

February 17, 2023

Dear Chair Clippinger and Members of the House Judiciary Committee:

**I am a professor at Johns Hopkins University, residing in 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, which will provide long-lasting benefits to society more broadly.

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>

Cheryn, who was previously incarcerated at MCI-W described being separated from her newborn son: "I was missing out, it's like what about his first steps...him saying Mommy? Those things mean a lot to you, to watch your baby say and do those things. So, if I had my baby during this journey with me, it wouldn't be so bad...With us being apart like that, it draws a gap to where we don't connect in some sort of way."<sup>5</sup>

Gisselle, also previously incarcerated at MCI-W, had a horrific experience while incarcerated and pregnant. Prison officials refused her calls for help as she entered labor, leading to a painful and dangerous delivery. Her child was taken away after birth, making the experience all the more traumatic. She described her experience: "That was the worst time of my life. It was like I wasn't even thinking about the amount of time I had received or anything. I was just thinking about me not being able to hold my child and it was so painful because soon as I had my son, he had to go to the NICU all because of the negligence and the lack of skilled individuals, authority figures, that worked in the prison system. I didn't even have a full day with my son. It was the hardest, it was one of the hardest times, one of the roughest times of my life. I just didn't want to be in the world. You can't hold your baby, your infant."<sup>6</sup>

Tragically, Cheryn and Gisselle are far from the only women in Maryland with such an experience. But 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>7</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>8</sup>

As a scholar who studies incarceration and its social consequences, I believe this legislation offers one small step toward mitigating the ongoing cycles of harm that lead to incarceration in the first place. Maryland has the opportunity to follow the best practices that have been developed in other states, leading to the first program of this kind in the DMV area.

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,

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

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