

# **Ava Levine SB759 FAV Testimony.pdf**

Uploaded by: Ava Levine

Position: FAV



Maryland  
Justice  
Project

3/7/2023

Dear Chair Smith and Members of the Judicial Proceedings Committee,

My name is Ava Levine, and I am an advocate working with Maryland Justice Project and a student at Johns Hopkins University. I am a resident of District 43A. **I am writing today in support of SB759, The Prevention of Forced Infant Separation Act.**

I began working at Maryland Justice Project in April 2021. Over the course of my nearly two years working there, I have had the fortune of speaking with and learning from several previously incarcerated women in this state. Again and again, the most prominent theme of our conversations has been family separation. I have spoken with women who have given birth while incarcerated, had their babies taken away from them almost immediately upon birth, and spent the rest of their incarceration in mental distress. I have also spoken with women who after being sentenced, had few opportunities to see their children while in prison, thereby creating devastating physical and emotional separations from their children. I am sure many of the members on this committee are proud parents. I ask, how would it feel for you to be separated from your child? Wouldn't it be emotionally devastating?

There is an easy fix to this inhumane problem. At least 16 states operate some type of a nursery program, in which incarcerated mothers have increased access to their children.<sup>1</sup> These programs have demonstrated success, and provide an opportunity for Maryland to model our own program. Opening such a program in Maryland will provide invaluable benefits. Beyond the immediate biological benefits of keeping women and their newborns together, including skin-to-skin contact and breastfeeding, the program would also allow mothers to develop their parenting skills and greater bonds to be formed between women and their babies. Because many incarcerated women are also the primary caretakers to their children, this bill will also keep their babies from entering foster care in the case that they have no family members who can care for their newborns.

I understand there may be concerns that a Women's Pre-release Facility has not been built yet, and therefore there is nowhere currently to house the nursery for women and their newborns to remain together. While I understand how this may seem initially troubling, this is actually a great advantage for the state. Advocacy organizations including Maryland Justice Project and Out For Justice have been leading the fight to build the Women's Pre-Release Facility for years. With new leadership at the head of Maryland, we are hopeful that work on the facility will begin promptly. As the state begins construction on the facility, this bill will ensure that a nursery is a part of the initial construction process, rather than a later addition that is likely to get delayed. Including a nursery program as part of the initial construction process will ensure that proper attention and funding is given to this program.

Simply put, separating mothers from their children is inhumane. There is a clear legislative solution: allowing mothers and their newborn babies to remain together in a family-friendly program. This is an opportunity for Maryland to be on the right side of history. **For these reasons, I urge the committee to issue a favorable report on SB759, The Prevention of Forced Infant Separation Act.**

Sincerely,

Ava Levine  
Alevin34@jhu.edu

**Maryland Catholic Conference\_FAV\_SB759.pdf**

Uploaded by: Brian Barnwell

Position: FAV



MARYLAND  
CATHOLIC  
CONFERENCE

**March 8, 2023**

**Senate Bill 759**

**Correctional Services - Pregnancy and Postpartum Support (Prevention of  
Forced Infant Separation Act)**

**Judicial Proceedings Committee**

**Position: Favorable**

The Catholic Conference is the public policy representative of the three (arch)dioceses serving Maryland, which together encompass over one million Marylanders. Statewide, their parishes, schools, hospitals, and numerous charities combine to form our state's second largest social service provider network, behind only our state government.

**Senate Bill 759** would require the Department of Correction to allow certain pregnant women and certain women who have recently given birth to transfer to the prerelease unit for women for a certain period of time in order to facilitate strong bonds between incarcerated women and their children.

The Conference supports programming focused on children and families impacted by incarceration and believes these specialized programs can make a positive impact in the lives of families as they face challenging times. The United States is just one of a few countries in the world that routinely separate incarcerated moms from their newborn babies. The trauma of such a separation is profound and harms the health of both the mother and baby. Women in prison tend to be younger, have completed less education, and are more likely to have experienced physical or chemical abuse. Since 1970, the number of women in U.S. jails has increased 14-fold and this increase disproportionately affects women of color.<sup>1</sup>

Moving women and their children from traditional prison settings to a pre-release setting, as called for in this legislation, can improve birth outcomes for Moms and babies. Allowing parents to bond during the first year of life can improve the health outcomes for children during this first year and for the remainder of their lives. A positive, healthy relationship with a parent or caregiver is the most important factor for successful development in early life. These relationships not only provide a safe and healthy environment for growth, but also positive interactions that support healthy emotional and social development and learning. The Prevention of Forced Infant Separation Act is an opportunity to revise ineffective public policies to positively impact two generations at a time and help make Maryland a leader in prison reform for pregnant women.

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<sup>1</sup> <https://www.vera.org/downloads/pdfdownloads/state-incarceration-trends-maryland.pdf>

For these reasons, the Maryland Catholic Conference asks for a favorable report on **SB 759**.

Thank you for your consideration.

