**Introduction**

How do the criminal justice system and the child welfare system overlap? Criminal justice reforms of the 1980s and 1990s increased police presence on the streets, introduced longer prison sentences, and a longer wait time for parole eligibility. These policies have disproportionately impacted people of color, with estimates indicating that nearly two-thirds of the incarcerated population is non-White. As a result of this growing prison population, more children experience the arrest and incarceration of a parent.

Some degree of overlap between the criminal justice system and the child welfare system is expected because the risk factors for arrest and incarceration and child maltreatment are similar. Researchers have therefore asked: does the arrest and incarceration of parents directly cause children’s placement in foster care? This report examines CPS case records, placement policies, criminal recidivism and its relationship to child abuse cases, and makes suggestions for policy, practice and future research.

**Findings**

- Parental arrests do initiate CPS involvement with children—in 20% of child maltreatment cases.
- Case workers do use parents’ criminal histories to determine child placement into foster care. In 75% of cases, children had a parent with a criminal record.
- Case workers often determined relatives were not suitable placement alternatives due to their criminal histories. In about 25% of cases, relatives had criminal records.
- In 15% of cases, CPS agencies became involved with children while their parent(s) were in prison.

**Recommendations**

- Policies are needed that address the appropriate use of criminal history information in CPS decision-making.
- CPS administrators should ensure that policies using criminal history in decision-making are grounded in research that examines the link between criminal activity and risk for child maltreatment.
- Existing policies using criminal history should be examined to determine the extent to which children of color are disproportionately impacted.