

Recommendation for the Senate Committee on Public Health and Welfare
SB 489
February 2024

Letter from Dr. April N. Terry, Associate Professor of Criminal Justice, Fort Hays State University

Dear Senate Committee on Public Health and Welfare Chair,

As a criminologist and gender scholar, as well as a mother of four young children, I wish to thank you and your Committee for your commitment to hearing testimony on SB 489. SB 489 seeks to establish a correctional center nursery for incarcerated expectant mothers and their children, supporting the Kansas Department of Corrections Pathways to Success's Mission, "Partnering to promote safety and responsibility through best practices" and Vision, "Transforming lives for the safety of all" (KDOC, 2021)¹. The remainder of this written testimony will provide evidence-based support for the implementation of a correctional center nursery.

The correctional population within the U.S. has steadily increased over the past several decades, including the largest spike observed within women's correctional facilities. According to the Sentencing Project (2023)², the incarceration rate for women has increased 700% since the 1980s. Research shows that most incarcerated women are single mothers to multiple dependents (Hagan & Foster 2012)³. Additionally, roughly 1 in 25 women entering jails or prisons are pregnant (Maruschak, 2008)⁴. Sadly, thousands of babies born to incarcerated mothers each year will be taken from their mothers within 24-48-hours following birth (Grassley et al., 2019)⁵.

Impacts on Children: Children of incarcerated mothers represent a vulnerable group of youth. Yet, prison nursery programs help foster the mother-child bond that positively affects these children later in life (Byrne et al., 2010⁶; Jbara, 2012)⁷. For these youth who fail to establish a mother-child bond, studies have shown a link to development delays, interpersonal relationship issues (Jbara, 2012), school failure (Byrne et al., 2010) and a greater likelihood to be convicted of a crime (Jbara, 2012). Even if a child were reunited with their mother years after release, the psychological trauma has already been formed (Jbara, 2012) as babies thrive on a mother's bond during the developmental years. In a study conducted by Goshin et al. (2014)⁸, they found that children who resided with a mother in a prison nursery program had significantly lower levels of anxiety/depression and withdrawal behaviors than equivalent children separated from their mothers due to incarceration.

¹ Kansas Department of Corrections (KDOC). (2021). *Pathways for Success*. Retrieved from <https://www.doc.ks.gov/pathway>

² The Sentencing Project. (2023). *Incarcerated women and girls*. The Sentencing Project. Retrieved from <https://www.sentencingproject.org/fact-sheet/incarcerated-women-and-girls/>

³ Hagan, J., & Foster, H. (2012). Intergenerational educational effects of mass imprisonment in America. *Sociology of Education*, 85(3), 259-286.

⁴ Maruschak, L. M. (2008). *Medical problems of prisoners*. Washington, DC: US Department of Justice.

⁵ Grassley, J. S., Ward, M., & Shelton, K. (2019). Partnership between a health system and a correctional center to normalize birth for incarcerated women. *Nursing for Women's Health*, 23(5), 433-439.

⁶ Byrne, M. W., Goshin, L. S., & Joestl, S. S. (2010). Intergenerational transmission of attachment for infants raised in a prison nursery. *Attachment & Human Development*, 12(4), 375-393.

⁷ Jbara, A. E. (2012). The price they pay: Protecting the mother-child relationship through the use of prison nurseries and residential parenting programs. *Indiana Law Journal*, 87(4), 1825-1845.

⁸ Goshin, L. S., Byrne, M. W., & Henninger, A. M. (2014). Recidivism after release from a prison nursery program. *Public Health Nursing*, 33(2), 109-117.

Those in opposition state that prison nurseries are harmful to babies and children. Some have suggested that children will have memories of their time in prison. Yet, as one renowned scholar, Stephanie Covington, co-director of the Center for Gender and Justice, notes: “A baby doesn’t know it’s in prison. A baby knows it’s with its mother” (Chuck, 2018)⁹. Additionally, in one literature review, assessing findings across 22 different studies, they found no evidence of harm to children in prison nurseries (Shlonsky et al., 2016)¹⁰.

