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POSITION ON PROPOSED LEGISLATION

BILL: SB0071 Correctional Services - Pregnancy and Postpartum Support (Prevention of Forced Infant Separation Act)

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: 02/06/2024

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on Senate Bill 0071.

Forcibly separating newborn babies from their mothers just days after birth harms babies, mothers, and the state.

Newborns suffer lifelong damage from being forcibly separated from their mothers. In the first hours after birth, babies learn and attach to the sound of their mother’s heartbeat and voice, and to her smell. When they are separated from that comfort and connection, “[t]heir heart rate goes up. Their body releases a flood of stress hormones such as cortisol and adrenaline. Those stress hormones can start killing off dendrites — the little branches in brain cells that transmit mes-sages. In time, the stress can start killing off neurons and — especially in young children — wreaking dramatic and long-term damage, both psychologically and to the physical structure of the brain.”¹

The documented results of separating babies from their mothers include developmental regression, difficulty sleeping, depression, and acute stress.² Babies separated for more than one week in the first two years of life exhibit higher levels of aggression and negativity by ages 3 and 5.³ Early separation

¹ Wan, William, What separation from parents does to children: ‘The effect is catastrophic,’ Wash. Post (June 18, 2018) https://www.washingtonpost.com/national/health-science/what-separation-from-parents-does-to-children-the-effect-is-catastrophic/2018/06/18/c00c30ec-732c-11e8-805c-4b67019fcfe4_story.html

² ERIN SUGRUE, EVIDENCE BASE FOR AVOIDING FAMILY SEPARATION IN CHILD WELFARE PRACTICE – AN ANALYSIS OF CURRENT RESEARCH at 7, Alia (July 2019) https://www.ncsc.org/__data/assets/pdf_file/0031/18985/alia-research-brief.pdf

³ Howard K, Martin A, Berlin LJ, Brooks-Gunn J. *Early mother-child separation, parenting, and child well-being in Early Head Start families*. *Attach Hum Dev*. 2011 Jan;13(1):5-26.

may also lead to long-term chronic medical conditions like cardiovascular disease, hypertension, obesity, and decreased longevity.⁴ Babies separated from their parents in the first two years of life score significantly lower on IQ tests.⁵ They are nearly twice as likely to be arrested or criminally charged as a result, and more likely to have alcohol and substance abuse disorders.⁶ These children also experience higher rates of depression and suicide attempts, and poorer educational and behavioral outcomes.⁷

Separation of a mother from her child is also traumatic for the mother, causing long-lasting damage to her mental health and ability to have a healthy connection with her children over their lifetime.

Conversely, strong data shows that keeping new babies with their mothers while incarcerated has significant rehabilitative effects, resulting in secure bonds for babies with their mothers and very low rates of recidivism.⁸

No one wins when new babies are forcibly separated from mothers that want to care for them. OPD urges the committee to join the growing number of states that keep mothers and babies together in the prison setting, for the benefit of the children and their mother's alike.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on Senate Bill 0071.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.

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⁴ Sugrue, *supra*. See also Sara Goydarzi, Separating Families May Cause Lifelong Health Damage, Scientific American (June 2018), <https://www.scientificamerican.com/article/separating-familiesmay-cause-lifelong-health-damage/>.

⁵ Williams, *supra*.

⁶ Doyle Jr, J. J. (2007). Child protection and child outcomes: Measuring the effects of foster care. American Economic Review, 97(5), 1583-1610. Doyle Jr, J. J. (2008). Child protection and adult crime: Using investigator assignment to estimate causal effects of foster care. Journal of Political Economy, 116(4), 746-770. Doyle Jr, J. J. (2013). Causal effects of foster care: An instrumental-variables approach. Children and Youth Services Review, 35(7), 1143-1151.

⁷ Sugrue, *supra*.

⁸ Goshin LS, Byrne MW, Henninger AM. *Recidivism after release from a prison nursery program*. Public Health Nurs. 2014 Mar-Apr;31(2):109-17.

