

MLAW
Maryland Legislative
Agenda for Women

2022 LEGISLATIVE BRIEFING

FEBRUARY 3, 2022



2022 Legislative Briefing Agenda

Welcome and Overview - Michaela Cohen, MLAW Interim President

Announcement of Legislators – Angela McDaniel, MLAW Vice-President

Presentation of 2022 Agenda Legislation – Shruti Bhatnagar, MLAW Board Member

- **SB___/HB___ – Abortion Care Access Act of 2022**
Presented by: Delegate Ariana Kelly, Maryland House of Delegates
- **SB33/HB153 – Criminal Law – Sexual Crimes – Repeal of Spousal Defense**
Presented by: Lisae Jordan, Maryland Coalition Against Sexual Assault (MCASA)
- **SB275/HB8—Labor and Employment - Family and Medical Leave Insurance Program – Establishment (Time to Care Act of 2022)**
Presented by: Myles Hicks, Maryland Rise
- **HB626/SB___ – Pregnant Person’s Freedom Act of 2022**
Presented by: Delegate Nicole Williams, Maryland House of Delegates
- **HB833/SB___ – Criminal Law – Victims of Child Sex Trafficking – Safe Harbor and Service Response**
Presented by: Amanda Rodriguez, Turnaround, Inc.
- **SB328/HB148 – Criminal Law – Stalking – Definition**
Presented by: Dorothy Lennig, House of Ruth Maryland
- **SB280/HB296 – Interim and Temporary Protective Order – Electronic Filing and Video Conferencing Hearings**
Presented by: Senator Shelly Hettleman, Maryland Senate
- **HB454/SB___ – Correctional Services - Pregnancy and Postpartum Support (Prevention of Forced Infant Separation Act)**
Presented by: Delegate Lesley Lopez, Maryland House of Delegates

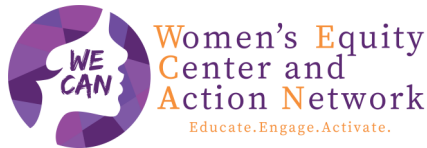
Question and Answers – Liz Joyce, MLAW Board Member

Announcement of Legislators – Angela McDaniel, MLAW Vice President

Closing Remarks - Michaela Cohen, MLAW Interim President

Thank you for joining us!

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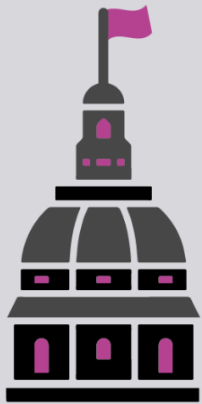
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MLAW
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Agenda for Women

2022 LEGISLATIVE AGENDA



1994 - 2022

28 Years of Advocacy for Women's and Family Issues

MLAW is the only statewide coalition of women's groups and individuals that provides a non-partisan, independent voice for Maryland women and families. MLAW harnesses the **collective power of women** by mobilizing, coordinating and collaborating with networks, groups, and individuals from all over the state to **advocate for the passage of legislation to promote and protect the well-being of women and their families in Maryland.**

This call to action for legislative change has resulted in a coalition almost unique in the United States. The annual legislative conference and other activities have energized thousands of women, and male allies, to become engaged in advocacy for important issues affecting Maryland women and families.

The annual Legislative Agenda has included a broad diversity of issues and the organization's advocacy and collaborative efforts have resulted in the **passage of 101 pieces of legislation enacted by the Maryland General Assembly** since its inception.

This extraordinary success has made **a significant difference for women and families.** It has established MLAW as a **powerful voice for women and their priorities in Maryland.**

MLAW provides visibility for legislation affecting women and families. The fall conference develops our MLAW Legislative Agenda and an annual legislative briefing during the legislative session introduces the Agenda to advocates and legislators. These events focus legislators' attention on our issues and raise their visibility throughout the state. We distribute the annual Legislative Agenda to every Maryland legislator. In collaboration with our advocacy partners, we submit testimony, advocate for bills, and promote our Agenda through our large e-mail list, website, and Facebook page.

