

Juvenile Law Resource Center Issue Brief

Using the Harm of Removal and Placement to Advocate for Parents

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I. ISSUE

Several new studies suggest that children who are removed from their homes and placed in foster care experience significantly worse long-term outcomes than similarly maltreated children who remain in the home. Oregon law also allows the juvenile court and the child welfare agency to consider these consequences of removal and placement. Consequently, attorneys representing parents can use social science research and facts specific to their clients to fashion powerful legal arguments against removal.

II. RESEARCH

a. Trauma of Removal

Theoretical research and expert opinion indicate that removing a child from the home causes serious trauma. Though informative, these findings are categorically different from the empirical studies discussed later in this article which actually examine outcomes for large groups of children placed in foster care. Many sources acknowledge that separating a child from a parent for even a relatively short time can have a devastating emotional and physical impact on the child.¹ For some children, separations may be experienced as a significant rejection or loss that affects the formation of attachments.² Children who are removed from parents often come to expect parental unavailability, which distorts adjustment to surrogate caregivers and the foster home environment.³ Experts also note that disruptions in the parent-child relationship may “provoke fear and anxiety in a child and diminish his or her sense of stability and self.”⁴

Thus, by removing children from parents, removal undermines children's attachments, identity, and subsequent caregiving relationships.⁵

For children in homes where there is domestic violence, the consequences of removal to foster care can be more severe. One court noted expert testimony that "if a child is placed in foster care as a result of domestic violence in the home, he or she may view such removal as 'a traumatic act of punishment... and [think] that something [the mother] has done or failed to do has caused this separation.'"⁶ Additionally, for children already experiencing separation anxiety, removal from a battered parent's custody will serve to further intensify those feelings by interrupting a positive attachment to the non-abusing parent.⁷ Another expert concluded the removal heightens the child's sense of self-blame, and that children exposed to domestic violence are at a significantly above-normal risk of suffering separation anxiety disorder if separated from their mother.⁸

The impact of removal from a parent also varies with age. One expert declared, "[c]hildren have a built in sense based on the urgency of their instinctual and emotional needs Emotionally and intellectually, an infant or toddler cannot stretch her waiting more than a few days without feeling overwhelmed by the absence of her parents. For children under the age of five years, an absence of parents for more than two months is intolerable. For the younger school-age child an absence of six months or more may be similarly experienced."⁹ Another expert noted that "when a young child is separated from a parent unwillingly, he or she shows distress At first, the child is very anxious and protests vigorously and angrily. Then he falls into a sense of despair, though still hypervigilant, looking, waiting, and hoping for her return" ¹⁰

b. Harm of Foster Care Placement

Empirical research identifies certain long-term effects associated with removal and foster care placement. For example, a study of 160,000 children in California using administrative data found lower delinquency rates on average for children who remained at home, especially for those who received in-home services.¹¹ Additionally, a study of over 9,000 women in California found that a history of out-of-home foster care placements are associated with a broad range of adverse psychosocial outcomes, including mental health problems, poor substantive health, smoking, obesity, low educational attainment, living in poverty, and use of public assistance in adulthood.¹²

Finally, a study of over 700 children found that instability in foster care placement has a significant negative impact on behavioral well-being.¹³

Despite these findings, child welfare researchers continued to disagree about whether abused and neglected children benefit more from remaining with parents or being placed in foster care.¹⁴ Some researchers find that children removed to foster care fare better than those who remain in the home. For example, one prospective study compared over 90 children split into three different groups: children who remained at home, children who were removed to alternative care, and children who remained at home despite a social worker's decision to remove them. The study measured children's quality of life at the time of the intervention and six months afterward. Results revealed that the quality of life of the children who were removed from home had improved; the quality of life of the children who remained at home in accord with the workers' decisions remained roughly the same; and the quality of life of the children for whom the decision to remove was not implemented actually declined. Researchers concluded that children at risk may fare better in an out of home placement than remaining at home.

