

Grief and Loss Overview

“To spare oneself from grief at all cost can be achieved only at the price of total detachment, which excludes the ability to experience happiness.”

- Erich Fromm, Social Philosopher/Psychoanalyst (1900 – 1980)

Grief, loss, separation and pain underscore much of the work accomplished within dependency courtrooms. Children, parents, extended families as well as the professionals involved often experience a wide range of these and other emotions. As Fromm noted only through complete and total detachment can the human experience be free of grief. Unfortunately this detachment also excludes more positive emotions and ultimately interferes with human development.

While the issue of grief and loss specific to the court system has limited research, grief and loss research within the general population has much to offer. Indeed, understanding the process of grief and the possible behavior connected to loss can dramatically impact judicial decision making.

This section provides a general overview of the topic, encouraging judges to become issue experts. For years the system has focused decisions to promote the physical safety of children. This section provides information to strengthen focus and understanding of emotional safety and well-being in addition to physical safety. The section provides, in chart form, an overview of grief reactions through child developmental stages. While not specifically targeted for judges, the primary topic article provides general tips and actions which can be taken to assist children as they address these issues.

Because the topic of grief and loss is so pervasive within the child welfare system and can be experienced in every phase of dependency proceedings, it is an overarching theme in the Benchbook (Chapter 1). This includes themes such as maintaining family connections, keeping siblings together, engaging fathers, using kinship care, early implementation of visitation (Chapter 7) and recognizing/reducing trauma for children and families, to mention a few. Addressing the various losses experienced by children and parents can dramatically influence outcomes for children and families. This section encourages an examination of what losses have occurred, the impact of those losses and what further assistance may be needed.

Finally, this section encourages a view of grief and loss that is multifaceted and dynamic rather than static and linear. Grief experienced and resolved at one developmental stage may resurface and create new challenges at a later developmental stage. Judges and those working with dependent children are encouraged to constantly be on guard for signs of unresolved grief and take the steps necessary to assist in its resolution.