CHAPTER OBJECTIVES

After reading this chapter, you should be able to

- Describe the nature and extent of family trends, including marriage, divorce, and unmarried birth rates
- Explain the complicated relationship between family structure and delinquency
- Explain the impact of family process on the relationship between family structure and delinquency
- Explain the impact of family process on delinquency
- Explain the nature and extent of child maltreatment
- Analyze the complicated relationship between child maltreatment and delinquency
- Explain the relationship between child maltreatment, parental incarceration, and the experiences in foster care for youth
In 2003 the San Francisco Children of Incarcerated Parents Partnership published a bill of rights for children of incarcerated parents. Based on original work by Gretchen Newby of Friends Outside, a California organization that addresses the special needs of families affected by incarceration, Children of Incarcerated Parents: A Bill of Rights recognizes that children's needs extend well beyond physical comfort and security. The following excerpt is from Parenting Inside Out, an Oregon-based program that advocates for parents' and children's rights while parents are incarcerated, and conducts a parenting program to increase parenting skills for those incarcerated:

1. I have the right to be kept safe and informed at the time of my parent's arrest.

Many children of offenders are introduced to the criminal justice system when their parent is arrested and they see him/her taken away in handcuffs. The majority of police and sheriff's departments do not have protocols for dealing with the children of arrested parents; in too many cases, the resulting experience is terrifying and confusing for the children left behind.

2. I have the right to be heard when decisions are made about me.

When a parent is arrested, children whose chaotic lives may already have left them with little sense of control often feel even more alienated from the events that swirl around them. Adults they have never met remove their parents with little explanation, then decide where the children will go without consulting them.

3. I have the right to be considered when decisions are made about my parent.

Ask the child of an incarcerated mother what might have improved his life and his prospects and you're likely to hear some version of this answer: “Help for my mom.” Even after years of trauma and abandonment, young people are likely to see their parents as troubled and in need of support, rather than as bad and in need of punishment.

4. I have the right to be well cared for in my parent's absence.

When a child loses a single parent to incarceration, she also loses a home. In the most extreme cases, children may wind up fending for themselves in a parent's absence.
5. I have the right to speak with, see and touch my parent.

Visiting an incarcerated parent can be difficult and confusing for children. If the parent is in a county jail, the child may have to talk to him on a staticky telephone and look at him through scratched Plexiglas. If he is in prison, the child may have to travel a long distance to spend a few hours in a visiting room full of other prisoners and their families.

6. I have the right to support as I struggle with my parent’s incarceration.

Children whose parents are imprisoned carry tremendous burdens. Not only do they lose the company and care of a parent, they also must deal with the stigma of parental incarceration and fear for their parent’s safety and well-being. Researchers who have interviewed offenders’ children have found them prone to depression, anger and shame. Many young children experience a parent’s arrest as simple abandonment.

7. I have the right not to be judged, blamed or labeled because of my parent’s incarceration.

Incarceration carries with it a tremendous stigma. Because young children identify with their parents, they are likely to internalize this stigma, associating themselves with the labels placed upon their parents and blaming themselves for their parents’ absence.

8. I have the right to a lifelong relationship with my parent.

Separation is hard on families—but so, paradoxically, is reunion. Recently released prisoners face an obstacle course of challenges and obligations. They must maintain a relationship with a parole or probation officer; find work and housing despite a criminal record; and struggle to rebuild relationships with friends and family.

Losing a parent to incarceration is a life-changing event. Those who work with children impacted by incarceration can use this Bill of Rights to guide policies and procedures that can help to mitigate some of the trauma and can help children develop the resilience to live positive, prosocial lives.

This chapter is about family and delinquency. Most people would probably assume that when we say family and delinquency we mean how family life (most often thought of as structure—one parent or two—and process—for example, attachment or supervision) might affect youth behavior. Certainly this is a large component of the discussion, and we devote ample time to it. But there are so many more issues that fall under family. In this chapter we will examine how the family has changed, child maltreatment, parental responsibility laws, the impact and response of running away from home, the growing phenomenon of parents in prison, and the influence these issues have on the lives, experiences, and behavior of our youth. And, as with every chapter, we will examine the diversity of these experiences based on race, class, gender, and sexual orientation.
FAMILY TODAY

You might wonder why we would start a chapter on family and delinquency with a discussion of current trends in the family. We believe it is important to know what is happening in the family today since both the general public and criminologists see a link between the family and delinquency. Much of the discourse about the family and delinquency centers on the impact of divorce, family structure (such as the number of parents in the house), and interactions in the family. We focus on three important-to-know trends—marriage, divorce, and the unmarried birth rate—for the following reasons:

1. Marriage, divorce, and unmarried births impact the family structure in which children live.
2. Divorce rates and unmarried birth rates may be linked to more difficult life challenges.
3. Adolescent unmarried births are also considered to be a form of misbehavior or delinquency for which girls are monitored and socially controlled (you will read about this in the opening story in Chapter 8).
4. In a discussion of delinquency in which the likelihood of delinquency is being linked to characteristics of the family, it becomes important to know what these trends are doing over time.

Trends in the Family—Marriage, Divorce, and Unmarried Birth Rates

According to census data analyzed by the Pew Research Center, a record low number of adults in the United States are currently married. Marriage is on the decline for several reasons in the United States. First, there is an increase in the number of people reporting they have never married (see Figure 7.1), but in addition, even for those who report they are married, the age at first marriage is increasing. In 2015, the median age at first marriage for women was at an all-time high of 27 years, and the median age for men, also at an all-time high, was just over 29 years (see Figure 7.2). Men and women waiting to get married until they are older means that they are married for less time over the course of their lives, and this impacts the percentage of adults who report being married in a given year.

In addition to the marriage rate declining in the United States, the divorce rate has been declining since its high in the late 1970s and early 1980s. While the popular adage is still true that almost “half of all marriages will end in divorce,” this is not an accurate accounting of the trend in divorce from year to year in the United States. According to the CDC, the divorce rate has decreased in the United States from 4.7 divorces per 1,000 in the population in 1990 to 3.2 divorces per 1,000 in the population for 2014.

Unmarried birth rates, in general, have been increasing since 1980. For women between the ages of 15 and 44, the unmarried birth rate increased from 29.4 births to 43.9 births per 1,000 women between 1980 and 2014, although the rate is down from the high of 52.5 births per 1,000 women in 2008. But what might be most interesting in the trends of unmarried births is that the only age group whose trend is a steady long-term decline is girls aged 15–19. Their rate decreased between 1994 and 2014 from 31.7 per 1,000 to 22 per 1,000. For the purposes of this book, we would want to look at the unmarried birth rate for those between 15 and 17. There has been a long-term decline...
decline for all race/ethnicity groups in this adolescent age range, too, but there are still significant disparities among the birth rate for adolescents aged 15–17. In 2014, Latina adolescents had the highest overall birth rate of 18.6 per 1,000 females (although this is the lowest rate for Latinas since 1989, when data began to be recorded for their ethnicity group). Black adolescents’ unmarried birth rate was 16.7 per 1,000 females (off a high in 1991 of 79.9 births per 1,000 females). The unmarried birth rate for white adolescents was 6.3 per 1,000 females. Finally, Asians and Pacific Islanders had the lowest unmarried birth rate for adolescents aged 15–17, which was 3.0 per 1,000 females. It is quite significant that both black and Latino rates declined so substantially between 1991 and 2014, but we should not overlook the important fact that racial and ethnic disparities do still exist. The CDC did not report unmarried birth rates for American Indian and Alaska Native youth, although it did report raw numbers, but those are not comparable.

