



*State of North Carolina
Department of Public Safety
Prisons*

Chapter: F
Section: .2300
Title: **Offender Maternity Leave**
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POLICY AND PROCEDURE

References	5 th Edition Standards for Adult Correctional Institutions
Related ACA Standards	5-ACI-7D-19, 5-ACI-7D-20
North Carolina General Statute	15A-1353(a) , 148-4(7)

.2301 PURPOSE

It is the policy of North Carolina Department of Public Safety, Prisons to provide temporary in-state leave privileges for selected minimum custody offenders who give birth to a child(ren) while committed to the custody of the North Carolina Department of Public Safety (NCDPS), Prisons. *An offender will be selected for this program based on the potential benefits to the newborn child(ren) for post-delivery bonding (5-ACI-7D-19, 5-ACI-7D-20).* Offender Maternity Leave will be subject to the following restrictions:

- (a) An offender may take Offender Maternity Leave only in the home of one of the offender's legal relatives. The legal relative in question must also be the caretaker approved by the local Department of Social Services to assume responsibility for the child of the offender when the mother returns to prison.
- (b) Offenders who have been rejected or who have been denied postponement of sentencing on the grounds of pregnancy under provisions of G.S.15A-1353(a) are not eligible.
- (c) Offender Maternity Leave will begin no sooner than and immediately after discharge of mother and infant from the medical facility at which the birth has occurred.
- (d) Offender Maternity Leave may be awarded for as little as one day but under no circumstances will it exceed a total of sixty (60) days.
- (e) Family literacy education is to be provided to participating offenders which includes information on the importance of raising the reading level of children and other family members, motivating family interest in reading and writing to each other, effective tutoring skills and compiling a list of education resources to assist in family literacy for the offender as well as their family members.

.2302 PROCEDURE

- (a) Requests to Participate.

- (1) Application. All pregnant offenders received at the North Carolina Correctional Institution for Women will receive information at intake from a Social Worker regarding participation in the Offender Maternity Leave Program. Any offender wishing to participate will complete an application at that time and it will be forwarded to the Associate Warden for Programs, processed, and immediately forwarded to the Warden.
- (2) Case Reviews. The Warden of the North Carolina Correctional Institution for Women will ensure that a documented case review is made for each offender who applies for participation in the Offender Maternity Leave Program.
- (3) Grounds for Denial. The Warden of the North Carolina Correctional Institution for Women may deny or withdraw approval for participation in the program based on any of the following conditions:
 - (A) Sentence Length. A total sentence length upon commitment which is greater than five (5) years;
 - (B) Pending Criminal Charges. Pending criminal charges in any jurisdiction;
 - (C) Violation of Probation. A current commitment because of probation violation(s); consideration should be given to the nature of the crime and why probation was revoked.
 - (D) Institutional Record. An institutional record of two or more major offenses within the six months prior to anticipated date of delivery;
 - (E) Record of Violence. A record of violent or aggressive behavior, child abuse, or child neglect;
 - (F) Record of Drug Abuse. A record of serious drug usage, any drug trafficking or sales, or other serious substance abuse;
 - (G) Rejection of Sentence Postponement. Evidence that the offender has rejected postponement of service of sentence on the grounds of pregnancy under G.S. 15A-1353(a);
 - (H) Denial of Sentence Postponement. Evidence that the offender has been considered for and denied postponement of service of sentence on the grounds of pregnancy under G.S. 15A-1353(a). Any offender who is pregnant at the time she begins serving her sentence shall be presumed to have been considered for and denied postponement of service of sentence in the absence of information from the court of record that she has not been considered for and denied postponement of service of sentence on grounds of pregnancy;

- (I) Objection by the Sentencing Court. Evidence that officials of the sentencing court object to maternity leave for the offender;
 - (J) Denial or Revocation of Certification by Social Services. Evidence that the local Department of Social Services refuses to certify the home of the caretaker for the mother and child;
 - (K) Psychiatric Recommendations. Negative psychiatric and psychological assessments and evaluations; and
 - (L) Threats to Public Safety and the General Welfare. Other specific conditions which threaten public safety or the health and general welfare of child and/or mother.
- (4) Offender Maternity Leave Program Plan. For any offender who qualifies based on conditions specified above, the Warden of the North Carolina Correctional Institution for Women will prepare a “Maternity Leave Program Plan.” This shall include, in the order given, the following completed forms and documents:
- (A) Offender Maternity Leave Checklist. This form documents that all eligibility requirements have been satisfied and that all documents of the plan are in order;
 - (B) Offender Maternity Leave Form. This form from the sentencing court establishes whether the offender did or did not reject postponement or have postponement of service of sentence denied under provisions of G.S. 15A-1353(a);
 - (C) Local Department of Social Services Home Certification for Newborn Children. This form documents that the proposed home is acceptable for the child in question;
 - (D) Relative Caretaker Agreement. This establishes that the adult relative(s), who will be responsible for the offender and child, agree(s) to accept this responsibility;
 - (E) Psychological Assessment;
 - (F) Emergency Termination Plan in DC-142 (Extension of Limits of Confinement form) and in The Relative Caretaker Agreement (above);
 - (G) Local Law Enforcement Notification Form;
 - (H) Notification to the Prosecuting District Attorney;
 - (I) Temporary Leave Form (DC-326);