**SB 0759\_FAV\_ACLUMD\_Carroll.pdf**

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Position: FAV



## Testimony for the Senate Judicial Proceedings Committee

### SB 759 – Correctional Services – Pregnancy and Postpartum Support (Prevention of Forced Infant Separation Act)

DARAJA CARROLL  
PUBLIC POLICY  
LEGAL ASSISTANT

March 8, 2023

AMERICAN CIVIL  
LIBERTIES UNION  
OF MARYLAND

**FAVORABLE**

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EXECUTIVE DIRECTOR

ANDREW FREEMAN  
GENERAL COUNSEL

The ACLU of Maryland urges a favorable report on SB 759, which seeks to create the Healthy Start Bonding Program within the Maryland correctional system which would allow women who are on pre-release status who have recently given birth to reside with their child in the prerelease unit for up to one year following the birth of the child.

The number of incarcerated women was nearly five times higher in 2020 than in 1980.<sup>1</sup> Between 1980 and 2020, the number of incarcerated women increased by more than 475%, rising from a total of 26,326 in 1980 to 152,854 in 2020. In 2020, the imprisonment rate for Black women (65 per 100,000) was 1.7 times the rate of imprisonment for white women (38 per 100,000).<sup>2</sup> There has not been adequate attention put on addressing these disparate rates or remedying the post-conviction reentry barriers that uniquely impact women.

In the State of Maryland, pregnant women who go into labor while incarcerated in a correctional facility will be transported to a hospital to give birth but are required to return to their facility as soon as they are discharged. These women generally have less than 48 hours with their newborns before they are forcibly separated from them. The forced separation of infants leads to a variety of adverse health outcomes for both the baby and the mother. Research suggests that the first year is one

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<sup>1</sup> <https://www.sentencingproject.org/app/uploads/2022/11/Incarcerated-Women-and-Girls.pdf>

<sup>2</sup> Wan, William. "What Separation from Parents Does to Children: 'the Effect Is Catastrophic'." The Washington Post, WP Company, 19 June 2018, [https://www.washingtonpost.com/national/health-science/what-separation-from-parents-does-to-children-the-effect-is-catastrophic/2018/06/18/c00c30ec-732c-11e8-805c4b67019fcfe4\\_story.html](https://www.washingtonpost.com/national/health-science/what-separation-from-parents-does-to-children-the-effect-is-catastrophic/2018/06/18/c00c30ec-732c-11e8-805c4b67019fcfe4_story.html).



of the most important in an infant's life, as it is a time of significant physical, cognitive, and social development. When babies are forcibly separated from their parents just days after birth, there can be lifelong developmental consequences.<sup>3</sup>

The incarceration of a parent, regardless of the age of the child, has been connected to an increased risk of substance abuse, teenage pregnancy, social isolation, development of learning disabilities, financial hardship, and involvement in the criminal legal system. These hurdles, coupled with the long lasting cognitive, emotional, and psychological effects of separation on newborns, places an immense burden on these vulnerable children. Additionally, because of existing racial disparities in incarceration, these harms disproportionately effect Black and brown children.

Mothers separated from their newborns are more likely to experience post-partum depression, extreme powerlessness, grief, and feelings of detachment after forced separation.<sup>4</sup> Many of these mothers will maintain or reacquire their parental rights and act as caregivers to their children upon release. However, the harms of that initial separation pose great risks to maternal competency and attachment behavior.

The provisions in this bill would maximize contact between mother and baby, mitigating the harms that come along with parental incarceration. This bill would provide pregnant women with prerelease status the option to relocate to the pre-release unit throughout the duration of their pregnancy and remain there with their infants up to one year postpartum. Pregnant women who are not eligible for prerelease status will have access to infant bonding programs that will help them maintain strong bonds with their children through increased visitation. The positive effects that these initiatives will have on mothers and their children cannot be understated.

For the foregoing reasons, the ACLU of Maryland urges a favorable report on SB 759.

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<sup>3</sup> *Id.*

<sup>4</sup> Leiderman, P. H., & Seashore, M. J. (1975). Mother-infant neonatal separation: some delayed consequences. *Ciba Foundation symposium*, (33), 213–239.

<https://doi.org/10.1002/9780470720158.ch13>; Furneaux, Rosa. "Forcibly Separating Children from Their Mothers Doesn't Just Hurt the Kids." *Mother Jones*, 21 June 2018,

<https://www.motherjones.com/politics/2018/06/trump-forced-family-separation-childrendevastating-effects-mothers-1/>;

Goudarzi, Sara. "Separating Families May Cause Lifelong Health Damage." *Scientific American*, *Scientific American*, 20 June 2018,

<https://www.scientificamerican.com/article/separating-families-may-cause-lifelong-healthdamage/>.

