

babies in prison

Though it's illegal to shackle a woman in prison while she's giving birth, this horrific practice continues in the U.S. Afterward, some mothers get to keep their babies with them until the infants are 18 months old. Others immediately lose their children to foster care, or lose parental custody altogether. Jan Goodwin reports

The national female prison population has increased a staggering 500 percent since the early 1980s, due to mandatory sentencing. Three-quarters of the 154,686 women incarcerated are mothers, the majority are single parents, and 10 percent are pregnant.

In Europe, and even Third World countries, pregnant women's sentences are deferred or alternatives to incarceration are used. This is because research shows that infants and children of inmates can be damaged permanently when separated from their mothers. Plus, studies show that inmates who keep ties with their children have a greater chance of rehabilitation and a lower risk of recidivism.

Shockingly, women are often shackled during delivery, though this is against international law. "Women prisoners in labor are chained like animals," says Reverend Annie Bovian, executive director of a nonprofit crisis-intervention program ▶

PHOTOGRAPHED BY JOSEPH RODRIGUEZ

for incarcerated mothers in New York. "When they are shackled this way, they can't assist in the birthing process."

Once a child is born, there are two possible alternatives: one, the mother gets to keep her baby in a prison nursery until the infant is 18 months old; or, she loses custody immediately, and possibly forever. As there are only 102 prison nurseries nationwide—in New York, Nebraska, and Washington—the latter is far more common.

ONE MOTHER'S PLIGHT

■ "When I learned I was going to jail while I was pregnant, I wanted to have an abortion. I was scared. I thought they'd take away my baby," says Jennifer Williams, 24.

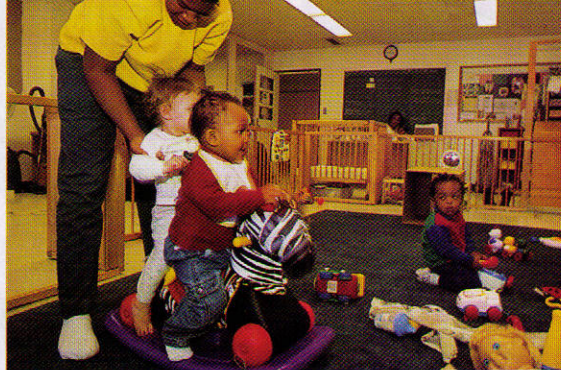
Jennifer, a former assistant district sales manager for a newspaper in Auburn, NY, is serving one to three years for selling \$50 worth of crack cocaine. It was her first offense. "I know I made a mistake. I just thought I could make some extra money. It was my own stupidity."

Now eight months into her sentence, Jennifer is an inmate at the Bedford Hills Maximum Security Correctional Facility, 50 miles north of New York City. And she's thankful she didn't abort her daughter, Jenasia, who is four months old.

Since Jennifer's crime was non-violent, her baby was accepted into Bedford Hills' prison nursery, which has 39 spaces. There are approximately 560 mothers at the prison.

"Without my baby, I don't know how I'd cope. It's lonely in prison. It's good for me to have my baby with me, but I don't think it's good for her."

Jennifer and Jenasia share a room in the prison nursery with another mom and baby. It resembles a college dorm room, but it has an open toilet next to the sink, a metal door with a window used for inmate counts, and wire mesh on the windows. The only color comes from the



In cold weather, babies are confined to the nursery.

crib quilts handmade by both moms, and a few plastic toys.

While the nursery corridors are decorated with murals of Disney characters, there are guard stations and heavy locks on the doors. Beyond those are the 16-foot barbed-wire fence, the electronic surveillance, and the watchtower. Inmates can only bring their babies into a special recreation area outdoors when it's warmer than 50 degrees. Otherwise, babies are confined to the nursery floor.

Though Bedford Hills doesn't shackle inmates during delivery, they are shackled when they're still in the hospital and go to visit their babies in the nursery. After giving birth, Jennifer visited Jenasia with her wrists and ankles cuffed and linked to a tight chain around her swollen belly. "Each chain link is about two inches across and very heavy. They're supposed to weigh you down so you can't run. But I was in a wheelchair. I cried from pain the whole time."

Now, Jennifer dreads the day when she'll be separated from Jenasia. Bedford Hills permits moms to keep their babies for 18 months, but only if they'll be released during that time. Otherwise, the limit is a year.

Jennifer hopes to qualify for work release or early parole. In the meantime, she worries about being separated from her two other children, Ty'shawn, 7, and Samar, 2. "My son knows I have the baby and doesn't understand why he can't stay with me, too. I feel very guilty about that. I see my other two kids once a month, and it gets harder every time to watch them walk out the door."

Women are put in chains during delivery and when they visit their babies in the hospital.



Jennifer and her daughter share a room with another mom and baby.

A DIFFERENT OUTCOME

■ "I will never forget when they took my newborn son away from me. It was like a death sentence," says Christina Voight, 37. The memory of that day in July 1998 is still fresh enough to make her eyes well up. Prisoner 98G0744, a shy dishwater blonde with blue eyes, weeps quietly about what happened to Lance, her only child.

"When the guards came for me, I went numb," remembers Christina, a high-school graduate from Syracuse, NY, who was arrested the day after she learned she was pregnant, and whose son was placed in foster care after he was born. "I became hysterical as they led me back to my cell and I saw the moms who had gotten into the prison nursery program playing with their babies. I'd never known such pain."