Impacts on Mothers: While SB 489 does not address issues leading to a mother’s current incarceration, support of this bill does help reduce recidivism and reincarceration. Most studies find that approximately 30–45% of women will return to prison within three years of their release (Goshin et al., 2014). In one study of participating mothers at the Nebraska Correctional Center for Women, recidivism rates for those who participated in the prison nursery program was 9% compared to those who did not participate with a 33% rate of recidivism (Carlson, 2001)¹¹. More recently, Carlson (2018)¹² conducted another study at this facility and found participation in the prison nursery program resulted in a 28% reduction in recidivism and a 39% reduction in returning to prison custody. This reduction cannot be attributed to this facility alone, as other facilities have revealed similar outcomes. In New York, one study found participation led to 86.3% of mothers remaining in their communities post-release with only 4% returning to prison (Goshin et al., 2014). Similarly, in Illinois, only 3% of mothers returned to prison following participation in a prison nursery program (Camilo et al., 2020)¹³.

Aside from reductions in recidivism, participating mothers also have improved maternal mental health (Barnas, 2021)¹⁴. About 12.5% of women experience postpartum depression symptoms, nationally, but women who are incarcerated while pregnant are more likely to be affected by postpartum depression due to the separation from their child (Friedman et al., 2020)¹⁵. Women who give birth while incarcerated describe their experience as traumatic. Yet, participation in a prison nursery program can reduce postpartum depression (Friedman et al., 2020) while improving the mother’s personal growth and development and parenting abilities. Participating women feel they are more effective in their mothering roles (Tuxhorn, 2022)¹⁶.

⁹ Chuck, E. (2018, August). Prison nurseries give incarcerated mothers a chance to raise their babies — behind bars. *NBC News*. Retrieved from <https://www.nbcnews.com/news/us-news/prison-nurseries-give-incarcerated-mothers-chance-raise-their-babies-behind-n894171>

¹⁰ Shlonsky, A., Rose, D., Harris, J., Albers, B., Mildon, R., Wilson, R. J., Norvell, J., & Kissinger, L. (2016). *Literature review of prison-based mothers and children programs*. Corrections Victoria.

¹¹ Carlson, J. R. (2001). Prison nursery 2000: A five-year review of the prison nursery at the Nebraska Correctional Center for Women. *Journal of Offender Rehabilitation*, 33(3), 75-97.

¹² Carlson, J. R. (2018). Prison nurseries: A way to reduce recidivism. *The Prison Journal*, 98(6), 760-775.

¹³ Camilo, N., Cape, J., & Tannenbaum, A. (2020). Women’s parenthood and educational programs in New Hampshire state prisons. Retrieved from <https://rockefeller.dartmouth.edu/sites/rockefeller.drupalmultiprod.dartmouth.edu/files/prsprisonprogramswomenfinal.pdf>

¹⁴ Barnas, J. (2021). Prison nursery programs. *MOST Policy Initiative*. Retrieved from chrome-extension://efaidnbnmnibpcjpcglclefindmkaj/https://mostpolicyinitiative.org/wp-content/uploads/2021/08/Prison_Nursery_Programs.pdf

¹⁵ Friedman, S. H., Kaempf, A., & Kauffman, S. (2020). The realities of pregnancy and mothering while incarcerated. *Journal of the American Academy of Psychiatry Law*, 48(3), 365-375.

¹⁶ Tuxhorn, R. (2022). “I’ve got something to live for now”: A study of prison nursery mothers. *Critical Criminology*, 30(2), 421-441.

Impacts on Kansas: To this point, the literature has highlighted many benefits for implementing a prison nursery program. Aside from the direct benefits to mothers and their children, Kansas will also benefit financially. We can compare the possible cost savings to our neighboring state of Nebraska. Carlson (2018) found a cost savings of approximately 40%, per year, when comparing expenditures needed for one child within a prison nursery program compared to community foster care setting. Additionally, Carlson (2018) also recognized the long-term savings due to the reduction in recidivism. As one example, the Nebraska prison nursery program saved more than \$6 million from 1994-2012 (Carlson, 2018).

To close, prison nursery programs provide mothers and babies with the tools they need to be successful upon leaving the facility. These programs help disrupt the cycle of incarceration from parents to youth while improving the quality of life. Studies have consistently found that prison nursery programs produce effective outcomes for both the baby and the mother. Mothers would have more direct exposure and access to parenting classes, support groups, and counseling. I ask that your Committee make incarcerated mothers and babies of Kansas a priority; to educate others on the positive impacts prison nursery programs have on both mothers and babies; and the financial savings for all Kansans as incarceration rates would be predicted to decline. With the U.S. still lacking in many prison nursery programs, Kansas has an opportunity to serve as a model for other states; however, without your support, these opportunities will not be provided to Kansas mothers.

As a born and raised Kansan, conducting correctional research in Kansas, I ask the Senate Committee on Public Health and Welfare Chair to provide full support of SB 489. Please feel free to contact me at anterry2@fhsu.edu or at (785) 628-4468.