Other research results also support that notion that placing children in foster care may actually be preferable to reunification with parents. One series of studies examined the effects of reunification with birth parents after children spent at least five months in foster care. Initially, children who were selected for reunification demonstrated fewer behavioral problems than children who did not reunify.¹⁵ But, researchers found that children who reunified subsequently deteriorated, demonstrating more self-destructive behavior, substance abuse, and total risk behavior than children remaining in foster care.¹⁶ Overall, the effects of reunification were complex; researchers found that children who reunified experienced lower perceptions of social isolation but also suffered increased stress caused by family dysfunction and instability.¹⁷

Considering these mixed results, many researchers have lingering methodological concerns with existing research. For example, researchers fear that negative outcomes for children placed in foster care could be attributed to the abuse or neglect already suffered in the home, not to the experience of removal and foster placement.¹⁸

i. New Studies Analyzing Long-term Effects of Foster Care Placement

Several recent studies now advance previous research by explicitly comparing outcomes for children placed in foster care against outcomes for children who remained in the home despite maltreatment. These studies indicate that removal and foster care placement, not other pre-existing characteristics, cause long-term negative outcomes for children placed in foster care. Overall, these studies more strongly than ever demonstrate the traumatic effects of removal and placement.

One study, conducted by researchers from the University of Minnesota, compared 189 children divided into three groups: those who were maltreated and placed in foster care, those who were maltreated but remained in the home, and those who had not experienced foster care or maltreatment despite at-risk demographics similar to the other two groups.¹⁹ The study tracked measures of children's behavior problems, including attachment, problem-solving, task-teaching, impulse control, emotional health, teacher reports, and psychopathology.²⁰ The researchers tested all children at pre-placement, release from care, and during high school at age 16.²¹

Findings from the study showed that children who were placed in foster care displayed higher levels of behavior problems than children who were maltreated but remained in their home.²² Further, the children placed in foster care continued to exhibit higher levels of behavior problems even after they had left foster care, and the effect continued throughout adolescence.²³ The effect was even more drastic for children placed into foster care after kindergarten. Children placed in foster care at an older age exhibited an immediate increase in behavior problems, and the problems continued even after departure from foster care.²⁴ Finally, the study revealed that children placed in stranger foster care had significantly higher behavior problems than children placed in either familiar care (relative or family friend) or remaining at home.²⁵

The authors of the study hypothesized that several factors may account for the traumatic effects associated with removal and out of home placement. First, the researchers proposed that foster care as an intervention exposes children to difficult developmental challenges. Second, they contended that weakness within the foster care system in providing comprehensive psychological services and in responding to

the educational, social, and familial changes contributed to increased behavior problems. Finally, the researchers posited that the ambiguity of removal and foster placement with no delineated endpoint contributed to children's emotional difficulties.²⁶

Another series of studies tracking thousands of children found huge increases in negative long-term outcomes for children placed in foster care compared to those remaining in homes despite maltreatment. In these studies, MIT economics professor Joseph Doyle, Jr. found that children on the margin of placement who were placed in foster care experienced drastically higher juvenile delinquency rates, adult arrest rates, teen motherhood rates, and unemployment rates than children experiencing similar abuse or neglect who remained in their homes.²⁷

Doyle's research benefited from the occurrence of a natural experiment – the random assignment of a child welfare investigator to a family's dependency case – to get deeper insight into the effects of foster care placement.²⁸ Doyle found that each investigator had a certain general propensity to recommend removal, compared to other investigators.²⁹ Not surprisingly, the investigator's general propensity to remove was an accurate predictor of the likelihood that the investigator would place any individual child in foster care.³⁰ Because children's cases were randomly assigned to investigators, Doyle could determine the effects on children placed into foster care solely on the basis of their investigator assignment.³¹ That unique research model made it possible to compare children placed in foster care with similar children who were investigated for abuse or neglect but were not placed.³²

In addition, Doyle identified children where investigators disagreed with each other about whether to recommend a foster care placement.³³ These children were considered "on the margin of placement" ostensibly because they had not experienced abuse or neglect so severe that any investigator would recommend removal and placement. Interestingly, Doyle also discovered that young adolescents, victims of abuse (as opposed to neglect), girls, and African American children were those most often on the margin of placement.³⁴ Doyle's analysis focused primarily on these children on the margin of placement, in part because he found the most drastic effects of foster care placement apparent in this group.

