

HARD DATA ON HARD TIMES
An Empirical Analysis of Maternal
Incarceration, Foster Care, and Visitation

Timothy Ross
Ajay Khashu
Mark Wamsley

Vera Institute of Justice

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Executive Summary

The rising incarceration rates among women have raised concerns in many quarters, including child welfare. While social service laws and child welfare agency regulations require caseworkers to arrange visits between foster children and their incarcerated mothers in most circumstances, hard data that inform this issue are almost non-existent. Child welfare agencies do not know how often the mothers of foster children are incarcerated, how long maternal incarceration spells overlap in foster care placements, or why the mothers of foster children are incarcerated. At the request of New York City's Administration for Children's Services (ACS), Vera researchers examined the criminal histories of the biological mothers of foster children.

The second of two reports, this study uses foster care data from ACS and criminal history data from New York State's Division of Criminal Justice Services. Vera researchers examined the criminal histories of mothers of children who first entered foster care in fiscal year 1997 (July 1, 1996 to June 30, 1997). The authors found that 5.2 percent of these children had mothers who were incarcerated for at least 30 consecutive days during the first three years of the children's placement in foster care. This suggests that more than 350 children in each entry group will have their mothers incarcerated for at least a month based on the fiscal year 2003 cohort of 6,850 children entering care.

The report also examines the chronology of arrest, incarceration, and child placement. Many observers worry that the war on drugs and harsher punishments for minor crimes has resulted in more children entering foster care. The data suggest that the opposite is true. The vast majority (90 percent) of maternal incarcerations that overlapped child placement started *after* child placement, as did 85 percent of the arrests that led to those incarcerations. Child removal appears to accelerate criminal activity among the study group's mothers. From FY1997 (the year of removal) to FY1999, the study group mothers averaged 2.6 convictions each, a rate far higher than in the pre-removal years. This occurred despite substantial incarceration spells and a lower overall crime rate in New York City during this period. Drug sales and possession convictions accounted for the majority of charges that resulted in the incarceration overlap. A large percentage of study group mothers had prior drug convictions, and many had convictions for prostitution, petty theft, and other crimes that are often related to substance abuse. Very few of the study group mothers committed violent felonies.

Three policy implications come from this study. First, the data support ACS's implementation of a van service to New York City's jail. Second, family preservation efforts may function as a crime reduction tool. Successful efforts to avert placement not only keep families together and children out of foster care, but can also prevent the increase in maternal criminal activity that can take place following a child's removal. Finally, the research suggests that child removal is an opportune time to evaluate biological mothers of foster children for substance abuse problems, and to make drug treatment available where necessary.

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Requests for additional information about the research described in this report should be directed to Timothy Ross at the above address or tross@vera.org.

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Introduction

At the request of the Administration of Children’s Services, the Vera Institute examined the implications of maternal incarceration for foster care visitation. Maternal incarceration creates additional demands on child welfare agencies, demands that have increased due to two significant changes in the child welfare landscape. First, the rise in female incarceration that first started in the 1980s resulted in far more mothers spending time in jail or prison. In addition, the passage of the Adoption and Safe Families Act (ASFA) in 1997 creates several deadlines that speed up termination of parental rights proceedings, and place a premium on continuing parent-child contact.

Despite the rise in maternal incarceration, research regarding the criminal and incarceration histories of the biological parents of foster children is almost non-existent. The authors of this study participated in the first large-scale effort to examine the prevalence of incarceration among the biological mothers of foster children.¹ The report produced from that work found that over a third of all biological mothers of foster children experienced an arrest that led to a conviction at some point in their lives. In addition, over a fifth experienced detention in jail or prison. This study uses a similar dataset to examine the overlaps between child placement and maternal incarceration, discusses the impact of this phenomenon on mother-child visitation, and provides broader policy implications for both the Administration of Children’s Services and the criminal justice system.

Framing the Problem: Visitation, Incarceration, and Family Preservation

New York State law and Administration for Children’s Services regulations require that child welfare agencies make reasonable efforts to facilitate visitation between foster children and their incarcerated parents.² Several concerns and potential benefits underlie this policy. Regular visits between parents and their children in foster care aid in a child’s development and are a necessary—though not always sufficient—step for family reunification. This is no less true for incarcerated parents, though additional hurdles to family preservation may exist. Without visitation, the government imposes a double punishment on convicted parents: in addition to a loss of liberty, lack of contact may further strain parent-child relationships. In the worst case, lengthy separation without visits leads to the permanent dissolution of the family.

