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## **Incarcerated Women, Their Children, and the Nexus with Foster Care**

Susan George, Roland Holst, Haeil Jung, Robert LaLonde, and Rekha Varghese

**Final Report  
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## **Incarcerated Women, Their Children, and the Nexus with Foster Care**

Susan George, Roland Holst, Haeil Jung, Robert LaLonde, and Rekha Varghese

### **Abstract**

This study shows how state administrative data can be used to assess the relationships between the criminal justice and child welfare systems. After matching corrections data on female offenders from Illinois to the state's child welfare records, we examine the incidence of childhood foster care spells among incarcerated women, the incidence of female prisoners having their own children in foster care, and how time in prison or jail is associated with different foster care outcomes, such as the loss of parental rights.

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## Executive Summary

This report grew out of the Incarcerated Women and Mothers Project at the Harris School at the University of Chicago. This project began with a grant from the Chicago Community Trust to examine whether it was possible to merge administrative data bases from different state agencies in Illinois to provide a fuller picture of the incarceration, employment, social and child welfare histories of women and their children.

With this new database and a few preliminary findings, we proposed to the National Institute of Justice a detailed analysis of the matched administrative database that had five broad objectives:

- *First*, because there is so little quantitative information available on these links, we proposed to provide an in depth description of the data.
- *Second*, we proposed to compare children's experiences in the foster care system in the matched data base to aggregate statistics on the experiences of all children in the foster care system.
- *Third*, we proposed to describe the timing and dynamics of foster care spells of incarcerated mothers.
- *Fourth*, we proposed to compare incarcerated women who were in the foster care system as children to their counterparts who did not appear in the child welfare system as children.
- *Fifth*, later in the project we added another objective: to improve the quality of the matches between prison spells, foster care spells, and several labor market outcomes of the women both before and after their first prison spells. These labor market outcomes were (1) quarterly earnings, (2) quarterly employment rates, and (3) earnings when women work.

### *Own Foster Care Spells*

In Table 1, we present either our counts or our estimate of the incidence of childhood foster care spells among different cohorts of female prisoners. We define a woman's cohort by the year of her birth. As shown by the table, we find that estimates reported in the past by the Bureau of Justice Statistics that about 10 percent of women prisoners were in foster care as children are consistent with our findings from administrative data in Illinois.

There are three additional points we believe are important to highlight. First among more recent birth cohorts—those born between 1976 and 1983—this percentage is higher at about 17 percent. One possibility is that young female prison entrants are more likely to have been in foster care as children compared with older first time prisoners. A

second factor is that the incidence of foster care rose for the general population during the 1970s. This interpretation of our findings indicates that the incidence of childhood foster care spells should be on the rise at present among current female state prisoners.

Second, our counts indicated that only a very small percentage of state prisoners likely “aged-out” of the foster care system. As shown by Table 1, among women prisoners born between 1961 and 1983, about 3 percent were in foster care after age 15. Among these women, we find that about one-half were reunited with their custodial parents or caregivers prior to their 18<sup>th</sup> birthday. Third, coupled with our finding from earlier research that relatively few women enter prison for the first time prior to age 25, the pathway from foster care to prison at least is a relatively uncommon one for the population of incarcerated women.

**Table 1**  
**Percentage of Incarcerated Women in Foster Care As Children,**  
**by Year of Birth and Age When In FC**

<b>Year of Birth</b>	<b>Age When in Foster care</b>		
	<b>0 - 18</b>	<b>10 - 18</b>	<b>15-18</b>
1976-1983	16.9%	13.0%	5.8%
1966-1983	(9.5)	7.3%	3.7%
<u>1961-1983</u>	<u>(9.2)</u>	<u>(7.1)</u>	<u>3.2%</u>

Notes: Percentages indicate percentage of female state prisoners with childhood foster care experience during the indicated age category; includes spells that started during or overlapped with the indicated age category. Numbers in parentheses are estimated.