# **SB0759 Forced Infant Separation.pdf**

Uploaded by: Essita Duncan

Position: FAV



www.marylandwomen.org

# Maryland Commission for Women

A Commission of the Maryland Department of Human Services

51 Monroe Street, Ste. 1034 – Rockville, Maryland 20850  
www.marylandwomen.org

February 22, 2023

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*Rev. Tamara England Wilson*

*Yun Jung Yang, Esq.*

The Honorable William C. Smith, Jr., Chair  
The Honorable Jeff Waldstreicher, Vice Chair  
Senate Judicial Proceedings Committee  
Miller Senate Office Building – 2 East  
Annapolis, Maryland 21401

RE: SB 0759 - Prevention of Forced Infant Separation Act

Dear Senator Smith, Senator Waldstreicher and Members of the Senate Judicial Proceedings Committee:

The Maryland Commission for Women (MCW) urges support of Senate Bill 0759 which would permit an incarcerated woman who is either pregnant or recently gave birth to transfer to the prerelease unit for women and will establish the Healthy Start Bonding Program to promote the development of healthy relationships between incarcerated women and their children.

The MCW was established in 1965 and was set in state law in 1971. An office of the Department of Human Services, the Commission is a 25-member advisory board whose duties outlined in its enabling legislation include:

- Study the status of women in our state.
- Recommend methods of overcoming discrimination.
- Recognize women's accomplishments and contributions.
- Provide informed advice to the executive and legislative branches of government on the issues concerning the women of our state.

It is to fulfill this mandate that the Commission writes to you today.

An average of 4 to 8% of incarcerated women are pregnant during their incarceration. Incarcerated pregnant women are at a higher risk for prenatal complications and preterm births. Additionally, pregnant women often enter our correctional system with multiple sociocultural factors that contribute to detrimental social and health outcomes for themselves and their babies upon release.

Maryland Commission for Women

Re: SB 0579 Prevention of Forced Infant Separation Act

Page 2

During the period of incarceration, Maryland's correctional system has a unique opportunity to address issues, including facilitating strong bonding of the infants with their mothers and incentivizing the mothers to comply with requirements that permit them to remain with their child in the prerelease unit. This bill requires the Division of Correctional Services to allow liberal visitation for the father or secondary caretaker with a pregnant incarcerated woman or a woman in post-delivery. In addition, this bill will give our state correctional system the means to provide services aimed at improving potential mental health issues that can arise from the separation of mother and child during periods of incarceration.

This bill will undoubtedly improve health and mental health outcomes when new mothers leave prison and re-enter society. Therefore, we strongly urge your support for SB 0759.

With very best regards,

A handwritten signature in black ink, appearing to read 'Tawanda Bailey', written in a cursive style.

Tawanda Bailey, Chair  
Maryland Commission for Women

*Please note that the positions expressed in this letter are those of the Maryland Commission for Women and do not necessarily reflect the position of the Governor or the Department of Human Services.*

# **JPC SB759 Testimony.pdf**

Uploaded by: Jill Carter

Position: FAV



THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**Testimony of Senator Jill P. Carter**

**In Favor of SB759 Correctional Services – Pregnancy and Postpartum Support (Prevention of Forced Infant Separation Act)**

**Before the Judicial Proceedings Committee**

**on March 8, 2023**

**Chair Smith, Vice-Chair Waldstreicher, and Members of the Committee:**

- **Senate Bill 759 will establish space at the upcoming pre-release facility for women who give birth while incarcerated to remain with their newborn up to one-year post-partum. This bill will also establish a Healthy Start Bonding Program to facilitate relationships between mothers and their children.**
- **In the House, this seems to be the biggest concern among the Judiciary Committee, so I think this really should be emphasized. This bill will house women and their babies at the upcoming pre-release facility. While the pre-release is yet to be built, with a new Governor we are hopeful that DPSCS will avoid delaying this process any further and finally begin construction. It is critical that we pass this bill now, to ensure that space is designated for women and their babies as the construction process happens.**

- **This is a far better alternative than to wait until the facility is built and then have to go back and create even more space for a new program. Similarly, there may be concerns as to the cost of the program (in the Fiscal and Policy Note it says this program will substantively increase DPSCS expenditures and present a significant cost). According to the analyst that wrote the Fiscal and Policy Note (our witnesses spoke to him), all costs over \$100k are defined as significant. \$100k is pennies compared to the \$1B+ DPSCS budget). At least 16 other states operate some form of a prison nursery program. These programs typically have operating costs in the low hundreds of thousands of dollars. This cost is well worth the benefit that will come to mothers and their babies.**
- **In 2020, seventeen (17) pregnant women were sentenced to DPSCS facilities, and there were eleven (11) live births. Women are being separated from their babies as we wait. We cannot wait to tackle this issue until a pre-release facility is built.**
- **An extensive body of scientific evidence shows the benefits of keeping women and their babies together. This includes breastfeeding, neurological development, skin-to-skin contact, and improved immune systems.**

**For these reasons, I urge a favorable report of SB759.**

**Sincerely,**



**Jill P. Carter, Esq.**

**SB 759 - WLCMD - FAV.pdf**

Uploaded by: Michelle Siri

Position: FAV



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BILL NO.: Senate Bill 759  
TITLE: Correctional Services - Pregnancy and Postpartum Support  
(Prevention of Forced Infant Separation Act)  
COMMITTEE: Judicial Proceedings  
DATE: March 8, 2023  
POSITION: **SUPPORT**

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Senate Bill 759 would create the Healthy Start Bonding Program within the Maryland correctional system which would allow women who are on pre-release status who have recently given birth to reside with their child in the prerelease unit for up to one year following the birth of the child. Because the Women's Law Center (WLC) believes that keeping families together whenever possible is in the best interest of children, families, and our society at large, we are in favor of SB 759.