The Maryland Legislative Agenda for Women is proud of its achievements during the last 28 years, but there is more to be done. **Join us and help us continue to make a difference for Maryland women and families.**



Overview

The Maryland Legislative Agenda for Women (MLAW) is a statewide coalition of women's groups and individuals formed to provide a non-partisan, independent voice for Maryland women and families. The coalition advocates for progressive legislation and policies that promote and protect the well-being of Maryland women and their families and provide them opportunities to develop their full potential.

Our Vision

Maryland women and their families have a right, by law, to an adequate and sustainable quality of life and an opportunity to develop their full potential.

Guiding Principles

- An adequate standard of living regardless of ability to work or achieve financial independence
- Personal safety at home, school and the workplace
- Freedom from discrimination in Maryland's economic, educational, judicial, political, and social system
- Equal access to quality health care and reproductive services
- Safe and affordable child and dependent care
- A quality, public education
- Equitable and responsible implementation and enforcement of rights and protections provided by existing law
- Elimination of discriminatory policies and practices based on age, ethnicity, gender, physical abilities and attributes, race, and sexual orientation
- Family-friendly employment practices

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Statement on Racism

The Maryland Legislative Agenda for Women (MLAW) unequivocally supports the Black Lives Matter movement and stands in solidarity with African American communities as an ally in the fight against systemic racism, racial injustice, and discrimination.

Diversity and equity are two of the core values through which MLAW strongly advocates for its legislative priorities centered around addressing issues of concern to women and that also disproportionately affect communities of color.

Too often, well-intended advocacy efforts ignore the unique challenges of the very communities the efforts aim to support. We are committed to ensuring that we are not just opposed to systemic racism and racist policies, but that we as an organization are actively working towards anti-racist solutions. As we work collaboratively with our members and partner networks towards solutions, we will be more deliberate about establishing meaningful relationships and dialogue with the communities being supported.

To that end, the MLAW Board of Directors will ensure the following:

1. All legislative proposals submitted for consideration for the annual MLAW Legislative Agenda must include information about racial impact and be reviewed by the Board of Directors using a racial equity lens.
2. The MLAW Legislative Agenda will include at least one racial equity bill per legislative session.
3. Presenters, sponsors, and advocates for proposed legislation and attendees at our events will be representative of the diverse and wonderful communities that we seek to uplift and support.
4. MLAW's Board of Directors and membership will represent diversity in perspectives, ideas, culture, backgrounds, race, and ethnicity.
5. MLAW will ensure broader and consistent outreach to gain a more diverse membership and increase engagement in MLAW's education and advocacy efforts.

For 28 years MLAW has provided a non-partisan, independent voice for Maryland women and families, and we will continue to strive to be an organization that is committed to advocating for anti-racist, progressive legislation and policies that promote and protect the well being of Maryland women and their families and provides them opportunities to develop their full potential.

2022 MLAW SUPPORTERS

Organizations

Allegany County Women's Action Coalition
American Association of University Women - Anne Arundel County
American Association of University Women - Maryland
American Association of University Women - Garrett Branch
Anne Arundel County Commission for Women
Anne Arundel County NOW (National Organization for Women)
Baltimore County Commission for Women
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Maryland Network Against Domestic Violence
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Prince George's County Alumnae Chapter
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**The names of individuals and organizational supporters may only support some components of the agenda that pertain to their mission and work.*



2022 Agenda Process and Bill Selection

In November, MLAW hosted its Fall Agenda Conference. Advocacy and women's groups were invited to present legislative initiatives for consideration. The criteria for initiatives to be presented at the conference were:

- Addresses an issue related to women's health, women's personal safety at home, in public, in school, and in the workplace; the ability to achieve and maintain economic independence; or freedom from discrimination in Maryland's economic, educational, judicial, political, and social system;
- Can be addressed through the legislation in the Maryland General Assembly;
- Has a reasonable chance to move successfully through the legislative process;
- Has an identifiable, sustainable lead group that can shepherd the bill.
- The lead group must:
 - Be a Maryland-based group or a national group with a strong on-the-ground presence in Maryland;
 - Have issue-area expertise and/or a track record of supporting legislation/advocacy in areas related to this proposal;
 - Have an identified representative who will be in regular contact with the MLAW Board of Directors about the progress of the legislation; and
 - Regularly provide legislative updates and supportive materials for MLAW to share with our members so that they can take action.

Last year we added a requirement that all legislative proposals submitted for consideration for the annual MLAW Legislative Agenda must include information about racial impact and be reviewed by the Board of Directors using a racial equity lens.

