

ARREST AND INCARCERATION AMONG  
MOTHERS OF FOSTER CHILDREN

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## Executive Summary

An estimated 70 to 80 percent of women in prison or jail are the primary caretakers of their children. Due either to the incarceration itself or to other difficulties at home, some of these children enter foster care. Recent laws such as the 1997 Adoptions and Safe Families Act (ASFA) have raised the stakes for incarcerated mothers, who must now demonstrate positive involvement in their children's lives or risk having their parental rights terminated. They also generate a need for child welfare agencies to understand the size and characteristics of this population, as parental incarceration may affect the ability to find permanent homes for children and increase workloads for caseworkers. But few, if any, large-scale studies tracing the criminal histories of biological mothers of foster children exist.

To fill this gap, the Administration for Children's Services (ACS) requested that researchers from the Vera Institute of Justice examine patterns of arrest, incarceration, and foster care placement among mothers of foster children in New York City. The research drew on a match of records from ACS; New York State's Office of Children and Family Services, Department of Corrections, and Division of Criminal Justice Services; and the New York City Department of Correction.

Vera researchers studied two groups of children who entered foster care in 1991 and 1996. Combining both groups, about 37 percent of mothers were arrested and convicted of an offense at least once, primarily for misdemeanors such as prostitution, petit theft, and drug distribution. A small number of arrests involved violent felonies (8 percent), and even fewer had child victims (3 percent). Mothers were arrested most often in the year the child went into foster care, and frequently after the child's placement.

The majority of convictions did not result in incarceration, however. Just over one-fifth of all mothers (22 percent) were incarcerated at some point in their lives, and most of them spent time in jail, not prison. Just over half of those, around 12 percent, had children in foster care during their incarceration. And about 11 percent of children entering foster care for the first time—2,469 of the 21,914 children in the entire study group—had a mother in prison or jail at some point during their initial foster care spell.

This study indicates that every year hundreds of children in foster care are likely to have mothers living in prison or jail at some point. In addition to the emotional stress on the children, this finding has implications for casework: New York State law requires that caseworkers make reasonable efforts to facilitate contact, including visits, between incarcerated parents and their children in foster care. Moreover, regulations stemming from the ASFA require ACS to start proceedings for the termination of parental rights for children in foster care 15 out of any 22 months unless there is a compelling reason that this would not be in the best interest of the child. Without diligent efforts to identify children with incarcerated parents and to promote visits between parents and children, the number of these cases may unnecessarily increase.

The high incidence of drug arrests—over 30 percent of all charges—suggests that substance abuse treatment for mothers might improve chances for family reunification. Effective treatment would have multiple benefits, including improved lives for mothers and children as well as cost savings for ACS, corrections, and other government agencies. ACS could consider partnerships with other organizations that provide drug treatment services.

ACS and Vera continue to research this issue. Our current work concentrates on the impact of maternal criminal justice involvement on foster care outcomes and child welfare agency operations.

# Table of Contents

Introduction	1
Methods	3
Results	9
Summary and Implications	27
Bibliography	30
Appendix A: Description of Data Sources	32

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## Introduction

The United States has recently experienced a surge in rates of incarceration for both men and women (Mauer, 1999). The rate has grown at about seven percent each year during the last decade, and the total number of people behind bars has more than doubled since the mid-1980s (Bureau of Justice Statistics, 1997, 1998b). Current estimates put the number of people in U. S. jails and prisons at about two million.

Though still small compared to men, the number of women in prisons and jails increased even faster.<sup>1</sup> The female prison population grew by 202 percent between 1980 and 1989 (Bureau of Justice Statistics, 1994). It climbed to 73,607 by 1996, nearly tripling the number of women in prison in ten years (Beatty, 1997).

The rise in female incarceration has particular implications for children since an estimated 66-80 percent of incarcerated women are the primary caretakers of their minor children prior to their arrests (Bureau of Justice Statistics, 1991, 1994; Beatty, 1997; Beckerman, 1994; Johnston, 1995). Thus, the increasing rate of incarceration among women results in a rising number of children who are separated from a primary caregiver.

The consequences for children may be severe, but have received little attention. When the parents of minor children are incarcerated, critical implications follow—for the economic and social capital of prisoners themselves, for their families, and for their communities (Hagan, 1999). The incarceration of an abusive or neglectful parent may bring relief in some cases, but scholars generally agree that a parent's incarceration usually has far more adverse than positive effects on children (Hagan, 1999; Hairston, 1991). At the least, a parent's absence and incarceration disrupts the family structure, especially when the mother is incarcerated. In addition, a parent's incarceration usually brings increased economic hardship for the family members who are left to care for children (Hagan, 1994; Simpson, 1992). Since arrest and incarceration disproportionately affect minority and disadvantaged communities, those communities may face increased challenges in caring for the children of prisoners. In some cases, deficits in social and economic support may result in the removal of children from their homes and their placement into child welfare systems (Johnson, 1995).

### Maternal Incarceration and Child Welfare

The rates of arrest and incarceration among women, then, have implications for child welfare agencies. Removal of a primary caretaker from the home raises the possibility that the children involved may be placed outside the home, sometimes in foster care. Some literature suggests that this risk is especially great if the primary caretaker is a single parent (Smith & Elstein, 1994). Most child welfare systems do not collect data on referrals to child welfare because of maternal arrests or incarceration, and they typically do not have programs

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<sup>1</sup> Jails are local facilities typically used to hold arrested people until their trial date, or for relatively short sentences. Prisons are state and federal facilities used for long term incarcerations.

designed to address the special needs of children separated from their mothers in such situations. Police departments may have policies regarding the minor children of people who are arrested; however, police officers do not always inquire about an arrested person's children, and their interpretations of existing policies may vary (Krupat, 1999).

Incarceration of a biological mother also can create complications for reunification and the maintenance of parental rights (Genty, 1995). It may be particularly difficult for a mother to fulfill requirements to regain custody of her child. Cases in which a foster child's primary caregiver is incarcerated present special challenges to foster care agencies. Arranging and supervising mandatory visits takes considerable time, and many believe that incarcerated parents have an increased likelihood that their parental rights may be terminated (Women's Prison Association, 1995). Many states require continued contact as a necessary component of the reunification process. And due to the deadlines for permanency included in the 1997 Adoption and Safe Families Act,<sup>2</sup> the absence of parental involvement can ultimately result in the termination of parental rights (Genty, 1999).

There are several gaps in the research concerning the association between maternal criminal history and children's placement into foster care. A number of areas have never been investigated. For example, what proportion of foster children have a mother who was ever arrested or incarcerated? What proportion of foster children have mothers who are incarcerated while they are in care? Does a mother's arrest or incarceration tend to precede or follow a child's placement into foster care? Do children's outcomes in the foster care system—their length of stay in care, the frequency of their placement changes, and their level of institutional care—tend to vary as a function of their mothers' criminal history? Finally, does a mother's incarceration make it more likely that her child will be adopted? These are important questions for both research and public policy.

This report describes the results of a data match that compared records on foster children's biological mothers from ACS with criminal records collected by the Division of Criminal Justice Services (DCJS) for the State of New York, and the New York City Department of Correction. It is the first report from our ongoing study of the relationship between mothers' arrest and incarceration and their children's experience in foster care. Our purpose is to identify the rate of arrest and incarceration among biological mothers of foster children, to describe the events leading to arrest and incarceration, and to track the timing of parental arrests/incarceration and children's entry into foster care. Furthermore, this report begins our examination of the relationship between maternal criminal history and children's experiences in foster care, including their level of institutional care, frequency of placement changes, and frequency of absences without leave. The report also begins our examination of whether foster children who have an incarcerated biological mother are more likely to be adopted.

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<sup>2</sup> P.L. 105-98, (codified at 42 USC §§ 670-679a).

The report is designed to provide researchers with new knowledge about the intersection of the child welfare and correctional systems, and to provide policy makers with useful information that could help them make decisions about possible programs and policies to serve these families.

## Methods

### Research Participants

The study group included two cohorts of biological mothers of foster children drawn from the Child Care Review System (CCRS), the administrative database kept by ACS. The CCRS contains identifying information on all foster children and the relatives living with them at the time of their entry into the child welfare system. Although the CCRS contains data on some fathers, most children in foster care come from single parent, female headed families. The CCRS also includes data regarding children's movements within the foster care system, such as transfers from one placement to another; legal activities, such as hearings and dispositions related to Article 10 abuse/neglect petitions; and other information not directly relevant to the current study. The data from the CCRS does not contain social security numbers, which are needed to match foster care data with records maintained by DCJS. To gather social security numbers, the records obtained from the CCRS were matched with records kept by ACS's Welfare Management System (WMS).<sup>3</sup>

Because women tend to be the primary caretakers prior to a child's entry into foster care, we restricted our analysis to mothers. We selected two cohorts of biological mothers from the CCRS, one consisting of all mothers whose child or children entered foster care in 1991, and a second cohort of all mothers whose child or children entered foster care in fiscal year 1996. This provided one recent cohort, and one cohort that could be followed for a longer period.

### 1991 Cohort

For the 1991 cohort, we selected biological mothers of all children who entered foster care in the calendar year 1991. There were 13,920 foster care entries for 13,579 children (some children entered care more than once during the year). Of these unique entries, 11,349 children had available mother data in the CCRS. There were 8,897 parents in the cohort. Of these, 7,657 were biological mothers. When these mothers' records were matched with the WMS records, social security numbers were available for 55 percent of the mothers. The median age of mothers in this cohort was 31.0 years ( $SD = 8.39$ ), and for children was 5.0 years ( $SD = 5.84$ ). Figure 1 displays the age distribution for children on the date that they

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<sup>3</sup> We did not exclude from our sample mothers for whom we were unable to obtain a social security number. We produced social security information, where we had it, to DCJS. The social security number assisted in the matching process but matches were also obtained for mothers where we could not provide it, using various combinations of name and date of birth.



first entered care. A large proportion of children were less than 1 year old, and another large grouping occurred at age 15. We divided children into three separate age groups, 0 to 1, 2 to 11, and 12 years and over. These categories were used in later analyses of foster care outcomes and maternal criminal history.

