

**SENATE JUDICIARY COMMITTEE
SENATOR DIANE LARSON, CHAIR
February 11, 2025**

**CHERYL THOMAS, WOMEN'S SERVICES MANAGER
PRESENTING TESTIMONY IN SUPPORT OF SENATE BILL 2352**

Chair Larson and members of the Senate Judiciary Committee, my name is Cheryl Thomas, and I am the Women's Services Manager for the North Dakota Department of Corrections and Rehabilitation (DOCR). As stated in my January 15, 2025, testimony, there is significant research that supports a mother and their babies bond starting during gestation and continuing to grow after birth.¹ I stand before you today to provide testimony in support of Senate Bill 2352 which will authorize the children of incarcerated women to reside at the Heart River Correctional Center (HRCC). The DOCR is offering an amendment to SB 2352 which will codify that the policies established by the director must consider the residential safety of the child, the length of time in which the child may reside within the facility, and treatment or other penological objectives. This will create and enact a new subsection to section North Dakota Century Code §54-23.3-04 and amend and reenact North Dakota Century Code §32-12.2-02, relating to limitation of liability for children residing at HRCC.

The DOCR will make the wellbeing of any infant within its facility priority. The plan is to have the nursery program within one unit of the designed women's facility, which is within the secure perimeter of the facility. This apartment is a secure unit and

¹ Team, S. (2024, March 13). The Mom - Baby Bond: The Science Behind the Magic. Retrieved from soulside: <https://www.getsoulside.com/blog/the-mom-baby-bond-the-science-behind-the-magic>

will be staff supervised 24 hours a day, 7 days a week. This unit will allow us to use the bedroom as either housing for a resident or a nursery program depending on our population needs. Please note that the draft policy of the Nursery Program is included in your handouts. The policy states that the program is from the birth of the child to 18 months of age. There is a comprehensive application and review process for participation in the nursery program. An incarcerated mother must meet the following criteria to be eligible to participate in the Nursery Program. The incarcerated mother must be: Pregnant at admission at the Heart River Correctional Center (HRCC) and expecting to give birth while housed at the HRCC. The incarcerated mother must affirm they will be the primary caregiver of the child upon their release. Parole Board Review or Good Time Release Date is within 18 months of the birth of the baby. The incarcerated mother must receive immediate and ongoing medical and mental health clearance to participate in the program. The incarcerated mother must be up to date and willing to continue to receive immunizations as recommended by the State. The incarcerated mother must agree to have their child receive immunizations as recommended by the State. The child's father must agree for the child to live with the incarcerated mother at HRCC. Attempts, conspiracy or solicitation to commit certain offenses, past history, including prior convictions may restrict participation in the program. Any incarcerated individuals pending charges and mental health history shall be taken into consideration. Registerable offenses, such as sex offenses or offenders against children shall not participate in the nursery program. If a mother is removed from the program the child will be placed with the emergency/community caregiver. In preparation of the nursery program and after we had the building concept, I met with the

Director of Children and Family Services as well as the Director of Zone Operations and shared our plans and an initial layout of the apartments with them, both were in support of this program.

The DOCR already has the following procedures in place, as a majority of DOCR residents have addiction needs. The DOCR conducts urinalysis testing for illegal substances upon arrival and most residents have a clean urinalysis test due to spending time in county jail for criminal proceedings. Parole violators, unlike other placements to the DOCR, come directly to the assigned facility from the community. Parole violators may have a higher rate of positive urinalysis tests for illegal substances. If a resident is pregnant and testing positive for illegal substances, the DOCR would file a 960 report with the local Human Service Zone. All births would take place within a hospital setting, where hospital personnel treat all patients the same. If there is concern that the mother had used while pregnant, the hospital would be made aware and the hospital follows policies for testing the baby and mother. If the baby tests positive for substances the hospital would contact the local Human Service Zone, which is the same process a hospital would follow, if the mother was a DOCR resident or not. The DOCR would work with the hospital and local Human Service Zones to ensure the safety and the best care for the infant, which may not be with the incarcerated mother.