¹ Miriam Ehrensaft, Ajay Khashu, Timothy Ross, and Mark Wamsley, *Patterns of Criminal Conviction and Incarceration Among Mothers of Children in Foster Care in New York City* (New York: Vera Institute of Justice, 2003).

² Social Service Law 384-b(7). See also “Implementation of the Adoption and Safe Families Act, Part III: ACS Best Practice Guidelines for Family Visiting Arrangements for Children in Foster Care,” a memorandum from ACS Commissioner Nicholas Scoppetta to the executive directors of foster care agencies dated December 19, 2000.

The importance of visitation is codified in other child welfare laws. New York State Social Service Law s384b states that:

a child is 'abandoned' by his parent if such parent evinces an intent to forego his or her parental rights and obligations as manifested by his or her failure to visit the child and communicate with the child or agency, although able to do so and not prevented or discouraged from doing so by the agency. *In the absence of evidence to the contrary, such ability to visit and communicate shall be presumed* [emphasis added].

Thus, if a child welfare caseworker cannot locate a parent due to incarceration, or if an incarcerated parent cannot locate a son or daughter in the child welfare system, an abandonment finding may be issued. A finding of technical abandonment may lead to changing a child's permanency planning goal to adoption. Once a child enters the adoption track, arranging visits and parental contact may become even more difficult. Caseworkers in adoption units specialize in adoption procedures, and may be less familiar with visitation regulation and less experienced with arranging visits and promoting contact with biological parents. Thus, not only is visitation necessary to maintain family connections, but lack of visitation can have significant legal implications.

The federal ASFA law mandates the initiation of termination of parental rights (TPR) proceedings if a child spends a sum total of 15 out of any 22 months in foster care. Caseworkers can circumvent this rule if they believe that a TPR is not in the child's best interest, but such a determination must be made on a case-by-case basis and approved by a Family Court judge. The level of contact and visitation is one of the criteria that may be used to approve extensions of the "15 of 22" rule. As with the six-month abandonment rule, this ASFA rule may have a decisive impact on incarcerated parents and their children if visitation is not arranged.

The welfare of the child and the family are paramount concerns, but other interests also support the requirement that foster children have contact with their parents. Without effective visitation policies within a family preservation framework, more children may enter the adoption track. This places additional pressure on the adoption divisions of child welfare agencies. Some of these children will not be adopted, which may lead to long term spells in foster care. For children who reside in group care facilities in particular, lengthy spells are very expensive.

Efforts to arrange visitation to incarcerated parents, however, must overcome many obstacles. Caseworkers must first learn of a parent's incarceration. Parents with children in foster care may be reluctant to inform child welfare agencies of their incarceration. Even when children learn of a parent's incarceration, shame, fear, or embarrassment may prevent them from sharing this knowledge with their caseworker.

Once caseworkers learn of parental incarcerations, they must navigate the corrections system. As secure facilities, jails and prisons have elaborate and time-consuming procedures regarding visits to prisoners. Corrections officials must receive prior notification of a visit to insure the parent's presence in the visiting room, and caseworkers need to prepare children for what they will experience when entering a jail or prison. Finally, caseworkers need to schedule transportation, and either a caseworker or other staff member must accompany foster children during these visits. In sum, arranging visits is not a task easily undertaken by individual caseworkers.

In light of the importance of visitation and the complicated logistics of arranging visitation to correctional facilities, the Administration for Children's Services and the New York City Department of Corrections started a van service to the Riker's Island Jail in June 2000, as part of the agency's Children of Incarcerated Parents Initiative. These weekly trips seek to reduce the barriers to visiting the city jail and to create a more family-like atmosphere in an otherwise institutional setting. While the program has identified a substantial number of incarcerated mothers with children in foster care, project staff need hard data to estimate the likely number of children eligible to visit Rikers, as well as information pertaining to both the foster care placements and maternal criminal history of children with incarcerated parents.³

With little available research regarding the size of the incarcerated parent population, relations between advocates for inmates and child welfare agencies have often been strained. With the size and scope of the problem more accurately defined, we hope that this report will allow advocates and child welfare agencies to move forward together in improving the chances of family reunification.

³ Agencies that provided the data Vera researchers used in this study did so with the understanding that no individual level information would be released. No data on individually identifiable data is included in this report, nor has any such information been released to ACS or any other agency.

Research Design

Study Group Criteria

While knowledge of a prior history of criminal involvement might prove useful to caseworkers in many situations, lengthy incarcerations that occur during a child's placement are likely to have a more profound impact on children, caseworker efforts to facilitate visitation, and on possible terminations of parental rights. Learning of an incarceration, locating the incarcerated mother, and facilitating visits to prisons and jails usually consume large amounts of time, and child welfare agencies cannot be expected to arrange visits to parents incarcerated for only a few days.

