

Dear Delegate Clippinger and Members of the House Judiciary Committee,

I am a resident of District 43, a fellow with the Maryland Justice Project, and a Public Health Studies major at Johns Hopkins University. **I am testifying in support of House Bill 454 (HB0454), the Prevention of Forced Infant Separation Act.**

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.^[1] 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^[2].

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^[3]. For a standard vaginal delivery, this is generally 1-2 days after giving birth^[4]. This means that most incarcerated women have less than 48 hours with their newborns before the baby is forcibly separated from the mother. Among incarcerated women in Maryland, 10% are pregnant and 64% of these women will give birth while incarcerated^[5]. 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^[6].

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^[7]. 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^[8]. 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^[9].

In 2021, Minnesota became the first state to prevent the forced separation of infants from incarcerated mothers after the passage of the Healthy Start Act. The Healthy Start Act allowed the Commissioner of Corrections to place pregnant individuals into community alternatives up to one-year postpartum, giving babies and caregivers the support they need to thrive^[10]. During the 2021 session, this bill was led by an all-women team of legislatures and received broad bipartisan support in both the House and the Senate. Through the passage of the Prevention of Forced Infant Separation Act, Maryland can join Minnesota in keeping families together during incarceration.

This Act would expand upon SB684, legislation that was led by numerous advocacy groups in 2020 and authorized the Commissioner of Correction to operate a pre-release unit for women within the Division of Corrections (DOC). In particular, the Act would provide pregnant women under DPSCS custody with pre-release status the option to relocate to this unit throughout the duration of their pregnancy and remain with their infants up to one year postpartum. Pregnant women who are not eligible for pre-release status and are instead housed at the Maryland Correctional Institution for Women will have access to infant bonding programs that will help them maintain strong bonds with their children through increased visitation. Both pre-release eligible and non-eligible women will also have access to the Healthy Start Program, which will be developed by professionals in child development and ensure that mothers get the resources they need to form strong and lasting bonds with their infants.

There is a clear need for Maryland to prevent the cruel and harmful separation of infants days after birth. However, there is also a clear legislative solution. HB0454 will help incarcerated parents form strong

attachments with their newborns, leading to better health outcomes and a strong incentive against recidivism. It's time for Maryland to keep families together and end forced infant separation.

For the above reasons, I am encouraging the committee to vote **in support of HB0454, the Prevention of Forced Infant Separation Act**. Thank you for your consideration.

Sincerely,

Anushka Vakil

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