### **Child Placement Statistics**

The children stayed in their first spell that started in 1991 a mean of 1055.9 ( $SD = 1036$ ) days (or 2.89 years) in foster care. The majority of children were initially placed in foster boarding homes (54 percent), and approximately even proportions were initially placed in kinship care (24 percent) and congregate care (21 percent). Children who were initially placed in kinship care tended to be older than those initially placed in foster boarding homes. Children who were placed in congregate care were older compared to those placed in either kinship or foster boarding homes.

There was no difference in the ages of children who were transferred after their initial placement compared to children who were not transferred during their stay. Though we have concerns regarding the quality of the Absent Without Leave (AWOL) data, the CCRS indicates that few children went AWOL while in foster care (14 percent) and the majority who went AWOL did so just once (56 percent). Children who were AWOL were older than children who were never AWOL.

### **1996 Cohort**

For the 1996 cohort, we used New York City's fiscal year dates (July 1, 1996 to June 30, 1997) which allowed us to incorporate the most recent WMS records. Our fiscal year 1996 entry cohort represents 10,565 children who had available mother information in the CCRS, and at least one date of recorded entry into the foster care system between July 1, 1996 and June 30, 1997. There were a total of 12,679 foster care entries recorded in fiscal year 1996 for 12,269 children (the remaining entries, again, reflect additional entries for one child). The total number of biological mothers matched with children in the entry cohort is 7,127. After the match with the WMS database, social security information was available for 4,662 (65.4 percent) of mothers in this cohort. The median age of mothers in the cohort was 34 ( $SD = 8.57$ ) and for children, the median age was 7 years ( $SD = 5.64$ ). The age distribution of children in the 1996 cohort was similar to that found for the 1991 cohort for children over the age of 1, as seen in Figure 1. However, the 1991 cohort included a substantially larger number of infant children.

### **Child Placement Statistics**

The findings on the children's foster care variables are similar to those described for the 1991 cohort. Table 1 shows demographic characteristics of mothers in the 1991 and 1996 cohorts.

Note that both religion and marital status were unknown or missing for many mothers, and were not included in later analyses.

## Design and Procedure

### **Matching CCRS, WMS, and DCJS Data<sup>4</sup>**

The file from the CCRS, containing biological mothers' name, age, date of birth, ethnicity, and marital status, was matched with the WMS database to obtain social security information, where available. This file was then sent to DCJS for matching with individual arrest and sentencing histories. DCJS staff applied an established standardized matching technique developed for identifying a person's prior criminal history. The algorithm uses various combinations of social security number, name, gender, race, and dates of birth to match their criminal history data with other information – in this case Vera's data on mothers. Once matched, the DCJS data included criminal history variables as well as a New York State Identification Number (NYSID) for each individual in the sample who had an adult arrest history. Because NYSID numbers are assigned and then matched based on fingerprints obtained each time an individual is arrested, they provide a high degree of reliability.

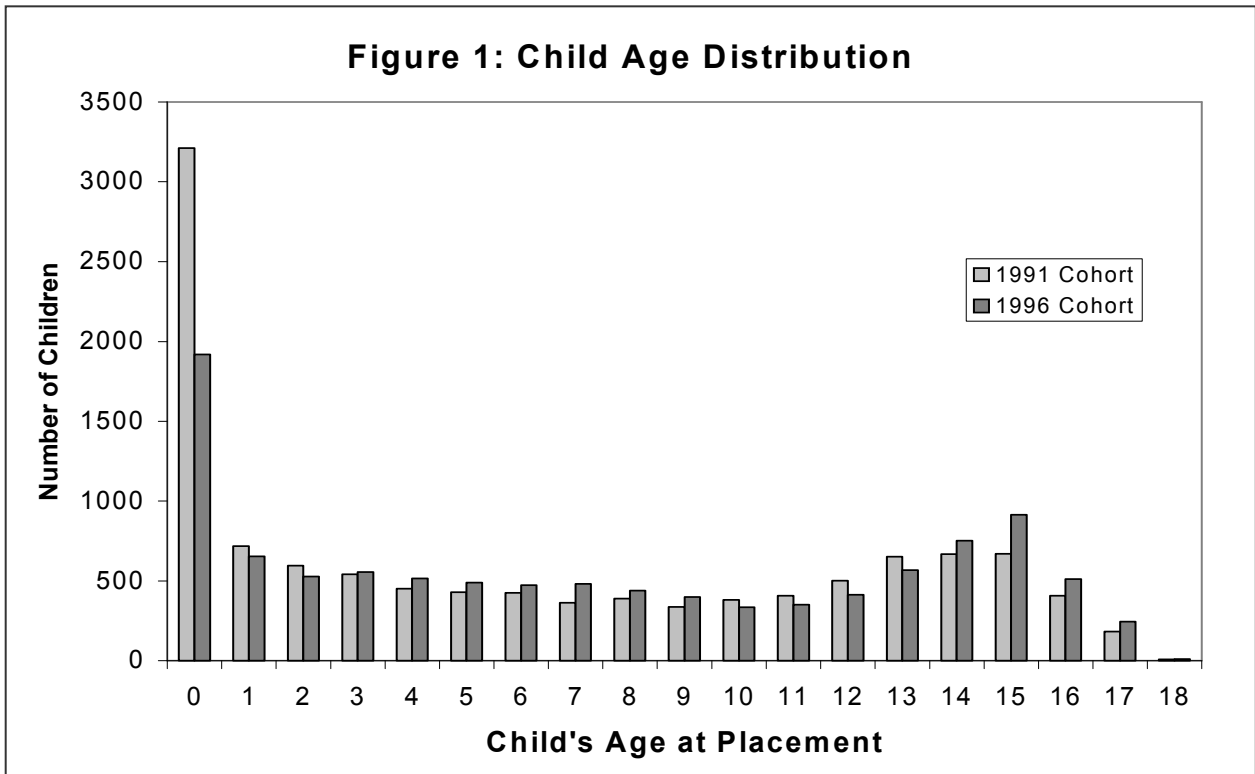
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<sup>4</sup> See Appendix A for a more detailed description of the datasets referred to in this section.

**Table 1 : Characteristics of Mothers for the 1991 and 1996 Cohorts**

	1991 Cohort (N=7,657)	1996 Cohort (N=7,127)
<b>Age (years)</b>		
Mother's Median Age <sup>a</sup>	31 ( <u>SD</u> =8.39 )	34 ( <u>SD</u> = 8.57)
Child's Median Age <sup>a</sup>	5 ( <u>SD</u> = 5.84 )	7 ( <u>SD</u> = 5.64)
Percent Children Male	50.2 ( <u>N</u> = 5,697)	50.8 ( <u>N</u> = 3,621)
<b>Ethnicity (%)</b>		
White	5.0	3.3
Black	55.2	43.9
Hispanic	20.1	19.0
Asian	.5	.5
Other/Unknown	19.3	33.4
<b>Religion (%)</b>		
Catholic	13	9
Jewish	1	0
Protestant	19	11
Other	2	3
Unknown/None	65	77
<b>Marital Status (%)</b>		
Married	5	15
Single	46	71
Separated/Divorced	1	3
Widowed	0	1
Missing	48	10

<sup>a</sup> Median age is shown because the age distribution was not normally distributed.



Data items held by DCJS include arrest charges, Uniform Crime Reporting charge categories, and flags indicating whether the charge was for an offense related to drugs, prostitution, weapons, a child victim, violent felony, or motor vehicles. DCJS matched the cohorts with their records of arrest charges, disposition charges, and sentencing information for each individual’s entire adult history (since age 18). Because the information returned by DCJS sometimes included multiple charges for a given arrest event, we reduced the data set to information associated with the top charge for each event. This ensured that the data from DCJS would be compatible with the DOC data, which is also based on top charge. Under New York State statute, DCJS may not return sealed records, in which the charge was dismissed or it was disposed as a juvenile case. This is an important point: the data include only those arrests that resulted in a conviction.

**Matching with DOC Data**

The records kept by the Department of Corrections are a more reliable source of admission and release data on local jail and detention than are DCJS records. Also, DCJS does not keep data on cases in which individuals were detained but not sentenced. The matched files and

NYSID data obtained from DCJS were then sent to New York City's Department of Corrections (DOC) to obtain data on detention. This last step generated more reliable data on the dates of admission and release from incarceration facilities, as the sentencing data from DCJS does not necessarily reflect commuted sentences, such as work release, or release of detained individuals who are not sentenced.

## Measurement

### **Measurement of Foster Care History**

From the CCRS, we extracted the date of the child's initial placement, the level of care of that placement (kinship, foster boarding home or congregate care), and the length of time spent in foster care. In addition, the CCRS provided measures of the total number of transitions to new placements, and the number of absences without leave (AWOLs). These factors served as indicators of more difficult outcomes in foster care. As expected, child age correlated positively with shorter length of stay in foster care (Pearson's  $r = -.23$ ,  $p < .0001$ ), more institutional level of care in the initial placement (Pearson's  $r = .31$ ,  $p < .0001$ ), and likelihood of being AWOL (Spearman's  $r = .40$ ,  $p < .0001$ ) for both the 1991 and 1996 cohorts.

### **Measurement of Maternal Arrest and Conviction**

As noted earlier, we used records from DCJS to obtain data on each mother's complete history of arrest charges leading to a conviction, and the disposition charges associated with those convictions. Thus, references to "arrest" include only those arrests that led to convictions. Based on this data, we classified mothers into one of the following groups: no arrest, misdemeanor only, felony, or unknown charge. Those mothers classified in the felony group were charged either with one or more felony offenses, or with both felony and misdemeanor offenses.

Classifying arrest history into meaningful groups is difficult. Dividing the sample into mothers who had ever been arrested and convicted versus mothers who had never been arrested and convicted meant grouping together mothers convicted many years ago with those who convicted more recently. We reasoned that, compared to more distant arrest events, recent convictions are more likely to have an effect on children's well being.

Arrest and conviction data were available through December 1998, and included a maximum of 18 months following June 1997, which was the last possible date of entry into foster care for children in the 1996 cohort (fiscal year July 1, 1996 to June 30, 1997). Because we wished to examine the rate of maternal arrest in a comparable time frame before and after children entered care, we selected an 18-month window before and after each child's date of admission into care.

