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Ways and Means Committee

Subcommittees

Early Childhood

Local Revenues



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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

**Testimony in Support of House Bill 191: Correctional Services - Pregnancy and Postpartum Support
(Prevention of Forced Infant Separation Act)
February 27th, 2024**

Chair Clippinger, Vice Chair Bartlett, and esteemed members of the Judiciary Committee, it is my pleasure to come before you today to offer testimony in favor of **House Bill 191: Correctional Services - Pregnancy and Postpartum Support (Prevention of Forced Infant Separation Act)**. This bill seeks to promote stronger bonds between incarcerated mothers and their children, while changing the current practice of separating mothers from their newborns immediately after birth in Maryland prisons.

Currently, when an incarcerated woman goes into labor, she is taken to the hospital for her delivery but must return to the Department of Corrections as soon as she is discharged without her newborn child. This practice is not only inhumane but also severely detrimental to the well-being of both the mother and the child.

The Prevention of Forced Infant Separation Act would change this practice by allowing pregnant women and women who recently gave birth to transfer to the prerelease unit for the duration of their pregnancy and for up to one year post-childbirth, so long as they qualify for prerelease status. The legislation also enables liberal visitation for fathers and secondary caregivers, which helps to further promote strong family bonds. Additionally, the bill establishes a Healthy Start Bonding program, an evidence-based initiative designed by healthcare professionals to nurture strong bonds between mothers and their newborns.

Thirty years ago, the 1989 United Nations Convention on the Rights of the Child noted “in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.” In 2007, UNICEF further emphasized that infants should not be separated from their mothers due to incarceration because it violates their fundamental right to family life. The United States is one of only four nations (also the Bahamas, Liberia and Suriname) that routinely separate incarcerated mothers from their newborns. It is beyond time that Maryland brings their treatment of incarcerated mothers in line with international standards.

While there is still work to be done on considering who should qualify for this prerelease status and how best to promote the depth of bonding between incarcerated mothers and their children, the heart of this bill lies in ensuring that mothers and their children can remain together after birth.

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 [behavioral 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](#).

Mother-Baby Units, such as the one being proposed, have also had [a proven track record of reducing recidivism among participating women](#). In a study at Columbia University, researchers found that of the women who participated in a Mother-Baby Unit program only 4.3% returned to prison for a new offense and 9.4% returned to prison for a parole violation. In comparison, 8.9% of women released from the general prison population returned to prison for a new crime, while 20.4% returned for a parole violation.

This bill changes from last year in that it will come into effect once the prerelease unit for women has been fully established. It is, however, imperative that we pass this legislation now, so that the prerelease unit can be built to accommodate this program. Now is the time to pass **HB191** to support pregnant incarcerated women and their children for the public health and safety of our state. I urge a favorable report on **House Bill 191**.

Bernie Mirkin-Booth