Source: Figures computed by the authors from matched IDOC and DCFS administrative data bases.

### **Labor Market Histories of Women in Foster Care as Children.**

This analysis of the labor market outcomes of female prisoners who also had been in foster care as children reveals that they were more economically disadvantaged than other female prisoners. Our findings include the following:

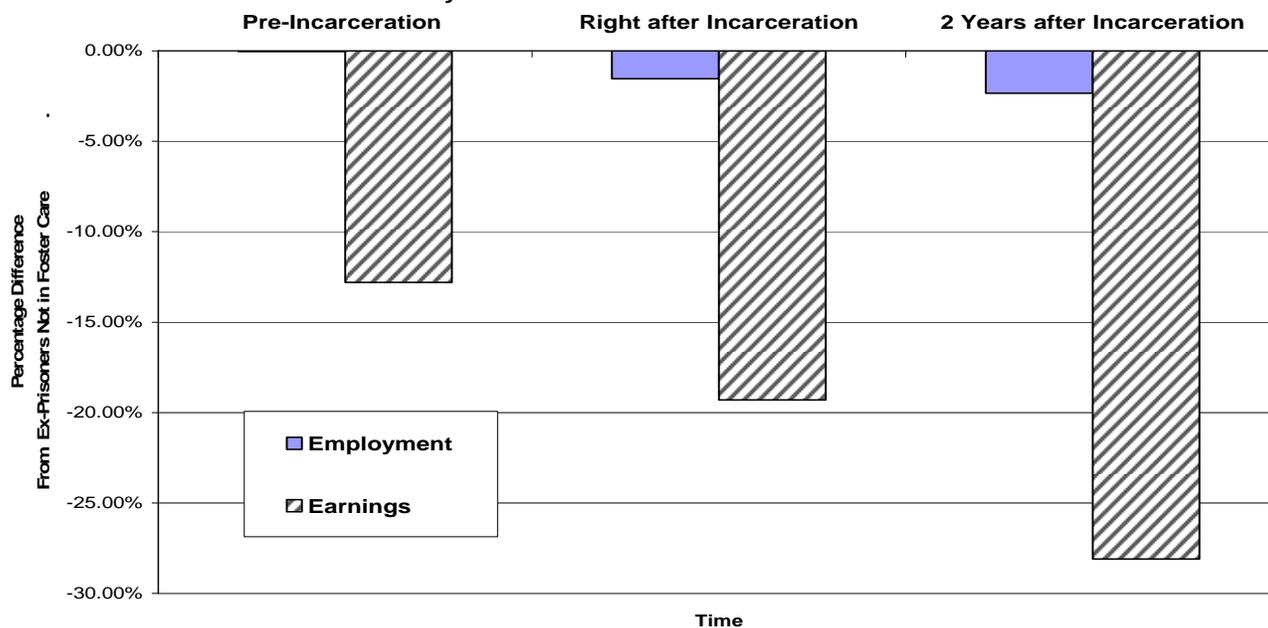
- (a) Women who were in foster care during their late teenage years and those who were not had substantially higher earnings after prison than before entering prison for the first time.
- (b) The earnings of women without late teen foster care histories grow with time since exiting their first prison spell. By contrast, the earnings of their peers who were in foster care at some point during their late teens declined during the quarters following their parole from prison.
- (c) Women with childhood foster care spells earn less than other female prisoners before prison, but this gap is most pronounced after prison. During any given

quarter after prison these women earned about \$100 to \$400 less than other women.

- (d) This finding above in (c) results because women with childhood foster care histories earn less when they work. By contrast their quarterly employment rates are the same as their peers without these childhood foster care histories.
- (e) These findings in (a) through (d) can be replicated for female prisoners in foster care at any time after age 10. After being paroled these women perform worse in the labor market than women without childhood foster care experience. The main reason is that the earnings of women with childhood foster care experience fail to grow after prison.
- (f) Among women with childhood foster care experience, time in foster care is not especially good predictor of employment and earnings outcomes. This finding suggests that the foster care experience in and of itself does not “cause” poorer post-prison employment outcomes. Instead, it is likely that having been in foster care as a child is associated with a set of (unobserved) characteristics likely to be linked to poor prospects for reentry.
- (g) Among female inmates with childhood foster care experience whether she “aged-out” or was reunified with a parent has little bearing on her labor market skills, productivity or reentry prospects.