We can see that these trends in the family offer a mixed assessment of the stability of what we might call the normative, or traditional, family. While marriage rates are decreasing, which some see as a cause for concern, divorce rates are also decreasing, and while the unmarried birth rate has increased substantially for most groups, it is actually decreasing for the group we are probably most interested in—adolescents. How do these trends influence family structure?

**Trends in Family Structure/Composition**

It is well documented that children, more today than at any other time in the past 100 years, live in a varying degree of alternative family forms. In 2014, the percentage of children ages 0–17 who lived with two married parents decreased to 64% (from 77% in 1980; see Figure 7.3). Of those living in two-parent married households, 91% were
FIGURE 7.1  Current Marital Status, 1960–2014

Note: Based on adults ages 18 and older. Percentages may not total 100% due to rounding.


FIGURE 7.2  Median Age at First Marriage, 1890–2015

Part 3: The Social Contexts of Juvenile Delinquency

Podcasts, Parenting, and the LGBTQ Community

Transwaves is a podcast run by the Trans Youth Equality Foundation, a foundation that provides education, advocacy, and support for transgender and gender nonconforming youth and their families. These podcasts cover such topics as parenting a transgender youth through the coming out and transformational process, the legal rights of transgender youth, navigating school, and navigating bullying. Beyond elementary, middle, and high school experiences, this foundation and the podcasts talk about the college experience and what to think about while choosing colleges.

There are also many stories in podcasts about parenting, parenting toddlers, parenting teens, and being gay and lesbian while parenting. One of our favorite stories is about Trystan and John, who were young 20-somethings dating and enjoying a carefree lifestyle when John was told his niece and nephew were going into foster care unless he came to pick them up. So Trystan and John left to pick the kids up and then they fought for permanent custody of them. It is an amazing story touching on gay and transgender parenting, schools, the foster care system, the medical system, and “flying the plane while you’re building it.”

DISCUSSION QUESTION

1. Listen to one of the podcasts discussed here or find one of your own on gay and lesbian parenting or parenting gay, lesbian, bisexual, transgender, queer, or questioning youth. What is one thing that was brought up in this podcast that you had not been aware of or made you think about parenting in a way you have not before?


in biological or adoptive households, while 9% were in stepfamily households (i.e., one biological parent, one stepparent; see Figure 7.4). The next largest grouping of children was single-mother families, where 24% of children existed. Four percent of children lived with single fathers, and 4% lived with neither their mother nor their father. Race and ethnicity are associated with the type of family structures in which children live. For example, in 2014, 74% of white children lived in two-married-parent households, while 58% of Latino children, and 34% of black children, lived under this family structure.

FAMILY AND DELINQUENCY

When teaching juvenile delinquency we often ask our students what they think contributes to juvenile delinquency. The discussions are always thorough and far-reaching, but one of the prime predictors of delinquency, our students always insist, is the family. When pressed on what they mean by the family, our students focus on two issues—family structure (whether the child is living in what is commonly thought of as a traditional household or in some other arrangement) and family process (or interactions; whether the child is attached to his or her parents or is supervised properly, for example).

It turns out that family has also been at the center of juvenile delinquency research for decades and at the center of public discourse for at least as long (see the In the News box below). It is not surprising that both students and researchers would believe that an institution as important as the family would be expected to have an effect on juvenile behavior; what is surprising is that there is still so much we need to learn. For example, there is still some question as to whether or how family structure impacts...
juvenile delinquency. Does it have a direct effect? An indirect effect? Or no effect at all, once other family issues such as process are taken into account? Below we examine the different ways that researchers have studied family and delinquency, and—hold on to your hats—there is a lot of research!

**Family Structure and Delinquency**

Wells and Rankin propose that one of the fundamental problems with much of the research that focuses on structure is its "absence of any systematic conceptual specification of the broken home as a sociological variable." The researchers note that most studies examining family structure define family in biological terms and ask the question "Is the child living with both biological parents?" Studies measuring family structure as the absence of a biological parent have reported differing findings. Some studies have found a relationship between intact (two biological parents) and non-intact (one biological parent) homes and juvenile delinquency. Some researchers have reported a relationship for some forms of delinquency, but not other forms. Finally, a number of researchers have found little effect of family structure, instead reporting that elements of family process (which we will look at next) such as affection, conflict, supervision, and overall home quality are more important predictors of delinquency. Very few of these studies offer a theoretical reason for their conceptualization of family structure. In Table 7.1,
FIGURE 7.4 Percentage of Children Ages 0–17 Living in Various Family Arrangements, 2014

*Includes children living with two stepparents.

Note: Data for 2014 exclude the nearly 229,000 household residents under age 18 who were listed as family reference persons or spouses.

TABLE 7.1 Theories to Potentially Explain the Impact of Family Structure on Juvenile Delinquency

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<tr>
<th>THEORETICAL ORIENTATION</th>
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<td>Normative orientation:</td>
<td>Strain theory</td>
<td>This theory would suggest that family structure is important because it may represent a stressful event in a youth’s life. In this argument, single-parent families might indicate that a youth has experienced the divorce of his or her parents or the death of one parent. Stepfamilies might also be considered stressful, in that there may be conflict between the stepparent and the youth as each learns how to interact with the other. Family structure might also represent a loss of coping mechanisms, if a youth turns to his or her parent for coping strategies but that parent is not living with the youth on a daily basis anymore.</td>
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<td>traditional in their approach to a view of family—in other words, they imply that families that stray from our understanding of the normative family are somehow broken or at a disadvantage while raising kids</td>
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<td>Social Control theory</td>
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<td>This theory might argue that family structure is important because it represents a difference or change in formal and informal controls in the family. In this sense, family structure might represent the argument that in some situations parents are less effective at parenting. For example, supervision may become more inconsistent in single-parent or stepfamilies than intact, biological families.</td>
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<td>Critical orientation:</td>
<td>Feminist theories</td>
<td>These theories focus on the lack of resources that accompany certain family structures. For example, many single-mother families experience a significant decrease in financial resources after divorce that seems to be linked to lower female labor force participation, lower earning power, differences in human capital investments, and differential child rearing responsibilities. Feminist scholars would argue that differences can be explained by a patriarchal society that privileges the work of men over the work of women. In this argument, it isn’t that single mothers are ineffective at parenting, rather, they are disadvantaged by a system that does not value their contributions equally.</td>
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<td>more critical in their approach to thinking about the relationship between family and delinquency. These theories focus less on the link between youth, their personal families, and delinquency, and more on the structural and cultural contexts that families must navigate in the United States.</td>
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<tr>
<td>Critical theories</td>
<td>These theories would focus on how family structure might impact the reaction youth receive for their misbehavior. For example, critical scholars might examine the official response to delinquency and whether family structure impacts this official response. Is it the case that youth who are from two-parent households may be more informally handled by the system, while youth from one-parent households are assumed to need the extra supervision and help that the juvenile justice system can provide?</td>
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we offer four theories that might help us understand a link between family structure and juvenile delinquency. In each of these instances, family structure may be the focus of the research, but we can see that family structure represents very different arguments for the relationship between family and delinquency in each case.

**What Exactly Is Family Structure?**

**Intact biological families versus non-intact families:** While it is sometimes difficult to tell, most research on family structure is of this nature. Research measuring family structure in this manner (in which stepfamilies and single-parent families would be considered non-intact families) has come to a variety of conclusions. Several studies have found very little relationship between family structure and juvenile delinquency, while other research has found that children from non-intact (or “broken”) homes are more likely to engage in delinquent behavior than children from intact homes.

