

SUBJECT: Requiring residential infant care program for mothers in prison

COMMITTEE: Corrections — favorable, without amendment

VOTE: 4 ayes — Madden, McReynolds, Haggerty, Jones
0 nays
3 absent — Hochberg, Dunnam, Oliveira

WITNESSES: For — Susan Craven, Texans Care for Children; Nicole Porter, American Civil Liberties Union of Texas; (*Registered, but did not testify:* Nadine Kenigstein, Texas Early Childhood Education Coalition; Pam Schott, Austin/Travis County Reentry Round Table; Ana Yanez-Correa, Texas Criminal Justice Coalition)

Against — None

On — Bryan Collier, Lannette Linthicum, Texas Department of Criminal Justice

DIGEST: HB 199 would require the Texas Department of Criminal Justice to implement a residential infant care and parenting program for incarcerated mothers. If possible, the program would be modeled after the federal Bureau of Prisons' Mothers and Infants Together program currently operating in Fort Worth.

The bill would take effect September 1, 2007.

SUPPORTERS SAY: Offering a mothers and infants program similar to the federal MINT program would promote bonding and parenting skills for low-risk pregnant inmates in Texas prisons. It would offer valuable prenatal and postnatal programs on childbirth, parenting, and life skills that would benefit the inmates and their children long after the mother's release from prison and give the mother and her child the best chance for a productive and healthy life.

In Texas, when a pregnant offender is incarcerated and gives birth in prison, the baby is allowed to stay with the mother in the hospital for a few

days at the most, and then she must make alternative living arrangements for her child. If the mother does not designate someone to care for the infant, then TDCJ makes foster care arrangements.

HB would implement a residential program that would allow low-risk, non-violent inmates to live with their newborns in a minimum security half-way house type setting, in some cases, for up to a year, as long as the inmate met certain criteria. Studies have shown that children of incarcerated mothers are more likely to wet their beds, do poorly in school, and refuse to eat. The effect on society is equally negative because children with imprisoned parents are at increased risk for poor academic performance, truancy, dropping out of school, gang involvement, early pregnancy, drug abuse, and delinquency. The benefits from these programs far outweigh any negative impact they may have. Other programs like Girl Scouts Beyond Bars brings mothers and daughters together twice a month to work on troop projects together. It keeps the mothers involved in family affairs and reinforce to the children that they are loved.

The federal MINT program is only for female offenders in the last trimester of their pregnancy that have less than five years to serve on their sentence and are eligible for furlough. It gives the mother time with her newborn before returning to the institution to complete her sentence. Other services are provided, including dependency treatment, physical and sexual abuse counseling, budgeting classes and educational programs.

The MINT programs in St. Louis and New York City correctional facilities are examples of successful programs. They offer a wide range of services for the inmates and their children, including well-equipped playrooms, support groups for recently released mothers, and free bus rides to prison for family visits for families without transportation. Only 10 percent of women who successfully complete the program returned to prison, which benefits them, their children and society as a whole.

**OPPONENTS
SAY:**

A correctional institution, even if children are with their mothers, is not a good environment for children. The infants are going to be placed with an alternative care giver — usually a family member and most often a grandparent — eventually and it might be best for the infant not to be shuffled around in the first few months of life so that they can bond with their care giver.

OTHER
OPPONENTS
SAY:

While no one can deny the benefits for newborn infants and their mothers if the babies are allowed to stay with their mothers for a period of time, the bill should be permissive rather than mandatory to allow TDCJ an opportunity to evaluate when and where to institute a residential mothers and infants program.

Many newborns of female inmates are medically a higher risk group of infants simply by virtue of their background. They may have medical issues, such as fetal alcohol syndrome or drug addiction that require intensive and often expensive medical care that currently TDCJ is not set up to provide.

NOTES:

According to the Legislative Budget Board, the cost of the program would depend on the contract agreement and the number of inmates in the program. Actual cost based on the Federal Bureau of Prison's MINT program current operating in Fort Worth is \$64.34 per offender per day. If there were 18 participants, the estimated cost would be \$423,872 in fiscal 2008 and \$422,714 in fiscal 2009.