

Forced Infant Separation Fact Sheet

Keeping incarcerated parents and their newborns together leads to happier and healthier families

What Happens to Babies Born to Incarcerated Parents?

In the State of Maryland, pregnant individuals who give birth while incarcerated are required to return to their correctional facility as soon as the individual is discharged from the hospital¹. For a standard vaginal delivery, this is generally 1 to 2 days after giving birth². This means that most incarcerated parents have **less than 48 hours** with their newborns before the baby is separated and placed with an appropriate caregiver or enters the foster care system.

The Cost to Babies, Parents, and Taxpayers

Since 1980, the number of women in incarceration in Maryland has increased by 264%³. Approximately 18% of these women will be pregnant upon entry⁴. As the average length of stay for an incarcerated woman in Maryland is 62 months, it is likely that many of these women will give birth during the tenure of their incarceration⁵.

When these 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 adults⁶. However, these psychological effects are not limited to babies. Mothers separated from their newborns are more likely to experience postpartum depression, extreme powerlessness, grief, and feelings of detachment after forced separation⁷.

Further, most incarcerated women are also the sole caregivers of their children⁸. This means that many newborns will enter the foster care system just days after they are born, leading to an estimated cost to Maryland taxpayers of up to \$6 million every year⁹.

A Bipartisan Solution to Address Forced Infant Separation

In 2021, the Minnesota legislature passed the first law in the country preventing the forced separation of infants from incarcerated parents. The Healthy Start Act allows 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 thrive¹⁰. 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.

Maryland Needs to Become Part of the Change

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. Postpartum parents and newborns should be relocated to Maryland's designated pre-release center for women or another alternative placement. This evidence-based policy 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.

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