



Program Statement

OPI: CPD
NUMBER: 6070.05
DATE: August 9, 1996
SUBJECT: Birth Control, Pregnancy,
Child Placement and Abortion

1. **[PURPOSE AND SCOPE §551.20. The Bureau of Prisons provides an inmate with medical and social services related to birth control, pregnancy, child placement, and abortion. The Warden shall ensure compliance with the applicable law regarding these matters.]**

2. PROGRAM OBJECTIVES. The expected results of this program are:

a. Interested inmates will receive appropriate information on birth control.

b. A pregnant inmate will be provided medical, case management, and counseling services.

c. A pregnant inmate will be offered medical, religious, and social counseling to aid her in making a decision whether to carry the pregnancy to full term or to have an elective abortion.

d. A pregnant inmate, who so chooses, will be provided an elective abortion at Bureau expense, only when the life of the mother would be endangered if the fetus is carried to term, or in the case of rape.

e. Inmates will receive assistance, including access to community child placement agencies, to place newborn children in appropriate homes.

f. A staff member who wishes not to be involved in arranging an elective abortion will not be required to do so.

[Bracketed Bold - Rules]

Regular Type - Implementing Information

3. DIRECTIVES AFFECTED

a. Directive Rescinded

PS 6070.04 Birth Control, Pregnancy, Child Placement,
and Abortion (12/14/94)

b. Directives Referenced

PS 5267.05 Visiting Regulations (07/21/93)
PS 6000.04 Health Services Manual (12/15/94)

c. Rules cited in this Program Statement are contained in 28
CFR 551.20-24.

4. STANDARDS REFERENCED

a. American Correctional Association Foundation/Core Standards
for Adult Correctional Institutions: C2-4151, C2-4168.

b. American Correctional Association 3rd Edition Standards for
Adult Correctional Institutions: 3-4343-1, 3-4387.

c. American Correctional Association Foundation/Core Standards
for Adult Local Detention Facilities: C2-5187, C2-5254.

d. American Correctional Association 3rd Edition Standards for
Adult Local Detention Facilities: 3-ALDF-4E-19-1, 4-F-04.

e. American Correctional Association and Standards for the
Administration of Correctional Agencies: None.

5. **[BIRTH CONTROL §551.21. Medical staff shall provide an
inmate with advice and consultation about methods for birth
control and, where medically appropriate, prescribe and provide
methods for birth control.]**

Medical staff shall provide interested inmates information
pertaining to appropriate methods for birth control. The medical
indication and appropriateness of prescribing birth control in a
correctional environment ordinarily is limited to hormonal
replacement therapy. When a clinician believes actual birth
control is medically appropriate, the Bureau Medical Director's
prior approval is required. Refer to the Health Services Manual
for further information.

6. **[PREGNANCY §551.22**

a. **The Warden shall ensure that each pregnant inmate is
provided medical, case management, and counseling services.**

b. **In order to ensure proper medical and social services, the
inmate shall inform the institution medical staff as soon as she
suspects she is pregnant.]**

The medical staff shall notify the inmate's case manager promptly when the pregnancy is verified.

[c. Medical staff shall arrange for the childbirth to take place at a hospital outside the institution.]

7. **[ABORTION §551.23**

a. The inmate has the responsibility to decide either to have an abortion or to bear the child.

b. The Warden shall offer to provide each pregnant inmate with medical, religious, and social counseling to aid her in making the decision whether to carry the pregnancy to full term or to have an elective abortion. If an inmate chooses to have an abortion, she shall sign a statement to that effect. The inmate shall sign a written statement acknowledging that she has been provided the opportunity for the counseling and information called for in this policy.]

- When medical, religious, and social counseling sessions are completed, each staff member involved shall document the session in a memorandum to the inmate's central file.
- A copy of each request for an elective abortion and the supporting documentation from the medical, religious, and social counseling sessions will be sent for information purposes to the Medical Director's attention.

[c. Upon receipt of the inmate's written statements required by paragraph (b) of this section, ordinarily submitted through the unit manager, the Clinical Director shall arrange for an abortion to take place.]

- The Bureau will assume all costs associated with the abortion procedure only when the life of the mother would be endangered if the fetus is carried to term, or in the case of rape.
- In all other cases non-Bureau funds must be obtained to pay for any abortion procedure, or else the planned abortion may not be performed.
- In all cases, however, whether the Bureau pays for the abortion or not, the Bureau may expend funds to escort the inmate to a facility outside the institution to receive the procedure.

Staff shall have knowledge of, and shall be guided by, applicable Federal and state laws and regulations. The Regional Counsel shall be consulted if there are questions concerning the interpretation of laws and regulations.

Pursuant to Section 103 of the Department of Justice Appropriations Bill for Fiscal Year 1996 (Public Law 104-134), the Bureau may not use appropriated funds to require any person to perform or facilitate the performance of an abortion. Staff who wish to have no involvement in facilitating the performance of abortions shall advise their supervisor of such fact. Supervisors shall not influence a staff member's position regarding this issue.

8. **[CHILD PLACEMENT §551.24**

a. **The Warden may not permit the inmate's new born child to return to the institution except in accordance with the Bureau of Prisons policy governing visiting.**

b. **Child placement is the inmate's responsibility. The Warden shall provide opportunities for counseling by institution staff and community social agencies to aid the inmate with placement.**

c. **The institution staff shall work closely with community agencies and persons to ensure the child is appropriately placed. The staff shall give notice to the responsible community agency of the inmate's plan for her child. Child welfare workers may come to the institution in appropriate cases to interview and counsel an inmate.]**

Staff shall establish a liaison with the welfare agency or its equivalent and shall ensure that this agency receives advance notice of the intended child placement to allow sufficient time for their investigation of potential home sites for the child.

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Kathleen M. Hawk
Director