013) presented a model for trauma-informed removal to professionals in the state of Southwest Michigan, USA, emphasizing trauma through the Southwest Michigan Children's Trauma Assessment Center. The Trauma-informed Removal guide states that there should always be a plan to minimize trauma to the child during the removal process. The plan includes:



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- Creating a sense of safety for the child.
- Psych educating the child to accept the situation.
- Empowering the child by presenting the process.
- Maintaining ongoing relationships between the child and professionals after the removal.
- Facilitating expression of emotions and acceptance of them.

Another model proposed by Folman suggests three steps for minimizing harm in child removal:

- Informing the children before the removal that they are leaving their parents to temporarily live in an alternative care setting.
- Allowing children to communicate with their families as soon as possible after the removal.
- Familiarizing children with the adoptive or foster parents in advance or showing them the environment they will be moving to (Folman, 1998).

In the same Folman model, it is also suggested:

- Removal should be conducted by a professional known to the children.
- When possible, the parent should accompany the child during this transition.

If children cannot meet the alternative care setting before the removal, specific information about them should be provided, such as a video of the adoptive family members talking about themselves, their interests, and the activities they enjoy doing with children, or at least presenting photos of the members with a narrative about the family (Folman, 1998).

Regarding the risk of parents fleeing with the children if they are informed in advance about the removal, procedures tailored to this situation can be implemented. For example, professionals can arrive in the morning, explain to parents and children what is going to happen, allow children to gather their belongings, and, if possible, have parents accompany the children to the police station or social services office. Farewells and plans for the next contact can be made at the police station or social services office (Folman, 1998).

In all cases, research shows that children who process the trauma of removal at a faster pace and with greater success are those who can make sense of their experience (Herman, 1992).



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How to explain removal to children based on trauma-informed care:

- Avoid being swayed by how the child presents it.
- Before asking the child:
  - Recognize the difference between pain and trauma.
  - Empathize with the child's feelings.
  - Explain that removal is not a punishment or the child's fault.
  - Provide age-appropriate information and clarify any misconceptions.
  - Validate the child's emotions and let them know it is okay to feel that way.
  - Reassure the child that there are people who care about their safety and well-being.
  - Offer support and resources for coping with the emotions and challenges that may arise.
- Encourage the child to express their thoughts and feelings and assure them that they will be heard and understood.
- Maintain open and ongoing communication with the child throughout the process.

It is important to note that the above information is based on research and recommended practices



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