In his first analysis of 15,000 children in Illinois, Doyle discovered several significant results concerning the effects of removal and foster care placement for children on the margin of placement. First, the analysis showed that children who were removed and placed in foster care had a delinquency rate *three times* that of similarly endangered children who were not placed in foster care.³⁵ Second, children placed outside the home experienced teen pregnancy rates *twice* as high as those who are not placed. Finally, children placed in foster care had approximately 40% lower levels of employment when they were between the ages of 18 and 26, compared to those who remained at home.³⁶

Doyle also found differences in the strength of the negative effects of foster care placement for different types of children. For example, increases in delinquency rates because of foster care placement were most noticeable in neglect, as opposed to abuse, cases.³⁷ The results were the opposite for teen motherhood; the more drastic increase in pregnancies was found where children were removed from their homes because of abuse.³⁸ The results also revealed that the negative effects of foster care placement were strongest for children removed from their parents when they were over ten years old.³⁹ Finally, children least likely to be removed and placed in care experienced the most dramatic increases in delinquency and teen pregnancy when they were removed.⁴⁰

Doyle's second study, featuring over 23,000 children using a similar method, showed that the damaging effects of foster care placement extended into adulthood.⁴¹ The key finding of the second study was that children on the margin of placement who were actually removed and placed in foster care were *two to three times* more likely to be arrested as adults compared to children who remained with their parents.⁴²

Not all child welfare experts accept Doyle's conclusions. Dee Wilson, a former child welfare agency administrator and current executive director of the Northwest Institute for Children and Families, points out several methodological limitations of Doyle's research.⁴³ In particular, the studies excluded many populations of children who are commonly reported to child welfare agencies and placed in foster care. Both studies focused exclusively on school-aged children (age 5 to 15 in the first study, age 4 to 16 in the second study), omitting data on the youngest children.⁴⁴ Meanwhile, the first

study examined only poorer children – those who received Medicaid prior to the investigated report of abuse or neglect. Also, the studies excluded cases less likely to be randomly assigned to investigators, including sex abuse, drug exposure, and severe abuse cases.⁴⁵ Finally, the studies only included cases where the alleged perpetrator was a parent or other adult living in the child’s home.

Wilson also questions other core aspects of the studies’ designs. First, Wilson challenges Doyle’s core assumption that cases were randomly assigned to child welfare investigators. Based on his experience as a CPS supervisor, Wilson contends that child welfare cases are actually assigned to caseworkers based on a number of factors, including caseworker strengths, likeliness of court involvement, work schedules, and sickness.⁴⁶ Second, Wilson disagrees with Doyle’s assumption that the severity of abuse is the main factor driving caseworker placement decisions. Caseworkers usually consider many other risk factors in determining placement such as substance abuse, domestic violence, mental health issues, criminal history, and the levels of extended family support.⁴⁷ Third, Wilson notes that Doyle’s studies failed to include baseline measurements of children’s behavior problems or psychopathology before the abuse or neglect report, factors which might independently influence life outcomes.⁴⁸ Because of these flawed assumptions, Wilson warns against drawing conclusions from the studies about the long-term effects of foster care placement.⁴⁹

Even acknowledging these potential critiques, Doyle’s findings can provide some insight into whether courts and child welfare agencies should remove school-age children from their homes in marginal cases. Moreover, the other theoretical and empirical research results described in this article suggest that the damage wrought by removal and placement in foster care can be severe.

III. LEGAL ARGUMENTS

a. When to Raise the Harm of Removal

Several provisions in the juvenile code permit consideration of the harm of removal and placement. First, ORS 419B.185(2)(c) requires DHS to present written documentation to the court which outlines “[w]hy protective custody is in the best interests of the child or ward.” Thus, by explicitly requiring DHS to justify why protective

custody will benefit the child, the juvenile code invites DHS to balance the specific harms of removal against the risk of keeping the child in the home. Note that this section encourages thorough analysis of the removal decision even before the shelter hearing, and also mirrors the court's own duty at the shelter hearing to determine whether removal is in the best interest of the child.⁵⁰

The court has opportunities to balance the harm of removal at shelter hearings or reviews. In determining whether the child should be removed, "the court *shall consider* whether the provision of reasonable services can prevent or eliminate the *need to separate the family*."⁵¹ This section provides advocates the opportunity to present the court with the immediate and long-term consequences of removing the child (i.e. "separat[ing] the family") and to advocate for ameliorative services instead of removal. In addition, ORS 419B.185(1)(d) states that "[t]he court shall make a written finding in every order of removal that describes why it is in the *best interests* of the child or ward that the child or ward be *removed* from the home or continued in care." (emphasis added). This best interest analysis requires the court to explain why the harm in leaving the child in the home endangers the child's health and welfare more than the harm in removing the child from the home.⁵²

b. Balancing the Harm of Removal and Placement

i. Juvenile Code Policy

The policy of the juvenile code provides the court further guidance when balancing the harm of removal against the risk of remaining in the home. The code quite clearly expresses "a strong preference that children live in their own homes with their own families," unless that arrangement is not possible or not in the best interests of the child or the public.⁵³ This explicit language indicates that courts must be extremely sensitive to the downsides of removing a child from her home. In other words, because a removal decision directly opposes the "strong preference" for returning a child to her parents, the consequences of removal should be seriously evaluated.

