

Introduction to Harm Resulting from Separation of Parent and Child

This section of the memorandum explores three areas of research concerning the harms visited upon children as a result of forced removal from their parents. First, this section reviews the scientific literature discussing the general effects of removal on the child. As these resources indicate, the short- and long-term effects on the child's mental and physical well-being are often devastating. These effects include severe anxiety, depression, post-traumatic stress disorder, and toxic stress (reviewed separately in Part V below). Separation can also result in delays in cognitive development. Further, the child may suffer physical harm that is manifested as a result of stress-induced releases of hormones that impact brain and organ function. Second, this section summarizes key court decisions and law journal articles that recognize the deleterious effects of parent-child separation. With respect to the case law, this memorandum focuses principally on decisions concerning the challenges to the government's policy of parent-child separation at the border. Those decisions recognize that even temporary separation can result in irreparable and grave harm. The law journal articles similarly build on and adopt the findings of the scientific community and advocate for the courts' careful exercise of their discretion in child removal cases. Third, and finally, this section analyzes research specifically addressing the negative impact of placement into foster care and the negative effects associated with living in foster care.