After consulting with Administration for Children's Services staff and others familiar with the issue, we determined that child welfare *visitation operations* are most effected when:

- a) The contact with the criminal justice system involves an incarceration spell
- b) The incarceration spell overlaps with a child's foster care placement
- c) The overlap lasts at least 30 consecutive days—ACS visitation policy requires a minimum of one visit between parent and child every month.

We selected these criteria for many reasons. Though maternal criminal activity is usually a concern for child welfare agencies, when a child is out of care, receiving preventive services, or on trial discharge to the parent, it is not a visitation issue. The effect of maternal criminal activity that does not involve incarceration is likely to be limited to the degree of supervision during visits, while incarceration creates several additional barriers to visitation that are not easily overcome.⁴ Though shorter incarceration spells are still reason for concern, ACS has a much clearer obligation to facilitate visitation when incarceration spells last at least 30 days. Though ACS must meet its statutory obligations regardless of cost, another reason to examine this group is that these cases are likely to use the largest amount of resources. Finally, ACS does not have an obligation to facilitate visitation following the termination of parental rights.

Matching Foster Care and Criminal Justice Data

This report examines children who entered foster care in fiscal year 1997 (July 1, 1996-June 30, 1997). We identified the mothers of these children, and then asked the New York State Division of Criminal Justice Services (DCJS), the New York State Department of Correctional Services (DOCS), and the New York City Department of Correction

⁴ See Miriam Ehrensaft, Ajay Khashu, Timothy Ross, and Mark Wamsley, *Patterns of Criminal Conviction and Incarceration Among Mothers of Children in Foster Care in New York City* (New York: Vera Institute of Justice, 2003).

(DOC) to match these names with the criminal history databases that they maintain. The methodology used by Vera and the criminal justice agencies is described in detail in Appendix A, and a description of the datasets used in the match is in Appendix B.

This data match allowed us to identify all convictions and incarceration spells that involved biological mothers of the children in the FY1997 entry group in New York City's jails and New York State's prisons. We also identified incarceration spells that involved detention without sentence, which usually occur when charges are dropped or the defendant is acquitted. We collected detailed information concerning arrest charges, location of incarceration, and length of incarceration stay and/or sentence. ACS provided access to their foster care database, the Child Care Review System (CCRS), which contains detailed records on each child's length of stay, re-entry into foster care, transfers while in placements, demographic characteristics, and other information.

We used the results of this data match to identify *children* in the 1996 group who fit the visitation criteria outlined above. It is important to understand that we used children, not mothers or families, as our unit of analysis. Because mothers may have multiple children, including some children who never enter care and others who enter care at different times, examining families complicates the analysis. Moreover, visitation services involving incarcerated parents are targeted at individual children, not parents.

Results

Estimating Children Experiencing 30 day overlaps

We obtained information on the mothers of 8,586 of the 10,022 children (86 percent) who first entered foster care during FY1997. CCRS did not contain information on the mothers of the remaining 1,436 children, primarily because the mother did not take care of the child at the time of removal. Because we did not obtain the criminal justice histories of all mothers, the percentages listed below, rather than the raw numbers, are better indicators of the prevalence of certain types of criminal histories. If the caretakers of children with unavailable information on the mother have the same distribution of criminal histories as the rest of the cohort, the raw counts reported below would increase by 17 percent. We adjust for this factor in our final estimate.

Of the 8,586 children where information existed, 2,874 (33 percent) had mothers with a criminal record (see Fig. 1). Among children whose mothers had a criminal history, 1,629 children or 19 percent of the entire cohort, had mothers who experienced incarceration. For 973 children or 11 percent, the incarceration overlapped with a foster care spell. The mothers of 502 children (6 percent) had incarceration spells that overlapped with placement for a total of 30 days or more. In cases involving 448 children (5.2 percent), the overlap lasted 30 or more *consecutive* days. We defined the children with these mothers as our study group.

