

Does paternal criminal legal system involvement increase children's risk of child protective services contact? Evidence from Wisconsin linked administrative data

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ABSTRACT

Background: Research shows a strong overlap between paternal criminal legal system (CLS) involvement—especially incarceration—and children's involvement with Child Protective Services (CPS) and foster care placement.

Objective: To examine three explanations for the CLS-CPS overlap: (1) selection processes where a common set of factors drive CLS and CPS involvement, (2) mechanical processes, such as mandatory reporting by law enforcement to CPS, or (3) consequences that stem from paternal CLS involvement, such as reduced economic resources or increased harsh parenting.

Participants and setting: The sample is 103,107 Wisconsin children and their parents followed from birth through age 12.

Methods: We use discrete time hazard models to model time-varying associations between paternal CLS contact and children's CPS reports and foster care entry.

Results: The odds of CPS contact and foster care entry were highest in the month of a police encounter. This was largely due to CPS reports from law enforcement, suggesting the core role of mechanical processes. Ongoing paternal incarceration did not differ from ongoing noncustodial CLS involvement in its associations with CPS reports or foster care entries. CPS reports were less likely to occur during periods of ongoing CLS involvement than in the period immediately preceding CLS contact. CPS reports from law enforcement were more likely when paternal CLS contact was due to domestic violence, drugs, or child victimization.

Conclusions: The CLS-CPS overlap is not specific to paternal incarceration and may largely be driven by mandatory reporting laws following police contact.

1. Introduction

An estimated 2.7 million U.S. children have incarcerated parents, with paternal prison and jail incarceration being much more common than maternal prison and jail incarceration (Sykes & Pettit, 2014; Wildeman, 2009). Millions more children have parents who receive noncustodial criminal penalties—such as fines, supervision, or community service—or have been recently released from incarceration (Horowitz et al., 2022). Whereas a large body of research asserts that paternal incarceration itself plays a key role in

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damaging child wellbeing relative to noncustodial sanctions (for reviews, see [Poehlmann-Tynan & Turney, 2021](#); [Wildeman et al., 2018](#)), few studies have simultaneously examined how paternal incarceration and other forms of paternal criminal legal system (CLS) contact independently shape child wellbeing. Moreover, few studies have considered how the time of “fast living” ([Horney et al., 1995](#)) preceding paternal CLS contact may harm child wellbeing, independent of CLS contact.

The home environment in the immediate lead-in to paternal incarceration specifically and paternal CLS contact more broadly is especially intriguing in the context of Child Protective Services (CPS) contact and foster care placement. One-third of American children experience a CPS investigation ([Kim et al., 2017](#); [Putnam-Hornstein et al., 2021](#)) and 6% experience foster care, with Black and Native American children most likely to experience both events ([Yi et al., 2020](#)). Despite robust debate about the direction and magnitude of the effects of CPS contact, especially foster care placement, on children, few believe that CPS involvement is inconsequential for children ([Font & Gershoff, 2020](#); [Wildeman & Waldfogel, 2014](#)). CPS contact also represents an interesting case in that there are strong reasons to expect the home environment immediately preceding CLS contact, the onset of CLS contact, and CLS contact itself to each independently shape risk of CPS contact. Some of this association could reflect selection into CLS contact, as various forms of household marginalization and parental behavior that immediately precede CLS contact may independently increase the risk of CPS contact, even if CLS contact is absent ([Font & Kennedy, 2022](#); [Giordano, 2010](#)). Yet this association may also be driven by mechanical processes triggered by CLS contact. This possibility is most salient at the point of an arrest or police response, because a large share of CPS reports come from law enforcement agents, who are mandatory reporters of child maltreatment ([U.S. Department of Health and Human Services, 2023](#) [USDHHS]). Lastly, some of the association may be driven by the collateral consequences of CLS contact (beyond mechanical effects), especially paternal incarceration, which may increase the risk of CPS contact by decreasing household resources ([Geller et al., 2011](#)) and increasing material hardship ([Schwartz-Soicher et al., 2011](#)) and maternal harsh parenting ([Turney, 2014](#)).

Despite these possibilities, there is limited understanding of how the immediate precursors to CLS contact, the mechanical effects of CLS contact via reporting, and the broader collateral consequences of CLS contact independently shape the risk of CPS contact and foster care placement. This study examines the degree to which these three processes shape the risk of CPS contact and foster care placement by using individual linked longitudinal administrative data from Wisconsin. Following a cohort of 103,107 children from birth through age 12, we model the hazards of CPS contact and foster care entry as a function of type and timing of paternal CLS involvement. The analyses allow us to adjudicate between three explanations for the CLS-CPS link, by (1) accounting for immediate precursors of CLS contact, (2) examining the mechanical effects of CLS contact via reporting (from law enforcement compared to other sources), and (3) considering the period after CLS contact when some fathers experience incarceration. We also consider whether CPS involvement is concentrated among the subset of cases where fathers committed acts that directly inform assessments of child safety, such as domestic violence or crimes with child victims. Given racial disproportionality in both the CLS and CPS systems, and the possibility of differential consequences across race/ethnicity, we also examine heterogeneity in these associations across racial/ethnic groups.

By providing these rigorous analyses using unique data, we shed new light on how selection and immediate precursors to CLS contact, mechanical consequences of CLS contact, and broader consequences of CLS contact shape children's risk of experiencing CPS contact and foster care placement. Our results indicate, maybe most importantly, that CPS reports by law enforcement officials and foster care entries massively increase at the point of police contact, indicating the key role of mandatory reporting in this process. The results also highlight that children's risk of CPS involvement while their father is incarcerated or has ongoing CLS involvement, and after release from a correctional facility, is statistically indistinguishable from the risk in the period immediately preceding CLS involvement (providing support for the selection perspective).

2. Background

The high rate of CPS contact and foster care placement among children with CLS-involved parents ([Austin, 2016](#); [Berger et al., 2016](#); [Gifford et al., 2020](#)) is an important but poorly understood factor in the parental CLS-child wellbeing relationship. CPS-involved parents have high lifetime rates of CLS involvement, both carceral and noncustodial ([Phillips & Dettlaff, 2009](#)). Moreover, at least 7% of children enter foster care in part due to a parent's incarceration ([Morrison & Drake, 2023](#)). There are myriad explanations for this overlap, which we categorize into three groups: (1) selection into CLS contact, or the shared social and structural disadvantages that shape the risks of both crime and maltreatment (and CLS and CPS contact); (2) mechanical processes, such as policy-based cross-reporting between CLS and CPS; and (3) harms induced by CLS contact (separate from mechanical processes) on family functioning. In the following sections we consider each of these possibilities. In doing so, we focus on how *paternal* precursors to CLS and CPS contact shape these risks, given the much higher rates of CLS contact among men and our resultant ability to rigorously test this possibility.

2.1. Precursors to CLS contact and the risk of CPS contact

Existing research highlights at least two reasons why families who will experience CLS contact in the future but have not yet done so would experience elevated risks of CPS contact. First, marginalization shapes the risk of both CLS and CPS contact. Individuals with CLS contact are disproportionately from historically marginalized racial and ethnic groups, have low educational attainment, and are less engaged in the labor market, all of which are risk factors for CPS contact ([Dolan et al., 2011](#); [Looney & Turner, 2018](#); [Wildeman & Waldfogel, 2014](#)). These patterns—in which marginalized groups are disproportionately represented in CLS and CPS—may reflect differences in the detection and treatment of behaviors such as drug use ([Beckett et al., 2006](#)) and domestic violence ([Holliday et al., 2020](#)) and in the effects of marginalization on those behaviors ([Boardman et al., 2001](#); [Silver, 2000](#)). For example, studies identify

disparities in discretionary police stops and searches that are not explained by disparities in crime participation (Gelman et al., 2007; Shoub, 2022). Regardless of the cause of these patterns, there are strong reasons to expect selection to be a key factor driving this association.