To illustrate the ways that we illuminate these findings in this report, below is an example of the many figures that shows the relationship between women’s quarterly earnings histories relative to the quarter that they enter or exit prison and their own foster care experiences as children.

**Figure A.12: Female Ex-Prisoners Who Were in Foster Care During Their Late Teens Have Slighter Lower Employment Rates and Much Lower Earnings When They Work Compared to Observationally Similar Ex-Prisoners Who Were Not In Foster Care**



### *Foster Care Spells of the Children of Incarcerated Mothers*

We also examined the labor market histories of women whose children had been in foster care. We find that about 26 percent of women in prison had children in foster care at some point between 1976 and 2001. Because those women prisoners with many children are more likely to have had their children spend time in foster care, at least 33 percent of Illinois children whose mothers spent time in prison also were in foster care at some point during their childhood.

One of our most interesting findings in our report is that many of these foster care spells begin and end prior to women's first prison spell. An accounting of these spells is presented below in Table 2. In the first row of the table, we observe that 74 percent of women who entered prison between July 1989 and June 2001 had children who had no apparent contact with the foster care system. (The percentage of mothers is lower, because only they can have their own children in foster care.)

Among women whose children spent time in foster care, about one-third (i.e. 5% + 4% / 26%) of the spells had ended prior to their first prison spell. In nearly one-sixth (i.e. 4% / 26%) of them the affected women had lost custody to at least one of their children prior to going to prison for the first time.

Most of the remaining foster care spells overlapped with time in prison. Given that these women's prison spells were short-about 9 months on average-the concentration of the foster care spells during this period suggests that prison may lead to more foster care stays among children of prisoners. However, we find that relatively few of these overlapping spells started within one year of entering prison.

As shown by Table 2, only a small percentage of the overlapping spells are resolved with the affected child being reunited with her mother. We are especially interested in the post-prison employment histories of women who are losing parental rights during or after prison.

**Table 2**  
**Foster care and Prison Spells of Women and Their Children**

- 1) No Children Ever In Foster Care: 74%
- 2) At least One Child Foster Care Spell Begins and Ends Prior to First Prison Spell:
  - Ends With Reunification with Mother: 5%
  - Ends With Another Outcome, Including Adoption: 4%
- 3) Children's Foster Care Spells Overlap with Prison Spell:

Ends With Reunification with Mother: 2%

Ends With Another Outcome, Including Adoption: 13%

4) Children's First Child Foster Care Spell Begins after First Prison Spell Ends: 2%

Source: Authors calculations from the merged data base.

### **Labor Market Histories of Incarcerated Women with Children in Foster Care**

- (a) Like other women who spent time in prison, women whose children spent time in foster care, also have more success in the labor market after prison compared to before prison. Prison does not appear to impair their labor market outcomes.
- (b) Women without child foster care records have earnings that appear to be growing more rapidly after prison than are the earnings of women whose children were in foster care while they were in prison.
- (c) The pre-prison earnings histories indicate that women who never have a child of theirs in foster care were more employable to start with than their counterparts who had children in foster care while in prison.
- (d) The earnings histories of women who were reunified with their children are better than those of women who lost their parental rights or their children "aged-out" of foster care. Neither group does as well in the labor market, especially after prison, as women whose children had no apparent contact with the child welfare system.
- (e) The reason that women who are reunited with their children earn more is because they were more likely to be employed during any given quarter than other women. But when they work they do not earn more than other women whose children spent time in foster care.
- (f) Our findings indicate that having children in the child welfare system is an indicator of poor labor market outcomes. It does not matter much whether these foster care spells ended prior to, during, or after these women were incarcerated in prison.
- (g) Women who were reunified with their children were more likely to be employed than their counterparts who lost parental rights. But, it is important to recognize that our data indicate that women who were reunified with their children have consistently had higher employment rates and not simply higher employment rates around the time that they were reunified with their children.