ii. Constitutional Due Process

Federal constitutional law also provides the backdrop for the decision to remove a child from the home. The U.S. Supreme Court has held that the due process clause of the 14th Amendment provides a fundamental right for parents to be free of unwarranted

governmental interference in child rearing.⁵⁴ Consistent with that right, courts have also held that procedural due process requires a prompt post-removal hearing.⁵⁵

In constitutional challenges to temporary removals, courts rarely consider the real or potential harm of removal in substantive and procedural due process inquiries.⁵⁶ Reviewing courts have been less willing to acknowledge the harmful effects that temporary removals can have on children than they are to acknowledge the harm of permanently breaking apart a family by terminating parental rights.⁵⁷ Courts' reticence to consider the harm of temporary removals seems to be based on two presumptions: that the removals are of a short duration, and that a short separation will have little or no negative impact on a child.⁵⁸

Both of these presumptions should be reconsidered. First, once a child is removed from the home, procedural aspects of the child welfare system make it very difficult for the parent to regain custody.⁵⁹ Second, even lack of contact for a few weeks can have a deleterious and long-term impact on childrens' relationships to their parents.⁶⁰ Consequently, there is ample reason to analyze the harms of temporary removal in due process challenges.

IV. ATTORNEY STRATEGIES

Given the broad statutory mandate for courts to consider all consequences of removal, attorneys should employ a variety of techniques to ensure a balanced discussion of removal at the shelter hearing.

a. Know the long-term risks of removal.

Attorneys should become knowledgeable about the long-term risks to children from removal discussed above.⁶¹ In addition, attorneys should familiarize themselves with research on the emotional consequences of removal.⁶²

b. Discover and present the harms of removal specific to your client.

In a shelter hearing, attorneys should present all the immediate consequences of removal pertinent to the particular client. Since each situation differs, attorneys are encouraged to speak with their client about the hardships that removal will cause for their children. For example, removal could interrupt school attendance or even require a change of school. Removal might disrupt a child's continuity of health care, counseling,

or early intervention services. Removal may separate siblings or lead to placement in stranger care. Finally, removal to a culturally or linguistically inappropriate home could be exceptionally disruptive.

c. Humanize the trauma of removal.

Too often, child welfare professionals speak about removal as an abstract concept. Attorneys have a powerful opportunity to humanize and personalize the discussion of removal at a shelter hearing. For example, the attorney could prompt hearing participants to place themselves in the shoes of the child to better understand the consequences of removal. The attorney could ask them to imagine that one night, police officers and other strangers came into their homes, took them away from the comfort of their families, relatives, friends, possessions, houses, and neighborhoods. Further, imagine that they were left in the home of strangers and told that they did not know how long they would stay. Every day, they woke up in this new environment feeling strange, isolated, and scared. Now, ask the participants to recall that children also share our basic needs for love, companionship, belonging, and familiarity. After providing this context, the decision to remove can proceed with full awareness of the likely impacts on a child.

d. Acknowledge and counteract the “snowball effect”.

Attorneys can argue that removal will lead to what one court called a “snowball effect,” where a variety of factors converge to make it very difficult for parents to regain custody of the child.⁶³ If the child is removed, as a practical matter the parents will have to demonstrate their fitness in order to be reunited with their child, rather than having the state demonstrate the need for out-of-home placement. *Id.* This practical burden-shifting, however, runs contrary to the purpose of juvenile code, which contains a “strong preference that children live in their own homes with their own families” unless a child has been abused or neglected.⁶⁴

e. Present alternatives.

Attorneys should be prepared to present alternatives to removal. Some creative options include:

- Offer to have relatives or friends move in to the parents’ residence to assist with caretaking.

- In instances of domestic violence, advocate for a juvenile court restraining order pursuant to ORS 419B.845 instead of removal.
- Suggest a safety plan involving services necessary to allow the child to remain with the parent.
- Seek a continuance or second shelter hearing to present more specific evidence about the harm of removal and alternatives to placement.