A fiscal note has been provided for this bill in the amount of \$100,000 for the 2027-2029 biennium, as the nursery will not be open until after the new facility is opened, which is scheduled for the fall of 2027. The \$100,000 would cover initial operational costs of items such as cribs, mattresses, rocking chairs, swings, highchairs, and other items that will remain in the apartment. The DOCR anticipates a fiscal note of

\$70,000 for the 2029-2031 biennium which would fund eight infants in this program. The apartment setting can house up to 24 mothers, which will allow a mother and her child to have their own room. I previously stated in verbal testimony that Missouri had a fiscal note of \$500,000 to open their nursery. What I was unclear on was that this amount was also being used to remodel an existing building. With the new women's facilities being built, costs of this nature are not applicable. It should also be noted that the cost of maintaining a nursery unit is often lower than the expense of housing children in a child welfare setting. Currently the State pays foster parents \$870 a month for one child in foster care from infancy to 4 years of age, this would be \$10,440 for 12 months. After the nursery program is established, it is projected that the cost of supporting a mother, and her baby for 12 months, will be less than half of what the State pays for 12 months in foster care. Please note additional cost savings, as a child residing with their incarcerated mother at HRCC, would not require the use of the Child Care Assistance program, which pays for child care costs of children in foster care. Medicaid coverage for a child in foster care or in the care of their mother that is incarcerated with the DOCR would not have any difference in care coverage. There would also be no additional cost of training for incarcerated mothers or nursery caregivers, as the DOCR already provides comprehensive training in mandating reporting, infant, child and adult CPR, AED and First Aid. The DOCR would collaborate with the Department of Health and Human Services, which includes the Human Service Zones, to ensure proper training for all caregivers within the facility.

Improving outcomes for mothers will also reduce future incarceration costs associated with reoffending. In my previous testimony I provided recidivism rates of

some of the already established nurseries in other states. New York state started their program in 1901, Washington state, started their program in 1999, resulting in a decrease in recidivism by 3 to 5 percent. Nebraska opened their nursery program in 1994, has seen a 10 percent decrease in recidivism, Indiana opened their nursery program in 2008, and saw a 16 percent decrease in recidivism, due to these programs. In addition to those recidivism rates, I also have some numbers to share. In the state of Illinois, between 2007 and 2016, only three of 78 nursery program participants returned to prison. In Ohio, in a five-year period, seven out of 74 nursery program participants returned to prison. In West Virginia, no nursery program participants that completed the program returned to prison. In California, their nursery opened in 2011 and since opening only two mothers have returned to prison. And in Delaware, in a one-year period, 23 participants completed the nursery program and only one returned to prison.

A fundamental goal of the DOCR is rehabilitation. Authorizing the DOCR to allow incarcerated mothers to keep their child after birth to 18 months, aligns with this purpose by helping women maintain familial bonds and empowering them to become better parents and citizens upon their release. More than 95 percent of the current DOCR incarcerated population return to our communities. This program supports goals of the North Dakota Department of Health and Human Services and the Child and Family Services Divisions, as well as the Federal Families First Act and the goal of minimizing out of home placement of children by keeping a mother and a child together. The DOCR is committed to the ongoing open collaboration with other State and community partners to ensure this nursery program maintains the safety and wellbeing of the children in their mother's care.

Approving SB 2352 would allow the DOCR in the continuation of building this nursery program and the foundation and building blocks for the DOCR to support our incarcerated women population and ultimately their children, creating the opportunity to end generational incarceration. I urge this committee to consider the long-term benefits that a prison nursery program can offer. They provide a unique opportunity to support incarcerated mothers in their journey toward rehabilitation, while promoting the well-being of their children. The evidence shows that these programs foster stronger families, reduce recidivism, and can ultimately lead to a safer community.²

Thank you for your time and for considering this important matter. I will stand to answer any questions. Thank you.

² Goshin, Lorie S, Byrne, Mary W, Blanchard-Lewis, Barbara (2014, June) *Preschool Outcomes of Children Who Lived as Infants in a Prison Nursery*. <https://pmc.ncbi.nlm.nih.gov/articles/PMC4655430/>