

Dear Members of the Senate Judicial Proceedings Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with the Maryland Justice Project. I am a resident District 40. **I am testifying in support of Senate Bill 776 - Prevention of Forced Infant Separation Act)**



The Prevention of Forced Infant Separation Act provides an alternative to separating newborn babies and their incarcerated mothers. This is a significant issue on a state and national level; the number of incarcerated women is growing, and this increasingly includes pregnant women. For example, Johns Hopkins School of Medicine researchers found 36 pregnant women were admitted into Maryland prisons in 2016, representing 16.7% (1 out of 6) of women's admissions by year's end.<sup>1</sup> Most pregnant women admitted to prison will give birth while still in prison.

**Currently, newborns born to incarcerated mothers in Maryland are separated from their mothers almost immediately.** As soon as the mother is discharged from the hospital – an average of 1 to 2 days after giving birth – the baby is taken away and placed with a secondary caregiver or into the foster system. This outdated practice is well-documented as traumatic for both mothers and babies, and severely disrupts the formation of a healthy bond between them. This has serious consequences, increasing maternal depression, feelings of extreme powerlessness, grief, and detachment. Their children are more likely to experience poor attachment to their caregiver and later academic difficulties, post-traumatic stress symptoms, delinquency, and risky behaviors.<sup>2</sup> As women of color are disproportionately likely to be imprisoned, these forced separations also disproportionately impact racial minority communities and exacerbate existing social and structural disadvantages for these families.

The Prevention of Forced Infant Separation Act establishes a program to stop this outdated and harmful separation policy and instead facilitate strong, healthy bonds between incarcerated women and their newborns. In this program, imprisoned pregnant women who have earned pre-release status would transfer to the women's pre-release unit; they would remain there for up to a year after delivery with their infants. This bill also establishes an evidence-based Healthy Start Bonding Program (developed with maternal-child health experts) to support healthy parenting and attachment between mother and child, and strengthens other supportive family ties by facilitating frequent visitation by fathers or secondary caregivers.

**Similar programs (often called prison nurseries) have been established in numerous states and are considered to be a best-practice model.**<sup>5</sup> In addition to the cost benefits of keeping infants out of foster care, such programs have been documented to have significant positive impacts on these infants' secure attachment and well-being, both short and longer-term.<sup>3-5</sup> Additionally, women who participate in these programs have better outcomes, including lower recidivism rates.<sup>4</sup>

Most importantly, separating a child from their parent is a cruelty that should only be inflicted in circumstances that are best for the child. Denying incarcerated mothers access to available resources that ensure the healthy birth of their child, as well as a recourse to stay and bond with that child are not the behaviors of a benevolent state, but the actions of a callous and vindictive one.

It is for these reasons I am strongly encouraging you to vote **in support of Senate Bill 776 (The Prevention of Forced Infant Separation Act)**. The time is right for the state to adopt this best-practice model to keep families together and end forced infant separation.

Thank you for your time, service, and consideration.

Sincerely,  
Jonathan Smeton  
Baltimore, MD 21211  
Showing Up for Racial Justice Baltimore

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<sup>1</sup> Sufrin C et al. Pregnancy Outcomes in US Prisons, 2016–2017. *Am J Public Health*. 2019;109(5):799-805.

<sup>2</sup> Dallaire. Children with incarcerated mothers: Developmental outcomes, special challenges and recommendations. *Journal of Applied Developmental Psychology*. 2007;28(1):15-24.

<sup>3</sup> Byrne et al. Intergenerational transmission of attachment for infants raised in a prison nursery. *Attachment & Human Development*. 2010;12(4):375-393.

<sup>4</sup> Goshin et al. Preschool outcomes of children who lived as infants in a prison nursery. *The Prison Journal*. 2014;94(2):139-158.

<sup>5</sup> Goshin et al. Recidivism after release from a prison nursery program. *Public Health Nurs*. 2014;31(2):109-117.