### **Measurement of Maternal Incarceration**

Most convictions do not result in incarceration in jail or prison, but incarceration carries implications that are more drastic.<sup>5</sup> Measures of maternal incarceration were obtained from two sources. DCJS provided records on any history of sentencing, including time served before sentence and incarceration. Because DCJS is a state level agency, its records on prison sentences are more reliable than its records on local jail sentences. We supplemented the latter with records from New York City’s Department of Correction (DOC) to obtain more reliable estimates of detention without sentencing, as well as city (jail) sentencing. An important caveat: DCJS provides state-level incarceration data that is based on sentencing, whereas DOC provides data based on actual time served. To reconcile these differences in the two data sources, we assumed that the incarceration began on the date the individual was disposed (DCJS data does not include the sentence date) and we assumed that the individual served out their minimum sentence.

DOC records provided data for each cohort on jail and detention records for up to three years before and three years after the target date—the date of the child’s placement into foster care. As detention and jail time are limited to a maximum of 12 and 15 months respectively, allowing three years before or after the child’s placement should capture the possible effects of local sentences and detention time on child outcome.

We elected to divide maternal incarceration into three groups based on the sentences women received: detention without sentence, jail/time served, and prison. This classification system was based on sentences or time served for all prior offenses within the time periods described above. When more than one sentence occurred, we grouped according to the most severe sentence. For instance, mothers who served jail time for one offense, but who had been sentenced to prison for another offense, were included in the “prison” group. We compared these three groups to mothers arrested but not incarcerated to control for any independent effect of maternal arrest on child outcome. We also calculated the total number of days that each mother was incarcerated, summing number of days in jail across all jail stays, and calculating the number of days in each prison sentence by multiplying the number of months in each sentence by 30 days.

## **Results**

The purpose of the data match is twofold. The first goal is to provide descriptive data on maternal conviction and incarceration rates, as well as information on the charges involved. The second goal is to understand the sequence of maternal arrest and conviction, incarceration, and child placement.

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<sup>5</sup> Those sentenced to terms of up to one year are detained in jails operated by the New York City Department of Correction. Individual sentenced to terms longer than one year are incarcerated in state prisons operated by the New York State Department of Correctional Services.

## Maternal Conviction and Incarceration Rates

### What is the Lifetime Arrest Rate of Mothers and What Are the Arrest Charges?

The following section highlights descriptive statistics on maternal arrest charges, including the proportion of mothers ever arrested, and the type of charges they faced. In the 1991 cohort, 39% of all mothers were arrested and convicted, compared to 35% of mothers in the 1996 cohort. In each cohort, arrested and convicted mothers had a median of 2 arrests and convictions in their adult lifetime. In the 1991 cohort, mothers who were ever arrested and convicted were younger (30.0 vs. 32.2 years,  $t(7,658) = 11.08$ ,  $p < .0000$ ), had younger children (4.9 vs. 7.1 years,  $t(11,347) = 20.51$ ,  $p < .0000$ ), and were more likely to be black than Hispanic or white (Chi-Square (3) = 15.11,  $p < .002$ ) than mothers with no convictions.<sup>6</sup> The mean age at first conviction was 25.9 years (SD = 7.1) in the 1991 cohort, and 25.8 (SD = 7.00) in the 1996 cohort.

Table 2 shows the number and percent of mothers in the 1991 and 1996 cohorts arrested and convicted for misdemeanors and felony offenses since the age of 18. These results indicate that the majority of convictions were for misdemeanor offenses. On the other hand, the number of mothers convicted solely for misdemeanors and the number of mothers with at least one felony arrest in their criminal history is not dramatically different. This suggests that the mothers who committed misdemeanors tended to commit them multiple times.

**Table 2: Mothers' Aggregate Arrest Statistics, 1991 and 1996 Cohorts**

Cohort	1991	1996
<b>Entire Sample</b>	(n=7,657)	(n=7,128)
Ever Arrested	3,004 (39.2%)	2,483 (34.8%)
Number with Only Misdemeanors	1,192 (15.6%)	1,091 (15.3%)
Number with at Least One Felony	1,408 (18.4%)	991 (13.9%)
Number with Unknown Charge/No Disposition	403 (5.3%)	401 (5.6%)
<b>Arrested Sub Sample</b>	(n=3,004)	(n=2,483)
Total Arrests	16,461	11,598
Total Misdemeanors	10,957	7,612
Total Felonies	5,504	3,986
Total Arrests for Misdemeanor Only Group	5,832 (35.4%)	4,365 (37.6%)
Total Arrests for at Least One Felony Group	10,155 (61.7%)	6,755 (58.2%)
Unknown Arrest Charge or No Disposition Info. Group	474 (2.9%)	478 (4.1%)

<sup>2</sup> Note that for all of the analyses, the ethnicity variable included a category coded as 'Other/Unknown' and we also added all subjects for whom ethnicity data was missing to this category. When the analyses using the ethnicity variable were run without the 'Other/Unknown' category, the results were similar to those presented in all of the results shown in this report.

Table 3 shows a breakdown of arrests for each type of charge for the 1991 and 1996 cohorts. These results suggest that drug, prostitution and theft/larceny charges account for the greatest proportion of arrest charges. To put the rate of maternal arrest in context, we obtained data on the annual rate of arrest among all women in New York City (NYC). In 1996, census data estimate that 336,664 women between the ages of 30 and 34 resided in New York City. Data from DCJS indicate that in 1996, there were 14,396 arrests of women between the ages of 30 and 34, or 4.28 percent of women in New York City. In comparison, there were 920 arrests of mothers in our 1996 cohort in 1996, or 12.91 percent. Thus, in 1996, there were roughly three times as many arrests among mothers in our sample as in women in the same age group. This comparison should be used with caution because it does not adjust for the many factors that may influence arrest rates, such as income, education level, neighborhood, race, or ethnicity.

#### **How Do Arrest and Conviction Rates Change Over Time?**

We examined how the number of arrests leading to convictions changed over time, with a special focus on the year before and after child placement. Figures 2 and 3 illustrate the number of misdemeanor and felony arrests by year for the 1991 and 1996 cohorts, respectively. The number of arrests rose steadily in the years before placement, and then peaked in 1991 for the 1991 cohort, and in 1996 for the 1996 cohort. The number of arrests in the years following the children's placement in foster care declined somewhat but remained high for both cohorts. The 1991 cohort provides a clearer indication of this pattern over the seven years following placement, whereas conclusions for the more recent 1996 cohort are more tentative.