Second, despite these largely time-invariant ways one would expect children whose parents will ever experience CLS contact to also experience elevated risks of CPS contact, a time of “fast living” often precedes CLS contact—a time of increasing alcohol and drug use, escalating criminal activity and domestic violence, and deteriorating mental health, relationships, and labor market activity (Comfort, 2009; Horney et al., 1995; Looney & Turner, 2018; Sampson & Laub, 1993). Because substance abuse, untreated mental illness, and domestic violence are among the most common factors leading to a CPS report (Palmer et al., 2024), the time of “fast living” may lead to elevated levels of both CLS and CPS contact. When considering this argument, we caution that the specific behaviors or conditions that link risks for CLS and CPS contact may not be evident in the criminal charges a parent faces. Substance abuse, mental illness, and domestic violence are correlated with various criminal offenses that appear unrelated to childrearing (Bennett et al., 2008; Schnittker et al., 2012; Weatherburn & Rahman, 2018). Thus, regardless of fathers' eventual criminal charges, we expect elevated risks of CPS contact in the months preceding fathers' CLS contact. The immediate lead-in to CLS contact is a preferable counterfactual for CLS involvement because it allows us to consider how high rates of CPS involvement would be if the elevated risk conditions that lead to CLS contact were present but the parent was not (yet) CLS-involved. Put differently, the most appropriate counterfactual to consider in terms of children's risk of CPS contact is the period immediately before CLS contact.

Despite our focus on fathers, we note that paternal conduct alone may initiate CPS contact but is unlikely to warrant foster care entry unless the child's mother is also implicated (i.e., CPS determines that the child cannot safely remain with the mother). Though women have far lower rates of CLS contact and incarceration than men, women involved with men who have CLS involvement tend to be similar to the men in their social backgrounds and behaviors (L. H. Andersen, 2018). Women are also more likely to engage in criminal activities with male partners (Carrington, 2016), sometimes under coercion (Jones, 2008). Thus, we anticipate that elevated risk of CPS contact, and especially foster care entry for children with CLS-involved fathers is partially explained by maternal characteristics, including mothers' concurrent CLS involvement.

2.2. Mechanical effects of CLS contact on CPS contact

Despite myriad reasons to expect selection to partially explain this association, it is also likely that fathers' police contact mechanically increases CPS involvement, especially if the father co-resides with his biological children. For fathers who rarely or never reside with their biological children, these mechanical effects are unlikely to occur—or, if they exist, unlikely to be as large. Paternal CLS involvement may mechanically provoke CPS contact and foster care entry because law enforcement officers are mandatory reporters of maltreatment. Law enforcement accounts for approximately one-fifth of all CPS reports, making them the most frequent reporters (USDHHS, 2023). Other common sources of CPS reports include education personnel, medical providers, and other professionals, as well as relatives, neighbors, and others who encounter families in nonprofessional settings.

Whereas CLS is tasked with the enforcement of criminal law, with powers to arrest, prosecute, and sanction alleged offenders, CPS, operating under civil law, has a broader capacity to intervene in situations that may not meet the threshold of a criminal offense or are deprioritized for prosecution but nevertheless threaten a child's health or safety. CPS confines its role predominantly to maltreatment perpetrated by “persons responsible” for the victimized child, most frequently parents and their romantic partners. Thus, when law enforcement investigates or responds to an incident involving caregiver-related threats to child safety, they are legally obligated to file a CPS report. They can also take emergency custody of a child, which requires CPS to find the child a suitable foster care or voluntary relative placement.

Under existing policies, sexual abuse or physical assaults of children by caregivers, if known by either CLS or CPS, legally necessitates notification to the other agency. Numerous other scenarios may result in parents, either sequentially or concurrently, encountering CLS and CPS. Child neglect is involved in over 75% of CPS cases (USDHHS, 2023) and as discussed above often involves conditions that are commonly present in police encounters: namely, parental substance use, mental illness, and domestic violence (Palmer et al., 2024). Family violence accounts for one-third of recorded violent crimes and state felony assault charges (Bureau of Justice Statistics, 2005). Police are frequently called upon to respond to mental health crises and enforce laws against public intoxication, driving while intoxicated, and drug sales, manufacture, and possession. Substance use, mental illness, and domestic violence do not automatically constitute reasonable suspicion of child maltreatment: police must report to CPS only if they suspect those conditions resulted in neglect. In some states, witnessing domestic violence is reportable as a form of neglect or emotional abuse (Rebbe, 2018) but CPS staff may be reluctant to intervene unless other safety concerns are not identified (Fusco, 2013). When children are directly involved in criminal conduct (e.g., a passenger in a DWI, living where drugs are manufactured), parents can be charged with child endangerment, likely meeting the threshold for mandatory reporting. Police can also choose to report their concerns even if they do not believe they are legally obligated. In sum, although most professionals who routinely encounter children are mandatory reporters of abuse and neglect, we expect that parental CLS contact is more strongly associated with CPS reports from law enforcement than other sources, especially at the time of a police encounter.

We note, however, that the mechanical effect of CLS contact on foster care entry is *a priori* unclear. Because fathers are unlikely to be the primary caregiver (Dallaire, 2007), their police contact or incarceration may provoke a CPS investigation but is unlikely to lead to foster care entry unless there are simultaneous concerns about the child's mother. Indeed, if the father, but not the mother, poses a threat to child safety, the incarceration of the father (or noncustodial alternatives, such as no-contact orders) may alleviate the need for CPS intervention beyond the investigation. However, police contact at a child's home may reveal concerns about the mother that are included in a CPS report. And, because law enforcement is an investigative body and their determination of probable cause (e.g., for an

arrest or charges) may be sufficient to meet CPS standards for intervention, the association of police contact with foster care entry may be stronger than for CPS reports alone (Ocampo et al., 2024).

2.3. Relationship between paternal CLS contact and family functioning

Despite reasons to expect selection and mechanical processes to explain much of the CLS-CPS association, the downstream consequences of CLS contact, especially in the form of paternal incarceration, may also play a key role. Numerous studies conclude that paternal CLS involvement, especially incarceration, strains family resources and relationships. Custodial and noncustodial CLS contact result in financial costs, including loss of or disqualification from employment, attorney and court fees, fines or other financial sanctions, and bail or bond costs (Maroto & Sykes, 2020). Mothers may also experience psychological distress from fathers' incarceration (Wildeman et al., 2012) or noncustodial CLS contact (Turney & Sugie, 2021), particularly if the case imposes economic hardship or an ongoing threat of incarceration. Long-term paternal CLS incarceration may also induce changes in family structure including union dissolution, re-partnering, and having other children (Cancian et al., 2016). Fathers' relationships with their children and broader social networks may deteriorate during incarceration, inhibiting successful reentry (McKay et al., 2016).

In turn, poverty, mothers' psychological distress, and family instability are linked with harsh and neglectful parenting and CPS contact (Conger et al., 1994; Font & Maguire-Jack, 2020). These changes and their potential impacts on CPS contact are unlikely to be immediate but instead play out in the months or years in which fathers' CLS cases continue or close. If so, we would expect that children's risk for CPS reports and foster care entry remains elevated during ongoing paternal CLS contact and incarceration compared with before CLS onset.

2.4. Heterogeneity in associations by race and ethnicity

Although Black children are more likely than White children to experience paternal imprisonment (Wildeman, 2009), CPS contact (Kim et al., 2017), and foster care placement (Yi et al., 2020), we anticipate the association of paternal CLS involvement with CPS contact and foster care entry will be weakest for Black children for three reasons. First, Black children are less likely to reside with their fathers (Livingston & Parker, 2011). This may reduce their likelihood of being present when law enforcement responds to a 911 call or arrests their father and reduce the likelihood that paternal criminal activity or CLS contact jointly involves the child's mother. Second, when parents are incarcerated, Black children are less likely to enter foster care and more likely to live informally with relatives (Crockett & Larsen Gibby, 2021). Third, differentially punitive treatment by CLS may mean that Black fathers are more frequently involved with CLS or incarcerated for offenses that have no impact on parenting capacity (Chiricos et al., 2004; Mitchell, 2005). If so, their criminal cases may be less likely to trigger CPS reporting by law enforcement.