**Two-parent families versus one-parent families:** Research measuring family structure as single-parent families versus two-parent families (in which stepfamilies are considered two-parent families with traditional intact households) has been inconclusive. Some
research has found very little relationship between the number of parents in the household and delinquency, while other research has found support for the hypothesis that family structure affects the likelihood of juvenile misbehavior. This measure of family structure has also been correlated more strongly with official delinquency than self-reported delinquency, and found to be a stronger predictor of male than female delinquency.

Intact biological families versus single-parent families versus stepfamilies: This more complex family structure measure has recently been used in delinquency research. Studies using this measure actually offer several variations, taking into account important differences between biological families, single-parent families, and stepfamilies by categorizing them separately. For example, Apel and Kaukinen devised a measure of family structure with thirteen categories to take into account intact families, single-parent families, stepfamilies, cohabitation, adoption, and foster families.

The few studies that have extended the family structure variable beyond a dichotomy have reported varying results. Apel and Kaukinen found that family structure was related more closely to delinquency once family structure was more explicitly defined. However, as with previous measures of family structure, some researchers found that while these measures had an effect on official forms of delinquency, they had very little effect on self-reported delinquency. Several such studies found no relationship between family structure and delinquency after the inclusion of such family processes as internal or direct control.

Family Process

When we ask our students what they mean by family issues or interactions, we get a long list of issues in the family that might affect juvenile behavior. Our students talk about how much love children get, how they are disciplined, whether they can learn delinquency from their siblings or parents, if they have a good relationship with their parents, whether their parents watch them or set boundaries, whether they are abused or treated poorly, and the level of support they feel from their parents. We are sure, with only a couple minutes of thought, you could add to this list. Researchers also believe that there are a wide variety of processes within the family that may affect juvenile delinquency. Four of the most often studied are attachment, supervision, conflict, and discipline.

Attachment

Levels of attachment in the family have long been successfully linked to juvenile delinquency. In general, studies have found that there is a relationship between attachment to parents and the likelihood to engage in delinquency. In other words, youth who report they are attached to their parents are less likely to misbehave. There are, however, several interesting variations: Attachment to mothers seems to be more important than attachment to fathers, and attachment is more important
Parent Responsibility Laws: Should the Parent Be Held Responsible for Youth Behavior?

All 50 states have parent responsibility laws that require parents to pay damages in instances when a youth engages in vandalism or other property damage, and at least 36 states have laws that attach criminal penalties for parents to youth behavior. An example of such a law is California Penal Code Section 270.1, which was signed into law in the fall of 2010 and went into effect on January 1, 2011. Below is the language of that law:

**CALIFORNIA EDUCATION CODE SECTION 48263.6**

*READS AS FOLLOWS:*

Any pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without a valid excuse for 10 percent or more of the school days in one school year, from the date of enrollment to the current date, is deemed a chronic truant, provided that the appropriate school district officer or employee has complied with Sections 48260, 48260.5, 48261, 48262, 48263, and 48291.

**CALIFORNIA PENAL CODE SECTION 270.1**

*READS AS FOLLOWS:*

(a) A parent or guardian of a pupil of six years of age or more who is in kindergarten or any of grades 1 to 8, inclusive, and who is subject to compulsory full-time education or compulsory continuation education, whose child is a chronic truant as defined in Section 48263.6 of the Education Code, who has failed to reasonably supervise and encourage the pupil’s school attendance, and who has been offered language accessible support services to address the pupil’s truancy, is guilty of a misdemeanor punishable by a fine not exceeding two thousand dollars ($2,000), or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment. A parent or guardian guilty of a misdemeanor under this subdivision may participate in the deferred entry of judgment program defined in subdivision (b).

**DISCUSSION QUESTION**

1. While the example of this California law targets “chronic truancy,” many of these laws use much broader language, for example, “contributing to the delinquency of a minor”; in these laws, youth misbehavior beyond just truancy could get parents in trouble with the law. What are the pros and cons of such a law? Can you think of any instances in which these laws would be used in an unequal manner? Do you think such laws may be effective in curbing juvenile delinquency?

if the parent and child are of the same sex, rather than in a cross-sex relationship. And while, we are sure, parents would love to think how much they report they are attached to their children has an effect on their children’s behavior, it seems to only be how much children are attached to their parents, not the other way around, that matters—although we would assume they are somehow related.30

**Supervision**

Supervision is a second extensively researched process within the family that is said to affect the likelihood of delinquency.31 Supervision can be direct (a parent either is with his or her child or has direct knowledge of what the child is doing or where the child is) or indirect (for example, a parent knows who her or his child hangs out with and has met the child’s friends). As with attachment, parents and youth disagree on how much supervision the child is under. It is fairly routine for parents to report they supervise their children more than the child feels he or she is supervised.32
Part 3: The Social Contexts of Juvenile Delinquency

Conflict

There is a fine line between conflict in the family and discipline techniques. Many researchers argue they overlap, and it is true that in a household in which discipline is erratic or harsh there is probably a lot of conflict, too. But, for our purposes, we are going to talk about family conflict separately from discipline. Most of the studies examining family conflict have found a relationship between levels of conflict and delinquency, although not all have found a relationship. What is most interesting to note concerning these studies is the varying ways that conflict is measured. Conflict is measured as the level of intermarital conflict (conflict between parents), the level of conflict between parents and adolescents, and the level of conflict between siblings. Juveniles who experience conflict with their parents or are subject to conflict between their parents are more likely to engage in delinquency than those who experience conflict with their siblings.

Discipline

Finally, the relationship between discipline and delinquency has been examined. Discipline has an interesting and confusing relationship with delinquency because unlike the previous processes mentioned, we can think about this process in two distinct ways. Generally, discipline is described in one of two ways (these conceptualizations do overlap, but it may be helpful to note the distinctions between the two). First, discipline has been conceptualized as the existence of punishment—a fairly straightforward measure of level of punishment or discipline. Second, discipline has been conceptualized as type of discipline rather than level or existence of discipline. This measure looks at the harshness or predictability of discipline rather than the mere existence of discipline. Both measures of discipline do show a significant relationship with juvenile delinquency—in other words, if a youth experiences harsh discipline or erratic/inconsistent discipline, she or he is more likely to engage in delinquency.

DIVERSITY AND THE FAMILY

Many studies have explored the differing effects that family might have on boys and girls and their delinquent activity. Much of this research posits that boys and girls are differentially affected by family structure or family process, that they experience strain in the family differently, or that they are differentially controlled in the family. Most of these studies are tied to theories we have already discussed in this book—social control theory, strain theory, and power-control theory—but all argue that somehow boys and girls experience the family differently.

Gender, Family, and Delinquency

Many studies have examined the effect of family processes such as attachment and supervision on gender differences in delinquency. Some of this research suggests that family is more likely to affect girls’ behavior than boys’. Girls have been found to have a stronger attachment to parents and that attachment to parents is more likely to limit female delinquency than male delinquency. But other studies suggest that boys are more strongly attached to parents than girls and that a strong attachment to parents is actually more likely to stop male delinquency.

Monitoring and supervision can also be related to gender in the family. Much of this research suggests that girls are monitored more than boys, although the studies are split on whether supervision is more likely to stop female delinquency or male delinquency.

A. Fagan, Van Horn, Antaramian, and Hawkins found that parents did treat boys and girls differently, but they did not find that girls were always treated better (leading to more
attachment and better supervision). In fact, they found that girls reported being supervised more consistently and having a strong attachment to their mothers, but they also reported having a much weaker attachment to their fathers and more family conflict. Fagan and his colleagues concluded that socialization is a gendered process in the family and that both the gender of the children and the gender of the parents contribute to the relationship between family and delinquency.