From 1996-99, approximately 9,700 children entered foster care for the first time each year in New York City. Generalizing from the results presented above, just over five percent of these children, or 504 children in each entry cohort, will have caregivers with 30 day overlap incarceration spells at some point during their foster care stay. The number of children entering foster care declined in the ensuing years. If similar trends held in FY2003, over 350 children of the 6,850 children entering care would have a mother who experienced a 30-day overlap.⁵

⁵ The entry cohort number can be found at *ACS Update Annual Report 2003: Five Year Trend*. http://www.ci.nyc.ny.us/html/acs/pdf/update_5year.pdf

Figure 1: Incarceration Overlaps of Biological Mothers of Foster Children

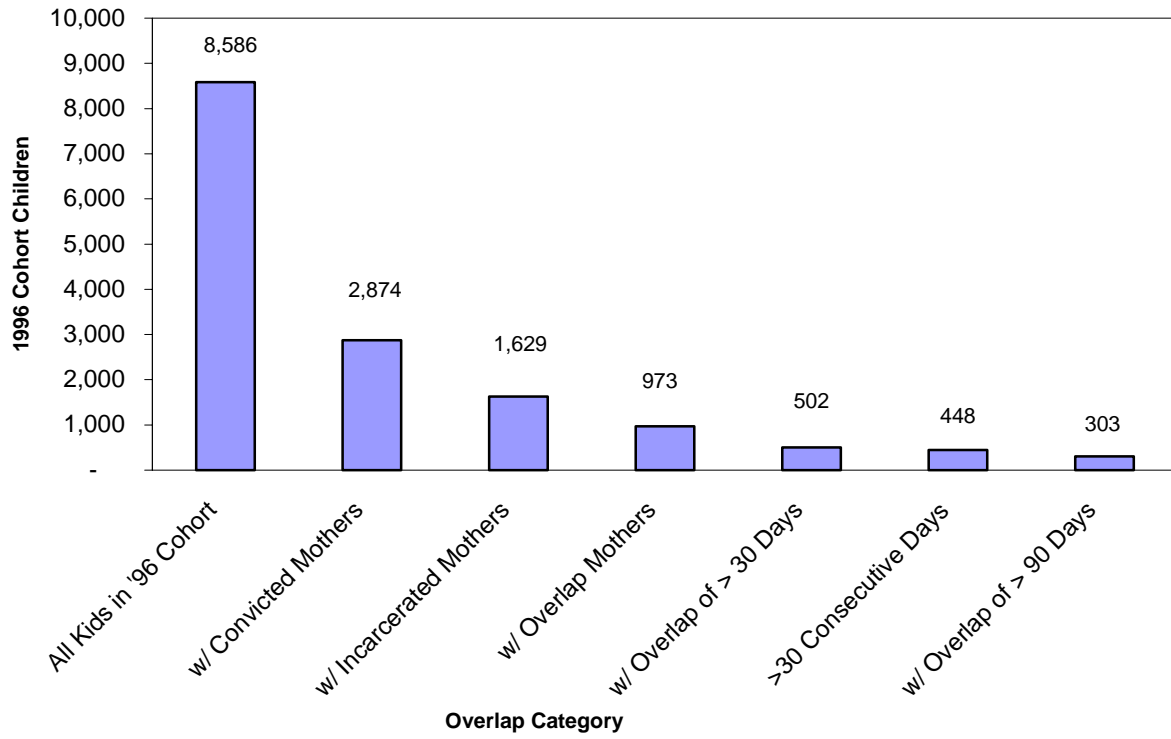
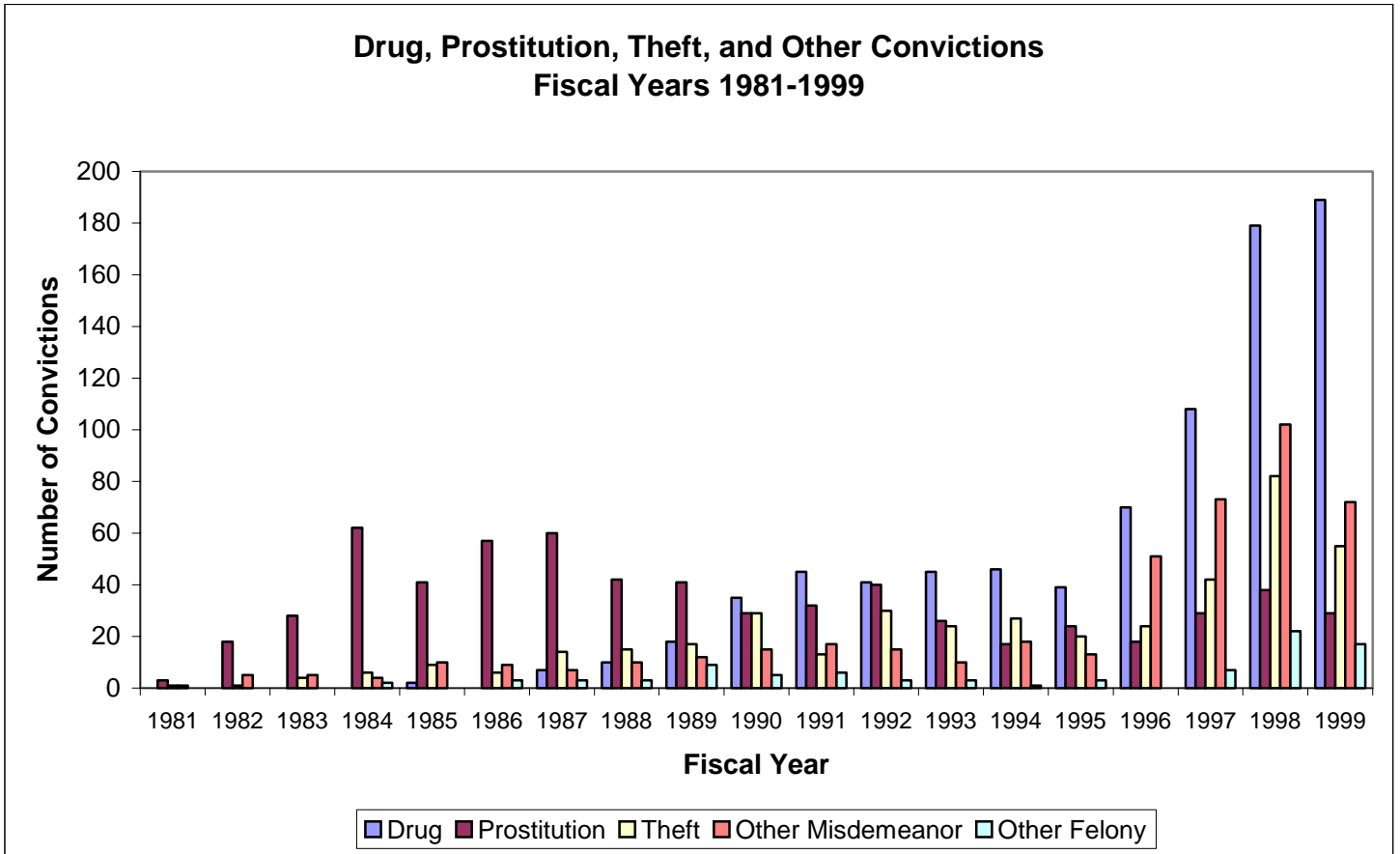