- (J) Extension of Limits of Confinement Form (DC-142). This will be modified as appropriate in individual cases to accommodate offender maternity leave per G.S.148-4(7);
 - (K) Offender Maternity Leave Agreement. This agreement establishes that the offender agrees to all specific conditions established for her own offender maternity leave;
 - (L) Medical Clearance;
 - (M) Offender must be in minimum custody through the appropriate classification referral in OPUS.
- (b) Approval. The Warden of the North Carolina Correctional Institution for Women shall recommend approval or disapproval of each Application for Offender Maternity Leave. The Commissioner of Prisons or designee shall be the approving authority for the Offender Maternity Leave Program.
- (c) Monitoring.
- (1) The responsibility for monitoring offenders on maternity leave is assigned to the Associate Warden for Programs of the North Carolina Correctional Institution for Women. The Associate Warden for Programs or designee shall ensure the offender is monitored at home on a face-to-face basis during an unannounced visit at least once every week for the duration of the offender's maternity leave.
 - (2) As a sign of courtesy, the Warden shall notify the Director of Community Corrections or designee whenever an offender is placed on offender maternity leave.
 - (3) Local Department of Social Services monitoring reports may also be used in determining if the offender on leave is fulfilling the terms of the Offender Maternity Leave Plan.
 - (4) Additionally, reports from the adult relative(s) who are signatories to the Relative Caretaker Agreement may be used to assist Department of Public Safety officials in determining whenever leave compliance is sufficiently changed to warrant leave termination.
- (d) Modifications. The privileges of maternity leave can be modified or terminated if warranted due to violations of rules or changes in circumstances. The changes/modifications should be given in writing to the offender.
- (e) Earned/Gain Time. If otherwise eligible to receive sentence credits according to their sentence, offenders on offender maternity leave shall be eligible to receive earn/gain time

for time spent away from the North Carolina Correctional Institution for Women while participating in the Offender Maternity Leave Program.

- (f) Approved offenders will be assigned to the appropriate full-time code which should also indicate approval for temporary leave away from the facility.
- (g) Custody Level. An offender on maternity leave will be in Minimum Custody for the duration of her leave. Upon termination of offender maternity leave, the custody level and privileges of the offender will be reviewed.

.2303 TERMINATION OF LEAVE

- (a) Emergency Termination. If rule violations or other emergency conditions occur, the Warden of the North Carolina Correctional Institution for Women may terminate Offender Maternity Leave prematurely.
- (b) Offender Maternity Leave may be terminated prematurely based upon any of the following:
 - (1) Use of alcohol, of drugs or of other illegal substances, or abuse of prescription medications;
 - (2) Association with known criminals;
 - (3) Acceptance of gainful employment;
 - (4) Incurrence of indebtedness without agency approval;
 - (5) Violation of federal, state, or local laws;
 - (6) Travel, without approval, beyond the agreed limits in the Maternity Leave Plan, specifically the DC-142ML and Offender Maternity Leave Agreement Forms;
 - (7) Engaging in activities prohibited by specific leave conditions, Department of Public Safety policy, or laws imposed upon offenders or persons with restrictive citizenship; and
 - (8) Contact with the victims of the crimes for which the offender is serving time without specific authorization.
- (c) Disciplinary Action. Any offender who violates conditions specified in the Extension of Limits of Confinement Form or who fails to report to the North Carolina Correctional Institution for Women at the end of the leave period or fails to report to appropriate authorities in cases of emergencies shall be subject to disciplinary action for violation of offense number(s) A6, B12 and/or any other applicable offense(s).

- (d) Routine Termination. Any offender awarded offender maternity leave must report to the **Warden** of the North Carolina Correctional Institution for Women by the date and time specified on the Temporary Leave Form included in her Offender Maternity Leave Program Plan.

.2304 DESIGN AND EVALUATION

- (a) The **Warden** at the North Carolina Correctional Institution for Women shall be responsible for the design and evaluation of the training and treatment components of the Offender Maternity Leave Program. The **Warden** shall prepare an annual evaluation report for the **Commissioner of Prisons** which shall be due one month after the end of the calendar year.
- (b) This report shall include, but need not be limited to, the following statistical information:
- (1) Number of pregnant offenders admitted to the North Carolina Department of Public Safety Prisons during the year by length of sentence, by month and day of pregnancy upon commission of the crime for which sentenced, by month and day of pregnancy when arrested, by month and day of pregnancy upon sentencing and commitment, by county and by area of origin;
 - (2) Number and percentage of pregnant offenders admitted during the year who applied for maternity leave;
 - (3) Number of offenders, of those who applied for offender maternity leave, who were awarded offender maternity leave by county and area of origin;
 - (4) Of those offenders who were denied offender maternity leave, the number and percentage who were ineligible based on each of the Grounds for Denial listed herein or for other reasons;
 - (5) Number and percentage of offenders whose offender maternity leaves were terminated prematurely and the reasons for these terminations.



Commissioner of Prisons

April 01, 2022

Date

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