Carter Hay examined the effect of family conflict on gender difference in delinquency using the strain theory to suggest that boys might experience more strain in the family than girls (for example, corporal punishments, such as hitting or spanking) or that boys might process their strain in the family in different ways than girls (e.g., boys may act out in anger when they feel strain, whereas girls may not). Hay found that boys were more likely physically punished than girls, and this was a strain that increased delinquency (and, more important, Hay controlled for past delinquency, so the boys weren’t being physically punished because they were more delinquent than the girls). In addition, Hay found that while both boys and girls experienced a certain level of strain in the family, they were different in how they dealt with that strain. Girls experienced a high degree of guilt with their strain, and guilt is negatively associated with delinquency (i.e., the more guilt, the less delinquency). And, finally, while both boys and girls experienced strain and this had an effect on their behavior, strain had a much stronger effect on the likelihood boys would engage in delinquency than on the likelihood of delinquency for girls.

Intersections of Gender, Class, Family, and Delinquency

Many studies have examined the intersections of gender and class, gender and race, and class and race and the impact of family. In the first chapter, we discussed how the experience that most people have is not based on just their gender or their race or their class, for example, but is based on the intersections of these characteristics—for example, being a young woman in a working-poor home might be different from being a young man in a working-poor home or a young woman in an upper-class house.

One area that has examined these intersections is power-control theory, which looks at the impact of gender and class on how children are supervised and socialized and the impact this has on delinquency. We spent a good deal of time on power control as a theory in Chapter 4, but here we will report the findings of research that has used power-control theory to examine the effect of family on delinquency. Hadjar, Baier, Boehnke, and Hagan examined the usefulness of power-control theory to predict gender differences in delinquency on a cross-cultural sample of youth from Toronto, Ontario, Canada, and East Berlin and West Berlin, Germany (after reunification). This study compared the original model of power-control theory (since women are more likely in the home and men are more likely in the workforce, a patriarchal child-rearing pattern arises in which girls are controlled and expected to follow
In the News

Mothers’ Job Curb Urged in Drive on Delinquency

It is 1943, and women in the workforce are being blamed for delinquency. Specifically, legislators are arguing that a “deteriorating” home is the cause of delinquency and that broken homes are the cause of a deteriorating home life.

MOTHERS’ JOB CURB URGED IN DRIVE ON DELINQUENCY

Convinced that continued disruption of family life would ultimately lead to the necessity of adopting corrective measures for all children, the State Assembly Interim Committee on Juvenile Delinquency yesterday urged the enactment of laws which would prohibit the employment of mothers unless they could prove proper steps for the care of minor children had been taken.

At the same time the committee adopted a resolution calling upon Governor Warren to proclaim a special session of the Legislature for the enactment of this and other measures which the committee might later recommend.

HOME LAXITY BLAMED

The committee’s views were made known at a hearing conducted in the State Building where testimony of more than a dozen representatives of public and private agencies dealing with delinquency was unanimous in the opinion that “deterioration” of home life is the chief cause of juvenile crime.

Most outspoken witness on the subject was Harold A. Slane, member of the California Youth Authority, who reported that more than 80 per cent of the juveniles whose cases have come before his agency are victims of broken homes—broken by divorce, by an attempt of both parents to work outside, or by sheer parental neglect.

Slane also attributed much of the delinquency to use of liquor by minors in spite of the great efforts made by the State Board of Equalization to prevent sales to minors.

Another problem about to fall to California, Slane added, will be forthcoming with the advent of a program initiated with some war industries to employ high school children for interspersed periods of four weeks. During these periods, Slane said, he feared there would not be sufficient supervision for these children outside of actual working hours.

Similar views were given to the committee by Paul J. McKusick, superintendent of the Fred C. Nelles School for Boys at Whittier. He said that of the 390 boys in the school and the 300 more on parole from the institution, the great majority were originally detained on theft charges. These boys, McKusick told the committee, seldom received proper supervision at home.

The committee also heard like views from Dist. Atty. Howser and from the members of the California Business Women’s Council, whose members appeared under the direction of the organization’s Los Angeles chairman, Mrs. Rosalind G. Bates, an attorney.

Discussed Questions

1. Is there a link between women in the workforce and broken homes?
2. What else was happening in 1943 that might have had an impact on youth and their behavior?
3. Could there be other political reasons linked to the late 1930s and early 1940s that might have caused legislators to want women to curb their workforce participation?
4. Do you think that the state should be able to call on women to not work?
5. Why not call on men to not work?

the rules more than boys, who are encouraged to break the rules more). However, the study acknowledges that in the last part of the 20th century and the first part of the 21st century, female labor force participation has been increasing, and a structural measure of class (that focuses on women remaining out of the labor force) does not accurately portray the realities of parenting today, and therefore an attitudinal measure of patriarchy was also used.

Hadjar et al. found that because of its history, in East Berlin,

“real socialism” clearly has found its way into structural gender relations: more mothers work in East Berlin, and they work in relatively higher positions than in the West, that is, in Toronto and West Berlin. This difference is reflected in lower preferences for patriarchal gender roles among sons and daughters in East Berlin.53

In all three cities, stronger monitoring and control of girls is related to gender differences in delinquency—girls were less likely than boys to act out in delinquency. Class was found to have an interesting impact on patriarchal attitudes, although not the same relationship across all three cities. In East Berlin, structural patriarchy and patriarchal attitudes were linked to the lower class, in which it was much more likely only one parent was working, while in West Berlin, structural patriarchy and patriarchal attitudes were found in the upper class, where the family could afford to have the mother stay home.

Intersections of Race, Gender, Class, Family, and Delinquency

Mack and Leiber examine the intersection of race, class, and gender in their study of family and delinquency.54 Specifically, they are testing the argument that because there is no adult male in single-mother households, these households by definition cannot have structural patriarchy. According to Hagan, Simpson, and Gilles, single-mother households are a “special kind of egalitarian family type” because “fathers are not an integral part of such households, there should be no manifest power imbalance between parents.”55 However, Mack and Leiber argue that it is too simplistic to think of single-mother households this way. In their study, they find that, instead of boys and girls having similar levels of delinquency (which would be the case in an egalitarian household), both white and black single-mother households have strong gender differences in delinquency. They also argue that given both the historical experience of black families and current social disadvantages, perhaps black single-mother households would be less patriarchal than white single-mother households. In this case we would see fewer gender differences in delinquency in black families than in white families. However, their study found strong gender differences in delinquency in both black single-mother and white single-mother households, thus suggesting that black households may not be less patriarchal. Mack and Leiber conclude that perhaps these gender differences in a household type (single mother) that power-control theory would suggest would see little gender difference can be attributed to strains that exist from the creation or continued existence of the single-mother family.56 In other words, perhaps in the context of family structure (single families to be specific), strain theory is more equipped to explain gender and race differences in delinquency than power-control theory.

CHILD MALTREATMENT

We can discuss the importance of child maltreatment to many aspects of delinquency. Given its importance to the creation and structure of the juvenile justice system, we have opted to have an extensive discussion of the justice system response to child maltreatment in the last section of the book. In this chapter, we will discuss the nature and extent of child maltreatment as well as the relationship that child maltreatment might have to juvenile delinquency.
The Key National Indicators of Well-Being give us a picture of the likelihood of maltreatment for children in the United States. The definition of child maltreatment includes two categories: abuse and neglect.

- Abuse is characterized by overt aggression, and can be categorized in three ways:
  - **Physical abuse** includes kicking, hitting, throwing, burning, stabbing, biting, shaking, or otherwise physically accosting another individual.
  - **Emotional abuse** is the constant criticism, rejection, or demeaning of the child.
  - **Sexual abuse** refers to rape, molestation, and incest. Familial sexual abuse can be perpetrated by a parent, an older or more powerful sibling, another family member, or a legal guardian and can include both encouraging and rewarding inappropriate sexual behavior or the use of threats or force to engage in sexual acts.