3. Current study

Although the overlap between CLS and CPS involvement is well-established, it remains poorly understood whether paternal CLS contact broadly, or incarceration specifically, increases children's risk for CPS contact or foster care entry. The current study addresses this pressing gap by considering two research questions. (1) Are associations between CLS and CPS contact driven by selection into CLS contact, the mechanical effects of CLS contact via reports from law enforcement, and longer-term harms of CLS contact on family functioning? (2) How do these associations differ for incarceration as compared with noncustodial CLS contact?

4. Method

4.1. Data and sample

We use the Wisconsin Administrative Data Core (WADC), which is a longitudinal database comprised of individual records from numerous state agencies. The Institute for Research on Poverty developed a multi-step process to link individuals across systems, using SSN, name, date of birth, and sex (for further explanation, see Brown & Thornton, 2020). The initial sample was all children born in 2009–2011 and their biological parents who reside in Wisconsin (including those born in Wisconsin and those born in other states who reside in Wisconsin). Of the 258,712 children in the WADC who were born in these years, 158,773 children born had an identified biological mother and father in WADC.

Parentage is identified probabilistically across systems, including public benefit systems, child support orders, and paternity acknowledgements. These systems identify parent-child relationships for approximately 80% of all nonmarital births (Brown & Cook, 2011) and are unlikely to identify children born to married parents in middle- or upper- income households. The parent-child linkage restriction likely excluded few fathers with CLS contact. Approximately 98% of individuals with criminal cases in the Consolidated Court Automation Program (CCAP) database were linked to an existing WADC identifier, meaning the individual was also involved in other programs or systems. However, because parent-child linkages are primarily identifiable through paternity/child support and public benefit claims, some fathers may be found in the WADC but not linked to their child(ren). To estimate the potential share of CLS-involved fathers who are not linked to their children, we examined the universe of CCAP cases for individuals who were, in 2009, between the ages of 16 and 50. Overall, 74% of males (some of whom may not be fathers) were identified in the child support/paternity system and 87% were identified in the CARES (public benefits) system; only 7% were identified in neither system. Thus, the WADC parent-child linkage retains most CLS-involved fathers.

We further limit the sample to children receiving insurance under Medicaid or the Children's Health Insurance Program (CHIP) in the first year of life ($N = 106,148$) and mothers receiving Medicaid in prenatal or postpartum period ($N = 103,107$). These restrictions serve two purposes. First, WADC includes children who moved to Wisconsin after birth; conditioning on Medicaid/CHIP coverage in the prenatal or early infancy period ensures that all children in the sample can be observed on paternal CLS and CPS involvement since birth. Second, these restrictions allow us to include measures of maternal and child health that may confound associations of paternal CLS involvement with CPS contact or foster care entry.

4.2. Measures

4.2.1. Criminal legal system records

Wisconsin's Consolidated Court Automation Program (CCAP) database includes case-level information on criminal charges, hearings, dispositions, and sentences. Although CCAP is a public-facing database, records were deidentified when linked to other WADC datasets, and dates were masked at the year-month level. Thus, we generated a child-month dataset that identified fathers' CLS events across all criminal cases. The primary observation period began the month of the child's birth and ended the month of the child's 12th birthday.

To test our hypothesis about law enforcement contact as a mechanical cause of CPS contact, we differentiate between (a) CLS involvement that likely involves direct contact between the father and the police – a new offense start date (typically the date in which police respond to a reported or observed crime) or filing of charges, and (b) ongoing involvement with CLS through pretrial release, post-conviction supervision, or incarceration. Because individuals often have recurring police encounters concurrent with active CLS cases, we categorize fathers' monthly CLS status as *None* (no current, upcoming, or recent involvement) or one of seven mutually exclusive groups. *Upcoming CLS involvement* serves as the reference group and was defined as the onset of new CLS involvement in the next three months, with no CLS involvement currently or in the past three months. *Noncustodial CLS with police encounter* was defined as same-month new offense or charge date with no concurrent incarceration. *Noncustodial CLS without police encounter* captured all months in which an individual was not incarcerated, did not have a new offense or charge, and their case was not yet closed; this includes both pre-trial release and post-conviction probation. *Incarceration with police encounter* was defined as same-month new offense or charge date and incarceration. This captures individuals who were incarcerated in the same month that they had a new CLS offense or charges. This includes individuals held in jail pre-disposition on a new charge, returned to jail or prison following an offense committed on probation or community supervision, or were charged and sentenced to incarceration within the same month. Pre-disposition jail is estimated based on the timing and outcome of the arraignment or bail hearing and identifies an individual as incarcerated if they were issued but did not post bail, were denied bail, or had their bail revoked. *Incarceration without police encounter* captured all months in which an individual did not have a new offense or charge and was in jail or prison. This category includes both continued pre-disposition jail stays, carceral sentences, and reincarceration following community supervision or probation violations that are not charged as new offenses. Jail sentences are estimated from the sentence length information in the CCAP record and thus may overestimate incarceration if individuals are released prior to completing their sentence. In contrast, imprisonment is determined from the monthly Department of Corrections census. *Released from noncustodial case* indicates that an individual completed probation or received a non-supervisory case disposition within the past three months. *Released from incarceration* indicates that an individual exited jail or prison in the past three months. If a person commits a new offense or is re-incarcerated during the three-month 'release' period, they are categorized according to their active status. *Maternal current CLS status* was time-varying and coded into three groups for parsimony: no involvement, current noncustodial involvement, and current incarceration.

For descriptive and supplemental analyses, criminal offense types were coded by statute using the Text-based Offense Classification Tool from the Criminal Justice Administration Records System (Choi et al., 2023). The types refer to criminal charges that were filed regardless of the offense types for which the individual was ultimately dispositioned. Individuals may have multiple offenses on a given case or over time, and thus the final variables are nonexclusive. In addition, we used charge text and modifier codes to identify criminal offenses that involved or were related to domestic violence, including violations of protection orders.

4.2.2. Child protective services records

Our primary outcomes were CPS contact and foster care entry, both available in the WADC via the state's electronic case management system. Our primary measure of *CPS contact* is a screened-in report (investigation) of suspected abuse or neglect in which the child was listed as an alleged victim. Additional variables capture the report source, which we categorize as law enforcement, other professionals (e.g., educators, medical providers), and voluntary reporters (e.g., relatives, neighbors). We also consider CPS reports in which the mother or father was listed as an alleged perpetrator, regardless of the identity of the child victim. *Foster care entry* was based on removal dates and equal to 1 in the month of a removal. The lagged running sums of mothers' and fathers' history of CPS reports in which they were named as an alleged perpetrator are included as control variables. Prior CPS involvement is likely to inform the level of response – whether a child is placed in foster care – to a new allegation.

4.2.3. Medical claims records

Maternal mental health and substance abuse is based on Medicaid claims data and consists of ever-to-date (since 11/2008, when the claims data became available in the WADC) mental health and substance use disorder diagnoses. Specific indicators are depression, bipolar disorder or manic episodes, schizophrenia and other psychotic disorders, attention deficit hyperactivity disorder (ADHD), alcohol use disorder, cannabis use disorder, and substance use disorder involving any other substance (excluding caffeine and tobacco). We also include binary indicators of the child's premature birth or low birthweight and known prenatal substance exposure. We

do not use paternal health information because fathers' rates of enrollment in Medicaid were far lower than mothers' enrollment rates, consistent with higher income thresholds for pregnant women to enroll in Medicaid (Kaiser Family Foundation, 2023).

4.2.4. Additional covariates

The analyses adjust for additional factors associated with paternal CLS contact, CPS involvement, and foster care entry. Each parents' total earnings across the five years preceding the child's birth is based on Unemployment Insurance wage reporting and inflation-adjusted to 2021 dollars. We also include mother's ever-to-date cash assistance (receipt of Temporary Assistance to Needy Families); each parents' ever-to-date receipt of Supplemental Security Income (SSI; a proxy for disability status) and parents' age at the

Table 1

Sample description by father's highest level criminal legal system involvement since child's birth.