One implication of these findings is that having a child in FC does not appear to encourage women to work more after getting out of prison in order to try to get their kids back. Ever having a kid in FC is associated with poorer labor market outcomes no matter when the FC spell started or ended. Not surprisingly, losing parental rights is associated with especially bad and seemingly permanently bad labor market outcomes. Again it does not matter much whether lost parental rights before, during, or after prison. Just knowing this is a good indicator of especially poor labor market performance. But if officials know a woman has a link to the child welfare system not only does this mean that she will do poorly in the labor market after (as well as before) prison but her earnings won't

grow much either. Without intervention these women's prospects for reentry appear to be especially poor.

### **Determinants of Reunification with Children in Foster Care**

The Adoption and Safe Families Act of 1997 appears to create barriers for incarcerated mothers whose children also were in foster care. Many advocates for this population have expressed concerns that this legislation would inadvertently lead to the "break-up" of families. Accordingly, in this part of the report we examine whether prison and time in prison is associated with lower reunification rates.

Our approach in this analysis is to compare two groups of incarcerated mothers who had children in child welfare system: (1) women who had only 1 jail spell and spent less than 1 week in jail after 1995; (2) women who had a prison spell after 1995. Among women in our prison sample, we focus on her first prison stay. The short jail sample serves as our comparison group.

Our key findings are the following:

- (a) Few foster care spells start around the time a mother is incarcerated. About 75 percent are in progress for more than one year prior to a mother's first prison stay.
- (b) Reunification unlikely if child's FC "overlaps" with mother's prison spell.
- (c) This finding holds in both Pre- & Post-ASFA, but the gaps are most pronounced *prior* to ASFA taking effect.
- (d) Lower reunification rates for "overlapping" foster care/prison spells can partly explained by other variables.
- (e) One factor is that FC spells have been ongoing for some time prior to entering prison for the first time and longer foster care spells are associated with lower reunification rates.
- (f) Time served in prison not strongly associated with reunification rates.
- (g) Time served in prison is very short for the median female prisoner.
- (h) Post-ASFA era developments not consistent with time in prison "causing" lower reunification rates.

## *Introduction*

This report grew out of the Incarcerated Women and Mothers Project at the Harris School at the University of Chicago. This project began with a grant from the Chicago Community Trust to examine whether it was possible to merge administrative data bases from different state agencies in Illinois to provide a fuller picture of the incarceration, employment, social and child welfare histories of women and their children.

Accordingly, one of the subcontractors to this project the Chapin Hall Center for Children at the University of Chicago devised an algorithm to “probabilistically” match records from the from the following sources:

2. Admission and exit records for women admitted to state prison (1990 – 2003:II).
3. Admission and exit records for women admitted to Cook County Jail (October 1992 – November 2002).
4. The IRB data base maintained Chapin Hall. The IRB data base includes child welfare records include a foster care stays starting in January 1975 through 2002.

Notes summarizing this process and the potentially available data bases are in the appendix to this report. The data bases were merged successfully by Chapin Hall. Match rates with the prison records for the state of Illinois were 82 percent. Among approximately 52,000 women admitted to Cook county jail approximately 7,000 had children in foster care at some point during the period from 1975 through 2002.

Preliminary analysis of the merged child welfare data indicated that (i) that, among children whose mothers are admitted to state prison, as many as 30% have been in foster care system at some time during their childhoods; (ii) between 1990 and 2000 an estimated 14,000 women in Illinois spend time in state prison and were mothers to an estimated 35,000 children. Preliminary results indicated that between 20% and 40% of these families has had contact with child welfare services; and (iii) there were nearly 1,000 prisoners who had spend time in foster care children.

