

## **Multi-partnered fertility and the criminal justice system**

Eirik Evenhouse and Siobhan Reilly

### **Extended abstract**

**Sept 8, 2009**

Across the United States, two phenomena have emerged: high rates of multi-partnered fertility (having children by more than one partner) and high incarceration rates. This paper begins by providing current and nationally representative estimates of the prevalence of multi-partnered fertility among mothers, and describes its evolution over the past two decades. These estimates constitute a major addition to the literature, which contains very few estimates of women's multi-partnered fertility or its evolution over time. It then examines the relationship between these two phenomena over the period 1985 to 2004. Exploiting variation across localities, over time, and among demographic subgroups, we explore whether and how changes in rates of multi-partnered fertility are associated with changes in incarceration rates and arrest rates.

The U.S. incarceration rate started rising in the early 1970s, after many decades of stability. Between 1987 and 2007, the prison population nearly tripled. Researchers became increasingly interested in the many kinds of collateral damage wrought by such high incarceration rates, such as the consequences for public health. The impact on families and children was readily acknowledged and deplored, but until a decade ago, nobody, to the best of our knowledge, had assembled systematic evidence concerning the effects of incarceration on family formation or child wellbeing. Of the empirical studies of this issue published since then, the majority are based on a single survey, the longitudinal Fragile Families and Child Wellbeing Study. Whether the outcome measure is union formation or stability, father-child contact, or payment or receipt of child support, every study concludes that incarceration has adverse consequences for relationships and for children.

As multi-partnered fertility has become increasingly common, more researchers have taken an interest in it. The resulting literature is still quite limited, however. To date, there has been more attention to the multi-partnered fertility of fathers than that of mothers. Among fathers, nationally representative data from the National Survey of Family Growth suggest that, in 2002, 17 percent of fathers aged 15 to 44 had children by more than one woman. The only nationally representative estimates for mothers are, to the best of our knowledge, our own, and cover the period from 1985 to 1996. During that period, the rate ranged from 3.8 percent among Asian mothers to 14.4 percent among African-American mothers. In certain populations, the rate of multi-partnered fertility is higher. In recent (2001) Add Health data on young mothers (aged 19 to 25) whose first birth was nonmarital, 14 percent had a subsequent birth with another partner. In the Fragile Families and Child Wellbeing Study, 23 percent of all mothers have children by more than one man. Among unmarried couples in the same survey, the rates are even

higher: in 22 percent of cases the father has children from a prior relationship, in 17 percent of cases the mother does, and in 20 percent both father and mother do.

There is mounting evidence that the existence of men's children from prior relationships reduces the probability of marriage, for mothers as well as fathers. A recent study of low-income women in inner-city Philadelphia who had just given birth concluded that if the fathers of their children also had children by other women, the fathers were less likely to live with or be married to the new mother. That finding is echoed in analyses of the Fragile Families survey. Multi-partnered fertility may also work against the interests of children. It has been found, for example, to reduce levels of father-child contact, and to reduce fathers' payment of child support.

While some studies suggest that multi-partnered fertility may have negative consequences for family structure and child wellbeing, and others explore the thorny practical and ethical dilemmas it poses for policies intended to protect children—such as child-support laws, welfare, and marriage initiatives--there have been few explorations of its root causes. This study looks at one potential contributor.

Multi-partnered fertility is observed at all socioeconomic levels, but is especially common among the very groups whose menfolk are most at risk of entanglement with the criminal justice system. Welfare recipients, African-Americans, and women who have their first births as teens all have higher rates of multi-partnered fertility. This may occur simply because economic deprivation and social exclusion manifest themselves in gender-specific ways: involvement with the criminal justice system for men, and relationship instability and poverty for women. However, there are reasons to hypothesize that high and growing rates of multiple-mother and multiple-father fertility may be, in part, a response to the increase in incarceration rates. Ignoring for a moment the rapid increase in the female prison population, and focusing only on imprisoned men, one recognizes that imprisonment forces their withdrawal from their families. The mothers of their children may react by seeking companionship and support elsewhere. New couples form, and births to those couples create multiple-father families. When men return from prison to find that their partners have moved on, they, too, may form new relationships and have children within them, with the result that their children are scattered among multiple households and their relationships with their children mediated by more than one mother. Former prisoners and their families are more vulnerable to prison-induced breakups because their relationships were typically more tenuous. A recent Bureau of Justice Statistics study found that forty-eight percent of the parents in state prisons and 38 percent of parents in federal prison reported themselves as never-married.

Another channel through which high rates of imprisonment may foster multi-partnered fertility is by changing the sex ratio. While an overall incarceration rate of just over one percent has little impact on the sex ratio in the general population, the situation is different for subgroups. That one in nine black men between the ages of 20 and 34 is in prison is likely to hurt the ability of heterosexual black women (a group with a low propensity for interracial pairing) to find and keep monogamous partners during their

childbearing years. Moreover, incarceration rates understate the problem. Many more men are involved with the criminal justice system (as parolees, probationers, or former prisoners) than are imprisoned at any one time, and this involvement hampers their ability to maintain stable relationships with women.

Few studies have looked explicitly at the connection between incarceration and multi-partnered fertility. In 2002, the National Survey of Family Growth interviewed men for the first time; cross-tabulations by various authors show that men who have been incarcerated are more likely to have had children with multiple women. The same has been found for fathers in the Fragile Families survey.

This study focuses on the multi-partnered fertility of mothers, rather than fathers. The data, especially for earlier periods, favor this approach. Few large-scale surveys contain the information needed to measure multiple-partner fertility, and those that do are typically address-based and gather data only on household members living at that address. Because most mothers live with their children, such surveys are more likely to contain the necessary data about a woman's children (such as whether all of her children share the same father). Because men are more likely than women to live apart from their children from prior relationships, address-based surveys are likely to miss those children, making it harder for researchers to know whether all of a man's children have the same mother. Finally, women's reports of how many children they have borne have been shown to be more accurate than men's reports of the number of children they have fathered.

Our data are from multiple sources. Household data are from the Survey of Income and Program Participation (SIPP); that survey's household relationship matrix permits one to determine how many fathers are represented among a mother's children. Pooling 11 SIPP cross-sections yields observations on approximately 60,000 mothers over a two-decade period (1985-2004). Local incarceration rates can be misleading (many prisoners are relocated to prisons outside of their local communities), so in addition to local incarceration rates, we examine local arrest rates as well. Arrest data and incarceration data are from the FBI's Uniform Crime Reports and the Bureau of Justice Statistics, respectively. The analysis controls for other factors that may be correlated with multiple-father fertility; these include a mother's individual characteristics (e.g., her age, education, and ethnicity) and local factors that vary either by metropolitan area (such as housing costs, and male and female wage and unemployment rates) or by state (such as the level of welfare benefits, and the strictness of child support enforcement). We also present separate analyses for white, black, Hispanic, and Asian mothers (the racial and ethnic categories recorded in SIPP).