V. CONCLUSION

While appellate courts generally do not consider the harm of removal in constitutional reviews of temporary removals, Oregon statutes encourage both DHS and juvenile courts to explicitly consider the harms of removal at initial and subsequent shelter hearings. Thus, effective advocates will use the shelter hearings and reviews as opportunities to discuss the negative effects of removal and offer alternatives.

¹ Theo Liebmann, *What's Missing From Foster Care Reform? The Need for Comprehensive, Realistic, and Compassionate Removal Standards*, 28 Hamline J. Pub. L. & Pol'y 141, 161-62 (2006-2007).

² Catherine R. Lawrence et al., *The Impact of Foster Care on Development*, 18 Development and Psychopathology 57, 58 (2006).

³ *Id.*

⁴ *Nicholson v. Williams*, 203 F. Supp. 2d, 153, 199 (E.D.N.Y 2002) (testimony of expert witness Dr. Peter Wolf).

⁵ Lawrence, *The Impact of Foster Care on Development*, 18 Development and Psychopathology at 58. .

⁶ *Nicholson*, 203 F. Supp. 2d at 199 (testimony of expert witness Dr. Stark)

⁷ Sharon N. Clarke, *Strictly Liable: Governmental Use of the Parent-Child Relationship as a Basis for Holding Victims Liable for Their Child's Witness to Domestic Violence*, 44 Family Court Review 149, 153 (2006).

⁸ *Nicholson*, 203 F. Supp. 2d at 199 (testimony of expert witness Dr. David Pelcovitz).

⁹ Joseph Goldstein et al., *The Best Interests of the Child: The Least Detrimental Alternative* 41 (Simon and Schuster, 1996).

¹⁰ *Nicholson*, 203 F. Supp. 2d at 199 (testimony of expert witness Dr. Peter Wolf)

¹¹ Melissa Jonson-Reid and Richard P. Barth, *From Maltreatment Report to Juvenile Incarceration: The Role of Child Welfare Services*, 24 Child Abuse & Neglect 505 (2000); Melissa Jonson-Reid, Melissa and

Richard P. Barth *From Placement to Prison: The Path to Adolescent Incarceration from Child Welfare Supervised Foster or Group Care*, 22 *Children and Youth Services Review* 493 (2000).

¹² Renee Schneider et al., *What Happens to Youth Removed From Parental Care?: Health and Economic Outcomes for Women with a History of Out-of-home Placement*, 31 *Children and Youth Services Review* 440 (2009).

¹³ David M. Rubin et al., *The Impact of Placement Stability on Behavioral Well-being for Children in Foster Care*, 119 *Pediatrics* 336 (2007).

¹⁴ Mary Dozier et al., *Developing Evidence-Based Interventions for Foster Children: An Example of a Randomized Clinical Trial with Infants and Toddlers*, 62 *Journal of Social Issues* 765 (2006) (“The evidence is mixed with regard to whether living with birth parents or placement into foster care is associated with better outcomes for children who have been maltreated.”).

¹⁵ John Landsverk et al., *Impact of child psychosocial functioning on reunification from out-of-home placement*, 18 *Children and Youth Services Review* 447 (1996).

¹⁶ Heather N. Taussig et al., *Children Who Return Home From Foster Care: A 6-Year Prospective Study of Behavioral Health Outcomes in Adolescence*. 108 *PEDIATRICS*, July 2001, at e10.

¹⁷ Anna S. Lau et al., *Going Home: The Complex Effects of Reunification on Internalizing Problems Among Children in Foster Care*. 31 *Journal of Abnormal Child Psychology* 345 (2003).

¹⁸ Joseph J. Doyle Jr., *Child Protection and Adult Crime: Using Investigator Assignment to Estimate Causal Effects of Foster Care*, 116 *Journal of Political Economy* 746, 748, n. 4 (2008).

¹⁹ Catherine R. Lawrence et al., *The Impact of Foster Care on Development*. 18 *Development and Psychopathology* 57-76, 60 (2006).

²⁰ *Id.* at 62-64.

²¹ *Id.* at 67.

²² *Id.* at 71.

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.* at 72.

²⁷ Joseph J. Doyle Jr., *Child Protection and Child Outcomes: Measuring the Effects of Foster Care*, 97 *The American Economic Review* 1583 (2007) (draft available at http://www.mit.edu/~jjdoyle/doyle_fosterlt_march07_aer.pdf) (hereinafter Doyle, *Child Protection and Child Outcomes*); Joseph J. Doyle Jr., *Child Protection and Adult Crime: Using Investigator Assignment to Estimate Causal Effects of Foster Care*, 116 *Journal of Political Economy* 746, 748 (2008) (available at http://www.mit.edu/~jjdoyle/doyle_jpe_aug08.pdf) (hereinafter Doyle, *Child Protection and Adult Crime*).