Following a successful conference, the Board of Directors met to review the legislation and ensure that it met the criteria. Bills that met the criteria were placed on a ballot, which was distributed to the MLAW membership. Members were asked to vote for the initiatives that would comprise the **2022 Maryland Legislative Agenda for Women.**



2022 Agenda Initiatives

SB___/HB___ – Abortion Care Access Act of 2022

SB33/HB153 – Criminal Law – Sexual Crimes – Repeal of Spousal Defense

SB275/HB8—Labor and Employment - Family and Medical Leave Insurance Program – Establishment (Time to Care Act of 2022)

HB626/SB___ – Pregnant Person’s Freedom Act of 2022

HB833/SB___ – Criminal Law – Victims of Child Sex Trafficking – Safe Harbor and Service Response

SB328/HB148 – Criminal Law – Stalking – Definition

SB280/HB296 – Interim and Temporary Protective Order – Electronic Filing and Video Conferencing Hearings

HB454/SB___ – Correctional Services - Pregnancy and Postpartum Support (Prevention of Forced Infant Separation Act)



Abortion Care Access Act of 2022

Bill Number: HB ____/SB ____

One Sentence Synopsis: This legislation will protect and increase access to affordable abortion care in Maryland.

Committees: House Health and Government Operations

Lead Sponsors: Delegate Ariana Kelly

Lead Group: Planned Parenthood of Maryland

Lead Group Contact: Robyn Elliott, Public Policy Partners, relliott@policypartners.net

Describe the problem:

In 1991, the Maryland General Assembly codified the legal right to abortion, as provided by Roe v Wade. Senate Bill 162 became a ballot measure and went into effect after Marylanders overwhelmingly supported the measure with 62% of the vote. Maryland is now considered a safe state for abortion rights even if the Supreme Court overturns Roe v Wade.

The current question for pro-choice Marylanders is: Does the right to an abortion mean women can access abortion care? Unfortunately, no. Even in states like Maryland, access is being chipped away by a shortage of trained providers, poor insurance coverage, and anti-abortion rules imposed at the federal level every time there is a shift in power. Abortion access is not safe in Maryland- only 7 of 24 Maryland jurisdictions currently have an abortion care provider. With Texas effectively overturning Roe within its borders and at least 17 other states on the brink of total bans on abortion, Maryland needs to be ready. Women in Maryland need us to protect abortion access, and so do the women who will soon be forced to travel hundreds of miles for health care.

Describe your proposed legislation:

The bill recognizes that advanced practice clinicians - nurse practitioners, certified nurse-midwives/certified midwives, and physician assistants - are qualified to provide abortion care. These clinicians are the key to ensuring access to abortion care in every region of the state. The bill also provides state support for clinical training in abortion care. Health care professionals will be able to get the training they need – including health care practitioners graduating from programs in states that ban abortion. In addition, it strengthens and streamlines insurance coverage for abortion care.

Benefit to Communities of Color:

Yes. Communities of color are particularly impacted by limitations on abortion access. As we know, significant racial and ethnic disparities persist for a wide range of health outcomes, from diabetes to heart disease to breast and cervical cancer to sexually transmitted infections (STI), including HIV. This is also true for unintended pregnancies. Unnecessary barriers to abortion care increase costs and wait times, further exacerbating existing health disparities and economic injustices. This legislation eliminates unnecessary barriers and will make health care more accessible and affordable.



Criminal Law – Sexual Crimes – Repeal of Spousal Defense

Bill Number: [HB153/SB33](#)

One Sentence Synopsis: This bill proposes to repeal the law allowing marriage as a defense to sex crimes.

Committees: House Judiciary, Senate Judicial Proceedings

Lead Sponsors: Delegate Charlotte Crutchfield, Senator Susan Lee

Lead Group: Maryland Coalition Against Sexual Assault (MCASA)

Lead Group Contact: Lisae C Jordan, Executive Director & Counsel, lcjordan@mcasa.org

Describe the problem:

This is a bill to repeal the current statute that makes marriage a defense to some sex crimes. Sexual Assault disproportionately affects women.

Like many states, Maryland's laws were based on the premise that marriage was consent to sex and that, therefore, a man could not rape his wife. Unlike many states, Maryland has not yet firmly rejected that antiquated and fundamentally disrespectful concept.

