



Bill No: SB776
Title: Correctional Services - Pregnancy and Postpartum Support (Prevention of Forced Infant Separation Act)
Committee: Judicial Proceedings
Hearing: March 9, 2022
Position: FAVORABLE

The Maryland Legislative Agenda for Women (MLAW) is a statewide coalition of women's groups and individuals formed to provide a non-partisan, independent voice for Maryland women and families. MLAW's purpose is to advocate for legislation affecting women and families. To accomplish this goal, MLAW creates an annual legislative agenda with issues voted on by MLAW members and endorsed by organizations and individuals from all over Maryland. **SB776 - Correctional Services - Pregnancy and Postpartum Support (Prevention of Forced Infant Separation Act)** is a priority on the 2022 MLAW Agenda and we urge your support.

SB776 prevents the forced separation of infants born to incarcerated women with pre-release status in Maryland, permits liberal visitation of infants born to incarcerated mothers without pre-release status, and creates the Healthy Start Program, a child development initiative with the goal of building strong bonds between mother and infant.

The crisis of mass incarceration – and the process of ending it – has become a central policy concern in the United States over the past few years. However, much of the conversation both nationally and within Maryland has centered around the experiences of men in carcel institutions, even though women are the fastest growing incarcerated population in the U.S. Despite this rapid growth, many correctional facilities are still not adequately equipped to meet the physiological and social needs of women, primarily due to the nation's male-specific model for incarceration. This has a negative impact on the health of incarcerated women, especially those who are pregnant and give birth while incarcerated.

In the State of Maryland, pregnant women who go into labor while incarcerated in a Department of Public Safety and Correctional Services (DPSCS) correctional facility will be transported to a hospital but are required to return to their facility as soon as they are discharged. For a standard vaginal delivery, this is generally 1-2 days after giving birth. This means that most incarcerated women have less than 48 hours with their newborns before the baby is forcibly separated from the mother. In 2019, 19 pregnant women were sentenced to incarceration in DPSCS facilities and 9 infants were born to mothers in incarceration during the same year. The COVID-19 pandemic has exacerbated this issue, as the rate of pregnancy among incarcerated women in DPSCS custody more than doubled from 2019 to 2020. Considering that the majority of incarcerated women are the sole caregivers of their children, many of these newborns will enter the Maryland Department of Human Services (DHS) foster care program just days after they are born. The forced separation of infants leads to a myriad of adverse health outcomes for both the baby and the mother. Research suggests that the first year is one of the most important in an infant's life, as it is a time of significant physical, cognitive, and social development. This means that when babies are forcibly

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separated from their parents just days after birth, there can be lifelong developmental consequences. Not only does separation immediately cause a permanent increase in a baby's stress levels, but separated babies are more likely to develop post-traumatic stress and substance use disorders as adults. For mothers, the psychological consequences of forced separation can be just as severe. Mothers separated from their newborns are more likely to experience post-partum depression, extreme powerlessness, grief, and feelings of detachment after forced separation.

For these reasons, MLAW strongly urges the passage of SB776.



MLAW 2022 Supporting Organizations

The following organizations have signed on in support of our 2022 Legislative Agenda:

Allegany County Women's Action Coalition
American Association of University Women - Anne Arundel County
American Association of University Women - Maryland
American Association of University Women - Garrett Branch
Anne Arundel County Commission for Women
Anne Arundel County NOW (National Organization for Women)
Baltimore County Commission for Women
Baltimore Jewish Council
Baltimore NOW (National Organization for Women)
Business and Professional Women of Maryland
For All Seasons, Inc.
Forward Justice Maryland
Indivisible Central Maryland
Make A Difference Monday
Maryland NOW (National Organization for Women)
Maryland Network Against Domestic Violence
Maryland Women's Heritage Center
MoCoWoMen
MomsRising
Montgomery County NOW (National Organization for Women)
Montgomery County Commission for Women
Montgomery County Women's Democratic Club
National Coalition For Sexual Freedom
National Organization for Women
NCBW Anne Arundel County Chapter
Prince George's County Alumnae Chapter
Prince George's County Drug Policy Coalition, Inc.
Reproductive Justice Inside
South Prince George's Business and Professional Women
WISE - WISE Women of Maryland
Women's Equality Day Celebration across Maryland
Women's Law Center of Maryland
Yellow Rose Foundation
Zonta Club Mid Maryland
Zonta Club of Annapolis

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