Across the country, there has been a disturbing gender disparity in recent prison population trends. While recent reforms nationally have reduced the total number of people in state prisons since 2009, almost all the decrease has been among men. Women are being incarcerated at a significantly higher rate than men, with the number of women in Maryland prisons having increased by over 400% over the past 40 years<sup>1</sup>. Pregnant women who go into labor while incarcerated in a Department of Public Safety and Correctional Services (DPS) correctional facility are transported to a hospital but are required to return to their facility as soon as they are discharged. For a standard vaginal delivery, this is generally 1-2 days after giving birth. This means that most incarcerated women have less than 48 hours with their newborns before the baby is forcibly separated from the mother.

Research suggests that the first year is one of the most important in an infant's life, as it is a time of significant physical, cognitive, and social development. This means that when babies are forcibly separated from their parents just days after birth, there can be lifelong developmental consequences. Not only does separation immediately cause a permanent increase in a baby's stress levels, but separated babies are more likely to develop post-traumatic stress and substance use disorders as adults. For mothers, the psychological consequences of forced separation can be just as severe. Further, if the mother is the sole or primary caretaker of the child – like the majority of incarcerated mothers - the separation can become permanent as child protective services and the foster system becomes involved.

Ultimately, allowing incarcerated new mothers the ability to remain with their newborns will help the hidden victims of crime, namely the children left behind. As such, the WLC urges a favorable report on SB 759.

*The Women's Law Center of Maryland is a private, non-profit, legal services organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change, working to ensure physical safety, economic security, and bodily autonomy for women in Maryland.*

**PFIS Testimony (Monica) SB0759 pdf..pdf**

Uploaded by: Monica Cooper

Position: FAV



2/17/2023

Dear Chairman Smith and Members of the House Judiciary Committee,

I am the Executive Director of the Maryland Justice Project, resident of District 40, and I am testifying today in support of **SB0759**, the Prevention of Forced Infant Separation Act. This bill would establish a nursery program at the Women's Pre-release Facility to allow incarcerated women to remain with their newborns up to one year postpartum. Such a program would provide valuable health benefits to both the mother and child.

Women who give birth while incarcerated in Maryland currently have no option to remain with their babies. For some women, babies can live with a family member on the outside. For women who don't have the same family support, their babies are sent to foster care. This practice contradicts the wealth of scientific evidence that suggests there are valuable biological benefits to mothers and their newborns remaining together. After birth, it is critical for mothers and their babies to have skin-to-skin contact. Newborns benefit for multiple reasons, including but not limited to stronger immune systems, better brain development, and ease in breastfeeding.<sup>1</sup> Benefits of skin-to-skin contact may continue for at least 3 months after birth.<sup>2</sup> Furthermore, allowing women and their babies to remain together facilitates breastfeeding, which helps develop the immune system of newborns and protects them against diseases.<sup>3</sup>

Because pregnant women cannot remain with their newborns upon birth, there is an ongoing health crisis in Maryland prisons. In 2020, seventeen pregnant women were sentenced to DPSCS facilities. The majority of these women were Black. In the same year, there were also eleven live births.<sup>4</sup>

***As a formerly incarcerated woman I saw firsthand the devastation caused when a pregnant woman was separated from her child. I also witnessed the successful outcomes of the TAMAR program. TAMAR's Children was developed in 2001 as a multi-agency collaboration to provide comprehensive inpatient and community-based supports for justice-involved pregnant and postpartum women who have co-occurring mental and substance use disorders with trauma histories. One of the programs most successful persons is Annapolis's own Tonier Cain. Tonier Cain had more than 80 arrest on her record. She was abused by her pimp, suffered a horrific substance abuse disorder and found herself sleeping under bridges. Her final arrest landed her in the Pregnant Program for Justice involved women TAMAR. The birth of her child, the opportunity to bond with that child, but more importantly having access to services such as mental health, substance abuse, psycho therapy. Sexual abuse therapy and more gave her the opportunity to turn her life around. Adding this pregnancy program at the***

*new Pre-release facility for women will allow the participants to raise healthier, more resilient children, and will help to reintegrate their lives. This bill needs to be passed so the construction of the New Facility will incorporate a wing dedicated to children and mothers success post incarceration.*

It doesn't have to be this way. Nursery programs for incarcerated mothers and their newborns are well established. At least 16 states have some form of a program in which women who give birth while incarcerated can remain with their newborn, at least for a temporary time.<sup>5</sup> Washington's Residential Parenting Program, for example, allows incarcerated mothers to remain with their newborns inside a special wing inside the prison. The mothers can both bond with their children and develop parenting skills through programming.<sup>6</sup>