Describe your proposed legislation:

Criminal Law §3-318 provides that marriage is a defense to certain sex crimes. We have made some progress: Spouses can be prosecuted for any sex crime if they have a limited divorce or for some sex crimes if they have been separated for three months or have a written separation agreement. Finally, if the rape involved actual force or threat of force, marriage is not a defense. **For other sex crimes, marriage is a complete defense.** This bill repeals Criminal Law §3-318. Marriage should never be a defense to a sex crime.

Benefit to Communities of Color:

Black and Indigenous women who are victims of sex crimes receive less police protection, less interventions, fewer prosecutions of their assaulter, and less assistance. African American females experience intimate partner violence at a rate 35% higher than that of white females, and about 2.5 times the rate of women of other races, (Bureau of Justice Statistics, 2001). 48% of Latinas in one study reported that their partner's violence against them had increased since they immigrated to the US. (Dutton, Mary; Leslye Orloff, and Giselle Aguilar Hass. 2000, Characteristics of help-seeking behaviors, resources, and services needs of battered immigrant Latinas: Legal and Policy implications. Georgetown Journal on Poverty Law and Policy. 7(2)). This bill will help reform a criminal justice system that fails women of color.



Family and Medical Leave Insurance Program – Establishment - Time to Care Act

Bill Number: [HB8/SB275](#)

One Sentence Synopsis: This legislation would ensure Marylanders no longer have to choose between the job they need and the family they love by establishing a family and medical leave insurance fund to provide partial wage replacement for employees who take leave to care for a new child, a family member with a serious health condition, their own serious medical condition, or a family member's military deployment.

Committees: Senate Finance, House Economic Matters

Lead Sponsors: Senator Antonio Hayes, Delegate Kris Valderamma

Lead Group: Time to Care Coalition

Lead Group Contact: Myles Hicks, Campaign Manager, myles@marylandrise.org

Describe the problem:

Unpaid leave forces too many Americans, especially those whose needs are the greatest, to choose between income and family when illness strikes, when new babies arrive, or when the needs of a family member with a disability intensify.

A lot of populations have been affected during this pandemic, but families are dependent on working women. In Maryland, 79% of mothers are in the workforce. Nearly 25% of women take 10 or fewer days of parental leave, potentially putting themselves and their children at risk physically and emotionally. We have seen that women are being disproportionately affected because they are more likely to leave work to care for their families. While Maryland saw a net gain of 13,000 men entering the labor force from January 2020 to June 2021, the number of working women fell by 57,000 in the same time frame, according to the Maryland Department of Labor.

Describe your proposed legislation:

The "Time to Care Act" establishes a Family and Medical Leave Insurance (FAMLI) program through which employees may take up to 12 weeks of paid leave from their jobs to care for new children, other family members with serious health conditions or disabilities, or themselves.

The program provides wage replacement during the leave period ranging from \$50 to \$1000 per week. The benefit level is calculated based on the employee's weekly wage and the State's average weekly wage. In general, the amount received by low-income employees reflects a higher percentage of their total wages.

Wage replacement benefits are drawn from a fund pool into which employers and employees contribute. Contributions are mandatory and are calculated based on the employee's wages.

The job security and partial wage replacement offered by paid family and medical leave will provide women economic security until they return to the workforce.

Benefit to Communities of Color:

We have seen racial disparities in access to wealth and wealth building are compounded by a lack of access to paid family and medical leave. The Time to Care Act works to assist people of color because the partial wage replacement received by a low income employee reflects a higher percentage of their total wages. A paid family and medical leave program can help alleviate some of the health and economic disparities many people of color face.



Pregnant Person's Freedom Act of 2022

Bill Number: [HB626](#)/SB____

One Sentence Synopsis: The Pregnant Person's Dignity Act will prohibit subjecting pregnant people or those who have experienced pregnancy loss or termination to Maryland's criminal justice and/or civil court systems, as well as individuals who assist or provide aid to pregnant people seeking abortion care.