Yet Christina has known a great deal of pain. The survivor of an extremely abusive relationship, she was in and out of hospitals for five years with bruises, concussions, and broken bones.

"When my baby was taken away, I sobbed until I was exhausted. I couldn't eat for days. During my 12-year marriage, before the abusive relationship, I'd gone to many fertility specialists. Nothing had

worked. Now, I finally had a beautiful boy, and I couldn't keep him."

Christina had been found guilty of arson, which disqualified her from the prison nursery.

A pot left on the stove in her apartment ignited after she'd gone out, singeing a cabinet and causing \$450 worth of damage. It was her first offense, yet she's serving four to eight years because she signed a confession.

She insists she'd been so badly beaten before the fire started that she was too upset to read the police paperwork and thought it was for her release. ▷



**"It's a good thing for me to have my baby with me, but I don't think it's a good thing for her."
—Jennifer**

**JENNIFER AND
HER BABY,
JENASIA, AT
BEDFORD
HILLS MAXIMUM
SECURITY
CORRECTIONAL
FACILITY.**

Christina believes her landlord accused her of arson so he could evict her violent boyfriend.

Christina's sentence meant, unbeknownst to her, that she could have become a victim of the Federal Adoption and Safe Families Act of 1997 and lost all parental rights, because her child would be in foster care for 15 out of 22 months. The law was designed to help secure permanent placement for children in foster care, but it has had a devastating impact on mothers who are in prison.

"An incarcerated woman could wait that long between her arrest and coming to trial, and then be found innocent," says Superintendent Elaine Lord, warden of Bedford Hills. Yet once a woman's parental rights are terminated, her child is gone forever.

Today, Christina's awaiting a new court date with hopes of having her criminal sentence overturned. Prison legal advocates have helped her put together a thick file that, she says, documents the mishandling of her case. The file includes accounts of three fires similar to that one, all set by her abusive former lover, who's now serving a life sentence in prison for a number of violent crimes. But even if Christina's plea is successful, she's already spent three very long years behind bars, missing Lance.

At first, Christina was supposed to see Lance monthly. But the visits didn't materialize. More than half of incarcerated mothers never see their children. Some caregivers blame the travel distances and costs involved, or they resent the strict security searches required to enter a prison.

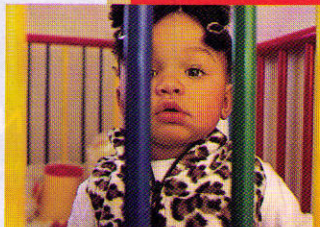
But Christina refused to give up. "I wrote letters and poetry to my baby, trying to make a connection," she explains. And after finding a coupon for a \$17.95 JCPenney studio portrait, she saved the 20 cents an



Christina's son was taken away and put into foster care.

"I'm paying my dues. But my child was innocent. He doesn't deserve to suffer."

—Christina



One of the 39 babies at the Bedford Hills prison nursery.

hour she earned as a prison porter until she had enough. "I sent the foster agency all the money I saved. I wanted just one picture to put in his baby book. It never came." A foster-agency representative says this is the first time the agency has heard about this allegation.

After months, Lance's foster parent finally brought him to see Christina for four one-hour visits. "Lance was filthy, his hair matted, his diaper soiled," she recalls with horror. "He was so thin, his clothes were hanging off him. I tried to call the foster-care agency to tell them, but they wouldn't call me back." An agency representative did not address these allegations.

Soon afterward, when Lance was 1, Christina was stunned by notification that her parental rights were about to be permanently terminated. "It felt like a part of my heart was being torn out," she says. "You are stripped of everything when you come into prison. Lance was all I had left. I wanted to die."

It was then that Christina met Sister Teresa Fitzgerald, a nun and early-education specialist who runs a program for children of incarcerated mothers. "She petitioned the courts for custody of my baby until I get out of jail," says Christina. Only after Sister Teresa won was Christina granted a two-day visitation with her son in a prison trailer. "He had no idea who I was. I tried to snuggle with him, but he had never been cuddled."

Lance, who'll be 3 this summer, was so emotionally starved in foster care, he's unable to form attachments. "When we

break the mother-infant bond this way, we are damaging these children," says Sister Teresa.

Now that Christina knows Lance is being well cared for by Sister Teresa, she's studying for her sociology degree in prison. She also runs foster-care and child-custody workshops for fellow inmates and started a support group for mothers who are separated from their babies.

Christina has never stopped asking herself what damage her incarceration has done to her child. "I was in jail, paying my dues, if I deserved to. But my child was innocent. He didn't deserve to suffer this way." □

Which **STATES** accommodate mothers in prison?

- Only six states have provisions enabling mothers to keep their babies with them.
- Prison nurseries, where infants remain behind bars with their moms until they're 18 months old, exist in Nebraska, Washington, and New York, but space is extremely limited.
- California, Illinois, and Massachusetts have community-based programs in non-lockup correctional facilities specifically for convicted mothers of young children. To qualify, they must not have committed either a violent crime or child abuse. Plus, wardens must grant final approval. In California, children may stay until they turn 6; in Massachusetts and Illinois, up to 18 months old. Similar programs are being developed in Oregon, North Carolina, Texas, and Ohio.

WHAT YOU CAN DO

- To find out how you can help babies of inmates in your area, send a self-addressed, stamped envelope to the Center for Children of Incarcerated Parents: Mother/Child Correctional Program, P.O. Box 41-286, Eagle Rock, CA 90041.