Separating mothers from their newborns upon birth produces devastating and unnecessary health outcomes. **SB0759** will help put an end to this harm. For these reasons, **I urge the committee to issue a favorable report on SB0759, Prevention of Forced Infant Separation Act.**

Sincerely,

*Monica Cooper*  
*Maryland Justice Project, Executive Director*

**SB0759-JPR-FAV.pdf**

Uploaded by: Nina Themelis

Position: FAV



BRANDON M. SCOTT  
MAYOR

*Office of Government Relations  
88 State Circle  
Annapolis, Maryland 21401*

**SB 759**

March 8, 2023

**TO:** Members of the Senate Judicial Proceedings  
**FROM:** Nina Themelis, Interim Director of Mayor's Office of Government Relations  
**RE:** Senate Bill 759 – Correctional Services - Pregnancy and Postpartum Support (Prevention of Forced Infant Separation Act)

**POSITION: Support**

Chair Smith, Vice Chair Waldstreicher, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** Senate Bill (SB) 759.

This legislation calls for the establishment and implementation of a “Healthy Start Bonding Program” (herein referred to as “Program”) under Maryland’s Department of Safety and Correctional Services (DPSCS). Via this Program, pregnant and postpartum women incarcerated in DPSCS custody may be temporarily re-classified and relocated to the Prerelease unit. Women could stay for the duration of pregnancy and up to one year postpartum. Their baby would be able to reside with them in the prerelease unit for that year. Fathers (or another secondary caretaker) would have increased opportunities to visit their babies residing at the Prerelease unit.

Research shows that keeping incarcerated mothers and children connected increases positive behavioral, emotional, and health outcomes for both the parent and child, which may in turn reduce correctional costs and increase community safety.<sup>i</sup> Families thrive with stability and connectedness; a strong bond between a mom and her baby is less likely to form if separated.

Alternatives to incarceration, such as community-based supervision, would be more effective toward keeping families together and promoting healthy communities.<sup>ii</sup> Nevertheless, co-locating mom and baby in the carceral unit may ameliorate many barriers, such as exorbitant costs related to transit, lodging, and phone or video calls.

Keeping families together via the proposed Program may facilitate family cohesion, thereby improving health and social outcomes for moms and babies and ultimately strengthening Maryland’s communities.

For these reasons, the BCA respectfully request a **favorable** report on SB 759.

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<sup>i</sup> Snyder, Z. (2009). Keeping Families Together: The Importance of Maintaining Mother–Child Contact for Incarcerated Women. *Women & Criminal Justice*, 19(1), 37-59. DOI:10.1080/08974450802586869

<sup>ii</sup> The Opportunity Agenda. (2006). “Keeping Families Together.” Accessed via [transformingthesystem.org/criminal-justice-policy-solutions/fostering-an-environment-for-respecting-childrens-rights/keeping-families-together/](https://transformingthesystem.org/criminal-justice-policy-solutions/fostering-an-environment-for-respecting-childrens-rights/keeping-families-together/)

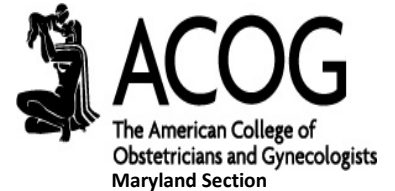
**SB0759\_FAV\_MedChi, MDACOG\_Corr. Serv. - Preg. and**

Uploaded by: Pam Kasemeyer

Position: FAV



The Maryland State Medical Society  
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TO: The Honorable William C. Smith, Jr., Chair  
Members, Senate Judicial Proceedings Committee  
The Honorable Jill P. Carter

FROM: Pamela Metz Kasemeyer  
J. Steven Wise  
Danna L. Kauffman  
Andrew G. Vetter  
Christine K. Krone  
410-244-7000

DATE: March 8, 2023

RE: **SUPPORT** – Senate Bill 759 – *Correctional Services – Pregnancy and Postpartum Support (Prevention of Forced Infant Separation Act)*

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On behalf of the Maryland State Medical Society and the Maryland Section of the American College of Obstetricians and Gynecologists, we **support** Senate Bill 759.

Senate Bill 759 provides an alternative to separating newborn babies and their incarcerated mothers. Currently, newborns born to incarcerated mothers are separated from their mothers as soon as the mother is discharged from the hospital and placed with a secondary caregiver or placed into the foster care system. This is traumatic for both mothers and babies and disrupts the formation of a health bond between them. It has been proved to increase maternal depression, grief, and detachment. The babies have an increased likelihood of not forming an attachment to their caregiver often resulting in long term negative outcomes, such as academic difficulties, PTSD, delinquency, and risky behaviors. As women of color are disproportionately likely to be imprisoned, the impact of the current policy also disproportionately impacts minority communities and thereby exacerbates existing social and economic disadvantages for these families.