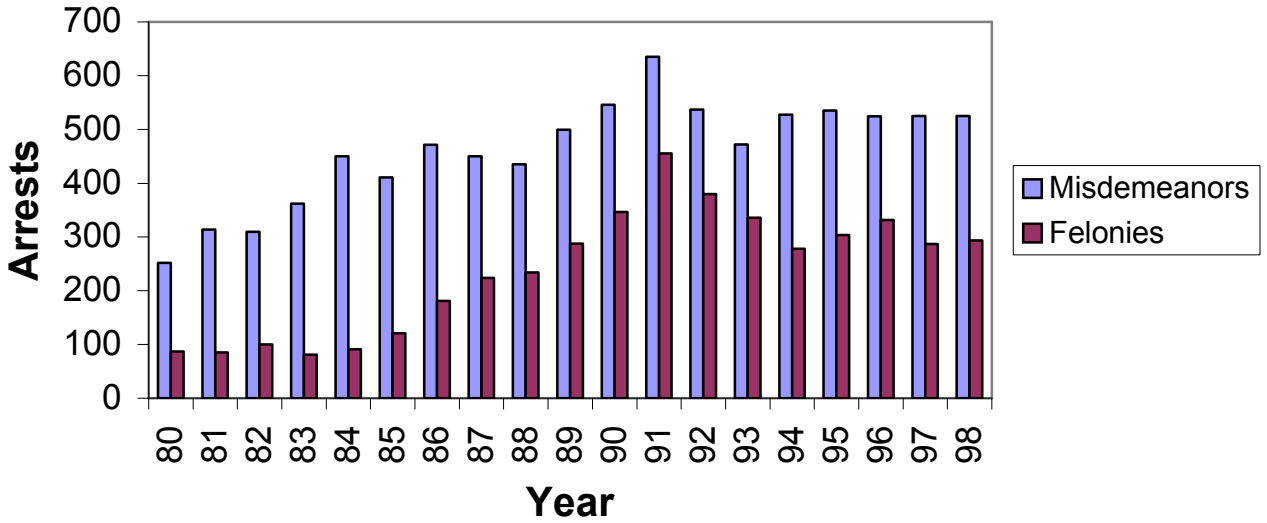


**Table 3: Total Arrests for Mothers by Type of Charge, 1991 and 1996 Cohorts**

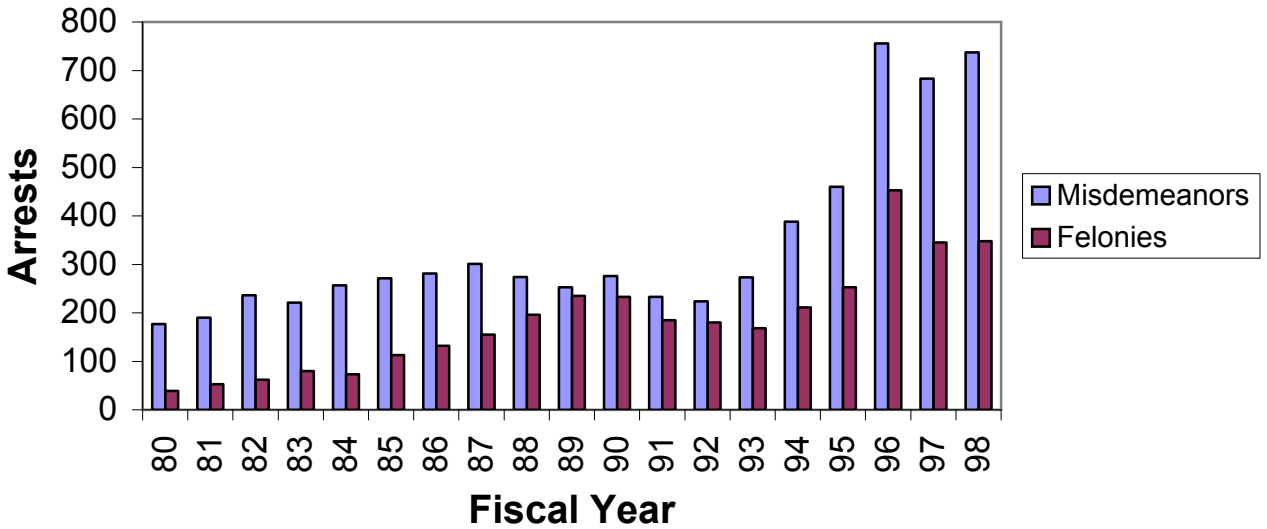
<b>Cohort</b>	<b>1991</b>	<b>1996</b>
Mothers in Sample	(n=7,657)	(n=7,128)
Number Ever Arrested	3,004	2,483
Total Arrests	16,461	11,598
Violent Felony	1,320 (8.0%)	980 (8.4%)
Firearm Offense	146 (0.9%)	146 (1.3%)
Child Victim	400 (2.4%)	471 (4.1%)
<b>Drug Offense</b>	<b>5,356 (32.5%)</b>	<b>4,096 (35.3%)</b>
Weapons	703 (4.3%)	550 (4.7%)
DWI	40 (0.2%)	22 (0.2%)
<b>Prostitution</b>	<b>4,392 (26.7%)</b>	<b>2,753 (23.7%)</b>
<b>Larceny/Theft</b>	<b>3,286 (20.0%)</b>	<b>2,001 (17.3%)</b>

We paid special attention to patterns in the rate of arrests for drug, prostitution, and theft/larceny charges to see if the rate of maternal arrest for these charges changes around the time of the foster care placement. We plotted the number of dispositions (where the disposition was a conviction) for these three categories from 1980 to 1998, for both cohorts. Figure 4 shows the rates for the 1991 cohort, and suggests that the rate of drug conviction charges increases over time and remains high, especially following the year when the child was placed, whereas the rate of prostitution convictions decreases in the year after the child is placed into care. Theft/larceny convictions rise along with drug charges, peaking during the year the child enters care, but decline after that year. The decrease in prostitution convictions probably reflects maternal aging. The increase in maternal drug offenses following the child's removal may reflect a worsening spiral of substance abuse and involvement in the drug trade after the removal.

**Figure 2: 1991 Cohort Misdemeanor and Felony Arrests by Year**



**Figure 3: 1996 Cohort Misdemeanor and Felony Arrests by Fiscal Year**



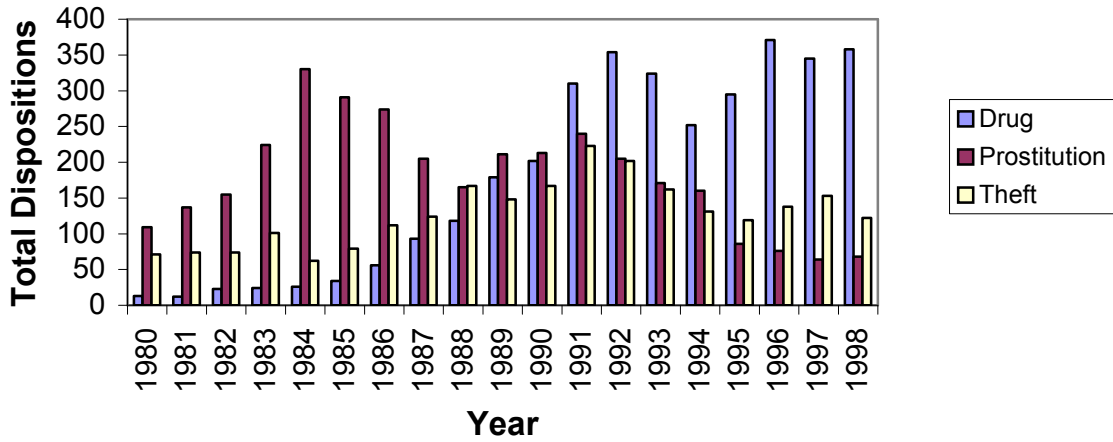
For the 1996 cohort, Figure 5 presents slightly different trends from those observed in 1991. While prostitution convictions decline over time, reaching their lowest levels during the year the child enters care, they also rise sharply after that point. Theft/larceny convictions also rise after the 1996 entry year. Only drug convictions demonstrate a similar pattern to that of 1991, showing a slight rise in the early 1990's and then a sharp rise near the 1996 child entry year, which continues in the following years. Results of such comparisons between the two cohorts are tentative, however, given that fewer years of data are available for the 1996 cohort.

### **What Are the Rates and Types of Maternal Arrests in the Time Around Child Placement?**

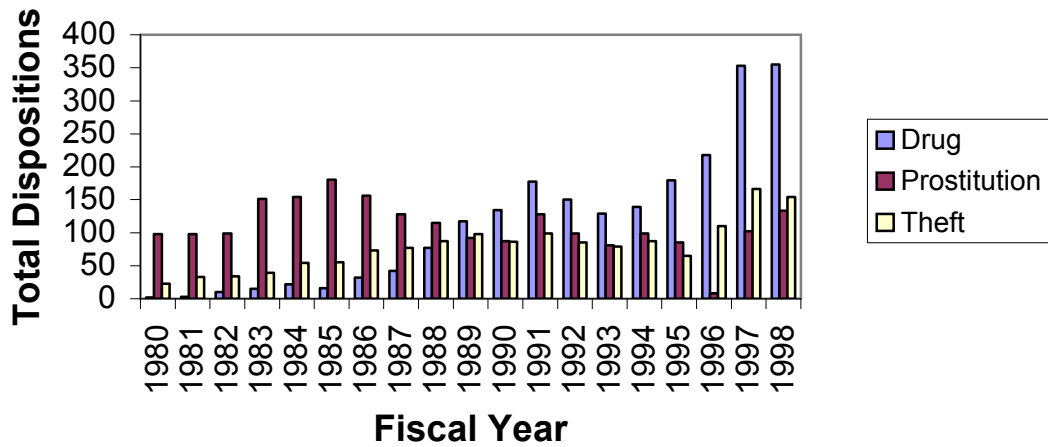
To examine maternal arrests in the period around children's placement into foster care, we focused on arrests occurring in the 18 months before and 18 months after the placement. Expectedly, fewer mothers were arrested in this shorter period than were ever arrested—1,194 mothers or 15.6 percent of the 1991 cohort, and 1,279 mothers or 17.9 percent of the 1996 cohort. The most common types of arrests were for drug offenses, followed by prostitution offenses, and theft/larceny.

Figures 6 and 7 show the percentages of mothers that fall into each of the arrest categories during the 18 months before and after child placement. The vast majority of mothers (84.4 percent of the 1991 cohort, 82.1 percent of the 1996 cohort) were not arrested on charges that led to a conviction. Roughly one of every 14 mothers (6.9%) from the 1991 cohort (one in every ten for the 1996 cohort, 10.0%) were arrested for at least one misdemeanor but no felony. Fewer mothers were arrested and charged with felonies that resulted in convictions (6.7 percent of the 1991 cohort, 4.7 percent of the 1996 cohort). A small proportion were arrested for an unknown charge (1.9 percent of the 1991 cohort, 3.0 percent of the 1996 cohort). Again, it is important to note that the percentage of mothers arrested solely for misdemeanors versus solely for felonies is not related to the number of arrests of those individuals. For both cohorts, the number of misdemeanor arrests was substantially higher than the number of felony arrests.

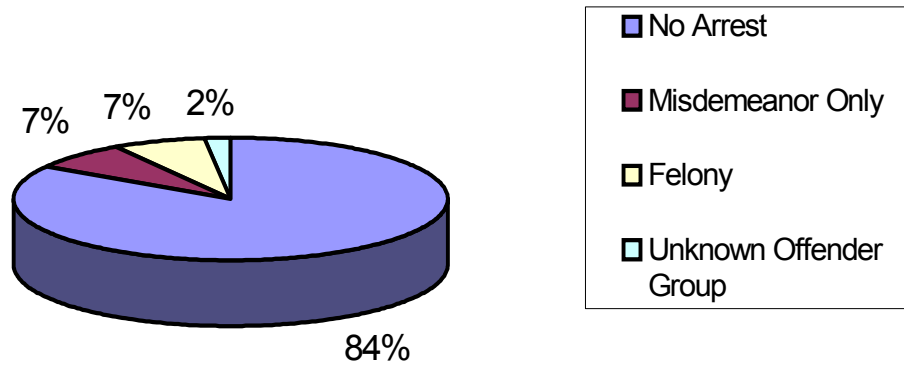
**Figure 4: 1991 Cohort Drug, Prostitution & Theft Dispositions, 1980-1998**



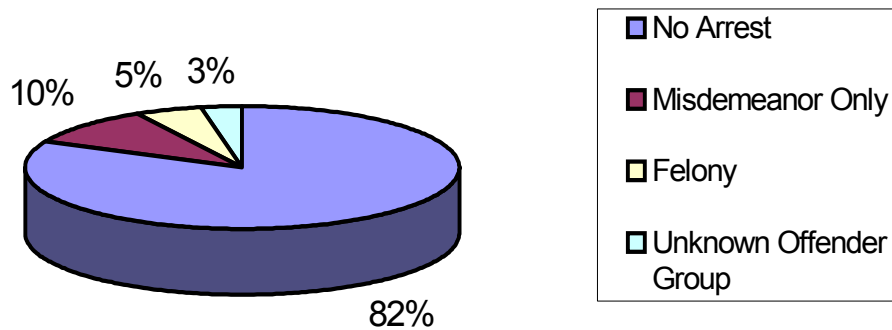
**Figure 5: 1996 Cohort Drug, Prostitution & Theft Dispositions, 1980-1998**