Committees: House Health and Government Operations

Lead Sponsors: Delegate Nicole Williams

Lead Group: People's Commission to Decriminalize Maryland, a coalition comprised of leading advocacy groups such as NARAL Pro-Choice Maryland, Women's Law Center of Maryland, Public Justice Center, FreeState Justice, Disability Rights Maryland, Advocates for Children

Lead Group Contact: Diana Philip, Co-Chair of the Bodily Autonomy Workgroup - People's Commission to Decriminalize Maryland, dmpadvocateinmd@gmail.com

Describe the problem:

Maryland is among best-practice states with respect to its feticide law, including an explicit recognition that the murder and manslaughter provisions are inapplicable to an act or omission of a woman or pregnant person with respect to a fetus they are carrying. However, given the renewed hostility toward abortion rights in neighboring states, the proliferation of arrests across the country of people for acts or omissions during pregnancy believed to have caused a risk to fetal health, and the anticipated increase of people turning to self-managed abortion as abortion pills become more available and abortion clinics are shuttered, states that intend to be abortion "safe zones" must ensure that people are safe from arrest, investigation, and/or prosecution for their reproductive decisions and experiences.

Since the 1973 *Roe v. Wade* ruling, there have been several hundred individuals across our nation who have been subjected to criminal investigation, arrest, prosecution, and/or conviction of pregnancy loss or threat of pregnancy loss – and those are instances that are actually known to researchers as the number may be in the thousands. These situations have involved instances of women who have experienced miscarriage or stillbirths, defended themselves against forced C-sections, have been suspected of taking legal or illegal substances while pregnant, experienced a physical accident that threatened or ended the pregnancy, did not receive prenatal care, or engaged in terminating a pregnancy outside of a clinical setting. Misapplication of a feticide or fetal homicide provisions are not the only type of law used to punish pregnancy outcomes, but also child abuse or endangerment laws misinterpreted to declare fetuses as persons, or laws related to the disposal of human remains. With the new Texas law enacted to ban abortion access at 6 weeks by creating a vigilante system of involving civil law suits against third-party actors assisting a pregnant person in accessing abortion care, we need to make it clear in Maryland that not only will we not subject pregnant people or those who have

experienced pregnancy loss or termination to the criminal justice and/or civil court systems, but also those who assist or provide aid to pregnant people seeking abortion care.

Describe your proposed legislation:

The threat of criminalization of abortion and pregnancy is not relegated to “red states” or those with little access to abortion, and should be actively safeguarded against by states seeking to be leaders on reproductive rights and justice. A potential revision of MD. Criminal Law § 2-103 provides an opportunity to strengthen the protections Maryland already affords to pregnant people, sending a clear signal to law enforcement and prosecutors that nobody should be punished for having an abortion, losing a pregnancy, or suffering an infant loss.

The legislation has four key provisions: 1) a woman is not liable for civil damages or subject to criminal investigation or penalty for terminating or attempting to terminate the woman’s own pregnancy under any circumstances; 2) the state does not have the authority to criminally investigate or penalize a woman who has experienced a miscarriage, neonatal death related to a failure to act, or stillbirth; 3) a person is not subject to criminal penalties or civil damages for aiding, informing, or in any way assisting a pregnant person in terminating or seeking to terminate the person’s pregnancy; and 4) a person may bring a cause of action for damages if the person was subject to unlawful arrest or criminal investigation for a violation of these provisions.

Benefit to Communities of Color:

No person should fear arrest or be subjected to government control or retribution as a result of pregnancy or any outcome of pregnancy. Prosecuting an individual for miscarriage, stillbirth, or neonatal death ignores root causes of poor pregnancy outcomes and perinatal loss, and discourages those who need prenatal or obstetric care the most. For communities of color who have constantly been challenged in experiencing positive pregnancy outcomes due to systemic racism and ethnic disparities, the threats of discrimination, incarceration, loss of parental rights, or loss of personal autonomy are powerful deterrents to seeking timely healthcare. No pregnancy-related medical event or condition should be criminalized, including pregnant women with substance use disorders, under medication-assisted treatment, or engaged in behavioral therapies.