Senate Bill 759 establishes a program to facilitate strong, healthy bonds between incarcerated women and their newborns. In the proposed program, incarcerated women who have earned pre-release status would transfer to the women's pre-release unit where they would remain for up to 1 year after delivery with their infants. It also establishes an evidence-based Healthy Start Bonding Program to support healthy parenting and attachment between mother and child and strengthen other supportive family ties by facilitating frequent visitation by fathers or secondary caregivers.

Similar programs have been established in a number of states and are considered to be a best-practice model. The programs have reduced costs associated with foster care and have been shown to have significant positive impacts on the infant's ability to develop secure attachments and enhanced well-being. The women who participate have also demonstrated lower recidivism rates. Maryland should adopt this best-practice model to keep families together. A favorable report is requested.



**2023 ACNM SB 759 Senate Side FAV.pdf**

Uploaded by: Robyn Elliott

Position: FAV



**Committee:** Senate Judicial Proceedings Committee

**Bill:** Senate Bill 759 - Correctional Services - Pregnancy and Postpartum Support (Prevention of Forced Infant Separation Act)

**Hearing Date:** March 8, 2023

**Position:** Support

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The Maryland Affiliate of the American College of Nurse Midwives (ACNM) supports *Senate Bill 759 - Correctional Services - Pregnancy and Postpartum Support (Prevention of Forced Infant Separation Act)*. The bill will would permit an incarcerated woman who is either pregnant or recently gave birth to transfer to the prerelease unit for women, and will establish the Healthy Start Bonding Program to promote the development of healthy relationships between incarcerated women and their children.

Currently, newborns born to incarcerated mothers in Maryland are separated from their mothers almost immediately and the baby is placed with a secondary caregiver or into the foster system. This outdated practice is well-documented as traumatic for both mothers and babies and the children are more likely to experience poor attachment to their caregiver and later academic difficulties, post-traumatic stress symptoms, delinquency, and risky behaviors.<sup>1</sup> This bill establishes a program to stop this outdated and harmful separation policy and instead facilitate an evidence-based Healthy Start Bonding Program that is developed with maternal-child health experts to support healthy parenting, attachment, and supportive family ties.

We ask for a favorable report on this legislation. If we can provide any further information, please contact Robyn Elliott at [relliott@policypartners.net](mailto:relliott@policypartners.net) or (443) 926-3443.

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<sup>1</sup> Dallaire. Children with incarcerated mothers: Developmental outcomes, special challenges and recommendations. *Journal of Applied Developmental Psychology*. 2007;28(1):15-24.

**WDC 2023 Testimony SB0759\_Final2.pdf**

Uploaded by: Beth Tomasello

Position: FWA



MONTGOMERY COUNTY, MARYLAND  
WOMEN'S DEMOCRATIC CLUB

P.O. Box 34047, Bethesda, MD 20827

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**Senate Bill 759**  
**Correctional Services - Pregnancy and Postpartum Support**  
**(Prevention of Forced Infant Separation Act)**  
**Judicial Proceedings Committee – March 7, 2023**  
**FAVORABLE WITH AMENDMENTS**

Thank you for this opportunity to submit written testimony concerning an important priority of the **Montgomery County Women's Democratic Club (WDC)** for the 2023 legislative session. WDC is one of Maryland's largest and most active Democratic clubs with hundreds of politically active members, including many elected officials.

**WDC urges the passage of SB0759.** The goal of this legislation is to allow women who give birth while in pre-release status to keep their newborns with them for one year post-partum. Senate Bill 759 is patterned after Minnesota's Healthy Start Act, a first-in-the nation law, passed on a bi-partisan basis, that allows an incarcerated woman to be placed in a community-based setting with her baby for the first year of the baby's life. Separation of infants from their mothers during the first year of life is bad for the baby and bad for the mother. Senate Bill 759 is good policy and should be passed without delay.

**Pregnant Women in Maryland's Jails and Prison:** In the State of Maryland, pregnant women who go into labor while incarcerated in a Department of Public Safety and Correctional Services (DPSCS) correctional facility will be transported to a hospital but are required to return to their facility as soon as they are discharged<sup>1</sup>. For a standard vaginal delivery, this is generally 1-2 days after giving birth<sup>2</sup>. This means that most incarcerated women have less than 48 hours with their newborns before the baby is forcibly separated from them. Among incarcerated women in Maryland, 10% are pregnant and 64% of these women will give birth while incarcerated.<sup>3</sup> The majority of incarcerated women are the sole caregivers of their children, therefore, many of these newborns will enter the Maryland Department of Human Services (DHS) foster care program just days after they are born<sup>4</sup>. We can only expect those numbers to rise as the number of women in Maryland's prisons and jails continues to rise. Since 1980, Maryland's population of women in jail has increased 462 percent, and the percentage of women in prison has increased 264 percent.<sup>5</sup>