**Figure 6: 1991 Cohort - Offender Groups**



**Figure 7: 1996 Cohort - Offender Groups**



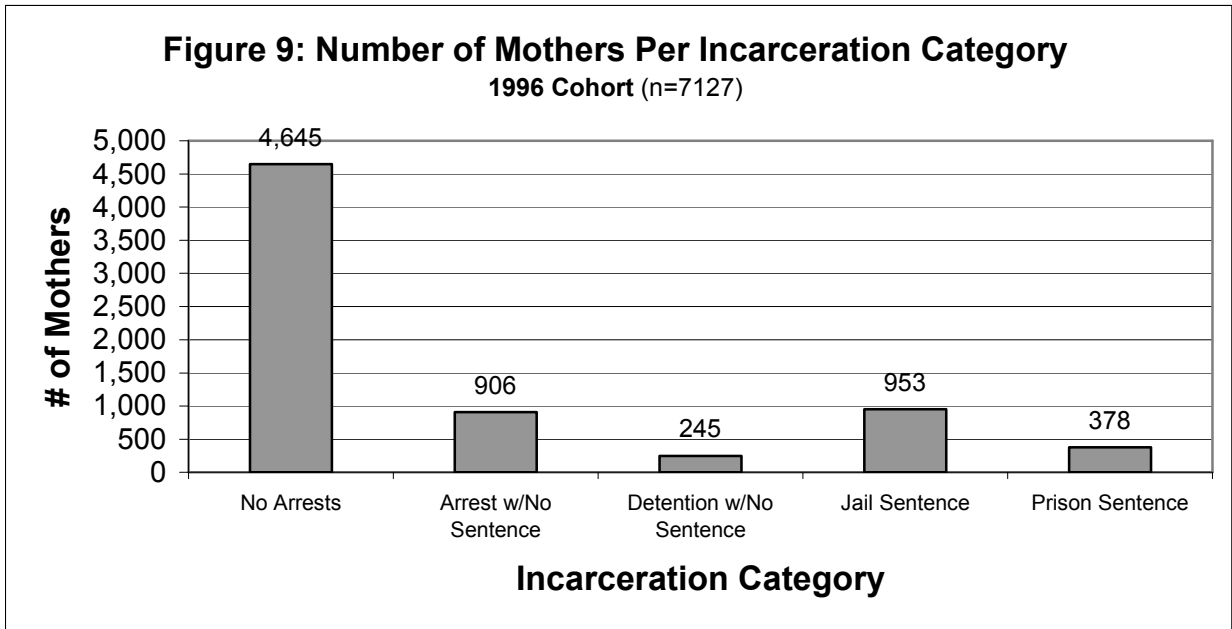
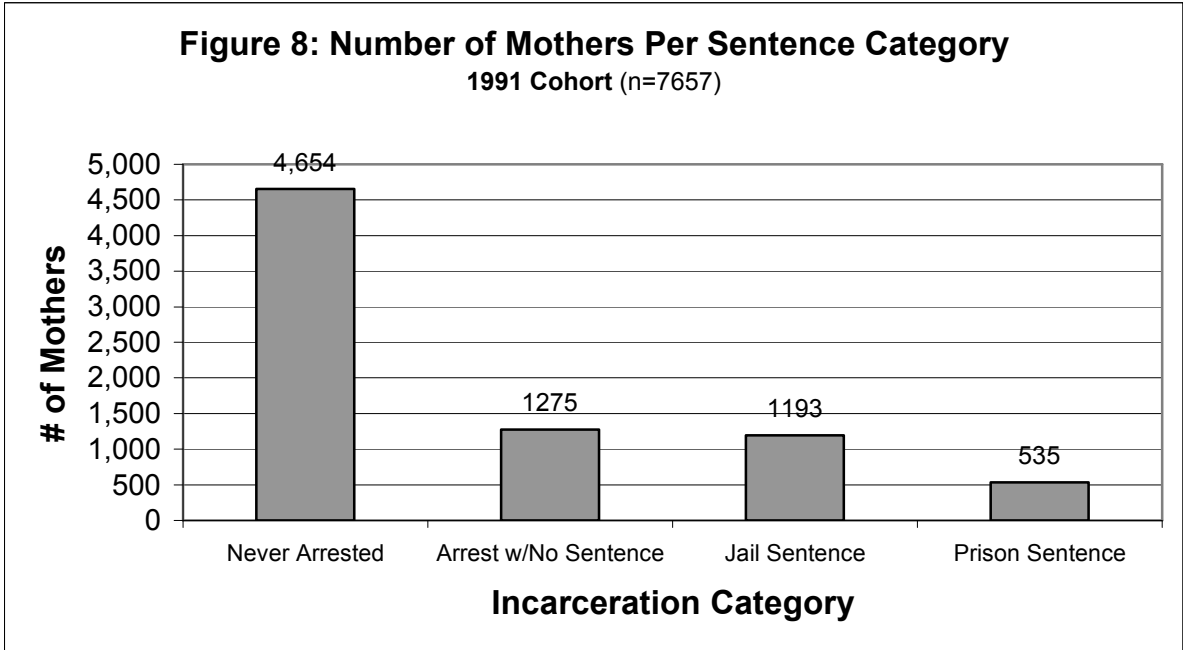
**What is the Lifetime Incarceration Rate of Mothers?**

While the arrest and conviction information presented above show the degree of criminal activity among mothers of foster children, we will now examine how much of that activity resulted in incarceration. We grouped mothers in both cohorts based on the type of

incarcerations they experienced. Incarceration type was determined by examining sentence information available from DCJS, while detentions without sentences and jail-stay records came from the New York City DOC. Incarceration categories include no arrest, arrest with no incarceration, detention with no sentence, jail sentence, and prison sentence. All categories are mutually exclusive, as individuals were assigned according to their most severe incarceration experience. Due to the lack of available DOC data for the 1991 cohort at the time of these analyses, it was not possible to assign individuals to the detention with no sentence category. Consequently, jail sentences may be underrepresented for the 1991 cohort.

For the 1991 cohort, 22 percent of mothers experienced an incarceration spell in their adult lifetimes, and most sentences were for jail, not prison. As shown in Figure 8, 4,654 (or 61 percent) of mothers were never arrested, 16.7 percent were arrested but never sentenced to jail or prison, 15.6 percent were sentenced to jail but never to prison, and 7.0 percent were sentenced to prison. The percentages of foster children with a biological mother in these categories are similar.

In the 1996 cohort, 22 percent were sentenced to incarceration during their adult lifetime, and jail accounts for the majority of the sentences. Overall, 65.2 percent of mothers were never arrested, 12.7 percent were arrested but never incarcerated, 13.4 percent were sentenced to jail, and 5.3 percent were sentenced to prison. Additionally, another 3.4 percent were detained without being sentenced in the three years before or three years after their child was placed in care (see Figure 9).

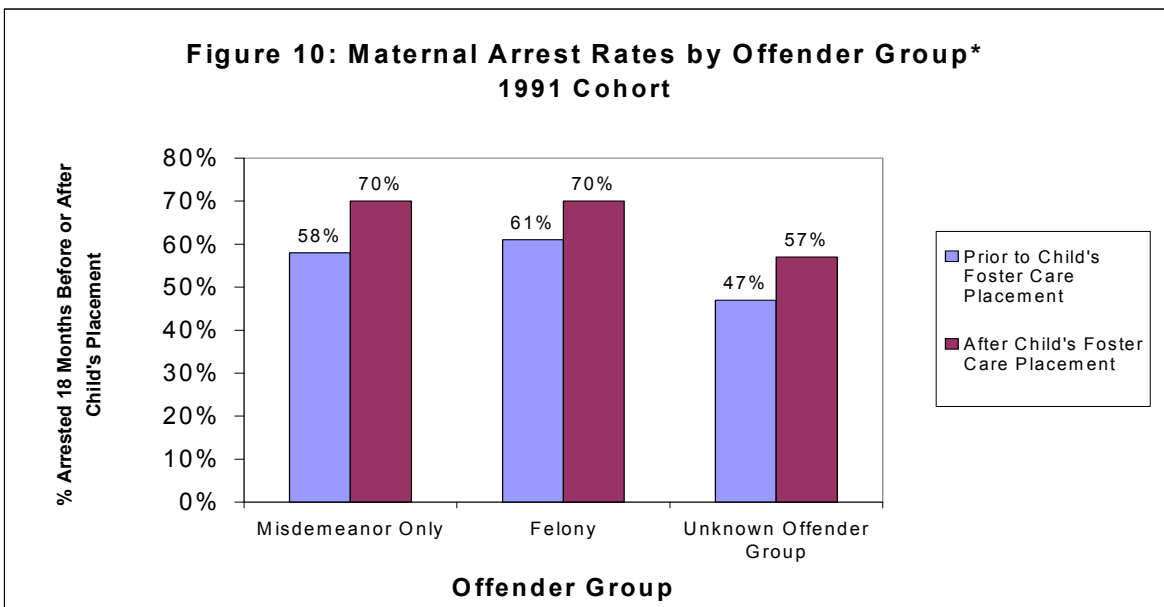


**How is Child Placement Related to Maternal Arrest?**

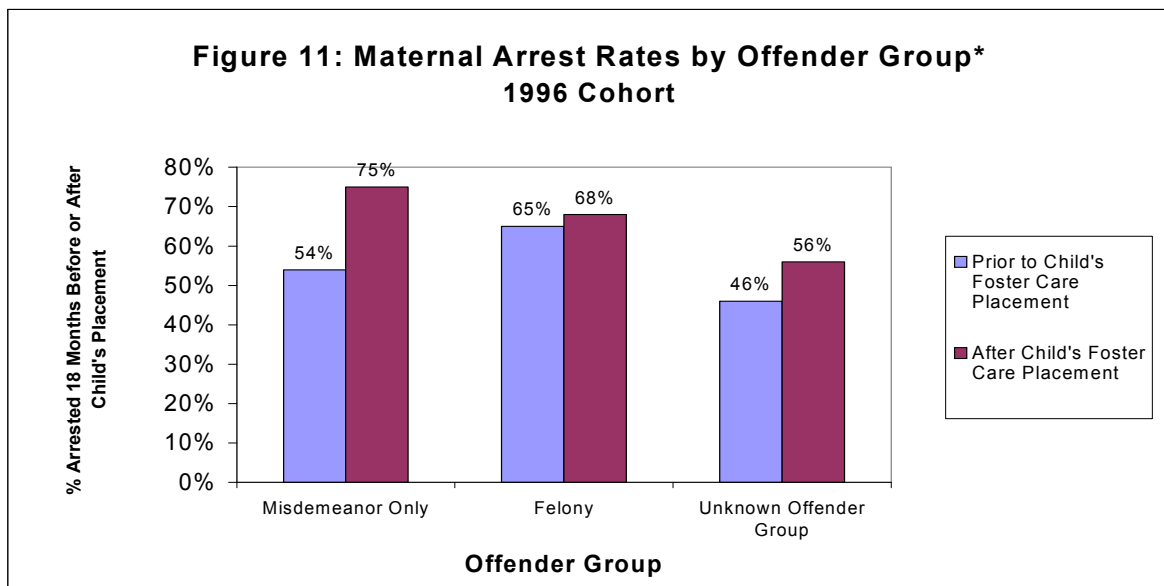
Our data cannot test whether maternal arrest led to a child’s placement into care. We can, however, estimate how closely linked the two events are chronologically, and hypothesize that in some cases the arrest prompted child placement, and in other cases, maternal arrest was a marker for other problems that prompted the placement. We examined the sequencing

of the maternal arrests that occurred in the 18 months before and 18 months after the child's placement, especially at the arrest that occurred closest to the date of placement.