Figure 2: Criminal History of 30+ Day Overlap Mothers



The estimate of 502 children is conservative. In an examination of the 1991 entry cohort, Vera researchers found that the average first foster care spell for a child with an incarcerated mother is 3.9 years. Since the criminal justice data for the FY1997 cohort extend only thru July 1999, we capture only those overlaps that occur in the first two to three years of each child's stay in foster care. Moreover, the average length of stay of 3.9 years refers only to the first spell in foster care. Though re-entries into foster care happen to only a minority of foster children, children discharged from care may re-enter at a future date, during which a substantial incarceration overlap may occur.

Terminations of parental rights (TPRs) and other adoption and permanency related events affect ACS's obligations to arrange visits for foster children. Teasing out the causal relationships between TPRs, the events that lead to incarceration, and the incarceration itself is a complicated process beyond the scope of this report. For example, technical abandonment may occur because a parent abandons a child, or because incarceration and incarceration-related issues prevented contact. We uncovered significant adoption-related activity among the study group, and report this data to place the findings in context.

Caseworkers assigned an initial permanency planning goal of adoption to only two of the 448 children in the study group. By July 1, 1999, 57 percent of the group had their permanency planning goal changed to adoption, and an additional three percent to independent living. Many children had taken the first step down the path to adoption: 43 percent were approved by the local service district to be freed, with almost two-thirds of these actions taking place after the incarceration overlap. Only two percent of the study group had parental rights terminated, but were not completely freed for adoption. Among the 10 percent of the study group (47 children) completely freed for adoption, three-quarters were completely freed after the incarceration overlap, and over half of these were freed due to technical abandonment.

Still, arranging visits for this population imposes a substantial burden on ACS. To put the numbers in perspective, if an average caseworker has a caseload of 25 children at any one time, and likely many more than that over the course of a year, most caseworkers should anticipate that they will need to arrange visits to a correctional facility for one or more of the children for whom they have they have responsibility each year.

To aid ACS in their efforts and to add to the knowledge base regarding incarcerated parents of foster children, we explored the chronology of placement, arrest, and incarceration, as well as the charges that led to substantial overlaps between placement and maternal incarceration. This examination suggests a number of policy implications for both ACS and the criminal justice system to consider.

Chronology of Placement, Arrest, Conviction, and Incarceration

Many observers fear that more punitive law enforcement sanctions may have increased foster care placements. This concern arises from the possibility that increased punishment

for minor crimes has resulted in more incarcerated mothers. Because some of these mothers will not be able to arrange for the care of their children, foster care placements will escalate as a direct result of more aggressive policing.

