



Minnesota and the Healthy Start Act Report

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For decades, new mothers in Minnesota’s state prison system have been separated from their babies a few days after birth and allowed limited visitation with their children. A new program launched in 2022 seeks to change that.

In May 2021, Minnesota Governor Tim Walz signed the Healthy Start Act (HSA), allowing pregnant women and new mothers who are serving short sentences in state prison to be released conditionally for the duration of their pregnancy up to the first year after birth.^{1,2} This first-of-its-kind program, authored by a bipartisan pair of women legislators, is an alternative to prison nurseries.

Infants separated from their mothers at birth can experience severe emotional and behavioral problems later in life.³ Mothers, as a result of this separation, can experience psychological trauma and increased risk of recidivism.⁴ This act offers incarcerated mothers the opportunity to bond and care for their babies outside prison walls.

“You get to actively be with your sweet, new baby,” said Lori Timlin, parenting program coordinator at Minnesota Correctional Facility-Shakopee,⁵ Minnesota’s only women’s prison, of the program’s benefits. “It’s brutal to see women separated from their babies. I cannot imagine the difficulty of giving birth and coming back to prison, leaving your newborn.”⁶

Minnesota Prison System

Women are being incarcerated at increasingly higher rates. It is estimated that the global female prison population has grown by 17 percent since 2010.⁷ In the U.S., women are incarcerated at

¹ Minn. Stat. § 244.065 (2022); *see also* “SF315,” Minnesota Legislature Office of the Revisor of Statutes, n.d., <https://www.revisor.mn.gov/bills/bill.php?b=senate&f=sf1315&ssn=0&y=2021>.

² Minnesota Department of Corrections, *Healthy Start Placement for Pregnant and Post-Partum Persons*, Policy No. 205.123, December 28, 2022, <https://policy.doc.mn.gov/DOCPolicy/PolicyDoc?name=205.123.pdf>.

³ Jennifer G. Clarke and Rachel E. Simon, “Shackling and Separation: Motherhood in Prison,” *American Medical Association Journal of Ethics* (September 2013), doi: 10.1001/virtualmentor.2013.15.9.pfor2-1309.

⁴ Clarke and Simon, “Shackling and Separation.”

⁵ “Minnesota Correctional Facility - Shakopee,” MN Department of Corrections, n.d., <https://mn.gov/doc/facilities/shakopee/>.

⁶ Lori Timlin (Parenting Program Coordinator at Minnesota Correctional Facility-Shakopee), in interview with author, November 20, 2023.

⁷ Alice Cavanagh, Tahmina Shamsheri, Katrina Shen, Jessica Gaber, Jessica Liauw, Meredith Vanstone, Fiona Kouyoumdjian, “Lived Experiences of Pregnancy and Prison Through a Reproductive Justice Lens: A Qualitative Meta-synthesis,” *Social Science & Medicine* 307 (August 2022), <https://doi.org/10.1016/j.socscimed.2022.115179>.

more than 10 times the level in 1970, and the rate of growth for women’s incarceration outpaces the growth rate for men.⁸

In Minnesota, the number of women incarcerated increased from 273 in July 1998 (5 percent of the state prison population)⁹ to 554 in January 2023 (6.8 percent of the state prison population).¹⁰ This rise has been accompanied by several reforms to policies for incarcerated women. In 2014, Minnesota ended the practice of shackling pregnant women and new mothers in their first three days postpartum, with certain exceptions.¹¹ In 2010, the Shakopee facility began allowing incarcerated women to have a birth coach through the Minnesota Prison Doula Project.¹² This project provides pregnancy and parenting support to incarcerated parents through doula care, group education, one-on-one counseling, and more.¹³ On the other hand, Shakopee’s administrators eliminated its overnight and extended visitation options for mothers and their children in 2011.¹⁴ Visitation was further restricted during the COVID-19 pandemic.¹⁵