- Neglect is characterized by deprivation or the failure to provide for a child’s basic needs, and can also be categorized in three ways:
  - **Physical neglect** means the child incurs a physical harm from the deprivation.
  - **Educational neglect** is characterized by the failure to meet the child’s educational needs, such as neglecting to enroll the child in school or allowing chronic truancy.
  - **Emotional neglect** refers to ignoring the child’s need for affection or engaging in the abuse of others, such as spousal abuse, in front of the child.57

Figure 7.5 shows the gender differences in maltreatment from the National Survey of Children’s Exposure to Violence II. While the data explore exposure to many more violent and abusive situations than maltreatment in the family, for our purposes here we can see that boys are more likely to be exposed to physical abuse in the family than girls, while girls are more likely to be exposed to emotional abuse. There is no difference in the exposure to neglect in the family that boys and girls experience.

The data in Figure 7.6 are gathered from state reports to the National Child Abuse and Neglect Data System, and unfortunately not all states report every year. For this reason, we should be skeptical about discussing trends across years. However, the age at which children are most likely to be maltreated is likely more reliable. Figure 7.6 shows that the youngest children (those under 1 year old) have the highest rates of maltreatment (in 2013, 24 per 1,000 children), with the oldest children having the lowest rates of maltreatment (in 2013, 5 per 1,000 children). In addition, higher rates of maltreatment were reported for females than males between the ages of 0–17 (10 incidents per 1,000 for females vs. 9 incidents per 1,000 for males). Finally, black children had the highest rates of maltreatment (16 per 1,000), followed by American Indian and Alaskan Native children (14 per 1,000), Latino children and white children (both at 9 per 1,000), Native Hawaiian and Other Pacific Islander children (8 per 1,000), and Asian children (2 per 1,000).
FIGURE 7.5  Gender Differences in Maltreatment, 2011

![Graph showing gender differences in maltreatment rates for both past year and lifetime categories.](image)


FIGURE 7.6  Rate of Substantial Maltreatment Reports of Children Ages 0–17, by age, 1998–2013

![Graph showing rate of maltreatment reports from 1998 to 2013 by age group.](image)

Note: The count of child victims is based on the number of investigations by Child Protective Services that found the child to be a victim of one or more types of maltreatment. The count of victims is, therefore, a report-based count and a “duplicated count,” since an individual child may have been maltreated more than once. The number of states reporting varies from year to year. States vary in their definition of abuse and neglect. Data since 2007 are not directly comparable with prior years as differences may be partially attributed to changes in one state’s procedure for determination of maltreatment.

It is expected that younger children are more likely to bear the brunt of maltreatment given that neglect is the most likely form of maltreatment, and those least capable of caring for themselves are the most likely to be neglected. Children are also more likely to be victims of certain types of maltreatment (see Figure 7.7) depending on their age; younger children are more likely to experience physical neglect, while older children are more likely to experience sexual abuse.59 Figure 7.8 lists some of the signs that may indicate child abuse or neglect.

**CHILD MALTREATMENT AND DELINQUENCY**

Probably more than any other “family” factor our students believe that abuse in the family has an effect on juvenile delinquency. And much of the research on child maltreatment and later violent behaviors supports this belief. However, we offer a cautionary note at the start of this section. The relationship between child maltreatment and delinquency is more complicated than the most simplistic discussions of the “culture of violence” or intergenerational transmissions of violence offer. Less in the research, and more in the general public, we can see a deterministic quality to the discussions. In these discussions we see students suggesting that “if you are abused you learn to abuse others” or “if your parents hit you, all you know is to hit your kids when you have them.” We caution that the relationship is much more complicated than that. While abuse appears to be linked, under certain conditions, to several forms of delinquency, many children who are abused grow up never engaging in violence. Mersky, Topitzes, and Reynolds caution,

Despite consensus that exposure to maltreatment increases a child’s risk of committing future delinquent and criminal acts, it is also recognized that many victims overcome early adversities. Rather than inevitably becoming “murderers and perpetrators of other crimes of violence,”60 many maltreated children commit

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**Physical abuse:** Abuse that includes kicking, hitting, throwing, burning, stabbing, biting, shaking, or otherwise physically accosting another individual.

**Emotional abuse:** The constant criticism, rejection, or demeaning of a person.

**Sexual abuse:** Abuse that consists of rape, molestation, incest, and other sexual assaults.

**Physical neglect:** Deprivation that results in physical harm for a child.
less serious offenses or avoid criminal activity altogether. Therefore, research should aspire to differentiate maltreatment victims who do not offend from victims who commit various types of violent and nonviolent offenses.

So the trick for researchers is to figure out what those conditions might be. And the trick for us, as members of society, is to figure out how to take what is often spoken about as an individual-level problem and elevate the discussion to one that acknowledges the role of our societal beliefs (e.g., the belief that families are private and we should not interfere with child-rearing practices or individual parental decisions except under the most dire of situations), the role of social structures (e.g., the safety nets that American society has in place for families in general or victims of domestic violence in particular), and such institutionalized privileges as patriarchy.
Many studies have focused on the impact that physical abuse has on later exhibitions of violence and report that physical abuse is consistently a predictor of youth violence. However, as we saw earlier in this chapter and as Yun, Ball, and Lim argue, physical abuse is a much less likely form of child maltreatment than neglect, yet the effects of neglect on juvenile delinquency are far less studied. In addition, Yun et al. note that many of the studies that examine a relationship between abuse and delinquency use small samples of children who have some sort of unique characteristic (the sample is a single race of people, or all people live below the poverty level, or all people have been treated, formally, for abuse). In their 2011 study, Yun et al. found using a nationally representative sample (in other words, the sample had the characteristics of a general sample of U.S. citizens) that physical abuse was not related to later violent behaviors (although they acknowledge that their measure of abuse may not have been as severe as studies that focus on children who have been treated formally for abuse), but instead neglect (measured as being left home alone and unmet basic needs) and sexual abuse were predictors of later violence.

Baglivio, Epps, Swartz, Huq, Sheer, and Hardt examined the prevalence of adverse childhood experiences in the lives of juvenile offenders and found that in many instances, there was a slight gender difference in the experiences of boys and girls who end up in the juvenile justice system (see Figure 7.9). When evaluating this figure, we should note that in every category, girls in the juvenile justice system are more likely than boys in the juvenile justice system to have experienced an adverse childhood experience, but some of those differences may not be significant. For example, 84% of girls and 81% of boys in the juvenile justice system have experienced family violence. We would say that, basically, girls and boys experience family violence equally (that makes intuitive sense, right?). But 31% of girls and 7% of boys in the juvenile justice system have experienced sexual abuse; that is a significant difference (the difference is big enough to say that girls are more likely to experience sexual abuse and end up in the juvenile justice system than boys).

In addition to the type of maltreatment (physical abuse, sexual abuse, neglect) another way to think about the complications of maltreatment and delinquency is when that maltreatment occurs. Does it matter if a child is abused very early in life or as an adolescent when it comes to the likelihood that he or she will engage in delinquency? Interesting question, isn’t it? Mersky et al. studied whether early or late abuse had an effect on the likelihood of engaging in delinquency. They found that maltreatment that occurred early (in childhood) was related to both delinquency and adult crime; they also found that maltreatment that occurred later (in adolescence) was related to delinquency, but it was much less strongly related to adult crime. Thornberry, Henry, Ireland, and Smith, on the other hand, found that both childhood and adolescent maltreatment were strong predictors of adult crime.