Our data strongly suggest that the opposite is true. Instead of criminal activity leading to placement, placement may produce increases in maternal criminal activity that lead to incarceration. If children entered foster care because of maternal incarceration, then arrest and incarceration should occur prior to placement. For nine in 10 children in the study group, the mother's incarceration that overlapped for 30 days or more started *after* placement. It is possible that though an incarceration spell started after placement, the arrest that led to the jail or prison sentence occurred before placement. Again, the data refute this scenario: 85 percent of the arrests that led to 30 day overlaps occurred after placement, not before.

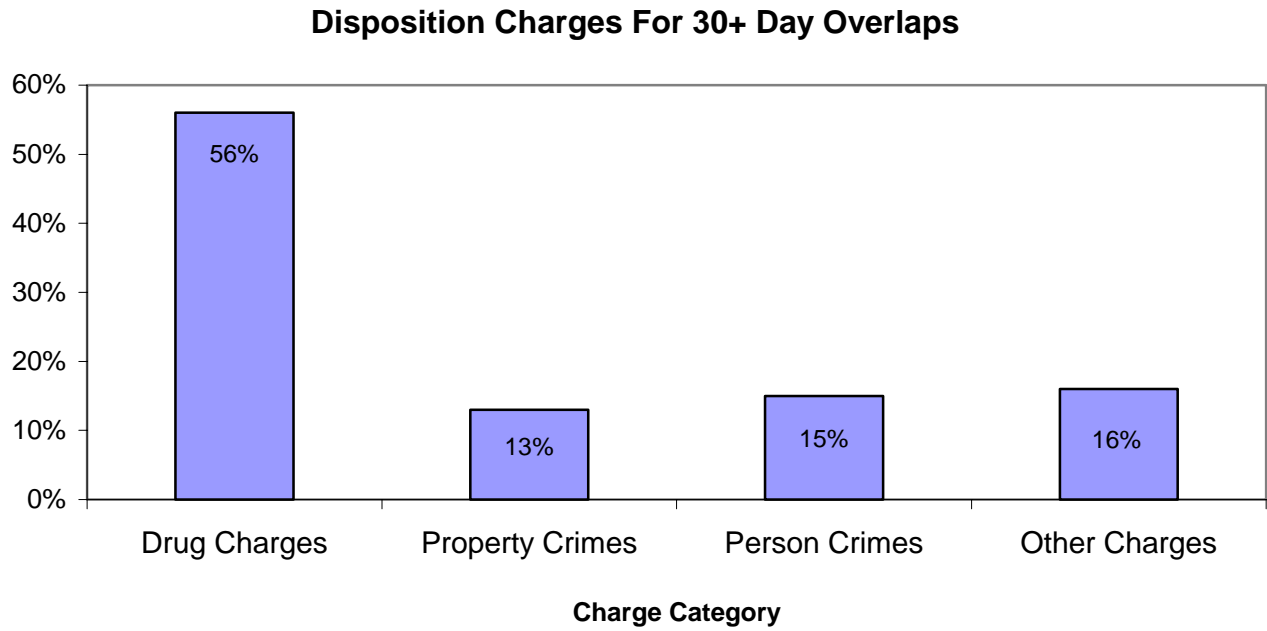
Examining the entire criminal history of the study group mothers further supports this conclusion. Figure 2 shows the number of convictions for mothers of the study group by fiscal year for the three most common crimes—drug related offenses, prostitution, and theft—as well as other felonies and misdemeanors. Though this data should be interpreted carefully because individual mothers may have multiple convictions, the pattern in the graph is clear: convictions increase radically in fiscal years 1997, 1998, and 1999—the period following the child's placement. That each mother experienced a significant incarceration spell at some point between 1997 and 1999, which presumably curtailed further offenses, the increase in conviction activity is that much more striking. The graph also indicates patterns in the type of the convictions experienced by the study group's mothers, a topic explored below.

Virtually all of the 30-day overlaps involved incarcerations in jail, not prison. The city jail holds people awaiting trial or serving sentences of 15 months or less. The length of the overlaps split evenly between those that lasted one to three months, and those that lasted between three months and a year.⁶ Only six percent of the study group had mothers with overlaps longer than a year.

That the majority of overlaps take place in jail instead of prison makes addressing many visitation issues related to maternal incarceration easier. Virtually all prisons in New York State are located outside of New York City. Many take hours to reach by car, and the availability of public transportation is limited. Given the size of the overlap population and the concentration of incarcerated mothers in local facilities, the Riker's van program should realize substantial economies of scale.