Anti-abortion laws and regulations are rooted in white supremacy, and since the pandemic, more aggressive restrictions are being passed across the nation making access to reproductive healthcare harder for communities of color. For example, there is no arguing the fact that abortion bans disproportionately harm Black people, who are three times as likely to die during childbirth than white people. Abortion bans impact people of color not only because of maternal mortality rates, but because people of color are overrepresented in abortion care. Most people who need abortion care are low-income, and because of the legacy of slavery and institutionalized and systemic racism, a greater proportion of people of color are low-income. Black, Latinx, and Native American people are disproportionately affected by financial hardship and may have fewer resources to travel for timely reproductive healthcare. Even before the pandemic, there was a slight to moderate increase in patients from other states seeking early and later abortion care in Maryland, and the number continues to rise. And with the newly enacted Texas abortion ban, legislators in other states such as North Carolina, Virginia, and Pennsylvania are threatening to follow in passing similar measures. Vigilante action in the form of empowering private citizens to sue anyone suspected of providing or aiding access to abortion care against restrictions or bans will disproportionately target people of color. Those who would be opening themselves to civil liability include clinic employees, counselors, and anyone providing transportation or funding to a person obtaining abortion care.



Criminal Law – Victims of Child Sex Trafficking - Safe Harbor and Service Response

Bill Number: [HB833](#)/SB____

One Sentence Synopsis: This bill will provide a safe harbor for child victims of sex trafficking and prevent their further victimization by connecting them to any services needed through the already established regional navigator program while preventing any criminal or delinquent charges that might be brought against them because they are a victim of trafficking.

Committees: House Judiciary, Senate Judicial Proceedings

Lead Sponsors: Delegate Brooke Lierman, Senator Susan Lee

Lead Group: Maryland Human Trafficking Task Force

Lead Group Contact: Amanda Rodriguez, Chair Maryland Human Trafficking Task Force,
arodriguez@turnaroundinc.org

Describe the problem:

Most trafficking victims are women and girls. Currently children can be charged in the criminal or juvenile justice system for acts that are directly related to their victimization including prostitution and other related offenses. Children are, by law, considered victims of human trafficking per se if they are engaging in sex work; however, unlike any other victimization, they can also be charged for the very act that makes them a victim. This paradox in the criminal justice system leads to further victimization both as children, but often leads to further abuse as adults.

Describe your proposed legislation:

This bill would provide a safe harbor for child victims of sex trafficking and prevent prosecution for acts committed as a result of trafficking including prostitution and other related offenses. Legislation was passed in 2019 that established the regional navigator program that connects child survivors of trafficking to necessary services. This bill will benefit women and girls by preventing them from being criminalized for being a victim. Children, would instead, receive services and assistance instead of being forced to fight against the stigmas associated with societal views on sex work and the criminal justice system for acts that were committed against them.

Benefit to Communities of Color:

Yes. Children of color are over-represented as child victims of sex trafficking. Communities of color are over-criminalized and this bill would prevent pushing child victims of sex trafficking which are disproportionately children of color in the criminal and juvenile justice systems.



Criminal Law – Stalking - Definition

Bill Number: [HB148/SB328](#)

One Sentence Synopsis: This bill will expand the current stalking statute to include electronic communication and tracking devices.

Committees: Senate Judicial Proceedings, House Judiciary

Lead Sponsors: Senator Jeff Waldstreicher, Delegate Sandy Bartlett

Lead Group: House of Ruth Maryland

Lead Group Contact: Dorothy Lennig, Legal Clinic Director, dlennig@hruthmd.org

Describe the problem:

The original stalking statute was passed at a time before the existence of electronic methods of communication and tracking a person. As such, the stalking statute in its current form only addresses physical forms of following a victim. Nowadays, most stalking is committed using electronic means of communication or tracking, instead of physically pursuing a victim. Common examples of stalking using electronic means include, but are by no means limited to: hiding a GPS tracker in a victim's car; turning on the victim's phone location application and using it to track the victim's whereabouts; putting a camera or listening device in a child's toy in order to hear/watch what happens at the victim's home; and, installing spyware on a victim's computer.

Victims who are subjected to these forms of electronic stalking live in almost-constant fear. They never know when, where or how an abuser might conceal a tracking or listening device and use it to follow, track or spy on their daily activities. Victims who move to a secure location for safety purposes or who change their routines in order to avoid their abusers are left to wonder if their new location is truly safe or if their abusers will find out by using a variety of technologies to locate them.

Describe your proposed legislation:

Under the proposed change in the law, such actions could be considered stalking if the victim can prove that the perpetrator intended to cause or knew or reasonable should have known that the conduct would cause serious emotional distress. This would bring the law in line with the forms of stalking that are mostly widely used today.