Previous analysis (see Fig. 2 & 3 above) showed that maternal arrests peaked in the year the child was placed in care. We find that mothers were arrested more often *after* rather than before their children were placed in care. Figure 10 shows that of those mothers who experienced an arrest that led to a conviction, 58% were arrested at least once on a misdemeanor charge in the 18 months before the placement, and 70% were arrested at least once in the 18 months after the placement. Some mothers were arrested both before and after the placement. For both cohorts, the greatest increase in the rate of arrest was for mothers who were arrested for misdemeanor offenses only.







\* Some mothers in both cohort samples were arrested both in the period before and after the placement.

### **What Are the Patterns of Maternal Arrest That Occur Immediately Before Children Are Placed in Care?**

Within the 18 month time frame, the last maternal arrest charge **prior to** children's placement into care was most likely to be for drug offenses, followed by theft/larceny and prostitution. In the 1996 cohort, one of the most common charges was crimes against a child (15%), occurring as often as theft/larceny charges, whereas this pattern was not pronounced for the 1991 cohort.

Of arrests that occurred on the same day as the placement (18 arrests in 1991 and 44 arrests in 1996), over two-thirds of the arrests were for offenses with a child victim, although it was not possible to determine whether that individual was the mother's own child. Extending the period to include the date of entrance into care through five days prior (36 arrests in 1991 and 78 arrests in 1996), child-victim crimes remained the most frequent, with drug crimes and violent felonies also encompassing a high proportion. These results suggest that very few children in foster care have a mother arrested in the days immediately preceding the placement. While drug, prostitution and larceny were most likely to be the last crimes committed by mothers prior to their children entering into care, the handful of arrests with the strongest likelihood of contributing directly to a child's entrance into foster care were for more serious and often violent offenses, which may have been directed at the children themselves.

In a separate analysis, we looked at the maternal arrest that occurred closest to the child's entry into care, whether that arrest occurred prior to, during, or after the end of the

placement.<sup>7</sup> For the 1991 cohort, 501 children (or four percent of children in the sample and 11 percent of children with an arrested mother) have a mother whose closest arrest occurred within one year before the placement. For 1996, 695 children (or seven percent of children in the sample and 19 percent of children with an arrested mother) were in this category (See Figures 12a and 12b). For both cohorts, the arrests that occurred within the year before placement were especially likely to occur within the month before (Figures 13a and 13b). In the 1991 cohort, 148 children (or one percent of the sample) had a mother whose closest arrest occurred within the month before placement. The number for 1996 is 319 children, or three percent of the sample.

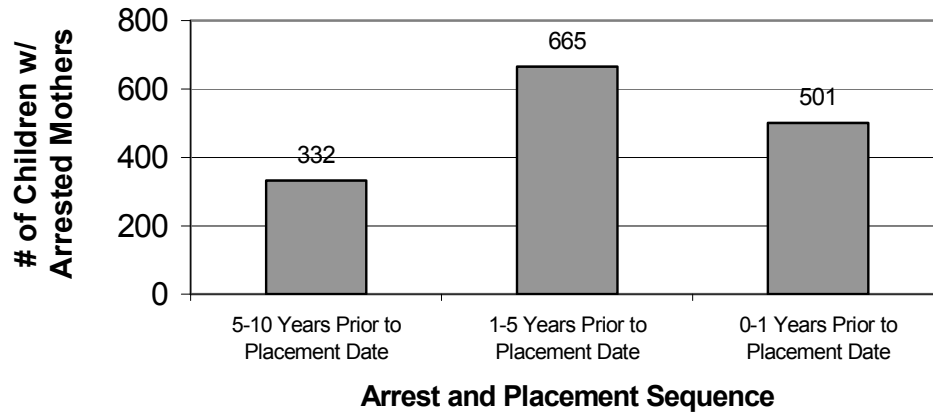
In sum, although a significant proportion of children entering foster care have a mother who was ever arrested (39% of children in the 1991 cohort and 35% of children in the 1996 cohort), only a small proportion of foster children have a mother arrested in the period immediately preceding placement. For the children entering care in 1991 and 1996, about two percent had a mother arrested within the month before placement and about five percent had a mother whose closest arrest occurred within the year before the placement.

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<sup>7</sup> We chose to select the arrest occurring closest to the placement to track the sequence between the arrest and the foster care placement. In this analysis and in the following figures, the unit of analysis shifts from arrested mothers to children of arrested mothers. The reason for this is that the arrest and foster care placement sequence may be different for children of the same mother. Accordingly, the timing of these two events was calculated for each individual child, rather than each individual mother.

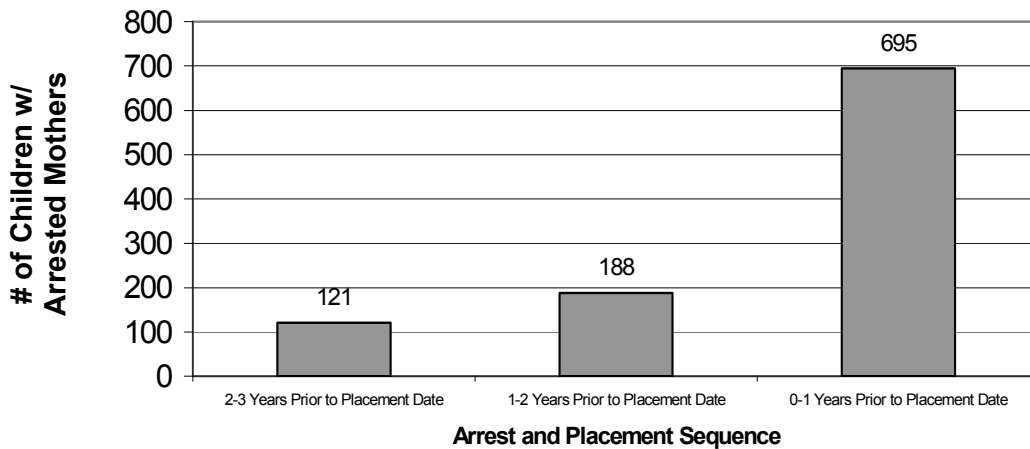
**Figure 12a: Arrest Event Closest to Child's Entry Into Foster Care, 1991 Cohort**

Where Arrest Occurred Prior to Foster Care Placement (n=1,498)



**Figure 12b: Arrest Event Closest to Child's Entry Into Foster Care, 1996 Cohort**

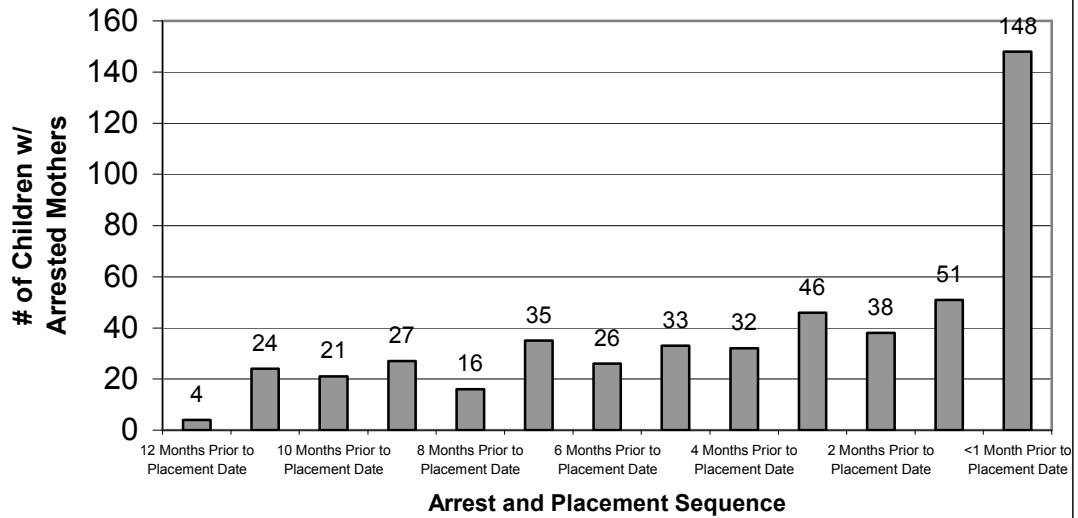
Where Arrest Occurred Prior to Foster Care Placement (n=1,004)



