



AAUW Florida Priority: "Ava's Law" Pregnant Women in Custody. The American Association of University Women of Florida has over 10,000 members and supporters statewide. We advance equity for women and girls through advocacy, education, and research.

2024 Florida Session
[SB 100 / HB 237 Pregnant Women in Custody](#)
Senator Jones / Representative Hart

Purpose: Citing this act as "Ava's Law"; requiring that, upon her request, every female arrested and not released on bond within 72 hours after arrest be administered a pregnancy test within a specified timeframe; requiring each municipal detention facility or county detention facility to notify each arrested female upon booking at the facility of her right to request a pregnancy test. It would also allow pregnant women sentenced to prison to petition a judge to delay their imprisonment during their pregnancy and up to 12 weeks after they've given birth, or the pregnancy ends - to receive prenatal care and address postpartum related issues.

Background: The bill was initially filed in response to the arrest of 25-year-old Erica Thompson in 2021. When in Alachua County Jail, she went into labor and delivered Ava three months prematurely. Ava died after Thompson was transported to the hospital. Thompson said her continued screams for help went unanswered. The bill's proponents believe the conditions in the prison pregnancy wards are not suitable for childbirth and this law will prioritize the well-being of mothers throughout the state.

Research indicates pregnancies among incarcerated women are often considered high risk and have poor outcomes. According to the National Institute of Health, pregnant prisoners, when compared with women in the general population, are more likely to have risk factors associated with poor perinatal outcomes, including preterm and small-for-gestational-age infants. These outcomes are likely a result of exposure to a combination of risk factors, including lack of access or failure to attend prenatal care, substance use, toxic stress, domestic violence, poor nutrition, and sexually transmitted infections. In addition, African American, Native American, and Hispanic women are disproportionately represented in the prison system, three groups that are also at greatest risk for poor birth outcomes.

Summary: Access to medical care and overincarceration of pregnant women are issues of major concern. Whether an incarcerated woman decides to carry her pregnancy to term or have an abortion, she has a right to obtain quality healthcare. Prison is not a good place for pregnant women; however, that does not mean that pregnancy provides immunity from wrongdoing and incarceration. It does mean that there should be a strong public policy interest in promoting healthy pregnancies and good birth outcomes for incarcerated women who choose to continue their pregnancies. Care needs to be focused on mothers just as much as the children. According to the CDC, maternal mortality rates rose nationwide about 9 percentage points between 2020 and 2021.

Reproductive rights for all women do not end with birth; we must also uphold the right of a competent parent to raise her own children. A woman's incarceration status alone does not indicate incompetence. Incarcerated women continue to have these rights violated. Many incarcerated mothers and newborns are separated after delivery, which most often results in the permanent termination of parental rights. This separation is traumatic for both mother and child, which often leads to psychological issues for both and recidivism for the mother.

Relationship to AAUW Mission: The passage of SB 100/HB 237 supports AAUW's commitment to: Access to Quality Healthcare, Reproductive & Civil Rights, and Equity for ALL!