	None	Noncustodial	Incarceration	Total
<i>N Children</i>	61,829	12,246	29,032	103,107
Foster care	2.26	6.48	14.11	6.10
Any CPS suspected victimization	18.28	37.91	51.61	30.00
Law enforcement-initiated CPS	5.32	15.03	21.84	11.13
Other professional-initiated CPS	10.08	20.25	28.72	16.54
Voluntary reporter-initiated CPS	8.00	17.74	25.34	14.04
Mother CPS alleged perpetrator	19.28	35.75	50.32	29.97
Father alleged CPS perpetrator	13.94	33.00	44.64	24.85
Child Demographics				
Child sex				
Male	51.28	51.74	51.12	51.29
Female	48.72	48.26	48.88	48.71
Child race/ethnicity				
White	53.89	45.54	36.55	48.01
Black	10.24	13.49	28.30	15.71
Hispanic	20.96	27.35	17.22	20.66
Other race	14.91	13.62	17.94	15.61
Low birthweight/premature	6.21	7.37	8.33	6.95
Prenatal substance exposure	0.65	1.31	1.91	1.08
SSI receipt	4.00	5.63	8.74	5.53
Marital birth	10.32	11.85	8.23	9.91
Child siblings in sample				
None	77.57	72.35	65.31	73.50
Maternal siblings only	1.75	2.66	4.19	2.55
Paternal half-siblings	2.64	6.58	13.12	6.06
Full siblings	18.03	18.41	17.38	17.89
Father Characteristics				
SSI receipt	3.24	6.54	11.65	6.00
Age at child's birth				
<18	0.96	1.87	3.13	1.68
18–19	3.62	6.03	9.68	5.62
20–24	22.89	30.06	33.71	26.79
25–34	52.60	48.49	42.88	49.38
35+	19.92	13.55	10.60	16.54
Total earnings in 5 years before child's birth (\$10,000 s)	8.05	5.19	3.46	6.42
Mother Characteristics				
SSI receipt	3.90	6.21	9.14	5.65
Highest level of CLS involvement				
None	98.00	94.41	90.77	95.53
Noncustodial CLS	1.63	4.56	7.18	3.54
Incarcerated	0.38	1.03	2.05	0.93
Age at child's birth				
<18	2.22	4.19	6.51	3.66
18–19	7.62	12.68	15.83	10.54
20–24	32.30	37.64	40.97	35.38
25–34	48.58	39.89	32.81	43.11
35+	9.27	5.60	3.88	7.32
Total earnings in 5 years before child's birth (\$10,000 s)	4.48	3.68	3.34	4.06
History of cash assistance	22.79	38.25	60.89	35.35
SSI receipt	3.90	6.21	9.14	5.65
Depression	32.69	46.77	54.94	40.63
Mania/bipolar	5.98	10.83	14.44	8.94
Other psychosis	2.76	5.28	7.68	4.44
Attention deficit/hyperactivity	7.70	13.41	16.11	10.75
Alcohol use disorder	4.81	9.95	15.09	8.31
Cannabis use disorder	2.41	6.11	10.64	5.17
Other drug use disorder	4.95	11.81	18.12	9.47

Note. CPS = child protective services; SSI=Supplemental security income; CLS = criminal legal system.

child's birth (under 18 years, 18–19 years, 20–24 years, 25–34 years, and 35 years or older). Marital birth is from the paternity record and equal to 1 if the mother and father were married at the time of the child's birth.

Child age is categorized as <1 year old, 1–2 years, 3–4 years, 5–6 years, 7–9 years, and 10–12 years. Categories are used instead of a continuous measure because risk for foster care entry is highly concentrated in early childhood and especially the first year of life. Additional child-level covariates are race (non-Hispanic White, non-Hispanic Black, Hispanic, other), sex (male, female), receipt of SSI, and a binary indicator of paternal siblings in the sample.

4.3. Analytic approach

We first produce a series of descriptive analyses. Table 1 presents family characteristics by fathers' highest level of CLS involvement during the observation period. More detailed explanation of fathers' CLS involvement is provided in Table 2, and Fig. 1 depicts the proportion of children in foster care relative to the timing of fathers' CLS involvement.

We then produce discrete time hazard (DTH) models of CPS contact or foster care entry. In these models, time is structured as months from 1 (the month of the child's birth) to 144 (the month of the child's 12th birthday). Due to data privacy agreements, exact dates of criminal charges, dispositions, and sentences are masked, with only year-month reported. DTH models are appropriate for this type of interval censoring (D'Agostino et al., 1990). DTH models are pooled logistic regressions, with adjusted standard errors for repeated observations, that estimate the event probability within each time period among individuals remaining at risk in the time period (Guo, 2009). Although DTH models generally produce results equivalent to Cox proportional hazards (D'Agostino et al., 1990), they are preferable here given that we are interested in predicting the occurrence of a binary event, given time-varying conditions, rather than duration to event (Sloma et al., 2021). We censor children at foster care entry across all models, because children are no longer at risk of entry while in foster care, and the nature of CPS reports within foster care is distinct from the construct of interest (i.e., may be retrospective or pertaining to exposures during placement). Thus, our models include multiple CPS contacts but only one foster care entry per child. County fixed effects are included in all models, due to the organization of CPS agencies at the county level. Appendix A presents pooled linear probability models and marginal effects from the DTH logit models, confirming that findings are robust to this alternative specification. Appendix B presents complimentary log-log models and proportional hazard models using the Weibull distribution, results of which are also consistent with the primary models. The primary outcomes are CPS contact (Table 3) and foster care entry (Table 4), with alternative outcomes shown in Table 5.

Our analyses allow us to adjudicate between the three explanations for associations between paternal CLS and children's CPS and foster care entry: (1) selection; (2) mechanical effects of CLS contact via reports from law enforcement; and (3) CLS contact leads to CPS contact through harms to family functioning. We test the first explanation—the selection (or immediate precursors to CLS contact) perspective—in two ways. First, we compare models with limited controls (child socio-demographics, county, and time parameters of year of birth, calendar month and its squared term, and a categorical age measure) to models with additional adjustments for parent earnings and program participation, maternal mental health, substance use, and CLS involvement (Tables 3 and 4). Second, we compare the risk for CPS contact and foster care entry during periods of paternal CLS involvement versus the period immediately prior to fathers' experiencing CLS contact, a potential period of “fast living”. Although we also include “no CLS involvement” as a comparison condition, we expect that some differences between active CLS status and no involvement reflect unaddressed selection bias, making

Table 2
Fathers' charges and sentencing history.

	Noncustodial	Incarceration	Total
Offenses charged (not mutually exclusive)			
Homicide/Manslaughter	0.30	2.27	1.69
Assault/Robbery	34.46	55.18	49.03
Sex	2.93	6.12	5.17
Child victimization	11.64	20.69	18.01
Drug possession	23.47	48.04	40.75
Drug distribution	8.03	23.17	18.68
DUI/OWI	10.74	28.08	22.93
Property	32.18	53.35	47.07
Traffic	36.99	47.50	44.38
Other offenses	64.70	84.31	78.49
Domestic violence-related	54.99	67.83	64.02
Prison	0.00	40.63	28.58
No. case filings since child's birth			
0	0.78	0.46	0.56
1	41.91	10.71	19.96
2	22.64	12.62	15.59
3	13.05	12.15	12.41
4 or more	21.62	64.06	51.47
Highest charge level			
Low Misdemeanor	29.52	9.35	14.88
Misdemeanor A, B, or C	42.36	20.26	26.32
Low felony	26.07	58.66	49.73
Felony A, B, or C	2.04	11.72	9.07

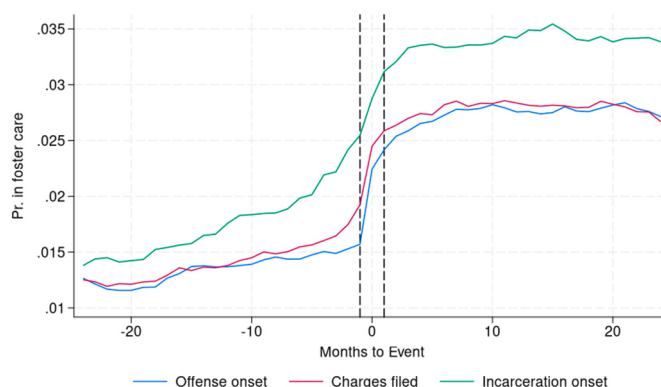


Fig. 1. Proportion of children in foster care by paternal offense date, charge filing date, and incarceration onset.

this category an interesting group to compare the risks for CLS-involved families with but likely not the strongest counterfactual to consider. Indeed, the upcoming CLS involvement provides a useful test of this premise: if our control variables fully accounted for selection into CLS contact, we would expect no differences between periods of upcoming CLS contact and periods of no involvement.