²⁸ Doyle, *Child Protection and Child Outcomes* at 1588.

²⁹ *Id.* at 1593.

³⁰ *Id.* at 1596.

³¹ *Id.* at 1585

³² *Id.* at 1584.

³³ *Id.* at 1588..

³⁴ Doyle, *Child Protection and Adult Crime* at 761.

³⁵ Doyle, *Child Protection and Child Outcomes* at 1599.

³⁶ *Id.* at 1601-1602; Joseph J. Doyle Jr., *Child Welfare and Child Outcomes: Measuring the Effects of Foster Care*, Presentation to Florida Task Force for Child Protection, May 8, 2008, at 36 (available at http://www.mit.edu/~jjdoyle/pres_FLA_may08.pdf).

³⁷ *Id.* at 1604.

³⁸ *Id.*

³⁹ *Id.* at 1605.

⁴⁰ *Id.* at 1606.

⁴¹ Doyle, *Child Protection and Adult Crime* at 753.

⁴² *Id.* at 761.

⁴³ Dee Wilson, *Effects of Foster Care on Child and Adolescent Well Being: A Review of Recent Research* (September 2007) (on file with author).

⁴⁴ Doyle, *Child Protection and Adult Crime* at 753. Doyle, *Child Protection and Child Outcomes* at 1590.

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- ⁴⁵ Dee Wilson, *Effects of Foster Care on Child and Adolescent Well Being: A Review of Recent Research* (September 2007) (on file with author).
- ⁴⁶ *Id.*
- ⁴⁷ *Id.*
- ⁴⁸ *Id.*
- ⁴⁹ *Id.*
- ⁵⁰ See ORS 419B.185(1)(d).
- ⁵¹ ORS 419B.185(1)(b).
- ⁵² Juvenile Law (Oregon CLE 2007), §15.35.
- ⁵³ ORS 419B.090(5).
- ⁵⁴ Paul Chill, *Burden of Proof Begone: The Pernicious Effect of Emergency Removal in Child Protective Proceedings*, 41 Fam. Ct. Rev. 457 (2003); see *Troxel v. Granville*, 530 U.S. 57, 65 (2000); *Santosky v. Kramer*, 455 U.S. 745, 753 (1982).
- ⁵⁵ *Id.*; see, e.g., *Jordan v. Jackson*, 15 F.3d 333, 343 (4th Cir. 1994); *Duchesne v. Sugarman*, 566 F.2d 817, 826 (2d Cir. 1977).
- ⁵⁶ Theo Liebman, *What's Missing From Foster Care Reform? The Need for Comprehensive, Realistic, and Compassionate Removal Standards*, 28 Hamline J. Pub L & Pol'y 141, 155 (2006-2007); but see *Nicholson v. Williams*, 203 F. Supp. 2d 153 (E.D.N.Y. 2002).
- ⁵⁷ *Id.* at 160-61 (noting that unlike in *Santosky* and *Lassister* where the court acknowledged the state interest of avoiding erroneous destruction of families, no parallel state interest was recognized in avoiding the trauma to the child and family from temporary removal).
- ⁵⁸ *Id.* at 161.
- ⁵⁹ Chill, *supra*, at 542-45; Liebman, *supra*, at 161.
- ⁶⁰ See Douglas Goldsmith et. al., *Separation and Reunification: Using Attachment Theory and Research to Inform Decisions Affecting the Placements of Children in Foster Care*, Juvenile and Family Court Journal, Spring 2004, at 6.
- ⁶¹ See Juvenile Law (Oregon CLE 2007), §15.35.
- ⁶² See, e.g., Douglas Goldsmith et al., *Separation and Reunification: Using Attachment Theory and Research to Inform Decisions Affecting the Placements of Children in Foster Care*, Juvenile and Family Court Journal, Spring 2004 (available at [http://www.parentaldefense.org/uploads/separation_article\(2\).pdf](http://www.parentaldefense.org/uploads/separation_article(2).pdf)).
- ⁶³ See Chill (citing *Pamela B. v. Ment*, 709 A.2d 1089 (Conn. 1998)).
- ⁶⁴ ORS 419B.090(5).