

# HB 1227: MITIGATING THE HARMES OF REMOVAL

Marci Comeau, Managing Attorney  
Washington State Office of Public Defense



“Connectedness  
has the power to  
counterbalance  
adversity.”  
-- Dr. Bruce Perry



# What Are Ways to Mitigate Harms of Removal?



Placement



Family Time



Educational  
Stability



Child/Family  
Specific

# Mitigating the Harms of Removal: Placement Practices

# Placement with Relatives/Suitable Adults

- Reduces trauma of initial removal
- Provides familiarity, continuity, and retention of familial ties
- Allows child to maintain cultural, ethnic, racial, and traditional connections to family of origin
- Leads to greater placement stability
- Results in improved mental health outcomes
- Results in fewer behavior problems
- Provides better educational outcomes and educational stability

**HB 1227: Relative placement is PRESUMED, and burden of proof is on Department to establish why placement should be in foster care!**

# Placement in Foster Care

- Asking court to order child placed in less restrictive placement (i.e. from group home to single-family foster home)
- Asking court to order child be placed with siblings
- Asking court to order child be placed within certain distance of child's parent
- Asking court to order child be placed within certain distance of child's school
- Other orders?



# Mitigating the Harms of Removal: Family Time Tips

# Family Time

- ✓ Frequent
- ✓ Consistent
- ✓ Least-restrictive supervision
- ✓ Natural setting
- ✓ Developmentally Appropriate





# Family Time: Understanding Perception and Bias



LET'S CHECK OUR PERCEPTION AND BIAS AROUND FAMILY TIME!

- Supervision: for safety or to gather information?
- Barriers to visits: requirements to call ahead? Travel requirements?
- Requirements or restrictions on food/activities/communication during visits?
- Permitted/unpermitted activities?

# Family Time: Restrictions

Are we treating our parents like prisoners?

Child Welfare Visitation Rules <sup>21</sup>	Prison/Incarceration Visitation Rules
Level of visitations are determined by the assigned caseworker.	Level of visitation determined by prison policy
Visits are only for the immediate family the child was removed from. Extended family members are often not allowed to participate in visitation.	Visitors can include immediate family, extended family, and professionals during visit times.
Caseworker approves letters, messages, or photos brought to the visit before giving them to the child.	Mail is viewed and screened by prison personnel prior to giving it to the inmates.
Confirmation of attendance at visits is required by a certain time or the visits are automatically canceled.	When visiting an inmate, people need to work with the prison to schedule the visit.
Use of cell phones is discouraged and, in many jurisdictions, not allowed. Parents are discouraged from making or receiving calls or texts during the visit.	Cell phones are not allowed during visits with inmates and personal items must be secured prior to entering the visitation area.
If visitation rules are broken, the visit will be interrupted or terminated by the visit supervisor.	If an individual does not follow the rules, the visit may be terminated, and visitation privileges may be suspended by prison administration.
No visits during holidays or government closures.	All institutions have visiting hours on Saturdays, Sundays, and holidays; and most have them at other times during the week.

Jihad, Koran, and Ulrich, "The Weaponization of Whiteness: Parallels Between Child Welfare Parenting Time and Prison Visitation," *The Guardian*, Vol. 44-04, Winter 2022.



“One example of how parents of Black children often face discrimination during supervised visitation time has been the task of styling the children’s hair. This has been mischaracterized as not properly “spending” time with their children, but rather “wasting” time and causing discomfort to the children...hair care time facilitates some core parenting behaviors that lead to more secure attachments: positive verbal interaction, loving physical touch, and responsive listening.”

Jihad, Koran, and Ulrich, “The Weaponization of Whiteness: Parallels Between Child Welfare Parenting Time and Prison Visitation,” *The Guardian*, Vol. 44-04, Winter 2022.

# Mitigating the Harms of Removal: Making Strides in Education

# Educational Stability



- Keeping child in same school/pre-school/headstart program
- Keeping child in same daycare
- Maintaining consistency in child's 504 plan or Individual Education Plan

# Mitigating the Harms of Removal: Child and Family Specific Strategies

# Child and Family Specific Mitigations

Conversation  
Around  
Removal

Race and  
Ethnicity

Religious  
Observances

Culture and  
Traditions

Language

# Child and Family Specific Mitigations



Routines



Activities



Pets



Belongings



**QUESTIONS?  
COMMENTS?  
THANK YOU!**



Marci Comeau, Managing Attorney

(360) 485-7484

[Marci.Comeau@opd.wa.gov](mailto:Marci.Comeau@opd.wa.gov)