



THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

February 8, 2022

**Testimony in SUPPORT of HB 454 - Prevention of Forced Infant Separation Act**

**Summary:** HB 454 builds on the work this committee did on the Women's Prerelease Center in 2020 by allowing the Department of Corrections to place pregnant people who are classified for prerelease status to remain in the Prerelease Center for the duration of their pregnancy and for up to one year following the birth of their child. It also establishes the Healthy Start Bonding program, which both pregnant people eligible for prerelease and pregnant people who are not eligible for prerelease status will be able to access to help them maintain strong bonds with their children.

**Overview:** In the State of Maryland, pregnant people who go into labor while incarcerated in a Department of Public Safety and Correctional Services (DPSCS) 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 people have less than 48 hours with their newborns before the baby is forcibly separated from the mother.

[A recent study](#) by Johns Hopkins reports that 6% of incarcerated women are pregnant, and in Maryland, the number goes up to 10%. Sixty four percent of those women will give birth while incarcerated. 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.

This forced separation has devastating consequences for both the parents and the infants involved. The first year of an infant's life is a time of crucial physical, cognitive, and social development—time that is negatively impacted when they are forcibly separated from their parents. Similarly, mothers separated from their newborns are more likely to experience postpartum depression, extreme powerlessness, grief, and feelings of detachment.

HB 454 works to guide Maryland toward a justice system focused on rehabilitation rather than punishment by allowing women who are already eligible for prerelease to reside in the Prerelease Center while they are pregnant and for up to a year postpartum. In addition, it establishes, with the input of experts on maternal-child health and well-being, the Healthy Start Bonding program, which will allow both mothers who are eligible for prerelease and those who remain incarcerated to form strong bonds with their infants.

**Conclusion:** HB 454 continues this committee's work to develop a more rehabilitative justice system by allowing pregnant people on the way to reentering society to remain with their infants and establish strong family ties that will support them after they are released.

Thank you and I ask for a favorable report on HB 454.