Another study by van der Put, Lancot, de Ruiter, and van Vugt examined child maltreatment and difference in offending behavior among male and female probationers under the age of 18 and found that the type of maltreatment did predict different behaviors in boys and girls. In a study examining juvenile probationers who had either been not mistreated or abused physically, sexually, or in multiple ways, the researchers found that those who had been physically abused or abused in multiple ways were more likely to be arrested for violent offenses than those who were not maltreated. In addition, boys who had been sexually abused were more likely to be probationers for sexual offenses than probationers who had not been sexually abused (note, this study was conducted on probationers in general; both the victims of maltreatment and those who had not been victimized were already in the system, so the study identified the types of crimes they might be in for but not whether they engaged in delinquency in the first place).

Studies suggest, then, that maltreatment and delinquency are related, but we should be mindful of the conditions under which these relationships are more likely to exist.
FIGURE 7.9 Prevalence of Adverse Childhood Experiences (ACE) by Gender in the Lives of Juvenile Offenders

Moving from an examination of individual factors to one in which we assess contextual or larger societal factors, we will examine the special circumstances that have arisen when examining the impact of abuse on girls, specifically.

**Girls, Abuse, Running Away, and Delinquency**

A substantial amount of research is devoted to the experience of girls and their responses to abuse, especially sexual abuse. One specific response that receives a lot of attention is the relationship between abuse and the likelihood of running away. Are girls more likely to be abused? When they are abused, are they more likely to run away? And how many youth, in general, run away?

Tracking and counting runaways is more of an art form than a science. When we talk about runaways, are we talking about youth who run away to become homeless? Or just leave the house they are in for another, friendlier, dwelling? For the purposes of our discussion, we will assume running away means ending up on the streets. We have only estimates of the number of youth who run away, and those estimates often vary. Greene, Ringwalt, Kelley, Iachan, and Cohen reported that in 1992, approximately 2.8 million youth between the ages of 12 and 17 ran away from home. In 1999, the estimate was that 1.7 million youth between the ages of 7 and 17 had a runaway or throwaway experience. And in 2002, the National Survey on Drug Use and Health estimated that about 1.6 million youth between the ages of 12 and 17 had slept on the street in the previous year because they had run away from home. It is unlikely that the estimates vary that much from year to year because the incidence of running away varies that much—this is much more likely an illustration of exactly how hard it is to get an accurate account of youth who run away and sleep on the street.

While there are many reasons why youth run away from home, family difficulty is the most likely reason that youth run away, and child abuse and sexual abuse are the most prevalent family difficulties linked to running away. While both sexual abuse and other abuse are strongly related to running away, girls who have run away are more likely to report sexual abuse than boys who have run away.

Chesney-Lind argues that this connection between the likelihood of being sexually abused and running away for girls is a pathway to delinquency and continued victimization both on the streets and by the juvenile justice and adult justice systems. Calling it “the criminalization of girls’ survival strategies,” Chesney-Lind argues that the juvenile justice system heaps added problems onto the shoulders of girls just trying to escape their abuse by arresting them for running away after they have left home.

Beside the fact that runaway girls are more likely to report sexual abuse than runaway boys, why does this issue become a gendered one? We will explore this issue more fully when we examine the experience of girls in the juvenile justice system in the last section of this book, but a quick answer here is that studies tell us that the response to running away from the justice system in particular and society in general is gendered. While estimates suggest that boys and girls are equally likely to run away, girls are more likely to be arrested and punished for running away. This means that girls who are merely looking to end their abuse are treated as delinquents, and running away becomes the first step in a long path through the juvenile and adult justice systems.

**PARENTS IN PRISON**

In 2012, approximately 2.6 million children under the age of 18 had an incarcerated parent in federal or state prison (see Figure 7.10). How could it possibly be that so many kids in the United States have to visit a prison to see one of their parents? One of the
strongest factors is the rate at which the United States has been incarcerating its population over the last 30 years. The incarceration rate (also known as the imprisonment rate) has increased significantly, (see Figure 7.11), and as would be expected many of those who have been incarcerated have minor children. A majority of inmates report having minor children—52% of inmates in state facilities and 63% of inmates in federal facilities. These data are limited in several ways. One of the problems with all of these estimates is that they have been collected from surveys of both federal and state inmates. So we only know about the children that inmates want to tell us about. If parents

DISCUSSION QUESTION

1. What family interventions might be created in order to lower the risk of LGB youth becoming homeless?

It is estimated that 5% of all youth experience homelessness in any given year. These episodes stem from running away or being “throwaways” (youth whose parents have kicked them out of the house). One of the largest subpopulations of runaway youth are lesbian, gay, and bisexual (LGB) youth, with estimations between 15% and 36% of all homeless youth being LGB. Rosario, Schrimshaw, and Hunter examined the effect that running away had on LGB youth. In past studies, homeless LGB youth have been found to exhibit more anxiety, depression, substance abuse, and misconduct than homeless heterosexual youth, but the research had never explored whether LGB youth experienced increased strain on the streets that led to more problems, or experienced increased strain prior to becoming homeless. This study compared the experiences of LGB youth who had reported being homeless with those who reported never experiencing homelessness. Of 156 youth interviewed, 75 reported a history of homelessness—57 reported running away, 38 reported being “throwaways,” and 20 reported being both. Eighty-one youth reported never being homeless.

The researchers found that homelessness for LGB youth was directly linked to later substance abuse and indirectly linked to misconduct. A useful mediating factor was social support from friends and family. Rosario et al. concluded that to reduce conflicts (gay-related or otherwise) may serve both to reduce stress and the likelihood of repeated cycles of homelessness. (e.g., Milburn et al. 2009; Slesnick & Prestopnik, 2005; see Arnold & Rotheram-Borus, 2009, for review). To the extent that the stressors experienced are due to victimization or harassment by peers, intervention programs that seek to reduce peer victimization (e.g., gay-straight alliances and enforcement of anti-bullying policies in schools) can reduce experiences of anti-gay victimization (Chesir-Teran & Hughes, 2009; Goodenow et al., 2006; Walls et al., 2010). Programs designed to provide social support to LGB youth (e.g., gay-straight alliances or gay youth centers) may serve to establish new, more supportive friendships that can replace or counter negative relationships. It is critical that interventions to reduce stress and provide support are accessible to LGB youth with a history of homelessness or who are currently homeless, given the findings demonstrate resources are needed by these youth.
Gay teens are some of the most vulnerable youth, with many experiencing alienation from family and subsequent homelessness. What might be done, structurally, to reduce the level of homelessness for gay teens?

In addition to the diversity across states, parental incarceration does not affect all children equally. In 2008, 1.8% of white children, 11.4% of black children, and 3.5% of Latino children had at least one parent incarcerated (see Figure 7.12). This means that black children are 6 times more likely to have a parent incarcerated than white children and almost 3 times more likely than Latino children to have a parent incarcerated. Latino children are almost 3 times more likely to have a parent incarcerated than white children. These differences are created by a combination of factors. First, black and Latino adults have a higher rate of incarceration given their population than do white adults, but black and Latino men are also more likely to be parents when incarcerated than white men. Although black, Latina, and white women are all equally likely to be held in state prisons, Latinas are more likely to be mothers in federal prison than are white women.

Western and Wildeman highlighted the significant impact of incarceration on black communities, families, and children in particular:

The combination of high incarceration rates with a large proportion of fathers among inmates means many children now have incarcerated fathers. . . Just as incarceration has become a normal life event for disadvantaged young black men, parental incarceration has become commonplace for their children. . . The prevalence of marriage and fatherhood among prison and jail inmates tells us something about the incapacitation effect of incarceration. Men behind bars cannot fully play the role of father and husband. Single incarcerated men are unlikely to get married while they are locked up. On the outside, the incapacitation effect takes the form of lopsided gender ratios of poor communities. For example, in the high-incarceration neighborhoods of Washington, D.C., there are only sixty-two men for every one hundred women. Studying U.S. counties, William Sabol and James Lynch (1998) quantify the effects of the removal of men to prison. After accounting for educational attainment, welfare receipt, poverty, employment, and crime, Sabol and Lynch find that the doubling of the number of black men admitted to prison between 1980 and 1990 is associated with a 19 percent increase in the number of families headed by black women.

