

Testimony of the Human Trafficking Prevention Project

BILL NO: Senate Bill 776
TITLE: Correctional Services – Pregnancy and Postpartum Support
(Prevention of Forced Infant Separation Act)
COMMITTEE: Judicial Proceedings
HEARING DATE: March 9, 2022
POSITION: FAVORABLE

Senate Bill 454 would create the Healthy Start Bonding Program within the Maryland correctional system which would allow women who are on pre-release status who have recently given birth to reside with their child in the prerelease unit for up to one year following the birth of the child. The Human Trafficking Prevention Project at the University of Baltimore School of Law supports this bill because it prioritizes the emotional health of incarcerated mothers, many of whom are survivors of human trafficking.

Across the country, there has been a disturbing gender disparity in recent prison population trends. While recent reforms nationally have reduced the total number of people in state prisons since 2009, almost all the decrease has been among men. Women are being incarcerated at a significantly higher rate than men, with the number of women in Maryland prisons having increased by over more than eightfold over the past 40 years.¹ Pregnant women who go into labor while incarcerated in a Department of Public Safety and Correctional Services (DPSCS) correctional facility are 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.

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 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. Further, if the mother is the sole or primary caretaker of the child – like the majority of incarcerated mothers - the separation can become permanent as child protective services and the foster system becomes involved.

SB 776 will also have a strong positive impact on the lives of survivors of human trafficking, who are frequently charged with non-violent criminal offenses stemming from acts they were forced to commit by their traffickers, or from the instability that so often precedes or follows a trafficking experience. Data recently obtained from a national survey of both sex and labor trafficking survivors highlights the regularity with which survivors of trafficking are criminalized, with 91% of survivors reporting having been arrested.² In a life already rife with coercion, control, and abuse, permitting these survivors to remain with their newborns will allow them to work toward creating healthy, secure bonds with their children, which in turn supports their recovery from the trauma of their trafficking experience.

For these reasons, the Human Trafficking Prevention Project at the University of Baltimore School of Law supports Senate Bill 776 and respectfully urges a favorable report.

¹ Vera Institute of Justice, *Incarceration Trends in Maryland* (2019), <https://www.vera.org/downloads/pdfdownloads/state-incarceration-trends-maryland.pdf> (citing that the number of women in Maryland's jails has increased from 120 in 1970 to 1,000 in 2015).

² National Survivor Network, *National Survivor Network Members Survey: Impact of Criminal Arrest and Detention on Survivors of Human Trafficking* (2016), <https://nationalsurvivornetwork.org/wp-content/uploads/2017/12/VacateSurveyFinal.pdf>.