



MONTGOMERY COUNTY, MARYLAND
WOMEN'S DEMOCRATIC CLUB

P.O. Box 34047, Bethesda, MD 20827

www.womensdemocraticclub.org

**Senate Bill 71 - Correctional Services - Pregnancy and Postpartum Support
(Prevention of Forced Infant Separation Act)
Judicial Proceedings Committee – February 7, 2024
SUPPORT**

Thank you for this opportunity to submit written testimony concerning an important priority of the **Montgomery County Women's Democratic Club (WDC)** for the 2024 legislative session. WDC is one of the largest and most active Democratic clubs in our state with hundreds of politically active members, including many elected officials.

WDC urges the passage of SB0071. This legislation allows women who give birth while in pre-release status to keep their newborns with them for one-year postpartum. SB0071 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 the mother. SB0071 is good policy and should be passed without delay.

Pregnant Women in Maryland's Jails and Prison: Pregnant women who go into labor while incarcerated in a Department of Public Safety and Correctional Services (DPSCS) correctional facility are transported to a hospital but are required to return to their facility as soon as they are discharged¹. For a standard vaginal delivery, this is generally 1-2 days after giving birth². Most incarcerated women have less than 48 hours with their newborns before the baby is forcibly separated from them. Women who are pregnant and give birth while in prerelease status are in the final 18 months of their sentences.³ It makes no sense whatsoever to remove the baby from his or her mother, and potentially require the baby to enter the foster care system when the mother has so little time left on her sentence.

Forced Separation Leads to Negative Outcomes for Baby and 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 development⁴. When babies are forcibly separated from their mothers just days after birth, there can be lifelong developmental consequences, because caregivers must be physically present and accessible for babies to become attached to them. Research has shown that maternal availability is particularly important in early childhood because of a baby's limited understanding of the reasons for maternal absence. Separation during

¹ <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>

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

³ The Maryland Department of General Services (DGS) recently completed the Part I and Part II planning documents for the Women's Prerelease Facility mandated by the passage after executive veto of SB624, The Gender-Responsive Pre-Release Act. DGS cited DPSCS data that, as of 2022, the average time remaining on women's sentences when they enter pre-release status is 523 days, or nearly 18 months. Department of General Services, Project Program Part I, Life Skills and Re-entry Center for Women, Part I, Page 15.

⁴ <https://www.uofmhealth.org/health-library/hw251065>



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the first year of life may be a strong determinant of lifelong negative outcomes for the child. 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 8.⁵ In addition to causing an immediate and permanent increase in a baby's stress levels, separated babies are more likely to develop post-traumatic stress and substance use disorders as adults⁶.

Mothers forcibly separated from their newborns are more likely to experience postpartum depression, feelings of extreme powerlessness, grief, and feelings of detachment, all of which will impede effective parenting when mother and baby are reunited. There is no good reason to impose these negative consequences on both baby and mother when the mother has so little time left to serve. SB0071 can break this negative cycle. Given the cost of foster care and the lifelong costs of remedying mother-infant separation, any marginally increased cost of the program during pre-release is money 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 a child's need for the continued physical presence of their mother. SB0071 is a step in that direction.

We ask for your support for SB0071 and strongly urge a favorable Committee report.

Tazeen Ahmad
WDC President

Beth Tomasello
WDC Criminal Justice
Reform Subcommittee

Cynthia Rubenstein
Co-Chair, Advocacy

⁵ 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)

⁶ <https://theconversation.com/a-sudden-and-lasting-separation-from-a-parent-can-permanently-alter-brain-development-98542>