



2/17/2023

Dear Chair Clippinger 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 HB523, 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. HB523 will help put an end to this harm. For these reasons, **I urge the committee to issue a favorable report on HB523, Prevention of Forced Infant Separation Act.**

Sincerely,

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