**Forced Separation Leads to Negative Outcomes for Baby and Mother.** The forced separation of infants from their incarcerated mothers leads to a myriad of adverse health outcomes for both the baby and the mother. Research suggests that the first year is one of the most important in an infant's life, as it is a time of

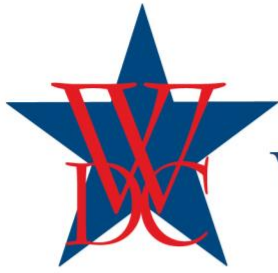
<sup>1</sup> <https://casetext.com/statute/code-of-maryland/article-correctional-services/title-9-state-and-local-correctional-system-inmates/subtitle-6-miscellaneous/section-9-601-pregnant-inmates>

<sup>2</sup> <https://www.acog.org/womens-health/faqs/a-partners-guide-to-pregnancy>

<sup>3</sup> <https://ajph.aphapublications.org/doi/10.2105/AJPH.2019.305006>

<sup>4</sup> <https://www.apa.org/pi/ses/resources/indicator/2019/04/incarcerated-women>

<sup>5</sup> <https://www.vera.org/downloads/pdfdownloads/state-incarceration-trends-maryland.pdf>



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significant physical, cognitive, and social development<sup>6</sup>. This means that when babies are forcibly separated from their mothers just days after birth, there can be lifelong developmental consequences. Not only does separation immediately cause a permanent increase in a baby's stress levels, but separated babies are more likely to develop post-traumatic stress and substance use disorders as adults<sup>7</sup>. For mothers, the psychological consequences of forced separation can be just as severe. Mothers forcibly separated from their newborns are more likely to experience post-partum depression, feelings of extreme powerlessness, grief, and feelings of detachment.

A central tenet of attachment theory is the notion that caregivers must be physically present and accessible for children to become attached to them. Research has shown that maternal availability is particularly important within the first two years of a child's life because of a baby's limited understanding of the reasons for maternal absence. As a result, experiences of separation during the first year of life may be particularly determinant of negative outcomes for the child throughout his or her life. For one example, studies examining the impacts of even minor separations of a week or more from a caregiver found adverse consequences associated with children's reading achievement by age 8.<sup>8</sup> And, that is just the tip of the iceberg. Given that all incarcerated women in Maryland must serve their sentences in the Maryland Correctional Institute for Women (MCI-W), which is in Jessup and is not served by public transit, opportunities for mother-baby visitation are limited.

**Minnesota's Healthy Start Act.** In 2021, Minnesota became the first state to prevent the forced separation of infants from incarcerated mothers after the passage of the Healthy Start Act. The Healthy Start Act allowed the Minnesota Commissioner of Corrections to place pregnant individuals into community alternatives up to one year postpartum, giving babies and caregivers support they need during that first critical year of infancy<sup>9</sup>. The Healthy Start Act received strong bipartisan support in the Minnesota legislature. Through the passage of the Prevention of Forced Infant Separation Act, Maryland can join Minnesota in keeping mothers and babies together during incarceration.

**Proposed Amendments.** Senate Bill 759 applies to pregnant women in prerelease status and envisions that those women will be housed with their infants at the Women's Prerelease Center which [SB684/HB801](#), legislation passed in 2020, required DPSCS to build and operate. However, despite a statutory deadline requiring the commencement of operations of the center on or before June 1, 2023, the project has not moved beyond the preliminary planning stage. Therefore, there is currently no prerelease center to house incarcerated women and infants, nor will there be one any time soon. Senate Bill 759 should be amended to require the Department of Corrections to find suitable community-based programs for incarcerated mothers and their newborns until the Women's Prerelease Center is operational.

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<sup>6</sup> <https://www.uofmhealth.org/health-library/hw251065>

<sup>7</sup> <https://theconversation.com/a-sudden-and-lasting-separation-from-a-parent-can-permanently-alter-brain-development-98542>

<sup>8</sup> Kimberly Howard, Anne Martin, Lisa J. Berlin & Jeanne Brooks-Gunn (2011) Early mother-child separation, parenting, and child well-being in Early Head Start families, *Attachment & Human Development*, 13:1, 5-26, DOI: [10.1080/14616734.2010.488119](https://doi.org/10.1080/14616734.2010.488119)

<sup>9</sup> [https://www.senate.mn/committees/2021-2022/3099\\_Committee\\_on\\_Judiciary\\_and\\_Public\\_Safety\\_Finance\\_and\\_Policy/Healthy%20Start%20Act%20Fact%20Sheet%20-%20SF%201315.pdf](https://www.senate.mn/committees/2021-2022/3099_Committee_on_Judiciary_and_Public_Safety_Finance_and_Policy/Healthy%20Start%20Act%20Fact%20Sheet%20-%20SF%201315.pdf)



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Moreover, WDC believes that more incarcerated women in Maryland should be eligible to keep their infants with them for the first year of life. Therefore, WDC proposes that SB0759 be amended to track the Healthy Start Act and allow all women in minimum-security status in Maryland's jails and prisons to be eligible for placement in community-based programs with their infants during the first year of the infant's life. It is unclear why a woman who is incarcerated for a non-violent crime, is in minimum security status, and has exhibited good behavior but has not yet reached prerelease status should be denied the opportunity to be with her baby in infancy.