We test the second explanation—mechanical effects of law enforcement contact—first by separately considering paternal CLS involvement with and without a concurrent police encounter. We further explore mechanical effects by modeling CPS reports from specific sources (initiated by law enforcement, by other professionals, or by voluntary sources) and in which the mother versus father are the alleged perpetrator of maltreatment for any child (Table 5). These models clarify whether reporting is mechanical—specifically reflecting reporting by police, particularly if the association is specific to the immediate onset of CLS contact—versus parental behavior that triggers reporting by other community members.

We test the third explanation—the collateral consequences of incarceration—in Tables 3 and 4 by examining the association between timing of CLS contact and CPS contact, finding support for this explanation if children's risk for CPS reports and foster care entry remains elevated during ongoing paternal CLS contact and incarceration compared with the period immediately prior to CLS contact. In addition, Table 5 examines whether specifically the mothers' suspected perpetration of abuse and neglect remains elevated in periods of ongoing paternal CLS involvement. Lastly, subgroup models for White, Black, and Hispanic children (Appendix D) address our second research question. Various supplemental analyses (Appendices C-F) provide additional context to the findings. We describe these in detail after presentation of the primary results.

5. Results

5.1. Sample description

Table 1 presents descriptive statistics by fathers' highest level of CLS involvement. Overall, 60.0% of children had no paternal CLS involvement by age 12 ($n = 61,829$), 11.9% experienced paternal noncustodial CLS involvement ($n = 12,240$) and 28.2% experienced paternal incarceration ($n = 29,038$). Six percent experienced foster care by age 12, ranging from 2.3% of children with no paternal CLS involvement to 14.1% of children exposed to paternal incarceration. CPS contact reached 30.0% for the full sample and ranged from 18.3% in the no paternal CLS involvement group to 51.6% in the paternal incarceration group. CPS contact from all report sources was more common for children with CLS-involved fathers than those without CLS-involved fathers, with the largest relative gap for law enforcement-initiated reports.

The sample was 48.0% White, 15.7% Black, 20.7% Hispanic, and 15.6% other race. White children were underrepresented in all paternal CLS groups, whereas Black children were overrepresented in the paternal incarceration group and Hispanic children were overrepresented in the noncustodial (but not incarceration) CLS group. Children with low birthweight or born premature, born with substance exposure, or receiving SSI for disability were overrepresented in the paternal CLS groups. Both paternal CLS involvement groups included a larger share of parents who were under 25 years old at the child's birth and received SSI disability. When fathers were CLS-involved, compared to no involvement, mothers were more likely to also have CLS involvement, and to have a mental health or substance use disorder diagnosis.

Table 2 describes the characteristics of CLS involvement for fathers by incarceration status (ever or never between child's birth and age 12). Fathers who experienced incarceration had more serious offense histories than fathers with only noncustodial CLS involvement—they were overrepresented in every charge category measured. Of relevance to CPS involvement risk, two-thirds of fathers who experienced incarceration and 55.0% of fathers with noncustodial CLS involvement had at least one charge related to domestic violence, and 20.7% and 11.6%, respectively, had charges of child victimization. Incarcerated fathers also had far higher rates of drug possession (48.0%) or distribution (23.2%) than fathers with noncustodial involvement only (23.5% and 8.0%). Fathers without incarceration typically had two or fewer criminal cases filed during the observation period and one-third had a felony charge. In contrast, 64.1% of fathers with incarceration had four or more criminal cases filed and most had at least one felony charge (70.6%), primarily low-level felonies.

Table 3
Main regression results for CPS report.

	M1. Demographic controls		M2. Full controls	
	AOR	Conf. Int	AOR	Conf. Int
Father's CLS status (ref: Upcoming involvement)				
None	0.441	[0.417–0.465]	0.591	[0.559–0.624]
Noncustodial CLS with police encounter	2.794	[2.626–2.973]	2.599	[2.440–2.769]
Noncustodial CLS without police encounter	0.945	[0.892–1.000]	0.869	[0.821–0.920]
Incarceration with police encounter	3.753	[3.476–4.052]	3.269	[3.021–3.537]
Incarceration without police encounter	0.956	[0.899–1.017]	0.833	[0.783–0.886]
Released from noncustodial CLS	0.887	[0.816–0.964]	0.865	[0.796–0.941]
Released from incarceration	0.948	[0.859–1.047]	0.890	[0.804–0.984]
Child Demographics				
Race/ethnicity (ref: White)				
Black	1.012	[0.968–1.057]	0.788	[0.755–0.823]
Hispanic	0.882	[0.848–0.916]	0.853	[0.824–0.884]
Other	1.058	[1.018–1.098]	0.922	[0.890–0.954]
Male	1.016	[0.992–1.042]	1.034	[1.011–1.057]
Low birthweight/premature	1.140	[1.089–1.194]	1.075	[1.032–1.119]
Prenatal substance exposure	2.479	[2.300–2.672]	1.310	[1.210–1.419]
SSI receipt	1.805	[1.710–1.905]	1.412	[1.340–1.487]
Marital birth	1.190	[1.145–1.237]	1.277	[1.233–1.322]
Paternal siblings	1.146	[1.122–1.170]	1.080	[1.059–1.101]
Father Characteristics				
Total earnings in 5 years before child's birth (\$10,000s)	–		0.991	[0.989–0.993]
Father history CPS alleged perpetration	–		1.104	[1.092–1.116]
SSI receipt	–		1.184	[1.137–1.233]
Age at child birth (ref: <18)				
18–19	–		0.906	[0.837–0.980]
20–24	–		0.942	[0.873–1.017]
25–34	–		0.954	[0.883–1.032]
35+	–		1.067	[0.981–1.161]
Mother Characteristics				
Mother's CLS status (ref: none)				
Noncustodial CLS	–		2.221	[2.151–2.293]
Incarcerated	–		1.999	[1.874–2.133]
Total earnings in 5 years before child's birth (\$10,000s)	–		0.976	[0.973–0.979]
Mother history CPS alleged perpetration	–		1.157	[1.148–1.166]
SSI receipt	–		1.377	[1.320–1.437]
Age at child birth (ref: <18)				
18–19	–		0.849	[0.802–0.898]
20–24	–		0.778	[0.735–0.823]
25–34	–		0.637	[0.599–0.677]
35+	–		0.566	[0.522–0.614]
History of cash assistance	–		1.507	[1.468–1.548]
Depression	–		1.482	[1.445–1.521]
Mania/bipolar	–		1.104	[1.063–1.147]
Other psychosis	–		1.032	[0.979–1.088]
Attention deficit/hyperactivity	–		1.169	[1.129–1.211]
Alcohol use disorder	–		1.164	[1.117–1.213]
Cannabis use disorder	–		0.952	[0.903–1.003]
Other drug use disorder	–		1.323	[1.271–1.377]
Additional Controls Included				
County fixed effects	Yes		Yes	
Time measures	Yes		Yes	

Note: Sample for all models is 103,107 children and 1.35 million child-months. There are 62,596 CPS report events. CPS=Child Protective Services; CLS=Criminal Legal System; AOR = adjusted odds ratio.

Fig. 1 depicts the probability that a child is in foster care in the months preceding and following the onset of fathers' CLS involvement by type of involvement. The probability of foster care placement was mostly static at 1.5% in the 10 months leading up to offense onset, increased to 2.2% in the month of offense onset and continued to increase through month 10 following onset. In contrast, the increase in foster care placement preceded the onset of charge filings and the onset of incarceration.