In addition to the impact of race and ethnicity on the experiences of children and incarcerated parents, gender is a factor impacting the experiences of these
One of the challenges for children of incarcerated parents is living arrangements and visitation. While some children can live with their incarcerated mothers (up to a certain age), in other facilities there are no such accommodations. In addition, women, especially, are often housed far away from their children because there are few facility options for women.

**FIGURE 7.10** The Number of U.S. Children With an Incarcerated Parent, 1980–2012


children. Both men and women inmates report that they are parents. In fact, while there are more female inmates in state prison who report being parents than male inmates (61.7% vs. 51.2%), there are actually more men in federal facilities who report being a father than women who report being a mother (63.4% vs. 55.9%). However, there are significant differences in the living arrangements of these parents before incarceration and the living arrangements of their children after incarceration. Mothers were over 3 times more likely to be in a single-parent household before arrest than a two-parent household, while fathers were equally likely to be in a single-parent or two-parent household.

Note: Count based on all prisoners under the jurisdiction of state and federal correctional authorities.


FIGURE 7.12  Percentage of Children With an Incarcerated Parent, by Race/Ethnicity

Why is this important? It is most important for the caregiver implications after a parent has been incarcerated (see Table 7.2). When a father is incarcerated, a significant majority of children are cared for by the other parent (88.4%). This means that although the arrest and incarceration of a parent might be extremely traumatic, it is not compounded by the trauma of also having new caregivers. In contrast, when mothers are incarcerated, only 37% of children remain with the other parent. More children in these situations end up living with a grandparent (44.9%) than their other parent. These gender differences also impact the percentage of children who end up in foster care. Incarcerated mothers are almost five times more likely to have their children end up in foster care than incarcerated fathers. In some states this has quite an impact on parental rights because there can be strict guidelines about how long a child can remain in foster care before his or her parent loses his or her parental rights. In many states, these time limits are so short that even short prison sentences mean that parents may lose their rights (see discussion below under Foster Care and Foster Youth).

### The Impact of an Incarcerated Parent

You may be asking yourself why we would spend time discussing parents in prison in a text on juvenile delinquency. We hope at this stage that you see that something like parenting and incarceration has a significant impact on the family and many of the issues we have outlined in this chapter. What do studies say specifically about the effect of parental incarceration on children? The impact of having an incarcerated parent cannot be overemphasized. Studies tell us that children of incarcerated parents experience more upheaval in their lives—they are more likely to live with a caregiver who abuses drugs, experience sexual and physical abuse, and move residences (and caregivers) multiple times.88 But in addition to violence and upheaval specifically, children were more likely

<table>
<thead>
<tr>
<th>CHILDREN'S CURRENT CAREGIVERa</th>
<th>TOTAL</th>
<th>MALE</th>
<th>FEMALE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other parent</td>
<td>84.2%</td>
<td>88.4%</td>
<td>37.0%</td>
</tr>
<tr>
<td>Grandparent</td>
<td>15.1%</td>
<td>12.5%</td>
<td>44.9%</td>
</tr>
<tr>
<td>Grandmother</td>
<td>14.0</td>
<td>11.6</td>
<td>42.1</td>
</tr>
<tr>
<td>Grandfather</td>
<td>4.3</td>
<td>3.6</td>
<td>12.0</td>
</tr>
<tr>
<td>Other relatives</td>
<td>6.2%</td>
<td>4.7%</td>
<td>22.8%</td>
</tr>
<tr>
<td>Foster home or agency</td>
<td>2.9%</td>
<td>2.2%</td>
<td>10.9%</td>
</tr>
<tr>
<td>Friends, othersb</td>
<td>2.9%</td>
<td>2.4%</td>
<td>7.8%</td>
</tr>
<tr>
<td>Estimated number of parents in state prison</td>
<td>636,300</td>
<td>585,200</td>
<td>51,100</td>
</tr>
</tbody>
</table>

aIncludes all parents with minor children. Detail may sum to more than 100% because some prisoners had multiple minor children living with multiple caregivers.

bIncludes inmate’s friends, friends of the inmate’s children, cases where the parent reported that the child now lived alone, and others.

to live in poverty, in single-parent households, and with inadequately educated caregivers, and to witness more domestic violence. Many of these children are more likely to exhibit both emotional and behavior problems.

Many of the studies that examine the effect of an incarcerated parent on a child’s well-being are small and methodologically limited (for example, early studies did not follow children over a period of time to see what the long-term or lasting effects of parental incarceration might be). These small-scale studies report significant impacts on children. Children of incarcerated parents may experience trauma, anxiety, guilt, sadness, withdrawal, shame, and fear. In addition to these psychological issues, children may experience a decline in school performance, difficulty sleeping, concentration problems, and truancy. Given the significant incarceration rates in the United States, more research on the effect of parental incarceration on child well-being is necessary.

We started this chapter by introducing you to Children of Incarcerated Parents: A Bill of Rights. Given what we have discussed in this chapter—the impact of family structure and family process, and the effect of conflict, family stress, and neglect on the behavior of youth—what responsibility do we, as a civil society, have to protect children in this unique position? Should we adopt such a bill of rights?

**FOSTER CARE AND FOSTER YOUTH**

Finally, we can discuss the impact of the foster care system on the experiences and outcomes of youth who have been removed from their families. We go into extensive detail discussing the foster care system itself in Chapters 12 and 13 while discussing the juvenile justice systems and correctional alternatives, but foster care also has an impact on the experiences of youth that may end in delinquent behavior.

Tracking those in foster care is a tricky thing because each juvenile entering the system has a different journey through. One of the ways to understand the nature and extent of the system is to take a “snapshot” on a given day and describe the system on that day. Each year on September 30 that snapshot is taken. We call this a “point in time” statistic. It is estimated that there were 415,129 children in foster care on September 30, 2014. Of those juveniles in care on that day, there was a goal of reunification with their parents for 55%, a goal of adoption for 25%, a case plan had not been put in place for 5%, emancipation (the right to take care of oneself) was the goal for another 5%, and the last 11% had a goal of some long-term care, either in group homes, with a guardian, or other relative.

Although the goal for 55% of youth is to unify them with one or more of their parents again, this means that 45% of youth are likely to have a different outcome. One of those outcomes is the termination of parental rights so that the child can be adopted or placed in long-term care. Each state has its own standards for the termination of parental rights. The Adoption and Safe Families Act (ASFA) does require that state agencies file a petition to terminate parental rights if a child has been in foster care for 15 of the most recent 22 months, with a few exceptions (one of which is if the child is staying with a relative). Given what we just discussed in the section on incarcerated parents, how does this policy potentially disproportionately impact certain people?

Juveniles can enter foster care between the ages of 0–17 (and may be able to stay beyond the age of 18), but the median age of entry to the system in 2014 was 6.4 years old (see Figure 7.13). Of the estimated 415,129 children in foster care on September 30, 2014, it is estimated that 42% were white, 24% were black, 22% were Latino, 10% were multiracial or other races, and 3% were of an unknown race or ethnicity (see Figure 7.14).
Children can enter foster care from infancy up to age 18 years (and sometimes older)\(^6\). The median age of the children in foster care on September 30, 2014, was 8.0 years.\(^7\) The median age of children entering foster care during FY 2014 was 6.4 years.\(^7\) The median age of children exiting foster care during FY 2014 was 8.0 years.\(^7\)

### Trends

From FY 2006 to FY 2014, the median age decreased for each of the three timeframes (see exhibit 6). From FY 2005 to FY 2014, the median age decreased for each of the three timeframes (see exhibit 6).