All mothers in community-based housing will have access to the Healthy Start Program, which will be developed by professionals in child development and ensure that mothers get the resources they need to form strong and lasting bonds with their infants. Although the Fiscal Note from the 2022 session estimated that the costs associated with the implementation could be "significant," we note that in Minnesota, it is estimated that such programming would cost \$200,000 per year.<sup>10</sup> Given the cost of foster care and the lifelong costs of remedying mother-infant separation, regardless of the amount, the money is well spent.

Despite the rapid growth of the population of women in Maryland's prisons and jails, Maryland's carceral system has not adapted to a model that meets women's needs as caregivers and recognizes children's need for their mothers' continued physical presence. Like prison systems throughout the country, Maryland's prison system is based on a male-centered model in which men are not assumed to be responsible caregivers for children. It is time for Maryland to rethink corrections and incarceration to develop programs and housing that meet the needs of incarcerated women and their children. This is especially true for those women who are pregnant and give birth while incarcerated. Senate Bill 759 is a step in that direction.

There is a clear need for Maryland to prevent the cruel and harmful separation of mothers and their infants, days after birth. Senate Bill 759 will help incarcerated mothers and their infants form strong attachments, leading to better health outcomes for the women and their children, and create a strong incentive against recidivism. It is time for Maryland to show the leadership that Minnesota has shown and commit to end forced infant separation and keep families together.

**We ask for your support for SB0759 and strongly urge a favorable Committee report with the amendments noted above.**

Diana E. Conway  
WDC President

Beth Tomasello  
WDC Advocacy Committee

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<sup>10</sup> [https://mn.gov/doc/assets/2021\\_Healthy%20Start%20Act\\_tcm1089-466712.pdf](https://mn.gov/doc/assets/2021_Healthy%20Start%20Act_tcm1089-466712.pdf)

# **HB523\_SB759 - Pregnancy and Postpartum Support (Pr**

Uploaded by: Jennifer Beskid

Position: INFO



## Department of Public Safety and Correctional Services

### Office of Government & Legislative Affairs

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JENNIFER A. BESKID  
DIRECTOR

**BILL: SENATE BILL 759**

**POSITION: LETTER OF INFORMATION**

#### **COMMENTS:**

The Department operates the Division of Correction (DOC), the Division of Pretrial Detention and Services (DPDS), and the Division of Parole and Probation (DPP).

- DOC operates 13 State correctional facilities housing offenders sentenced to periods of incarceration for 18 months and longer.
- DPDS operates the Baltimore City Pretrial Complex which houses pretrial detainees and incarcerated individuals sentenced to incarceration for periods of 18 months and less.
- DPP supervises parolees, probationers and those on mandatory release from correctional facilities.

SB 759 would require the DOC to allow a pregnant woman who is eligible for prerelease to be transferred to the prerelease unit for women throughout her pregnancy. The bill would also allow for a prerelease eligible woman who has recently given birth to reside in the prerelease unit for women, with the child, for up to one year following the birth of the child.

SB 759 would also require the DOC to develop and implement a Healthy Start Program to be offered at both the Maryland Correctional Institution for Women (MCI-W) and the prerelease unit for women.

In addition, this bill would require the father or secondary caretaker of a child residing at the prerelease unit for women or an inmate at MCI-W to have liberal visitation with the child.

The DOC recognizes the importance of developing strong bonds between parents and their children. As such, the DOC has operated programs to help parents, male and female, to improve their parenting.

MCIW operates a Baby Bonding program, which allows female inmates with children between the ages of infancy to 3 years to have the opportunity to embrace and play with their children in a nursery setting. A similar program is offered monthly to grandmothers.



The challenge of SB 759 is that the prerelease unit for women has not been constructed yet. When the bill was introduced in 2021, it was vetoed by the Governor. During the 2022 Session, the veto was overridden. At that time, \$150,000 in operating funds was appropriated in the FY23 budget to fund a management consultant contract for initial project planning.

Currently, the Department is reliant on the Department of General Services (DGS) for the actual construction to include identifying the location in or adjacent to one of three identified zip codes where the unit will be constructed.

The Department and DGS are in Phase I and Phase II of the program, including identifying and securing a location. Once a location has been secured, the project will be able to move forward to the design phase. The design phase is projected to take 12 - 18 months before construction could begin. A complete outline of the project can be found in the Joint Chairmen's Report - Prerelease Unit for Women - that was submitted by DGS and the Department in January 2022.

As the prerelease center for women moves forward in the capital construction process, the Department will begin developing comprehensive programs and services to provide to the incarcerated women which will include programs such the Healthy Start Bonding Program.

**CONCLUSION:** For these reasons, the Department of Public Safety and Correctional Services respectfully urges the Committee to consider this information as it deliberates on Senate Bill 759.