5.2. Main results

Table 3 presents proportional odd ratios from regressions of CPS report on paternal CLS status and covariates. The reference group for the CLS status variable is upcoming involvement; however, comparisons between other categories can be accomplished by dividing the category for one status by another (and using non-overlap in the confidence intervals as a general indication that the categories are

Table 4

Main regression results for foster care entry.

	M1. Demographic controls		M2. Full controls	
	AOR	Conf. Int	AOR	Conf. Int
Father's CLS status (ref: Upcoming involvement)				
None	0.414	[0.349–0.491]	0.642	[0.539–0.764]
Noncustodial CLS with police encounter	5.131	[4.260–6.180]	4.452	[3.684–5.382]
Noncustodial CLS without police encounter	1.333	[1.118–1.589]	1.149	[0.961–1.374]
Incarceration with police encounter	8.440	[6.875–10.360]	6.591	[5.335–8.143]
Incarceration without police encounter	1.948	[1.629–2.329]	1.569	[1.306–1.884]
Released from noncustodial CLS	1.048	[0.804–1.367]	1.009	[0.771–1.321]
Released from incarceration	1.093	[0.796–1.500]	0.964	[0.696–1.334]
Child Demographics				
Race/ethnicity (ref: White)				
Black	0.945	[0.859–1.039]	0.683	[0.604–0.773]
Hispanic	0.944	[0.872–1.022]	0.852	[0.778–0.934]
Other	1.227	[1.141–1.319]	0.940	[0.862–1.026]
Male	1.071	[1.019–1.126]	1.098	[1.036–1.163]
Low birthweight/premature	1.339	[1.233–1.455]	1.195	[1.082–1.319]
Prenatal substance exposure	5.381	[4.806–6.026]	1.786	[1.531–2.083]
SSI receipt	1.659	[1.472–1.869]	1.323	[1.151–1.522]
Marital birth	0.995	[0.912–1.085]	1.118	[1.013–1.234]
Paternal siblings	1.180	[1.135–1.227]	1.128	[1.078–1.180]
Father Characteristics				
Total earnings in 5 years before child's birth (\$10,000s)	–		0.975	[0.970–0.981]
Father history CPS alleged perpetration	–		1.119	[1.090–1.149]
SSI receipt	–		1.174	[1.065–1.296]
Age at child birth (ref: <18)				
18–19	–		0.809	[0.669–0.978]
20–24	–		0.970	[0.807–1.165]
25–34	–		1.046	[0.865–1.265]
35+	–		1.328	[1.082–1.629]
Mother Characteristics				
Mother's CLS status (ref: none)				
Noncustodial CLS	–		5.336	[4.958–5.744]
Incarcerated	–		7.219	[6.458–8.069]
Total earnings in 5 years before child's birth (\$10,000s)	–		0.949	[0.939–0.960]
Mother history CPS alleged perpetration	–		1.231	[1.210–1.252]
SSI receipt	–		1.453	[1.314–1.607]
Age at child birth (ref: <18)				
18–19	–		0.728	[0.634–0.835]
20–24	–		0.645	[0.562–0.741]
25–34	–		0.490	[0.422–0.570]
35+	–		0.527	[0.432–0.641]
History of cash assistance	–		1.343	[1.257–1.434]
Depression	–		1.538	[1.439–1.644]
Mania/bipolar	–		1.024	[0.932–1.126]
Other psychosis	–		1.233	[1.098–1.384]
Attention deficit/hyperactivity	–		1.133	[1.038–1.236]
Alcohol use disorder	–		1.211	[1.102–1.331]
Cannabis use disorder	–		0.862	[0.761–0.976]
Other drug use disorder	–		1.873	[1.711–2.050]
Additional Controls Included				
County fixed effects	Yes		Yes	
Time measures	Yes		Yes	

Note: Sample for all models is 103,107 children and 1.35 million child-months. There are 6288 foster care entry events. CPS=Child Protective Services; CLS=Criminal Legal System; AOR = adjusted odds ratio.

statistically significantly different). In the model with limited controls (M1), and compared with upcoming paternal CLS involvement, no CLS involvement was associated with 66% lower odds of CPS report. A likely police encounter (via a new offense or criminal charge) was associated with 2.8 (custodial) and 3.9 (with incarceration) times higher odds of CPS report. Without a police encounter, ongoing CLS involvement was not associated with the odds of a CPS report when compared to the period immediately preceding CLS involvement. The post-release period was associated with equal or lower odds of CPS report.

The full controls model (M2) did not substantially change the coefficients. For example, in M2, police encounters were associated with 2.6 times higher odds (without incarceration) and 3.3 times higher odds (with incarceration) of CPS report; these coefficients are 6% and 11% smaller, respectively, than in M1. Limited attenuation of associations with additional controls is expected, given that the upcoming CLS involvement group should not substantially differ on controls relative to the active CLS involvement groups. Police encounters with incarceration were more strongly associated with CPS report than police encounters without incarceration. Absent a

Table 5
Regressions with alternative outcome measures.

	AOR	Conf. Int
Outcome: Law enforcement initiated CPS report (13,650 Events)		
Father's CLS status (ref: Upcoming involvement)		
None	0.596	[0.527–0.675]
Noncustodial CLS with police encounter	5.812	[5.100–6.624]
Noncustodial CLS without police encounter	0.981	[0.864–1.115]
Incarceration with police encounter	8.056	[6.960–9.325]
Incarceration without police encounter	0.962	[0.841–1.101]
Released from noncustodial CLS	0.825	[0.680–0.999]
Released from incarceration	1.019	[0.817–1.270]
Outcome: Other professional initiated CPS report (23,234 Events)		
Father's CLS status (ref: Upcoming involvement)		
None	0.693	[0.633–0.759]
Noncustodial CLS with police encounter	1.992	[1.782–2.227]
Noncustodial CLS without police encounter	0.924	[0.841–1.016]
Incarceration with police encounter	2.572	[2.242–2.952]
Incarceration without police encounter	0.908	[0.822–1.003]
Released from noncustodial CLS	0.924	[0.804–1.063]
Released from incarceration	1.030	[0.873–1.216]
Outcome: Voluntary source initiated CPS report (19,752 Events)		
Father's CLS status (ref: Upcoming involvement)		
None	0.527	[0.483–0.575]
Noncustodial CLS with police encounter	1.405	[1.256–1.571]
Noncustodial CLS without police encounter	0.760	[0.693–0.833]
Incarceration with police encounter	1.503	[1.292–1.747]
Incarceration without police encounter	0.702	[0.636–0.776]
Released from noncustodial CLS	0.797	[0.695–0.914]
Released from incarceration	0.703	[0.592–0.835]
Outcome: Mother alleged perpetrator on CPS report (55,204 Events)		
Father's CLS status (ref: Upcoming involvement)		
None	0.713	[0.670–0.758]
Noncustodial CLS with police encounter	1.858	[1.723–2.003]
Noncustodial CLS without police encounter	0.950	[0.891–1.012]
Incarceration with police encounter	2.142	[1.944–2.359]
Incarceration without police encounter	1.000	[0.934–1.070]
Released from noncustodial CLS	0.918	[0.836–1.008]
Released from incarceration	0.930	[0.836–1.035]
Outcome: Father alleged perpetrator on CPS report (31,358 Events)		
Father's CLS status (ref: Upcoming involvement)		
None	0.431	[0.402–0.464]
Noncustodial CLS with police encounter	5.439	[5.038–5.873]
Noncustodial CLS without police encounter	0.783	[0.727–0.845]
Incarceration with police encounter	7.426	[6.795–8.114]
Incarceration without police encounter	0.279	[0.253–0.308]
Released from noncustodial CLS	0.750	[0.669–0.841]
Released from incarceration	0.613	[0.526–0.715]

Note: Sample for all models is 103,107 children and 1.35 million child-months. Models include full controls from Table 3. CPS=Child Protective Services; CLS=Criminal Legal System; AOR = adjusted odds ratio.

police encounter, there is no difference in coefficients for incarceration and noncustodial CLS involvement. With full controls, periods of no CLS contact, recent CLS contact, and active CLS involvement without a police encounter were each associated with lower odds of CPS report compared with upcoming CLS involvement, consistent with the “fast living” framework. In addition, consistent with selection, all forms of CLS involvement were associated with elevated risks of contact with CPS relative to no CLS involvement. For example, months following fathers' release from incarceration were associated with a 51% increase in the odds of a CPS report (0.890 / 0.591) compared to months with no CLS involvement.