**Race and Ethnicity**

AFCARS tracks children’s race or ethnicity. The percentage of Black children in care on September 30, 2014, decreased between FY 2005 and FY 2014, while the percentage of White children, Hispanic children, children of other races or multiracial children, and children of unknown race increased (see exhibit 7).

\(^6\) Some States allow children to remain in foster care to age 19, 20, or 21. The fostering Connections to Success and Increasing Adoptions Act of 2008 gives States the option to extend title IV-E assistance to youth ages 18 to 21, with certain stipulations. For more information, see Information Gateway’s web pages on foster care.

\(^7\) The median refers to the number in the middle when all numbers are placed in order. In this case, it means that an equal number of children are older and younger than this age.

\(^8\) "Other races or multiracial" includes American Indian/Alaskan Native, Hawaiian/Other Pacific Islander, and two or more races.
Remember that children who end up in the foster care system have often had quite traumatic experiences even before they enter the system. This trauma, in addition to a system that is often bureaucratic at best and abusive at worst, impacts the experiences that juveniles have in school.

When the state intervenes to remove a child from his or her parents or guardian, it does so out of concern for the child’s immediate safety and in the wake of an investigation that confirms abuse and/or neglect. Yet even as the safety of foster children is protected by this drastic measure, another set of hazards to their immediate and long-term well-being emerges. Prominent among these is a lack of attention to the education needs and potential of foster youth—a lack of attention that in many ways constitutes another form of damaging neglect.

In fact, compared to other children, foster youth are more likely to be absent from school, more likely to receive disciplinary referrals, and more likely to perform below grade level. This means that more foster youth are likely to be placed in special education (25–52% of foster youth, compared to 10–12% of other students), they are less likely to complete high school (one estimate says that up to 46% of foster youth do not graduate from high school), and they do not attend college (fewer than 3% go to a four-year college).

These educational problems lead to problems as foster youth become adults. Estimates of the outcomes for foster youth just out of foster care find that within the first 2 to 4 years after aging out of the foster care system, 51% of these young adults are unemployed, 40% are on public assistance, 25% become homeless, and 20% will be incarcerated.

Less research has examined the likelihood of engaging in delinquency as a foster youth. Some research has documented that up to one-third of foster youth end up arrested while in care. A few studies have linked this increase in delinquent behavior to the quality of care while in the system and the strain of an unstable environment. This calls for us to become more aware of the experiences of youth while they are in foster care. It is true that some youth may need to be removed from their families to keep them safe, but if their experiences while in foster care lack stability and attachment, how much good has the system really done?

**SUMMARY**

The one constant about the family is that it is always changing. Now more than any other time in the last 100 years, children in the United States live in family forms alternative to the traditional two-parent (often assumed biological) family. While the unmarried birth rate in the United States has been increasing since 1980 for most age groups, girls between the ages of 15 and 19 have seen a declining unmarried birth rate. This birth rate is impacted by race and ethnicity. While there has been a long-term decline in the adolescent birth rate for all races and ethnicities, overall there is still a large disparity with Latina girls having the highest birth rate and Asian and Pacific Islander girls having the lowest birth rate in 2009.

While we should be skeptical of reporting the trends in child maltreatment because there is not always consistent reporting across states or years in the extent of maltreatment, we can examine the nature of maltreatment and extent by age. We find that neglect is the largest type of maltreatment, and that young children (under the age of 4) are more likely to be neglected than older children.

The relationship between family and delinquency is a complicated one, and one that has been studied extensively. While family structure is often assumed
to be strongly linked to delinquency, research highlights several issues about which we must be aware. First, there are many different ways of measuring family structure, and these various definitions (non-intact vs. intact home, single- vs. two-parent homes, or a complicated measure including step-families, foster families, and grandparents) have different relationships to delinquency. Second, if we examine the impact of family structure and family process together on delinquency, it is sometimes the case that family structure is no longer a predictor of delinquency. Third, family process seems to be a strong predictor of delinquency, with such measures as attachment, supervision, conflict, and discipline impacting the likelihood that juveniles will misbehave.

Child maltreatment also has a complicated relationship to delinquency. There is some research that finds a relationship between physical or sexual abuse or neglect and various types of delinquency. However, other researchers are less focused on maltreatment as a predictor of juvenile misbehavior, and more focused on how societal reactions to juveniles who have been maltreated impact their later experiences in the juvenile justice system. These researchers focus on the gendered nature of these reactions, in which girls are often criminalized for their survival techniques that include running away from physical and sexual abuse. Once these girls are arrested for running away, they are much more likely to have an extended history of arrest and interaction with the juvenile justice system.

Finally, the imprisonment of parents has become an increasing problem in the United States. As the incarceration rate in the United States has increased, so has the likelihood that children have a parent in prison. This dynamic of incarcerating parents (and most likely fathers) has a variety of implications for the family, from the likelihood that for certain populations in the United States such as black families, there is a significant increase in the number of single-mother households due to incarceration, to the detrimental effects of watching a parent being arrested, to the impact on youth behavior and misbehavior.

**EYE ON DIVERSITY EXERCISE: PARENTING IN PRISON**

The policy for visitation or parenting in prison varies by state, and in some instances institutions within the state. Examining the nearest male and female prisons in your state, what is the policy for visitation with children? Are these policies different across the two prisons? Does either prison offer a “parenting in prison” program where children get to come for extended visits or live with their parents while they are incarcerated? If so, what are the parameters of the program? If no such program exists, would you advocate for one, and what would the parameters of your program be? In many states, if juveniles engage in serious crime, they may be sentenced and incarcerated beyond the age of 18. What are the visitation policies of the juvenile correctional facility near you? While there is a bit lower chance that juveniles incarcerated will have children at the time of their incarceration, some might. Are there any juvenile correctional facilities in your state that have “parenting in prison” programs?

**DISCUSSION QUESTIONS**

1. What is the relationship of family structure and delinquency? Does it matter if we think of family structure as representing a stressful event such as divorce, or if we think of family structure as representing the amount of resources available to a child?

2. What do we mean by family process? What is the impact of family process on delinquency?

3. Explain the intersections of race, gender, and class on the relationship between the family and delinquency.
4. Explain the nature and extent of child maltreatment in the United States. Discuss the relationship between child maltreatment, delinquency, and the juvenile justice system.

5. How does increasing incarceration (mass imprisonment) affect the family in general, youth in particular, and juvenile delinquency?


7. In many states, there are guidelines for how long a child can remain in foster care before the state starts the process of terminating the rights of the parent. What are the guidelines for your state? What are the instances in which you believe that terminating parental rights is warranted? Is going to jail enough to start the termination process? Should it depend on the crime for which the parent is incarcerated? Is there ever a reason to terminate parental rights? How do these policies disproportionately affect people of color and women?

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**KEY TERMS**

Abuse 198
Attachment 192
Child maltreatment 198
Discipline 194
Educational neglect 199
Egalitarian household 197
Emotional abuse 199
Emotional neglect 199
Family conflict 194
Family process 192
Family structure 191
Incarceration rate 205
Neglect 198
Parental rights 206
Physical abuse 199
Physical neglect 199
Sexual abuse 199
Supervision 193
Throwaways 205

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**CHAPTER PRETEST ANSWERS**

1. True 5. False 9. True
2. False 6. True 10. False
3. True 7. True 11. True
4. False 8. True 12. True

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