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Ways and Means Committee

Chair

Child Care Subcommittee

Early Childhood and
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THE MARYLAND HOUSE OF DELEGATES
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**Testimony in Support of House Bill 592: Task Force to Study Forced Infant Separation
From Incarcerated Individuals
March 3rd, 2026**

Chair Bartlett, Vice Chair Davis, and esteemed members of the Judiciary Committee, Chair Bagnall, Vice Chair Cullison, and esteemed members of the Health Committee, I come before you to offer testimony in support of **HB 592: Task Force to Study Forced Infant Separation From Incarcerated Individuals**.

Everyday thousands of women experience the beautiful phenomenon that is childbirth. They get to experience the moment their newborn child rests on their chest and cries for the first time. They get to experience the joy of continuing to bond with their child. Most mothers in the U.S. cannot imagine being separated from their children in the first few days of their life. However, this is the reality for hundreds of women facing incarceration in the state of Maryland. Infants are stripped of their mother and are faced with a rise in stress that will never dissipate.¹ When separated from their parents, cortisol, a stress hormone, floods the brain and begins to damage brain cells. Furthermore, it can cause an overactivation of the amygdala which can later on compromise the child's ability to evaluate risks and make good decisions.²

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

¹ Review of *Forced Infant Separation Fact Sheet*. 2021. Wwww.ma4jr.org. October 2021. <https://www.ma4jr.org/wp-content/uploads/2022/01/Forced-Infancy-Act-Fact-Sheet29050.pdf>.

² American Bar Association. 2019. "Trauma Caused by Separation of Children from Parents a Tool to Help Lawyers." https://www.americanbar.org/content/dam/aba/publications/litigation_committees/childrights/child-separation-memo/parent-child-separation-trauma-memo.pdf.

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 that routinely separates incarcerated mothers from their newborns. It is beyond time that Maryland brings their treatment of incarcerated mothers in line with international standards.

That is why I have introduced HB 592. This bill would establish the Task Force to Study Infant Separation from Incarcerated Individuals 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.

Forced infant separation has detrimental effects on both the mother and child. The child is more likely to develop PTSD and substance abuse disorder. The mother is more likely to experience postpartum depression, grief, and feelings of detachment.³ 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.

Forced Infant Separation is not the only option. In 2021, the Minnesota legislature passed a law preventing the forced separation of infants from incarcerated parents. The Healthy Start Act allows the Commissioner of Corrections to place pregnant individuals into community alternatives up to one year postpartum, allowing infants and their mothers to properly bond with

³ Review of *Forced Infant Separation Fact Sheet*. 2021. Wwww.ma4jr.org. October 2021. <https://www.ma4jr.org/wp-content/uploads/2022/01/Forced-Infancy-Act-Fact-Sheet29050.pdf>.

each other. The task force this HB592 would create could look into options like this one and help the State of Maryland find a solution to the rising rate of forced infant separation.⁴

To date, only 11 states in the United States and the Federal system operate prison nursery programs where newborns can reside with their parents in custody. These nurseries are few and far between, frequently only offered at one facility in the state and eligibility for participation is limited by many factors.

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 592.



The Honorable Bernice Mireku-North, Esq.
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⁴ Review of *Forced Infant Separation Fact Sheet*. 2021. Wwww.ma4jr.org. October 2021. <https://www.ma4jr.org/wp-content/uploads/2022/01/Forced-Infancy-Act-Fact-Sheet29050.pdf>.