Lastly, mothers' younger age at child's birth, concurrent CLS involvement, past CPS involvement, and history of mental health and substance use diagnoses—including maternal disability, depression, alcohol use disorder, and other (non-cannabis) substance use disorder—were each associated with increased odds of CPS report.

The results of the foster care entry models (Table 4) similarly show a large increase in foster care entry in the month of police encounters, regardless of contemporaneous incarceration. Specifically, in M2 (full controls), the odds of foster care entry were 4.5

times higher for police encounters without incarceration, versus 6.8 times higher with incarceration – a statistically nonsignificant difference. These coefficients were reduced by 12% and 19% respectively when compared with M1. As in the CPS report models, maternal risk factors, particularly concurrent CLS involvement, were strongly associated with foster care entry.

However, the foster care models differ from the CPS models in some important ways. Compared with the period immediately preceding CLS involvement, there was no decrease in the odds of foster care entry for current noncustodial CLS involvement without a police encounter or recent CLS involvement. In addition, incarceration without a police encounter was associated with a statistically significant 62% increase in the odds of foster care entry compared with upcoming involvement. However, given the low base rate of foster care entry, this is a minute difference, equating to a 0.03 percentage point increase in the probability of foster care entry in any given month (see Appendix A) and the coefficient is not statistically different from the coefficient for noncustodial CLS without a police encounter. In sum, results provide partial support for both selection and mechanical explanations for the CLS-CPS relation, and little support for the third potential explanation, longer-term collateral consequences of incarceration.

Table 5 presents the CPS models by report source and alleged perpetrator (mother, father). The report source models confirm that the increased odds of CPS report at the time of a police encounter are largely due to CPS reports initiated by law enforcement, consistent with our mechanical effect hypothesis. Moreover, the stronger association between police encounters with concurrent incarceration (versus without concurrent incarceration) and CPS report was limited to the law enforcement-initiated CPS reports. There were smaller, but also statistically significant, increases in the odds of CPS reports from other sources at the time of a police encounter, suggesting that other community members are simultaneously identifying risks to children.

Turning to the alleged perpetrator models, the outcomes in these models are mothers' and fathers' CPS report as an alleged perpetrator, regardless of whether the alleged victim is part of the sample and the parent's relationship to the alleged victim (e.g., parent versus romantic partner of parent). The focal child does not have a CPS report in 36% of months with mothers' CPS reports and half of months with fathers' CPS reports – signaling that both parents may be engaged in abuse or neglect against the child's siblings or other children with whom they reside. In the mothers' perpetration model, reports significantly increase at the time of a father's police encounter, but not while the father has ongoing incarceration or noncustodial CLS involvement – suggesting that potential downstream consequences of paternal CLS involvement on family resources or maternal stress are not leading to CPS reports.

The fathers' perpetration model suggests larger increases in CPS reports at the time of a police encounter than in our main models (where we model the child as an alleged victim in a CPS report, regardless of the alleged perpetrator). The larger coefficients in this model (compared with M2 in Table 3) are consistent with the fact that fathers are often nonresident with one or more biological children and may co-reside with one or more non-biological children. Further evidence that co-residence is an important factor can be found in Appendix C, which presents models sub-grouped by prior father-child coresidence.

The strong associations of paternal CLS involvement concurrent with a police encounter with law enforcement-initiated CPS contact and foster care entry is consistent with our mechanical effects hypothesis. That is, the association appears to reflect the shared responsibility of law enforcement and CPS to address situations that may involve both threats to child safety and violations of criminal law by caregivers. Yet, a minority of fathers in our sample were charged with crimes involving child victims (Table 2). To better understand the offenses that lead law enforcement to initiate CPS contact and foster entry coinciding with the onset of paternal CLS involvement, we restrict the sample to year-month observations with a likely police encounter and regress law enforcement-initiated CPS report and foster care entry on the fathers' offense types and whether there was concurrent incarceration (Table 6). Unsurprisingly, child victimization offenses were positively associated with CPS contact and foster care entry, as were drug offenses and all crimes

Table 6
Offense characteristics and CPS involvement.

	Law enforcement initiated CPS Report		Foster care entry	
	AOR	Conf. Int	AOR	Conf. Int
Incarceration with police encounter	1.391	[1.248–1.550]	1.394	[1.181–1.645]
<i>Offenses charged (not mutually exclusive)</i>				
Homicide/Manslaughter	3.771	[2.242–6.345]	3.240	[1.680–6.250]
Assault/Robbery	2.028	[1.780–2.310]	2.609	[2.129–3.198]
Sex	0.900	[0.623–1.301]	0.377	[0.198–0.718]
Child victimization	4.445	[3.856–5.124]	6.048	[4.962–7.373]
Drug possession	2.702	[2.409–3.030]	2.196	[1.832–2.631]
Drug distribution	1.695	[1.424–2.019]	1.360	[1.056–1.752]
DUI/OWI	1.321	[1.073–1.626]	0.613	[0.393–0.958]
Property	0.753	[0.662–0.856]	0.840	[0.687–1.026]
Traffic	0.631	[0.520–0.766]	0.823	[0.598–1.133]
Domestic-violence related	1.531	[1.354–1.731]	0.536	[0.435–0.659]
Criminal charge episode number	0.859	[0.828–0.892]	0.910	[0.854–0.969]
Charge severity (reference = Low misdemeanor)				
Misdemeanor ABC	1.929	[1.585–2.348]	1.939	[1.359–2.766]
Low felony	1.720	[1.410–2.097]	2.160	[1.527–3.054]
Felony ABC	1.085	[0.798–1.475]	1.871	[1.195–2.930]
Children	36,510		36,510	
Child Months	157,607		157,607	
Events	2129		839	

Note: Models include full controls from Table 3. CPS=Child Protective Services; CLS=Criminal Legal System; AOR = adjusted odds ratio.

against persons (except sex offenses). Domestic violence and DUI/OWI were both positively associated with law enforcement-initiated CPS report but negatively associated with foster care entry. Criminal offenses with no obvious connection to child safety, such as traffic offenses and property crimes, were negatively associated with both CPS report and foster care entry.

5.3. Supplemental analyses

Appendix D presents the final models from [Tables 3 and 4](#) by race/ethnicity. With one key exception, models suggest few differences by race/ethnicity in any CPS report, CPS reports by source, or CPS reports with either the mother or father as the alleged perpetrator (regardless of child victim identity). The exception is that when fathers have no recent, current or upcoming CLS involvement, the difference when compared with upcoming or active CLS statuses is larger for White children than Black children. For White children, the odds of CPS report are 52% lower during periods of no involvement compared with the period of upcoming involvement, whereas the odds are only 23% lower for Black children, consistent with a higher baseline exposure to CPS reports. Associations between paternal CLS with police encounter and foster care entry appear somewhat stronger for White children than Black and Hispanic children.

Models in Appendix E subset the sample by whether the father had or did not have CLS history in the five years prior to the child's birth, as recurring CLS involvement may be less impactful, in terms of changing the trajectory of family functioning, than initial CLS involvement. Thirty-three percent of fathers in the sample had CLS involvement prior to the child's birth, including 64% of fathers with post-birth CLS involvement. Appendix D also presents models excluding children with siblings in the sample and excluding the county of Milwaukee (the largest urban center and home to a majority of the state's Black population). Results of these models were consistent with the main findings presented in [Tables 3 and 4](#).

