



New York State Defenders Association, Inc.

Public Defense Backup Center

40 Beaver St. · 4th Floor · Albany, NY 12207

Telephone (518) 465-3524

Fax (518) 465-3249

www.nysda.org

MEMORANDUM OF SUPPORT

S.4583-A (Salazar) / A.4879-A (Kelles)

Rights for Incarcerated Pregnant or Postpartum Individuals and Their Children

The New York State Defenders Association (NYSDA) strongly supports S.4583-A/A.4879-A, which will create a standard of care for incarcerated pregnant or postnatal individuals and their children.

This bill establishes a comprehensive human rights based statutory policy relating to incarcerated pregnant or postpartum individuals and their children in New York State. This will amend the correction law, in relation to promoting the health, safety, and human rights of incarcerated pregnant individuals, incarcerated birthing parents of children and their children.

NYSDA, through our Public Defense Backup Center and Veterans Defense Program, provides comprehensive services to the approximately 6,000 public defenders, legal aid society lawyers, and court-appointed attorneys in over 130 county-based programs who represent people accused of crime and adults involved in family court cases who cannot afford to hire an attorney. We offer training, legal research, a statewide clearinghouse, and substantial technical and legal assistance critical to the effectiveness of overburdened defenders and vital for improving racial and social justice.

Incarceration is detrimental to the health, mental health, and wellbeing of individuals and families. This is particularly the case for individuals who are pregnant or postpartum and their children. It is necessary to overhaul New York's existing statutory provisions relating to conditions of incarceration for pregnant or postpartum individuals and their children. New York must respect and protect the human rights of these individuals.

Basic needs include access to prenatal, perinatal, and postpartum medical care, appropriate hydration and nutrition, and safe and appropriate housing and living conditions. Under the current system, it is an anomaly for incarcerated birthing people to receive adequate access to meet any of these needs. These basic human rights afforded to non-incarcerated individuals are not granted automatically to incarcerated individuals. This bill would change that. The most critical stage of brain development occurs in the womb and continues post-birth through the first year of life. By the age of three, a child's brain has reached almost 90% of its adult size.¹

NYSDA recognizes the critical challenges incarcerated pregnant and/or postnatal individuals during and after the birth of their child face when trying to create a healthy environment for them and their newly born infant while incarcerated. We recognize the severe lack of adequate support and prenatal and postnatal care for these parents and their children. S.4583/A.4879 will create much needed reforms to support and create healthy outcomes for birthing people and their children.

¹ Perry BD. Traumatized children: how childhood trauma influences brain development. *J. California Alliance Mentally Ill.* 2000;11:48-51.

By providing pregnant, birthing parents, and their children with access to direct support with their new child, we will create positive, healthy outcomes for children and their parents. Studies show that infants who have the opportunity to bond with their parents are far less likely to suffer physical health challenges and are given resiliency because of this critical bonding time. Longitudinal studies have reported that a child's ability to form and maintain healthy relationships throughout life may be significantly impaired by having an insecure attachment to a primary caregiver.²

For all these reasons, NYSDA strongly supports passage of this bill.

Contact Susan C. Bryant, 518-465-3524 x 26, sbryant@nysda.org (1/26/2026)

² Perry BD. *Vol. 3. Brain and mind*; 2002. Childhood experience and the expression of genetic potential: what childhood neglect tells us about nature and nurture; pp. 79–100.