With these preliminary findings in hand we proposed to the National Institute of Justice a detailed analysis of the matched administrative that had four broad objectives:

- *First*, because these is so little quantitative information available on these links, we propose to provide an in depth description of the data.
- *Second*, we propose to compare children experiences in the foster care system in the matched data base to aggregate statistics on the experiences of all children in the foster care system.
- *Third*, we propose to model the dynamics of foster care spells of incarcerated mothers.

- *Fourth objective* we proposed to compare incarcerated women who were in the foster care system as children to their counterparts who did not appear in the child welfare system as children.

Later in the project we added a fifth objective: to improved the quality of the matches between prison spells, foster care spells, and several labor market outcomes of the women both before and after their first prison spells. These labor market outcomes were (1) quarterly earnings, (2) quarterly employment rates, and (3) earnings when women work. The difference between employment outcome (1) and (3) is that for outcome (1) we include women who were not working during the quarter and thus whose earnings equaled zero. Given the limited information about women’s demographic characteristics in her prison records, we decided it would be worthwhile to do more to better understand the differences among incarcerated women’s employment histories and how these differences were associated with the mother’s contacts with the state’s child welfare system.

Our rationale for pursuing this objective as part of the NIJ project is that the employment histories of these women-before and after prison-would provide the best indication possible *of their underlying skills and their likely prospects for reentry after parole from prison*. Do women with contacts with the state child welfare system perform worse or better in the labor market after prison? How do these women’s post-prison employment outcomes compare with their pre-prison employment outcomes? As shown in this report, we now have a very detailed understanding of the timing of children's foster care stays, how these stays are resolved, the timing of prison, and labor market outcomes.

The support that we received from the NIJ has enabled use to build on our preliminary work—work that was not possible to do otherwise, but we believe adds significantly to our understanding of the intersection of these criminal justice and child welfare systems.

The remainder of this report has three sections:

1. The Childhood Foster Care Experiences of Female State Prisoners and What it Means for Reentry: Evidence from Matched Administrative Data from Illinois.
2. Incarcerated Mothers, Their Children’s Placements into Foster Care, and its Consequences for Reentry and Labor Market Outcomes.
3. Does Time in Prison Affect a Mother’s Chances of Being Reunified With Her Children in Foster Care? Evidence from Cook County, Illinois.

## **The Childhood Foster Care Experiences of Female State Prisoners and What it Means for Reentry: Evidence from Matched Administrative Data from Illinois**

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## **I. Introduction**

Female offenders have been shown to be a very disadvantaged population.(cite) One predictor of individuals' economic and social well-being as adults is the characteristics of their family background as a child. Children with contacts with their state's child welfare system have been shown to be especially disadvantaged both as children and as adults.(cites)

Our interest in this study is to understand the extent of contacts of female state prisoners with the child welfare system when they were children. The primary purpose of this research is descriptive. We document to the extent that we can identify from matched state administrative records whether women in the Illinois state prison system also spent time the state's child welfare system as children.

In this paper we address the following four questions:

- (i) What percentage of women prisoners were in foster care as children?
- (ii) Does this percentage vary by these women's personal characteristics and by the criminal offenses that lead to their incarcerations?
- (iii) Are female offenders with foster care histories distinguishable from other female offenders who do not have these histories?
- (iv) Do the answers to the foregoing questions depend on women's foster care placements as children such as type of care (i.e. kin care, foster care boarder, institutional care etc.), on how the foster care spell was resolved, (i.e. through reunification, adoption, or aging out of the system) and on the amount of time these women spent in foster care?

Rather than relying on survey data to address these questions, we rely on less costly to obtain state administrative data from Illinois. One goal of this project is to

demonstrate the utility of these available data for examining the linkages between state criminal justice and child welfare systems.

