

VOLS IMLP Testimony

Committee on Women and Gender Equity, jointly with the Committee on Criminal Justice
Oversight - Maternal Health and Criminal Justice

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250 Broadway - 8th Floor - Hearing Room 2

Volunteers of Legal Service (VOLS) supports New Yorkers with comprehensive, free legal advice, representation, and education. For over 40 years, VOLS has partnered with community-based organizations and the private bar to provide free civil legal services to New Yorkers who otherwise cannot afford or access representation. Our five core projects serve small business owners, individuals accessing benefits, immigrant young people, incarcerated mothers, and older adults in every borough.

For more than 30 years, VOLS' Incarcerated Mothers Law Project (IMLP) has helped individuals in New York's women's prisons and jails, including the Rose M. Singer Center (RMSC) on Rikers Island, with their family law needs. Through this work, VOLS IMLP has provided legal support and advocacy to numerous pregnant and postpartum individuals in New York's prisons and jails.

Our pregnant and postpartum clients in jail or prison are at a uniquely vulnerable stage of their life, medically and legally. Parents often come to us with severe anxieties about the state of their parental rights. This is especially true for postpartum clients who may have been separated from their newborn child soon after giving birth and do not know what to do next to strengthen or preserve their rights. VOLS IMLP clients who are pregnant have the added anxiety of potential ACS or CPS intervention, particularly if they have a history of child protection involvement (or have been in foster care themselves). In one particular case, a VOLS IMLP client was separated from her newborn child immediately after birth due to a CPS neglect case regarding a different child years prior. Separation from a newborn is painful enough without having to worry about renewed allegations of neglect.

But perhaps the most visible issue is the toll on mental health of being pregnant, giving birth, and being postpartum while in state custody. A DOJ study found that 1 in 4 women in jails met criteria for serious mental illness. Another Bureau of Justice Statistics study found that 73% of women in state prisons reported a mental health issue. Being pregnant or postpartum while in prison or jail can exacerbate existing mental health issues and often require specific and targeted mental health interventions. Our pregnant and postpartum clients have expressed feeling dehumanized and traumatized by their experience of birth while in custody, during a time where they already feel at risk of losing hope.

Identifying individuals in need of specific mental health assistance while pregnant or postpartum is crucial. Therefore, VOLS IMLP strongly supports Council Member Lee's proposed Local Law to amend the administrative code of the city of New York regarding mental health protocols for pregnant and postpartum individuals in the custody of the department of correction. Thank you.