⁶ In some instances, a mother had more than one overlap lasting for more than 30 days. This statistic describes only the longest overlap.

Figure 3: Top Disposition Charges for 30+ Day Overlaps



Nature of the Convictions

The nature of the criminal activity engaged in by the 30-day overlap mothers has important implications for policy. If mothers go to jail or prison due to violent offenses or crimes against children, then permanent separation of the mother and child may be justified. The social service laws and ACS policy allow visitation plans to be altered if the visits are not in the child's best interest, though it usually takes a court order to do so. If violence is involved, efforts to encourage visitation should receive additional scrutiny to insure that visitation is in the best interests of the child.

Violent crimes, however, are uncommon among the mothers studied, and high-level violent felonies are rare. Only 15 percent of 30-day overlap charges involved convictions for crimes against persons (see Figure 3). Even in this group, 30 percent of the top charges fell below the felony level, and another 37 percent involved lower level D and E felonies.⁷ Only five percent of study group mothers started their incarceration due to a high-level violent felony conviction, and just two percent of the top disposition charges involved endangering the welfare of a child.

Instead, over half of the top disposition charges that led to 30-day overlaps involved drug-related offenses. Another 13 percent involved property crimes—offenses often connected with drug use. The remaining disposition charges vary, with one-third of the “other” category consisting of codes Vera researchers could not identify. Among drug related crimes, three-quarters involved sales, with the remainder for possession. Over half of all drug charges involved B felony sales, a category that comprised one-third of all top disposition charges. The elevated proportion of high-level felonies among the drug offenses is probably related to New York State's strict sentencing laws. The Rockefeller drug laws, as they are commonly called, require mandatory minimum sentences based solely on the weight of the specific drug involved in the transaction.

We also examined the criminal history of study group mothers prior to their overlap incarceration. Again, the level of drug and drug-related activity is striking. Eighty-three percent of the study group had mothers with prior convictions, and of those with convictions, 81 percent had prior drug convictions. In addition, 17 percent of study group mothers had prior convictions for prostitution, and 22 percent for property crimes.

The chronology of criminal involvement depicted in Figure 2 also shows a strong connection between child placement and drug use. Between FY1996 and FY1999, the number of drug convictions rose 170 percent, theft convictions 129 percent and prostitution convictions 61 percent. The number of misdemeanors outside of these categories doubled between FY1996 and 1998. Though none of the mothers in the study group committed non-drug felonies in FY1996, this group committed 22 felonies in 1998—more than the previous nine years combined. Indeed, the study group mothers

⁷ Felonies are more serious crimes than misdemeanors. Felonies are ranked in their seriousness from A to E, with A felonies including the most serious offenses and E felonies the least serious crimes.

averaged 2.3 convictions each from FY1997 to FY1999. The overall pattern of rising convictions is remarkable not only because the study group mothers spent some of this time incarcerated, but also because crime, arrest, and convictions declined in New York City during this period.

Discussion

These results show a clear need for efforts to facilitate visitation for foster children with incarcerated mothers. Though maternal incarceration spells that overlap foster care placement is unusual for foster children, it is prevalent enough to raise serious concerns. Efforts on the part of the Administration for Children's Services and the Department of Correction to arrange visits to incarcerated mothers are an important and impressive step in addressing this situation. We encourage both ACS and DOC to continue to work together to make sure that where desirable, all foster children have the opportunity to visit their incarcerated parents. The implications of the study's findings, however, go beyond the impact of incarceration on visitation.

The data paint a disturbing portrait of how the mothers of foster children become incarcerated, and suggest ways that both incarceration and placement—or at least length of stay—might be reduced. Like the mothers of a substantial number (though a minority) of other foster children, the mothers of many study group children had prior encounters with law enforcement that involved minor offenses. For the mothers of the study group children, however, the removal of their children appears to be a critical event in a downward spiral. Being responsible for a child often serves to put a brake on a parent's destructive behavior, including drug use and illegal activities. Once that brake is removed, destructive behavior accelerates. For a substantial number of mothers, arrest and incarceration may follow.

There is a growing consensus among both policy experts and the public that incarceration is an ineffective treatment for substance abuse problems. Indeed, the elevated number of convictions among mothers of the study group even after periods of incarceration suggests that being behind bars did little to prevent future criminal activity. Convictions rose dramatically despite the intervention of the criminal justice system.

The stakes involved in turning around the lives of these women are high. Alternative treatments that could reverse the downward spiral afflicting the mothers of study group children would lead to substantially better outcomes for families and children, fewer crime victims, fewer foster children, shorter lengths of stay for those that do enter care, and cost savings for taxpayers. Given the burdens imposed on society in the absence of effective services, even a marginally effective alternative would be a worthwhile undertaking.