The Healthy Start Act

Prior to the Healthy Start Act, incarcerated women were transported to a hospital to give birth and returned to prison two to three days later.¹⁶ Their babies would either live with family or enter the foster care system. One mother who was quoted by the Minnesota Department of Corrections described the impact of being separated from her child at birth: “When I had my daughter in prison and could not spend time with her, she saw me as a stranger, and that killed me.”¹⁷ Another relayed: “I feel like I have a hole in my chest, like a part of me is missing.”¹⁸

In 2021, the Healthy Start Act (HSA)¹⁹ was introduced, passed, and signed into law. Democratic State Representative Jamie Becker-Finn and Republican State Senator Mary Kiffmeyer co-authored the bill. The Act grants the Commissioner of Corrections the authority to

⁸ “Incarceration Trends,” Vera, last updated August 21, 2023, https://trends.vera.org/?gclid=CjwKCAjwiOCgBhAgEiwAjl5whAi2UtBziH-j9vuLRBTv0dM6dCUUQhSnmd409aRIhi03bYSUvjRxyRoC9CkQAvD_BwE.

⁹ MN Department of Corrections, *Adult Inmate Profile*, July 1998, https://mn.gov/doc/assets/Adult_Profile_Information_7-1-98_tcm1089-270879.pdf.

¹⁰ MN Department of Corrections, *Adult Prison Population Summary*, January 2023, https://mn.gov/doc/assets/Adult%20Prison%20Population%20Summary%201-1-2023_tcm1089-561955.pdf.

¹¹ Minn. Stat. § 241.88 (2022); *see also* “Minnesota Session Laws 2014 Regular Session – Chapter 234 S.F. No. 2423,” Minnesota Legislature Office of the Revisor of Statutes, n.d., <https://www.revisor.mn.gov/laws/2014/0/Session+Law/Chapter/234/>.

¹² “Home,” Minnesota Prison Doula Project, n.d., <https://www.mnprisondoulaproject.org/>.

¹³ “Home,” Minnesota Prison Doula Project.

¹⁴ Timlin, interview.

¹⁵ Timlin, interview.

¹⁶ MN Department of Corrections, “Healthy Start Act SF 1315/HF 1403” fact sheet, n.d., https://www.senate.mn/committees/2021-2022/3099_Committee_on_Judiciary_and_Public_Safety_Finance_and_Policy/Healthy%20Start%20Act%20Fact%20Sheet%20-%20SF%201315.pdf.

¹⁷ MN Department of Corrections, “Healthy Start Act” fact sheet.

¹⁸ MN Department of Corrections, “Healthy Start Act” fact sheet.

¹⁹ “SF315,” Minnesota Legislature Office of the Revisor of Statutes.

conditionally release certain incarcerated mothers who are pregnant or gave birth in the eight months prior to their confinement.²⁰ They can be released from prison into the community to engage in a range of activities: prenatal or postnatal care programming, employment or seeking employment, vocational training, substance abuse or mental health treatment, educational programs, or parenting education.²¹

Prior to the HSA's enactment, Rep. Becker-Finn visited Shakopee prison with Minnesota Lieutenant Governor Peggy Flanagan, the state's first Native lieutenant governor.²² During their visit, they spoke with incarcerated women – particularly Native women and women of color – staff, and advocates from the doula program to learn more about the experiences of incarcerated women.

In a conversation with CIC, Rep. Becker-Finn, a Leech Lake Ojibwe descendant, described the visit and impetus of the bill:

“In those conversations [in Shakopee Prison], we learned – and I had not been previously aware – that we were taking newborn babies from their moms. As a mom, myself...the lieutenant governor and I had very visceral reactions to the idea that you would take a baby from its parent at possibly 36 hours old. We were horrified that was happening to people.”²³

Like others, Rep. Becker-Finn had assumed that because the state prohibited shackling pregnant women several years earlier, “that problem” was taken care of.²⁴ She realized more changes are needed to support pregnant women in prisons, especially Native women who are disproportionately impacted by the state's criminal legal system.^{25,26} Hence, the Healthy Start Act was born.