Appendix F presents models adding an interaction between paternal CLS status and maternal CLS status. Across all months of active paternal CLS involvement (incarceration or noncustodial), 12% had concurrent maternal CLS involvement. These models are imprecise due to low rates of concurrent maternal incarceration but reveal no statistically significant interactions between maternal and paternal CLS status. Appendix G presents multinomial models where outcome 1 is CPS report that does not lead to foster care within 90 days and outcome 2 is a CPS report resulting in foster care within 90 days. Because a CPS report usually precedes foster care entry, it is not clear whether paternal CLS contact is differently associated with CPS reports that do and do not lead to foster care placement. Findings indicate that noncustodial CLS or incarceration concurrent with a police encounter is more strongly associated with CPS reports leading to foster care than CPS reports not leading to foster care.

6. Discussion

Despite linkages between paternal CLS involvement and children's CPS contact and foster care entry ([Andersen & Wildeman, 2014](#); [Berger et al., 2016](#); [Gifford et al., 2020](#)), relatively little research explores the nature of these associations. It is unknown whether this relationship results from selection, mechanical processes (e.g., mandatory reporting by law enforcement to CPS), or consequences that stem from paternal CLS involvement. Using linked administrative data from Wisconsin, we extend prior research by adjudicating between these three possible explanations, differentiating carceral and noncustodial CLS contact, including the period of time between the filing and disposition of criminal charges, and modeling with relative precision the timing of CLS involvement vis-à-vis CPS reports and foster care entry. Our data also permit us to examine whether the association is generalized or, instead, concentrated among fathers engaged in specific types of criminal offenses. We highlight three key findings.

First, paternal CLS contact that involves a likely police encounter is associated with a strong spike in CPS contact and foster care entry that is distinct from upcoming CLS contact and all other CLS statuses. Police encounters with paternal incarceration were more strongly linked to CPS reports and foster care entry than police encounters without incarceration. This is intuitive, given that immediate incarceration is typically pretrial detention; arrest and high or no bail are more likely to occur with serious offenses. During police encounters, paternal incarceration increased the odds of a law enforcement-initiated CPS report, but not CPS reports from other sources, consistent with mechanical effects. With the exception of potentially weaker associations between police encounter and foster care entry for Black children than White children, these results were robust to a variety of specifications and within various subsamples. Of note, two prior studies—one in Denmark ([Andersen & Wildeman, 2014](#)) and one in North Carolina ([Gifford et al., 2020](#))—assert a causal effect of paternal incarceration (versus noncustodial case outcome) on foster care entry, whereas our findings largely suggest little or no difference in CPS contact or foster care entry for incarceration versus noncustodial CLS involvement beyond the initial police encounter. However, those studies were examining jail and prison sentences, which are typically issued several months after the police encounter. In contrast, our study finds that by far the largest increases in CPS reporting and foster care entry are occurring at the initial police encounter, long before sentencing. This is an important distinction, as it suggests that CLS reforms focused on sentencing are unlikely to meaningfully reduce children's elevated exposure to CPS. Thus, although we do not discount increases in CPS reports or foster care entry during periods of ongoing paternal incarceration, our estimates suggest these increases are comparatively small.

Second, associations of recent and continuing paternal CLS involvement with CPS contact and foster care entry appear to be primarily driven by selection—not the collateral consequences of CLS contact. That is, when fathers were CLS-involved (incarcerated or not) but did not have a concurrent police encounter, children's risks for CPS report were lower or equal to their risk in the period immediately before fathers' CLS involvement, and differences in foster care entry were small. Although we are hesitant to be presumptuous in terms of what our findings could mean given that numerous studies have highlighted relationships between parental incarceration, family life, maternal wellbeing, and child outcomes ([Turney & Wildeman, 2013](#); [Wildeman et al., 2012](#)), our findings do

suggest that studies that are unable to simultaneously consider broader periods of CLS contact may overstate the associations. Future research using similar data but considering different outcomes is needed to assess the implications of our findings vis-à-vis the broader consequences of mass incarceration for children.

Third, our findings affirm the central role of parental substance use, mental illness, and domestic violence in children's CPS contact and foster care entry (Palmer et al., 2024). Children with CLS-involved fathers are far more likely to have mothers with mental health and substance abuse disorders and concurrent CLS involvement. Adjusting for these differences partially attenuated the coefficients for CLS status measures, especially for foster care entry, indicating the importance of assortative partnering. In addition, fathers' criminal offenses related to drugs, violence, and child victimization substantially increased the risk for CPS contact and foster care entry. Although reducing police-citizen encounters may reduce CPS contact and foster care entry, it is unclear that such a result is unequivocally favorable, given the maternal and paternal conditions surrounding CPS contact and their implications for child safety.

Safely reducing the role of CPS and CLS in the lives of disadvantaged families likely requires substantial progress in preventing and treating substance use disorders and family violence. Unfortunately, voluntary enrollment (separate from CPS or CLS) in treatment programs addressing these social problems is often not initiated early enough to preempt system involvement, if at all (Liu et al., 2020). And even evidence-based treatment programs tend to have high attrition and small and heterogeneous impacts (No Spin Evidence Review, 2025). Moreover, parents have favorable views of their CPS caseworkers but find the services inadequate (Barth & Xu, 2025), suggesting that service uptake in the absence of CPS may be unlikely and ineffective. Policymakers should acknowledge the limitations of existing knowledge and invest in renewed experimentation that addresses these cross-system problems.

6.1. Limitations

This study has three major limitations. First, like related studies (Andersen & Wildeman, 2014; Gifford et al., 2020), the data come from a single state, limiting generalizability. In particular, the racial/ethnic subgroup analysis may reflect unique features of Wisconsin, including high degrees of racial/ethnic segregation (Iceland et al., 2002) and especially large racial/ethnic disparities in incarceration rates (Prison Policy Initiative, 2021). Wisconsin counties also vary in their CPS operations, including screening and removal decisions. Because the Black subsample primarily resides within a single county (Milwaukee), it is difficult to disentangle racial/ethnic group differences from county differences.

Second, due to the reliance on public benefit and child support/paternity filings to link parents and children, our sample is predominantly nonmarital births in low-income households. Although this population is a large and relevant subgroup for the research questions, given disproportionate rates of involvement with both CLS and CPS, findings cannot be generalized to higher-income and married parent households.

Third, several relevant variables were unavailable. Our CLS data do not include arrests or detentions for suspected offenses that were never charged and some dismissed cases are subject to expungement. These CLS contacts may differ in nature (types of offenses and correlation with other family conditions) and impact, an area ripe for future research. We were unable to account for fathers' mental health and substance abuse, which are likely positively associated with CLS and CPS involvement; thus we may overestimate associations of paternal CLS involvement with children's CPS contact and foster care entry. Lastly, our CPS data do not include screened-out (not investigated) referrals. Statewide, 68% of CPS referrals, but only 25% of law enforcement-initiated referrals, are screened out (Wisconsin Department of Children and Families, 2022).

7. Conclusion

In the wake of mass incarceration, scholars have developed an intense interest in the consequences of parental—especially paternal—incarceration for children. This study addresses the degree to which paternal incarceration, relative to other stages of CLS contact, shapes children's risks of experiencing a CPS investigation and entering foster care. We do so using a strong research design that adjusts for core confounders, including the traditional uptick in criminal activity prior to CLS contact, and longitudinal data that minimizes the risk of bias inherent in self-reports. Perhaps most importantly, results show that the strongest way in which paternal CLS contact influences risk for CPS contact is not through paternal incarceration or its various collateral consequences, but instead through a mechanical effect of contact with law enforcement who, as mandatory reporters, contact CPS when they respond to criminal incidents that may affect child safety. These results call for greater attention to how CLS contact beyond incarceration, and criminal activity itself, may shape the lives of children.

CRedit authorship contribution statement

Sarah A. Font: Writing – review & editing, Writing – original draft, Methodology, Funding acquisition, Formal analysis, Data curation, Conceptualization. **Kristin Turney:** Writing – review & editing, Writing – original draft, Methodology, Funding acquisition, Conceptualization. **Christopher Wildeman:** Writing – review & editing, Writing – original draft, Methodology, Funding acquisition, Conceptualization.

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Declaration of competing interest

The authors have no conflicts of interest to disclose.

Appendix A. Supplementary data

Supplementary data to this article can be found online at <https://doi.org/10.1016/j.chiabu.2026.107973>.

Data availability

The data that has been used is confidential.

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