



**HB837 - Task Force to Study Forced Infant Separation from Incarcerated Individuals**

**February 18, 2025**

**House Judiciary Committee**

**Position: FAVORABLE**

*Maryland Legal Aid (MLA) submits written and oral testimony on HB837.*

MLA serves residents in each of Maryland's 24 jurisdictions, providing free legal services to the State's low-income and vulnerable residents in a range of civil legal matters. MLA is Maryland's largest civil non-profit law firm, representing vulnerable young people in Child in Need of Assistance (CINA) matters across the State. MLA urges the Committee's favorable report on HB837.

HB837 establishes the Task Force to Study Forced Infant Separation from Incarcerated Individuals to study and make recommendations regarding methods to reduce forced infant separation in the State and facilitate bonds between postpartum incarcerated individuals and their children. It requires the Task Force to report its findings and recommendations to the General Assembly on or before December 1, 2025.

The bond between postpartum incarcerated individuals and their children is crucial for the child's emotional and developmental well-being. For the child, maintaining a consistent connection with their incarcerated mother can provide a sense of security, comfort, and familiarity. Early attachment is essential for healthy brain development, emotional regulation, and the development of trust.<sup>1</sup> A safe and positive relationship can help reduce the long-term negative effects of maternal absence, such as feelings of abandonment or emotional distress.<sup>2</sup>

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<sup>1</sup> "Infants who experience a secure attachment relationship develop a reasonably firm expectation of feeling protected and safe, which in turn allows them to explore their world more confidently." Children's Attachment: Attachment in Children and Young People Who Are Adopted from Care, in Care or at High Risk of Going into Care.  
<https://www.ncbi.nlm.nih.gov/books/NBK356196/#:~:text=These%20early%20attachment%20relations%20are,control%2C%20mentalisation%20and%20emotional%20maturity>. The American Psychological Society found that infants who bond securely with their mothers become more self-reliant and have higher self-esteem as toddlers. <https://www.cwla.org/babies-behind-bars/>

<sup>2</sup> "Children who spent time with their mothers in a prison nursery had significantly lower mean anxious/depressed and withdrawn behavior scores than children who were separated from their mothers in infancy or toddlerhood because of incarceration" ("Preschool Outcomes of Children Who Lived as Infants in a Prison Nursery," by Lorie Goshin, Mary Byrne, and Barbara Blanchard-Lewis cited in The Benefits of Prison Nursery Programs: Spreading Awareness to Correctional Administrators Through Informative Conferences and Nursery Program Site Visits.

For the incarcerated mother, the bond with her child can play an important role in her own mental health and rehabilitation. Maintaining contact with her child could provide motivation to engage in positive behaviors, complete rehabilitation programs, and make progress toward reintegration into society. The desire to maintain a strong relationship with her child could promote and preserve bonds and help break the cycle of intergenerational incarceration.

It is imperative to study the key factors in reducing recidivism and promoting positive outcomes for both the mother and the child while ensuring the child's safety and well-being. This study could benefit children and families today for generations.<sup>3</sup> It is in the best interest of Maryland's children to engage in the work provided by HB837.

Maryland Legal Aid proposes one amendment to HB837: that the task force include one attorney from a Maryland nonprofit law firm that represents children in child welfare cases and focusses on the rights of children.

Maryland Legal Aid urges the Committee to issue a FAVORABLE report on House Bill 442 and urge its ultimate passage. If you have any questions, please contact: Erica I. LeMon, Advocacy Director for Children's Rights at [elemon@mdlab.org](mailto:elemon@mdlab.org) (410) 951-7648 or (410) 935-0937.

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<https://www.bu.edu/writingprogram/journal/past-issues/issue-9/johnson/#:~:text=Goshin%2C%20Byrne%2C%20and%20Blanchard%2D,Goshin%20et%20al.%2C%20%E2%80%9CPreschool> Maintaining meaningful connections between parents who are incarcerated and their children is essential for promoting family well-being, mitigating the trauma

<sup>3</sup> Implementing evidence-based programs and practices tailored to support parents who are incarcerated and their families is crucial for addressing their complex needs, mitigating the negative consequences of incarceration, and promoting positive outcomes for families. Evidence-Based and Promising Programs and Practices to Support Parents Who Are Incarcerated and Their Children and Families. <https://csgjusticecenter.org/publications/evidence-based-promising-programs-practices-support-parents-incarcerated/>