**Figure 13a: Arrest Event Closest to Child's Entry Into Foster Care, 1991**

Cohort

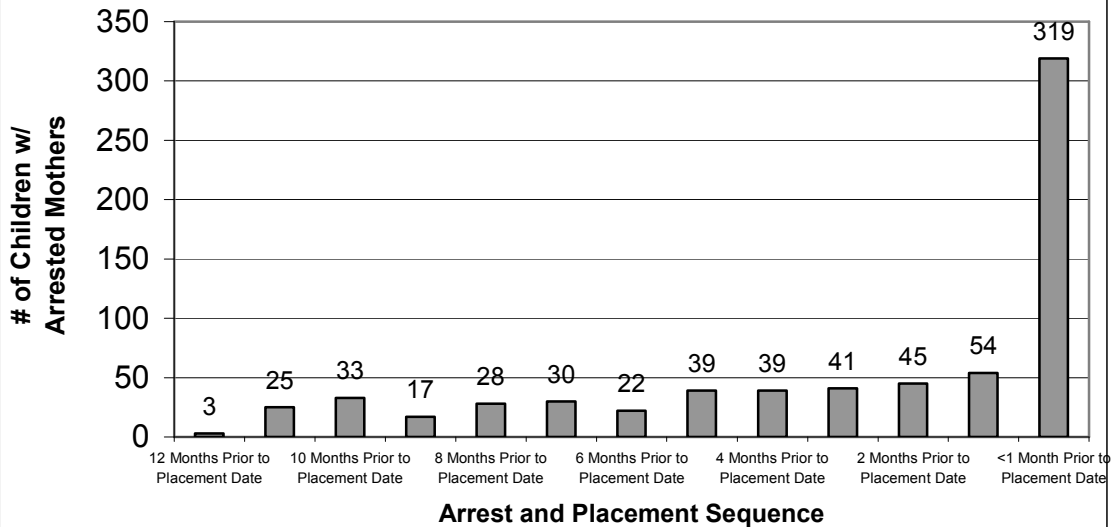
Where Arrest Occurred Within One Year Prior to Foster Care Placement (n=501)



**Figure 13b: Arrest Event Closest to Child's Entry Into Foster Care, 1996**

Cohort

Where Arrest Occurred Within One Year Prior to Foster Care Placement (n=695)



### **What is the Maternal Incarceration Rate Before and After a Child Enters Care?**

To compare the rates of incarceration before and after the child entered care, we tracked the 1991 cohort for ten years before and after placement, and the 1996 cohort for three years before and after placement. In both cohorts, more mothers began an incarceration stay in the years after their child entered care than in the years before. In the 1991 cohort, 18 percent began an incarceration after the placement compared to 11 percent before. In the 1996 cohort, 14 percent of mothers began a stay after the placement compared to 10 percent before.

We also examined the incarceration that occurred closest to the child's foster care placement. We compared the incarceration dates to the dates of the child's foster care placement to determine if these two events overlapped. Each incarceration was coded with one of four values to classify the incarceration and placement sequence. Using this variable, we identified whether the incarceration:

- 1- concluded prior to the foster care placement;
- 2- began after the foster care placement;
- 3- began prior to, but overlapped with the foster care placement; or
- 4- began after, but overlapped with the foster care placement.

Finally, we created a variable to calculate the duration between the incarceration spell and the foster care placement. For the 1991 cohort, we did not have data available from DOC, meaning that all instances of detention without sentence were missing, and only data on sentencing were present. The results are shown in Figures 14 and 15.<sup>8</sup>

Considering the incarceration event closest to the child's entry into foster care—no matter how many years before or after the placement the event occurred—ten percent of mothers in the 1991 cohort, and 12 percent of mothers in the 1996 cohort, experienced an incarceration that overlapped at some time with their child's initial stay in foster care. This translates to 1,150 children in the 1991 cohort, and 1,319 children in the 1996 cohort who had a biological mother who was incarcerated at some point during their initial foster care stay.

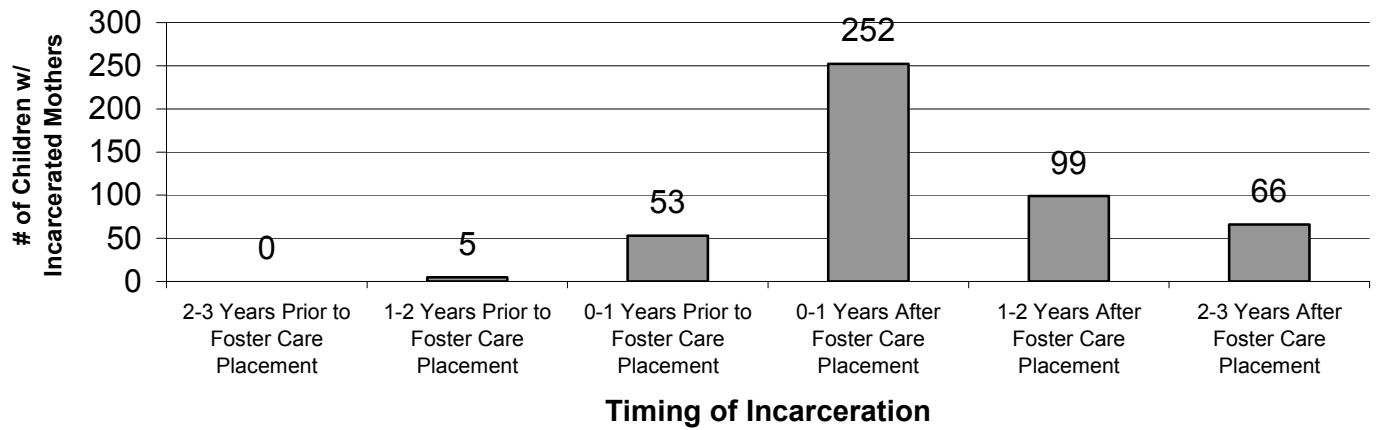
Most of the incarceration events that overlapped with the child's foster care placement occurred within the year after the placement, for both cohorts. The incarcerations that did not overlap were about equally likely to begin in the year before and the year after placement for the 1991 cohort, and much more likely to begin within the year before for the 1996 cohort.

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<sup>8</sup> The sample sizes included on Tables 14a, 14b, 15a and 15b do not match the incarceration rates reported on pages 19-20. For the incarcerations that did not overlap with the foster care placement, those that occurred 4 years or more before and after the foster care placement for the 1991 cohort, and three years for the 1996 cohort, were left off these graphs. We excluded that data to measure equal portions of time before and after the foster care placement.

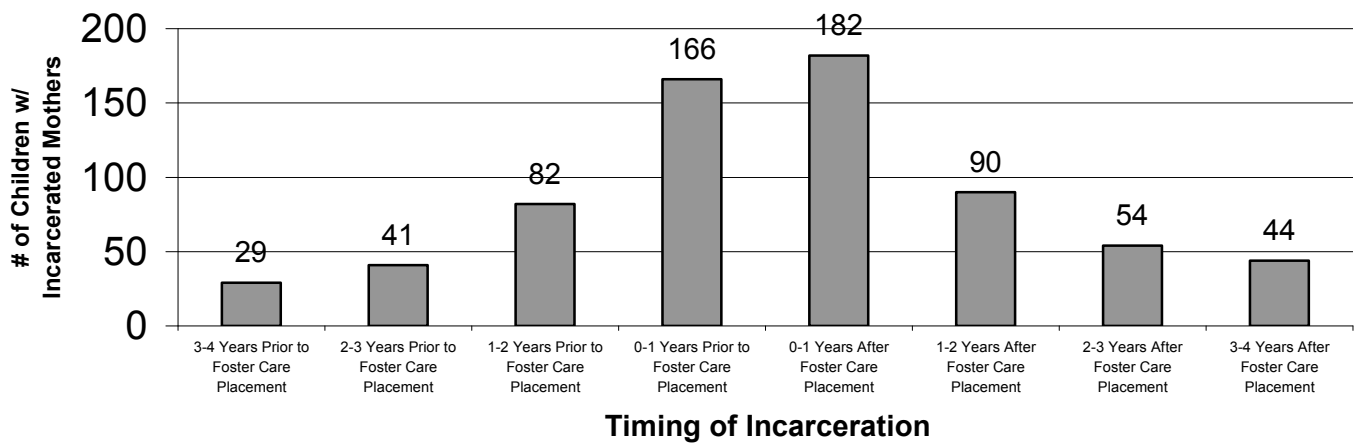
**Figure 14a: Incarceration Event Closest to Child's Entry Into Foster Care, 1991 Cohort**

Where Incarceration Overlapped With Foster Care Placement (n=475)



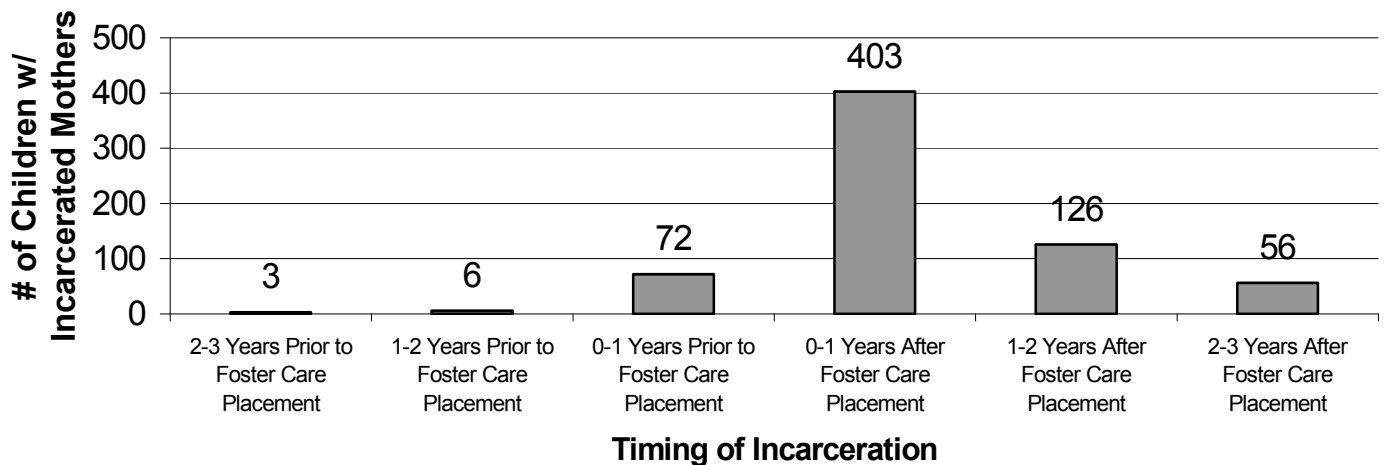
**Figure 14b: Incarceration Event Closest to Child's Entry Into Foster Care, 1991 Cohort**