How the HSA Works

Upon entering prison, women are screened by the parenting coordinator – presently Lori Timlin – to determine whether they are pregnant or have given birth within the last year and would be eligible for conditional release under the HSA.^{27,28} They must meet the following criteria:

²⁰ Minnesota Department of Corrections, *Healthy Start Placement for Pregnant and Post-Partum Persons*.

²¹ Minn. Stat. § 244.065 (2022).

²² Rep. Jamie Becker-Finn (Minn. House of Representatives), in interview with author, February 24, 2023.

²³ Becker-Finn, interview.

²⁴ Becker-Finn, interview.

²⁵ Minnesota Department of Corrections, *Minnesota Correctional Facility-Shakopee Daily Inmate Profile*, <https://coms.doc.state.mn.us/tourreport/04FacilityInmateProfile.pdf> (accessed December 10, 2023).

²⁶ Kelly Lyn Mitchell, “Women in Prison: A Small Population Requiring Unique Policy Solutions,” *The Gender Policy Report* (blog), September 13, 2017,

<https://genderpolicyreport.umn.edu/women-in-prison-a-small-population-requiring-unique-policy-solutions/>.

²⁷ Minnesota Department of Corrections, *Healthy Start Placement for Pregnant and Post-Partum Persons*.

²⁸ Timlin, interview.

1. Are pregnant or up to eight months postpartum;
2. Will reach their supervised released date while pregnant, up to one year postpartum, or in conjunction with participation in other conditional release programs;
3. Their parental rights have not been terminated, nor is termination of their rights imminent; and
4. They do not have a current sentence from a federal jurisdiction or another state.²⁹

Currently, women with sentences that extend beyond their child’s first birthday aren’t eligible for conditional release unless they have a medical exception. This cut-off is somewhat arbitrary. Timlin said the decision was informed by child development studies, though there is no clear consensus on what age, if any, would be less damaging for maternal separation.³⁰ Most (76 percent) of the pregnant women who gave birth while incarcerated at Shakopee between 2013 and 2020 reached their release date within one year of giving birth.³¹

Moms with longer sentences can’t leave prison during pregnancy or the first year and return after. Timlin said this is because policymakers did not want to force separation of mothers and their infants when the women were due to return,³² though forced separation would still occur right after birth. Additionally, the department foresaw challenges tracking people down if they did not return on their own volition.³³

In hindsight, Timlin said she is “less confident” than she was that the first-birthday cut-off was the right approach to deciding eligibility when the law was crafted. Moms who have longer sentences have told her that they would have liked to have that year together after their baby was born even if it meant returning to prison afterward and some of those women “would have been really good candidates” for HSA release.³⁴

There are also medical exceptions. The parenting coordinator may recommend a woman whose sentence exceeds their child’s first birthday if it is vital to the infant’s health or development.^{35,36}

²⁹ Minnesota Department of Corrections, *Healthy Start Placement for Pregnant and Post-Partum Persons*.

³⁰ Timlin, interview.

³¹ Lori Timlin, “Giving Incarcerated Mothers and Their Babies a Healthy Start,” Global Prison Nursery Network Symposium hosted by Children of Incarcerated Caregivers (CIC), Columbia Law Center for Institutional and Social Change, November 3, 2023.

³² Timlin, interview.

³³ Timlin, interview.

³⁴ Timlin, interview.

³⁵ Timlin, interview.

³⁶ Minnesota Department of Corrections, *Healthy Start Placement for Pregnant and Post-Partum Persons*.

One mother had her seven-year sentence delayed so that she was able to care for her premature twins.³⁷ She recently reported back to prison just a few days after her children’s first birthday.

