

---

**TESTIMONY IN SUPPORT OF SENATE BILL 71  
WITH AMENDMENTS TO IMPLEMENT ALTERNATIVES TO  
PROGRAMMING UNTIL CONSTRUCTION OF THE WOMEN'S  
PRERELEASE CENTER IS CONSTRUCTED**

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

*Judicial Proceedings Committee*

**February 7, 2024**

**Social Work Advocates for Social Change supports SB 71 with proposed amendments.** SB 71 will require the Division of Corrections to transfer incarcerated individuals who are pregnant or who recently gave birth to a prerelease unit for up to one year after the child's birth. SB 71 also establishes the Healthy Start Bonding Program to support the development of strong bonds between an incarcerated individual and their child(ren) and requires the allowance of liberal visitation between certain individuals and their children.

**SB 71 will mitigate the harmful impact of parent separation due to incarceration on children.** Since 1991, the number of children who have an incarcerated mother has increased by 131%.<sup>1</sup> In early development, children depend on access to their mothers to develop secure relationships, learn how to regulate their emotions, understand risk and safety, and establish their own boundaries and confidence. Attachment theory argues that separation from one's mother during infancy is a traumatic event and a risk factor for maladaptive behaviors.<sup>2</sup> Children who are separated from their mothers due to incarceration are also more likely to experience negative impacts to their academic progress including cognitive delays, academic failure, and dropping out. Specifically, young men whose mothers were incarcerated were 25% more likely to "quit school than other children."<sup>3</sup>

**SB 71 will contribute positively to family cohesion and stability.** Under current state law, after a mother who is incarcerated gives birth, she only has 24-48 hours with the child before she returns to prison and the baby is taken away.<sup>4</sup> This imminent separation disrupts the natural process of bonding and healing for both the mother and infant and can impact the child's socio-emotional development across the lifespan.<sup>5</sup> SB 71 would also contribute to the positive health of the mother and mitigate the risk of

---

<sup>1</sup> Public Policy Institute. (2023). *Effects of Maternal Incarceration on Child Health*. Center for Health and Justice Research. <https://policyinstitute.iu.edu/doc/maternal-incarceration-brief-2023.pdf>

<sup>2</sup> Bowlby, J. (1973). *Attachment and loss. Separation*, Vol. 2. New York: Basic Books

<sup>3</sup> Public Policy Institute. (2023). *Effects of Maternal Incarceration on Child Health*. Center for Health and Justice Research. <https://policyinstitute.iu.edu/doc/maternal-incarceration-brief-2023.pdf>

<sup>4</sup> Bowlby, J. (1973). *Attachment and loss. Separation*, Vol. 2. New York: Basic Books

<sup>5</sup> Poehlmann, J. (2005). Representations of attachment relationships in children of incarcerated mothers. *Child Development*, 76, 679–696

postpartum depression which is further exacerbated by infant separation.<sup>6</sup> This bill will undoubtedly support the 80% of pregnant incarcerated women who present with depression in their third trimester.<sup>7</sup>

**SB 71 will promote racial and gender equity among the most vulnerable of the incarcerated population.** Women who are incarcerated are more likely to be caregivers, and more likely to be single mothers at the time of their detainment.<sup>8</sup> Black women and girls are still disproportionately represented in prisons by almost double compared to white women.<sup>9</sup> Across all races, the incarceration of women is six times higher than it was in 1980.<sup>10</sup> The need for the Healthy Start Bonding Program will only continue to grow and SB 71 is an important start toward addressing the needs of incarcerated mothers and their children.

**SB 71 centers best practices in maternal and child health and follows the lead of other states that have already implemented these needed changes.** We must understand that maternal and child wellbeing matters beyond the first 24-48 hours after an individual has given birth. The physical and mental wellbeing of a mother before and after they give birth provides a foundation for wellness and stability for the years to come. Many states across the nation have implemented similar laws and found these legislative changes can lead to improvements of mental health for all family members, reduced risk of recidivism, and may further reduce the barriers to reunification following release by preventing legal separation.<sup>11, 12</sup>

**For these reasons Social Work Advocates for Social Change supports SB 71 and recommends a favorable report with the amendment** requiring the Department of Corrections to identify appropriate community-based programs as modeled by Minnesota's Healthy Start Act, to be used to house eligible incarcerated individuals and their infants until the Women's Prerelease Center can be constructed.

*Social Work Advocates for Social Change is a coalition of MSW students at the University of Maryland School of Social Work that seeks to promote equity and justice through public policy, and to engage the communities impacted by public policy in the policymaking process.*

---

<sup>6</sup> Eapen, V., Dadds, M., Barnett, B., Kohlhoff, J., Khan, F., Radom, N., & Silove, D. M. (2014). Separation Anxiety, Attachment and Inter-Personal Representations: Disentangling the Role of Oxytocin in the Perinatal Period. *PLoS ONE*, 9(9), e107745. <https://doi.org/10.1371/journal.pone.0107745>

<sup>7</sup> Fogel CI. Pregnant prisoners: impact of incarceration on health and health care. *J Correct Health Care*. 1995; 2(2): 169-190.

<sup>8</sup> Friedman, S. H., Kaempf, A., & Kauffman, S. (n.d.). The Realities of Pregnancy and Mothering While Incarcerated. *Journal of the American Academy of Psychiatry and the Law*. <https://doi.org/10.29158/JAAPL.003924-20>

<sup>9</sup> Carson, E.A. (2022). Prisoners in 2021 – Statistical Tables. Washington, DC: Bureau of Justice Statistics

<sup>10</sup> Maruschak, L. M., Bronson, J., & Alper, M. (2021). Parents in prison and their minor children: Survey of prison inmates, 2016. Bureau of Justice Statistics. <https://bjs.ojp.gov/library/publications/parents-prison-and-their-minor-children-survey-prison-inmates-2016>.

<sup>11</sup>De Claire, K., & Dixon, L. (2015). The Effects of Prison Visits From Family Members on Prisoners' Well-Being, Prison Rule Breaking, and Recidivism: A Review of Research Since 1991. *Trauma, Violence & Abuse*, 18. <https://doi.org/10.1177/1524838015603209>

<sup>12</sup> Warner J: Infants in orange: an international model-based approach prison nurseries. *Hastings Women's LJ* 26:65–92, 2015