Benefit to Communities of Color:

Many victims of domestic violence are women of color.



Interim and Temporary Protective Order – Electronic Filing and Video Conferencing Hearing

Bill Number: [SB280/HB296](#)

One Sentence Synopsis: This bill seeks to expand access to safety through the courts by enabling petitioners eligible for protective orders who are seeking medical treatment in a hospital or urgent care setting to petition for an interim or temporary protective order from that setting and have the hearing conducting remotely.

Committees: Senate Judicial Proceedings, House Judiciary

Lead Sponsors: Senator Shelly Hettleman, Delegate Charlotte Crutchfield

Lead Group: Baltimore Jewish Council and Maryland Network Against Domestic Violence

Lead Group Contact: Sarah Mersky Miicke, Deputy Director, Baltimore Jewish Council, smiicke@baltjc.org and Melanie Shapiro, Public Policy Director Maryland Network Against Domestic Violence, mshapiro@mnadv.org

Describe the problem:

Currently, victims of abuse, including domestic violence and sexual assault, cannot obtain protective orders from their abusers in a hospital or urgent care setting, thus, leaving the facility unprotected. This bill would allow all eligible victims of abuse the ability to apply virtually for temporary or interim protective orders in those settings.

Describe your proposed legislation:

This legislation would allow victims of abuse who are eligible to request interim and/or temporary protective orders to do so virtually in a hospital or urgent care setting. Currently, if a victim is in those facilities due to a violence incident, they cannot leave the hospital protected from their abuser. Further, victims who are in a hospital or urgent care setting for other medical reasons, who trust their medical professional and feel safe in those settings to disclose their abuse, cannot receive a protective order before leaving. This legislation applies to everyone eligible for protective orders including, domestic violence, sexual assault, child abuse and vulnerable elder adults.

Benefit to Communities of Color:

Yes, this bill creates additional protections for all women, children, and victims of abuse eligible to request a protective order. Additionally, Black women experience intimate partner violence at a rate 35% higher than that of white females, and about 2.5 times the rate of women of other races, (Bureau of Justice Statistics, 2001). The protective order process is an alternative to the criminal court process and already marginalized communities often do not report offenses to the police due to unequal, unfair and unjust treatment.



Correctional Services - Pregnancy and Postpartum Support **(Prevention of Forced Infant Separation Act)**

Bill Number: [HB454](#)/SB ____

One Sentence Synopsis: This Act prevents the forced separation of infants born to incarcerated women with pre-release status in Maryland, permits liberal visitation of infants born to incarcerated mothers without pre-release status, and creates the Healthy Start Program, a child development initiative with the goal of building strong bonds between mother and infant.

Committees: House Judiciary

Lead Sponsors: Delegate Lesley Lopez

Lead Group: Maryland Justice Project

Lead Group Contact: Monica Cooper, Executive Director, monica@marylandjusticeproject.org

Describe the problem:

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. 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.

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. 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. In 2019, 19 pregnant women were sentenced to incarceration in DPSCS facilities and 9 infants were born to mothers in incarceration during the same year. The COVID-19 pandemic has exacerbated this issue, as the rate of pregnancy among incarcerated women in DPSCS custody more than doubled from 2019 to 2020. 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.

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. 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. Mothers separated from their newborns are more likely to experience post-partum depression, extreme powerlessness, grief, and feelings of detachment after forced separation.

Describe your proposed legislation:

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. 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 the Maryland Justice Project 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 liberal visitation with their infant. Additionally, this Act will create the Healthy Start Program, an initiative that will use evidence-based interventions developed by healthcare professionals to ensure strong bonds are built between mothers and infants, giving families the healthy start that they need.

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. The Prevention of Forced Infant Separation Act will help incarcerated parents form strong attachments with their newborns, leading to better health outcomes and a strong incentive against recidivism.

Benefit to Communities of Color:

Black women are disproportionately represented in Maryland's prison system. In 2019, 63% of pregnant women in DPSCS custody were Black and Black women are more likely to have risk factors for poor perinatal outcomes, such as substance use, limited access to healthcare, and histories of trauma and abuse. This Act would benefit Black women by ensuring those who are pregnant and incarcerated are able to remain with their infants after delivery and access the benefits of infant bonding, reducing healthcare disparities in the Black community.



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