When they enter Shakopee, women are screened for the program and complete an information packet that is reviewed by a team of designated DOC staff.³⁸ It asks for information about their pregnancy and childbirth and includes a self-assessment of their strengths and needs and potential places for them to live upon release.³⁹ Then, each member of the review team offers a recommendation – a thumbs up or down – to the DOC’s director of reentry services, who ultimately consults with the department’s commissioner.⁴⁰ All decisions “must prioritize the health of the baby and mother and are guided by principles of child development, attachment theory, equity, risk reduction, and public safety.”⁴¹

If approved, a meeting is held to create a plan for release, complete an agreement outlining requirements for participation, and address any needs, like housing options and birthing arrangements.⁴² Women may live at home, at a halfway house, or other living arrangements deemed appropriate by the DOC during their release.⁴³ A caseworker also creates a release plan based on DOC policies.⁴⁴

If denied release, the decision may be reviewed if there is a “material change” in the health of the mother or her fetus/baby or in other circumstances that support the need for conditional release.⁴⁵

Healthy Start participants must follow all conditions of their release and program agreement. They regularly meet with a team of DOC staff to review and make changes if needed.⁴⁶ If someone violates any rules, including not participating in their programming, additional rules may be added or they may be forced to return to prison. They must also return if they terminate their pregnancy or have a miscarriage.⁴⁷

Women who reach the end of their sentence while enrolled in Healthy Start may receive resources for up to six months after program completion.⁴⁸

³⁷ Victoria Lopez, “A New Law Gave Me 1 Year With My Babies Before Heading to Prison. How Will I Say Goodbye?” *The Marshall Project*, July 21, 2023, <https://www.themarshallproject.org/2023/07/21/prison-mother-parent-babies-separation-minnesota>.

³⁸ Minnesota Department of Corrections, *Healthy Start Placement for Pregnant and Post-Partum Persons*.

³⁹ Timlin, interview.

⁴⁰ Minnesota Department of Corrections, *Healthy Start Placement for Pregnant and Post-Partum Persons*.

⁴¹ Minnesota Department of Corrections, *Healthy Start Placement for Pregnant and Post-Partum Persons*.

⁴² Minnesota Department of Corrections, *Healthy Start Placement for Pregnant and Post-Partum Persons*.

⁴³ Timlin, interview.

⁴⁴ Minnesota Department of Corrections, *Healthy Start Placement for Pregnant and Post-Partum Persons*.

⁴⁵ Minnesota Department of Corrections, *Healthy Start Placement for Pregnant and Post-Partum Persons*.

⁴⁶ Minnesota Department of Corrections, *Healthy Start Placement for Pregnant and Post-Partum Persons*.

⁴⁷ Minnesota Department of Corrections, *Healthy Start Placement for Pregnant and Post-Partum Persons*.

⁴⁸ Minnesota Department of Corrections, *Healthy Start Placement for Pregnant and Post-Partum Persons*.

The HSA's First Year

Implementation of the Health Start Act is still in its early stages. Twelve women have been approved for HSA release since its inception in January 2022.⁴⁹

The Act has faced criticism for low participation, leading news organizations like the Minnesota Women's Press to investigate whether the program is underutilized.⁵⁰ Timlin also explained that fewer pregnant women may be sentenced to prison since the onset of the COVID-19 pandemic.⁵¹ "As a department, we've gotten better at finding alternatives to incarceration for pregnant women," she said. "A lot of effort has gone into thinking 'How could we prevent a pregnant woman from going to prison in the first place?'"

Ostara Initiative, the Minnesota Prison Doula Project, and researchers at the University of Minnesota plan to monitor the HSA's progress and report to the Department of Corrections about their findings and outcomes.⁵² As Lori Timlin looks to the future, she hopes to have "thoughtful conversations" about expanding eligibility to women with longer sentences by amending the first-birthday cut-off. Any changes would require approval by the state legislature.⁵³

⁴⁹ Timlin, interview.

⁵⁰ Camilla Breen, "Revisiting the Healthy Start Act," *Minnesota Women's Press*, August 25, 2022, <https://www.womenspress.com/healthy-start-act-not-living-up-to-promise/>.

⁵¹ Timlin, interview.

⁵² Breen, "Revisiting the Healthy Start Act."

⁵³ Timlin, interview.