



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

Testimony in Support of House Bill 837: Correctional Services - Task Force to Study Forced Infant Separation From Incarcerated Individuals
February 18, 2025

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 837: Task Force to Study Forced Infant Separation From Incarcerated Individuals**. This bill seeks to examine and research the impacts of forced infant separation on incarcerated mothers and their children, while creating space to identify evidence-based solutions to mitigate these harmful effects.

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, leaving her newborn child behind. This practice is not only inhumane but also severely detrimental to the well-being of both the mother and the child.

The Task Force to Study Forced Infant Separation From Incarcerated Individuals would address this imminent concern by creating a Task Force composed of legislators, experts in maternal and child health, pediatric and maternal health nonprofit organization representatives, as well as individuals with lived experience of the current, inadequate system we have regarding postpartum infant separation. The mission of this Task Force is to study the prevalence of pregnancy and postpartum incarceration in Maryland, evaluate best practices from other states, and ultimately make legislative recommendations to reduce forced infant separation and promote bonding between incarcerated mothers and their children.

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.

This bill recognizes the need for a comprehensive and well-informed approach to ensure that the future proposed policy measures are targeted, effective, and sustainable. The Task Force’s findings will be indispensable in shaping policies that are evidence based and considerate of the well-being of incarcerated mothers, their children, and the public.

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](#). By conducting a thorough study, the Task Force will

have the tools necessary to make informed recommendations that promote better outcomes for mothers and children.

If enacted, this bill would increase state general fund expenditures by \$55,500 in fiscal year 2026 and by \$61,600 in fiscal year 2027, to cover the cost of contractual staff in the task force. It would have no impact on state revenue, local budgets, or small business budgets.

This bill differs from last year in that it focuses on bringing together stakeholders to discuss and propose thoughtful changes in what happens after a mother gives birth to a child while in DPSCS custody. Establishing the Task Force will ensure Maryland moves toward a more just and humane approach in addressing the health and safety needs of incarcerated mothers, children, and Maryland families as a whole. I urge a favorable report on **House Bill 837**.

A handwritten signature in black ink, reading "Bernice Michèle Roth". The signature is written in a cursive, flowing style. The first name "Bernice" is written in a larger, more prominent script, followed by "Michèle" and "Roth" in a slightly smaller, more compact script. The signature is positioned on a light gray rectangular background.