In this study, individual records from two state agencies were matched. The first source was the admission and exit records from the Illinois Department of Corrections (IDOC). Our sample of female prisoners consists of approximately 14,000 women admitted to Illinois state prisons from between July 1, 1989 through April 30, 2001. The second source is out-of-home placements from the Illinois Department Children and Family Services (DCFS). These DCFS foster care records date back to spells in progress as of January 1, 1975).

As we explain below, we can not study the potential foster care history of all female prisoners, because most incarcerated women in our sample were born prior to 1975. However, we can use most of the data base to study alternatively the incidence and time in foster care during different phases of childhood for the Illinois female prison population.

We have organized this paper as follows. In the next section, we summarize the limited literature on the childhood foster care spells of female offenders. We also provide some general statistics on the population in foster care starting in the 1960s and continuing through the present. This information is important for understanding how much more frequent are childhood foster care experiences among the population of female state prisoners than for the population of similarly aged adults.

In section three, we describe the three matched samples of female prisoners that we construct from the matched administrative data. These matched samples are defined based on the first age that we can potentially observe foster care spells for each woman in

the IDOC data. In the fourth section, we document the childhood foster care experiences of female state prisoners. In section five, we examine whether these histories vary by prisoners characteristics, such as their educational attainment, labor market outcomes, and number of children. Some concluding remarks follow in section six.

## **II. Literature Review.**

To better understand the context of childhood foster care spells among the female prisoners, it is important to compare its incidence among this population to its incidence among the general population. During each of the last 10 years, approximately 500,000 to 600,000 children per year are in foster care. About one-half of these children start new foster care spells, some for the first time, and the rest are in spells that have continued over from the previous year. This number of children constitutes roughly 0.7% of the population of children, 18 years and under in the United States.<sup>1</sup>

The foregoing statistics are for children in foster care during the last decade. But how well do they describe the incidence and characteristics of the foster care population during the 1960s through the 1980s? This information is certainly more relevant interpreting the incidence of childhood foster care among the female prison population. As shown by figure 1, the population in foster grew starting in the 1950s through the 1980s as a result of several policy changes, including the closing of many orphanages during the middle part of the 20<sup>th</sup> century and the Child Abuse Prevention and Treatment Act (CAPTA) of 1974 (and Amended in 1978). This legislation is associated with a sharp increase in out-of-home placements. Policy changes during the 1990s associated with

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<sup>1</sup>See <http://nccanch.acf.hhs.gov/pubs/factsheets/fosterdlinks.cfm.cfm>. These figures are based on statistics from the Adoption and Foster Care Analysis and Reporting System (AFCARS). AFCARS data include all children in foster care, regardless of their eligibility for Title IV-E reimbursement.

increased loss of parental rights and adoptions came too late to have any effect on prisoners.

### **III. The Samples of Matched Administrative Records**

#### **A. Birth Cohorts Analyzed in this Paper**

We can not examine the complete foster care histories of most female prisoners going back to their birth, because the state foster care records start in 1976. Since the average age of women when they were admitted into state prison between 1989 and 2001 was about 31, we can follow the entire *potential* foster care history from birth through age 18 for prisoners born between 1976 and 1983.<sup>2</sup> This sample of female offenders consists of 944 women.

For prisoners born prior to 1976, we can follow only a portion of their potential foster care histories. To study this group as systematically as we can, we organized our matched administrative data into two additional samples. The second sample we study consists of female offenders born between 1966 and 1983. For these women we can follow their entire potential foster care history starting from age 10. We refer to this group of women as the tween/teen sample. This sample of prisoners consists of 6,247 women. Among women prisoners in the tween/teen sample, we can estimate the percentage of female inmates who were in foster care during their teen years.

We use the tween/teen sample to construct a rough estimate of percentage of these women who also may have had foster care experiences prior to age 10. To estimate this percentage, we use the percentage of women in the 1976 to 1983 birth cohort who were

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<sup>2</sup> In Illinois, as in some other states, the cases of children in foster care are not automatically closed at age 18. Some children especially if they are enrolled in college stay in foster care beyond age 20.

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