While it would be inappropriate to discuss program development in this context, our research suggests at least two barriers that will need to be overcome. As part of Vera's work on incarcerated parents, we talked with advocates and corrections staff who work with incarcerated mothers around the United States. According to some advocates, many local district attorneys collect little or no information on the families of incarcerated women during adjudication and sentencing. Court officials rarely know that

a mother has a child in foster care, and maternal status is not a factor in sentencing. Other advocates claim that transfers of incarcerated women to new jails or prisons are not routinely reported to either families or to child welfare. This often leads to breakdowns in communication that may prevent contact and visitation between mothers and their children in foster care. In both cases, the lack of information makes it difficult to identify situations suitable for intervention.

Another barrier to consider is the lack of treatment programs generally available to substance abusers. Addicts who realize they need treatment often find the cost of the programs prohibitive or encounter long waiting lists. In the absence of easily accessible substance abuse treatment, it seems likely that many study group mothers will continue to have an elevated level of criminality, at least until they commit a crime that results in a long term prison sentence.

The barriers are formidable, but not insurmountable. In the past few years, ACS has made a number of efforts to work across traditional organizational boundaries. These initiatives include data sharing agreements with the Board of Education, a program that links the child welfare and juvenile justice systems (Project Confirm), and the Riker's Island van program, among others. In addition, New York's courts and corrections system have engaged in a number of innovative projects related to drug treatment, including drug courts, the Drug Treatment Alternatives Program, the Willard program, and other alternatives to incarceration. Because these programs offer the possibility of saving substantial incarceration dollars, and are backed by a judge's order, payment and access problems may be manageable issues.

Conclusion

The involvement of biological parents of foster children in the criminal justice system raises many issues. Some observers may want to emphasize that this involvement validates decisions to remove children from the home. Others may assert that criminal involvement in itself makes a parent unfit to assume responsibility for a child. Our research shows that in some circumstances, these are valid conclusions. None of the results or discussion presented here should be interpreted as a recommendation that children be returned to parents found guilty of a violent felony, or that the children in the study group should not have been removed from their homes. The first responsibility of child welfare officials must be to ensure that a child is safe.

While a number of incarcerated mothers may never be fit to resume their parenting responsibilities, the evidence that substance abuse problems often underlie the child welfare and criminal justice problems of these families is compelling. The efforts to arrange visits and maintain parental contact for these children are an important and necessary step in addressing the problems of children with incarcerated parents. We believe that the evidence shows that this population is of sufficient size and concern to warrant continued efforts to innovate in this area.

Appendix A: Matching Child Welfare and Criminal Justice Data

Vera researchers selected the group of biological mothers and their children in foster care studied in this report from the Child Care Review System (CCRS), the administrative database maintained by Administration for Children's Services. 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 has data on some fathers, most children in foster care come from single parent, female-headed families. The data from the CCRS does not contain social security numbers, which are needed to match foster care data with criminal history records maintained by New York State's Division of Criminal Justice Service (DCJS). To gather social security numbers, Vera researchers retrieved information from records kept in ACS's Welfare Management System (WMS). We could not find social security numbers for all mothers in the two cohorts. As described below, DCJS attempted to find criminal history records in these cases by using various combinations of name and date of birth.

To obtain the most current data available from WMS, we selected a cohort of all mothers whose child or children entered foster care in fiscal year 1997 (July 1, 1996-June 30, 1997). Our fiscal year 1997 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 1997 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, we found social security information for 4,662 (65.4 percent) of mothers in this cohort.

Matching CCRS, WMS, and DCJS Data⁸

The file from the CCRS, containing biological mothers' name, age, date of birth, ethnicity, and marital status, was 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 used various combinations of social security number, name, gender, race, and dates of birth to match DCJS's criminal history data with CCRS data on mothers. Once matched, the DCJS data provided 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.

⁸ See Appendix B for a more detailed description of the datasets referred to in this section.

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, which happens when a charge is dismissed or disposed as a juvenile case. This is an important point: the data include only those arrests that resulted in a conviction.

Matching with New York City 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 are detained but not sentenced. The matched files produced by the CCRS-DCJS data match were 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. Arrest and conviction data from DOC 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 1997 cohort (July 1, 1996 to June 30, 1997).

Notes on Measurement of Maternal Incarceration

We obtained maternal incarceration records 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 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.

Appendix B: 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 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. This 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 biological parents of foster children 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 studied. 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 motor 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): Vera 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 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. Vera requested 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.