

**BERNICE MIREKU-NORTH, ESQ.**  
*Legislative District 14*  
Montgomery County

Ways and Means Committee

*Subcommittees*

Early Childhood

Local Revenues



The Maryland House of Delegates  
6 Bladen Street, Room 222  
Annapolis, Maryland 21401  
410-841-3539 · 301-858-3539  
800-492-7122 Ext. 3539  
Bernice.Mireku-North@house.state.md.us

**THE MARYLAND HOUSE OF DELEGATES**  
ANNAPOLIS, MARYLAND 21401

**TESTIMONY IN SUPPORT OF HB0523**

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

TO: Members of the House Judiciary Committee

FROM: Delegate Bernice Mireku-North

DATE: February 21st, 2023

For the record, I am Delegate Bernice Mireku-North, asking for your favorable report on HB523. This bill has been cross-filed in the Senate with SB759 and was previously introduced last session as HB454 with our colleague Delegate Lesley Lopez. HB523 builds upon the work of the 2020 Gender-Responsive Prerelease Act which initially authorized the operation of a pre-release unit for women by requiring the Division of Correction to allow pregnant women and women who recently gave birth with pre-release status to transfer to the pre-release unit throughout the duration of their pregnancy and remain with their infants for up to one year following the birth of their child. Fathers and other secondary caregivers will also be permitted liberal visitation with their child. This bill also establishes the Healthy Start Bonding program, an evidence-based program developed by healthcare professionals to maintain strong bonds between mothers and their children.

At the Maryland Institute of Corrections for Women, pregnant women who go into labor while incarcerated will be transferred to a hospital but are required to return to the hospital as soon as they are discharged. As a result, most incarcerated mothers have less than 48 hours with their newborn before their baby is forcibly separated from them. This practice is both inhumane and unhealthy for the mother and infant, and we must act to end it.

I offered to carry on this fight for a change in procedure at the Maryland Department of Corrections based on my own experiences as a criminal defense attorney. I had a client who was in her second trimester facing incarceration because she was charged with serious felony gun charges. I knew there was nothing in place that would allow a mother and child to bond while detained and I advocated hard to keep her out of jail. She served a sentence with no jail time. She gave birth to her baby a couple months later after her sentence. My client was lucky. Other convicted women who are pregnant may not be so fortunate.

Research has consistently shown that forcible separation has debilitating physical and mental consequences for both the infant and the mother that can last for years – even generations.

Separated babies are known to be much more likely to have [mental health issues, end up in foster care, and drop out of school](#). Mothers separated from their infants are much more likely to develop [postpartum depression](#) and report extreme feelings of [powerlessness, grief and detachment after the separation](#).

Research has consistently shown that the first year or two is so important for the mother and children and this bill calls for the best health care for our babies. During that postpartum period, this bill allows infants to live in the facility with their mothers and have access to care specialized for their developmental needs. This will help with the children's mental state and provide a positive trajectory for them that wouldn't be impacted by the mistakes of their mother.

The legislation cannot wait until funding is in place at the Pre-Release Unit at the Maryland Institute of Corrections for Women. It is crucial that we have laws in place beforehand so we can provide the best program possible when the Pre-release Unit finally opens.

The Prevention of Forced Infant Separation Act is a humane, evidence-based approach that recognizes the fundamental rights of parents and their children. As such, I urge the committee to give a favorable report on HB523.

A handwritten signature in black ink that reads "B. Mireku-North". The signature is written in a cursive, flowing style.

**Delegate Bernice Mireku-North**