



**HB592 - Task Force to Study Forced Infant Separation From Incarcerated Individuals**  
**March 3, 2026**  
**Position: FAVORABLE**

*Maryland Legal Aid submits written and oral testimony on HB592 at the request of its sponsor, Delegate Bernice Mireku-North.*

Maryland Legal Aid asks that the Committee report **favorably** on HB592, establishing 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; and requiring the Task Force to report its findings and recommendations to the General Assembly on or before December 1, 2027. Maryland Legal Aid 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. Maryland Legal Aid is Maryland’s largest civil non-profit law firm, representing vulnerable young people in Child in Need of Assistance (CINA) matters across the State. This proposed legislation is an important measure to provide stability to infants, children, and their families.

Maryland Legal Aid’s staff represent thousands of children in CINA and Guardianship (“TPR”) proceedings throughout the state. Our attorneys represent children from infancy to young adulthood continuously, while under the jurisdiction of the juvenile court. As a result of its extensive work in the field, Maryland Legal Aid has expertise in matters concerning children and child welfare. Low-income communities are often overrepresented in both the child welfare system and the criminal justice system. This proposed legislation will promote reformative change for the benefit of Maryland’s women, children, and the incarcerated population overall.

Currently, Maryland law requires that an incarcerated individual be returned to the correctional facility as soon after giving birth as the incarcerated individual’s health allows, as determined by the medical professional responsible for the care of the incarcerated individual.<sup>1</sup> Forced infant separation has extensive short and long-term effects on the children of incarcerated parents.<sup>2</sup> Children who are separated from incarcerated parents as infants ultimately experience higher rates

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<sup>1</sup> Md. Code Ann., Corr. Servs. § 9-601(d)(2) (West)

<sup>2</sup> Claire Powell, Lisa Marzano & Karen Ciclitira, Mother–Infant Separations in Prison: A Systematic Attachment Focused Policy Review, *J. Forensic Psychiatry & Psychol.* 28(2): 274 (2017) (identifying separation as trauma and documenting negative outcomes); NSPCC Learning, Attachment and Child Development (2021) (summarizing impacts of disrupted attachment on later functioning).

of depression, anxiety, and instability.<sup>3</sup> These impacts are longstanding and can be destructive to a youth's future.

A longitudinal study on the development of children during and following their stay in a prison nursery had outcomes of only 4% of women in the baby nursery program having returned to prison for new crimes.<sup>4</sup> Studied programs structured to promote post-partum bonding also showcase long-lasting impact on the overall parent-child relationship. Infants who were discharged into the community with their mothers fared well. In the 2012 study by Byrne, Goshin and Blanchard-Lewis, 59% of children from the studied prison nurseries were discharged with their mothers, and 83% of those children remained with their mother at the end of the third reentry year.<sup>5</sup> Considering the negative short and long term effects of forced infant separation on both child and parent, it is imperative that there be actions to study the undeniable harm brought on by this outdated practice.

Maryland Legal Aid urges the Committee to issue a FAVORABLE report on House Bill 592 and urge its ultimate passage. If you have any questions, please contact: Erica I. LeMon, Advocacy Director for Children's Rights at [elemon@mdlabor.org](mailto:elemon@mdlabor.org) (410) 951-7648 or (410) 935-0937.

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<sup>3</sup> Julie Poehlmann, Representations of Attachment Relationships in Children of Incarcerated Mothers, *Child Dev.* 76(3): 679 (2005) (finding high rates of insecure attachment and symptoms including sadness, anxiety, sleep problems, and developmental regressions among young children separated from incarcerated mothers).

<sup>4</sup> Goshin, L. S., Byrne, M. W., & Henninger, A. M. (2013). Recidivism after release from a prison nursery program. *Public Health Nursing*, 31(2), 109–117.

<sup>5</sup> Byrne, M. W., Goshin, L., & Blanchard-Lewis, B. (2012). Maternal separations during the reentry years for 100 infants raised in a prison nursery. *Family Court Review*, 50(1), 77–90