Where There Was No Overlap Between Incarceration and Foster Care Placement (n=688)



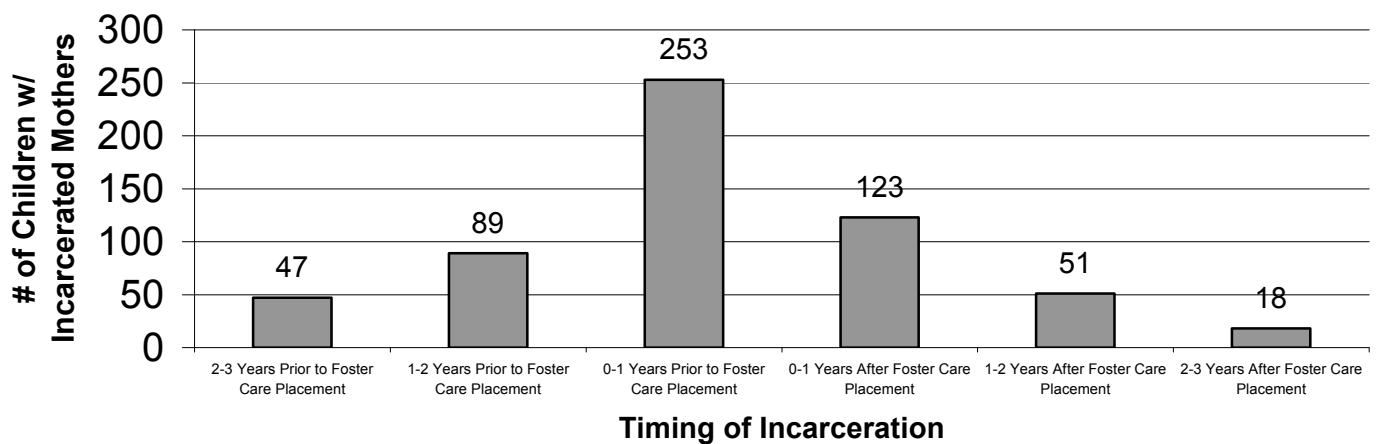
**Figure 15a: Incarceration Event Closest to Child's Entry Into Foster Care, 1996 Cohort**

Where Incarceration Overlapped With Foster Care Placement (n=666)



**Figure 15b: Incarceration Event Closest to Child's Entry Into Foster Care, 1996 Cohort**

Where There Was No Overlap Between Incarceration and Foster Care Placement (n=581)



### **Relationships Between Foster Care Outcomes and Maternal Arrest/Incarceration**

We have begun to analyze the relationships between maternal criminal history and child foster care outcomes—time in initial foster care spell, level and type of care, number of placement transfers, and likelihood of adoption. In each of the analyses, we are testing the association of criminal history and child outcome, while controlling for variables such as child and maternal age, maternal ethnicity, gender, and other variables. Since this analysis is preliminary and ongoing, the trends presented here are meant mainly to indicate the direction of further research. Further research may show different outcomes.

Children whose mothers have a criminal history seem to remain longer in their initial foster care stay than children of mothers without such a history, after controlling for the variables listed above and for level of foster care—congregate or noncongregate. There are, however, many variables that need consideration in any length of stay analysis, and we plan to incorporate them in future research [see Glisson, Bailey, and Post, 2000].

There are also some preliminary indications that children of mothers with criminal histories may be less likely to be placed in congregate care than children whose mothers were never arrested. The relationship held after controlling for the other variables, including child age, but we have not yet examined the child’s previous foster care history.

Incarceration appears to be associated with child adoption, even after accounting for maternal and child age. Our preliminary work suggests that children of mothers who experienced over two years of incarceration over their lifetime, are more likely to be adopted than those whose mothers were never incarcerated. We plan to conduct future research in this area.

## **Summary and Implications**

This study involved a match between New York City child welfare and maternal corrections records. Our goals were to determine the proportion of mothers who were arrested or incarcerated, to evaluate the sequencing of maternal arrest, incarceration, and child entry into foster care, and to begin testing whether children’s experiences in foster care vary with their mothers’ criminal histories.

The results show that from 35 percent to 39 percent of the biological mothers of children who entered foster care in 1991 and 1996 were arrested over the course of their adult lives.<sup>9</sup> About 15 percent of the mothers were arrested in the period surrounding their child’s placement into care—the year and a half prior to or after their child’s placement. Most mothers were arrested for drug, prostitution and larceny/theft offenses and most of the arrest charges were misdemeanors.

The arrest and conviction rate appears to rise in the year that the child entered care, and mothers are more likely have a conviction in the 18 months after children are placed than in

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<sup>9</sup> The proportions of children with arrested biological mothers are about the same.



the 18 months before the placement. It is possible that the children were removed at a time when the mother's substance abuse had started or increased, and she was no longer able to care for the children. The increased arrest rate for drug-related and larceny/theft offenses also supports this idea, as substance abusing mothers may at that point be increasingly involved in criminal activities to support their drug habits. We also observed a steady decrease in prostitution charges, which is likely related to mothers 'aging out' of prostitution.

Only rarely were the mothers arrested on violent charges, and even more rarely were the arrests related to charges of crimes against a child. Yet violent, child-related, and drug charges were the predominant charges in the few examples when both a mother's arrest and a child's placement into care occurred on the same day, or when the arrest occurred within a few days before the placement. Focusing somewhat more broadly on the immediate period before placement, from 2-4 percent of children in the two entering cohorts (or 148 children in the 1991 cohort and 319 children in the 1996 cohort) had a mother who was arrested in the month before placement.

These results imply that, for at least a small group of children, the mother's arrest may directly prompt placement. This may occur when no other caretaker is available in the home to take over the mother's responsibilities. Alternatively, the mother's arrest may simply mark a high level of general family disturbance at that time, and this disturbance may cause the removal of the child. Since the rate of maternal arrest rose following placement, mothers' lives may take a turn for the worse following removal, a pattern drug treatment might alleviate.

Approximately 20 percent of mothers of the foster children in the two cohorts experienced a period of incarceration in their adult lives, and most served time in jail or detention, rather than prison. An examination of patterns of incarceration over a 20-year period in the 1991 cohort suggests that the likelihood of incarceration after placement might increase slightly over the long term (17 percent after the child is placed versus 10 percent before).

Some 10-12 percent of the mothers were incarcerated during the child's initial stay in foster care. Specifically, 1,150 children in the 1991 cohort and 1,319 children in the 1996 cohort had a biological mother who was incarcerated at some point during their initial stay in foster care. When the incarceration overlapped with the placement, it usually began within the first year after the placement.

One policy implication might be for child welfare agencies to identify children whose mothers have a recent arrest or incarceration history, and to offer substance abuse treatment as part of the family's reunification plan. Our results also imply that continued services for mothers' substance abuse are important while the child is in care and after the child is released. As most mothers are being arrested for nonviolent offenses, it might be beneficial to test alternatives to incarceration among those who are the primary caretakers of their children

At the very least, the risk of longer foster care stays for children with incarcerated mothers suggests that child welfare agencies could systematically inquire about maternal arrest and incarceration, and build practices that make the best use of a mothers' ability to remain involved in their child's permanency planning during foster care. The Administration for Children's Services has already initiated some of this work.

In future research, we plan to analyze in more detail the relationships between maternal criminal history and child foster care outcomes. This will include analysis of the relationships between specific types and lengths of incarcerations on foster care outcomes. We will also analyze outcomes over the course of all foster care spells, expanding this report's focus on the initial placement. This work is likely to involve matching data from this project with databases maintained by other government agencies, including the Department of Probation and the Department of Juvenile Justice.

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## Appendix A: Description of Data Sources

**Child Care Review System (CCRS):** The CCRS is a collection of administrative databases maintained by the Administration of Children’s Services. It contains records for all foster children who entered care from 1985 to the present, including individual and family demographic data, records of movements a child made while in foster care, reason for discharge, permanency planning goals, and other pertinent information. For the IPFC project, we primarily used data from the individual bio, movement, and relationship tables. By merging information from these datasets, we were able to extract demographic information, placement and discharge dates, level of care (kinship, foster boarding home or congregate care), length of stay, and other foster care outcomes.

**Welfare Management System (WMS):** The WMS is maintained by the State of New York. It is primarily used to manage services and payments to recipients of public assistance. The IPFC project only had access to data corresponding to residents of New York City. Furthermore, the database was only used to extract social security information for our research subjects. Where it was available, social security numbers were used as part of the process of matching IPFCs with their criminal history records.

**New York State Division of Criminal Justice Services (DCJS):** DCJS is a criminal justice support agency, which among other responsibilities, collects and analyzes statewide crime data. DCJS provided data on individual arrests and sentences for the parents in the two cohorts we are studying. Data elements included in this dataset were arrest and disposition charges; flags indicating whether the charge was for an offense related to drugs, prostitution, weapons, a child victim, violent felony, or mother vehicle crime; and sentencing information. Under New York State statute, DCJS was not permitted to return sealed records, in which the charge was dismissed or was disposed as a juvenile case.

**New York City Department of Correction (DOC):** The IPFC project also requested and received data from the City Department of Correction. The DOC incarcerates those sentenced in New York City to terms of up to one year and provides custody for those who, after arraignment, are remanded without bail or are unable to post bail. The IPFC project primarily used DOC data to extract information on admission and discharge dates from local jails. In addition, DOC data was used to identify individuals who were detained pending adjudication of their criminal charges, but not sentenced.

**New York State Department of Correctional Services (DOCS):** The Department of Correctional Services is responsible for managing the confinement of inmates held at all New York State prisons. The IPFC project has requested and expects to receive data from DOCS

containing information on all prison incarcerations experienced by mothers in the two research cohorts. DOCS' data system includes information on admissions, discharges and services provided to inmates, including counseling and substance abuse treatment.