

GLOSSARY

A-D

ABORTION

The intentional termination of a pregnancy.

ADVERSE HEALTH OUTCOME AT BIRTH

An undesirable clinical outcome that prolonged the infant's hospital stay, caused permanent harm, required life-saving intervention, or contributed to the infant's death.

ARREST WARRANT

A document issued by a judge or magistrate on behalf of the state that authorizes the arrest and detention of an individual.

BAIL

The terms under which an accused person can be released from custody. Those terms include a promise that the accused person will appear back in court at a place and time specified. The terms may also include the payment of, the promise to pay, or the deposit of property to the court of a specified sum of money or property if the person does not appear.

BOND

An enforceable contract to pay a sum of money to the court in the event the defendant does not return to court when ordered to do so. A bond may be secured, meaning funds are deposited to secure the promise, or unsecured, meaning that the contract is merely a promise to forfeit some amount of money in the future if the defendant fails to appear in court as ordered. A bond may be posted by a bail bond company, by the defendant, or by a third party willing to forfeit funds if the defendant does not return to court.

CENSUS REGION (NORTHEAST, MIDWEST, SOUTH, WEST)

One of the four statistical regions, comprising the 50 states and the District of Columbia, established by the United States Census Bureau for statistical and reporting purposes.

CHILD NEGLECT

Neglect is generally defined as a caregiver failing to provide adequate food, clothing, hygiene, nutrition, shelter, medical care, or supervision in ways that threaten the well-being of the child.

CHILD ABUSE

Child abuse generally involves an act or failure to act by a parent or caretaker that causes actual harm or imminent risk of harm to the child.

CHILD ENDANGERMENT

Child endangerment occurs when a caregiver fails to adequately protect a child from harm.

CISGENDER

People whose gender identity is the same as their assigned or presumed sex at birth.

CONTROLLED SUBSTANCE

A drug or other substance whose manufacture, possession, and use is limited, controlled, and/or regulated by the government.

ILLICIT SUBSTANCE

An illegal substance.

DEFERRED PROSECUTION

An alternative to prosecution offered at the discretion of the prosecutor's office in which a prosecutor voluntarily agrees to cease the prosecution without a judicial adjudication. This may be in exchange for the defendant agreeing to fulfill certain requirements or acknowledge the accuracy of certain allegations.

DIVERSION

A court-imposed alternative to incarceration, including, but not limited to, a deferred prosecution, a compulsory drug treatment program, community service, or supervised parole.

FAMILY REGULATION SYSTEM

The term, popularized by Professor Dorothy Roberts, represents the realities of the group of state-level agencies that constitute what is often called the “child protective” or “child welfare” system. While the stated goal of this system is to protect children and promote their welfare, the reality is often state regulation and surveillance of children’s families in a fashion that harms rather than helps. Accordingly, we use the terms family regulation system throughout this report.

FELONY

A crime punishable by imprisonment for more than one year or by death.

FETAL ASSAULT

An addition to Tennessee’s criminal code from 2014 until 2016, which stated that “[n]othing in this section shall preclude prosecution of a woman for assault...for the illegal use of a narcotic drug... while pregnant, if her child is born addicted to or harmed by the narcotic drug and the addiction or harm is a result of her illegal use of a narcotic drug taken while pregnant.”¹

FETAL PERSONHOOD

A legal concept that extends all legal and constitutional protections to fetuses (and often fertilized eggs and embryos), including the right to life.

FETICIDE/FETAL HOMICIDE

The concept that ending a pregnancy is equivalent to murder; the specific definition varies from state to state, but some form of criminal feticide exists in 38 states.

INCARCERATION

The state of being confined in prison; imprisonment.

INTERCODER RELIABILITY

A measure of consistency used to evaluate independent observers who rate, code, or assess the same phenomenon.

INDIGENCY

An economic condition, as determined by the state or locality, whereby an individual’s inability to pay for the expenses necessary for effective representation, release on bond, and the basic necessities of life grants them assignment of legal counsel paid for by the state.

JAIL

A short-term holding facility typically under the jurisdiction of a city, local district, or county for the newly arrested, those awaiting trial or sentencing, or those typically serving not more than a year.

MANDATED REPORTER

A person who, by virtue of their profession, is legally required to report observed or suspected child neglect or endangerment, physical abuse, sexual abuse, or other types of mistreatment of children.

MANSLAUGHTER

A common legal term for the crime of killing a human being without malice aforethought, or otherwise in circumstances not amounting to murder.

MISCARRIAGE

A pregnancy loss before 20 weeks.

MISDEMEANOR

A type of criminal offense typically punishable by 12 months of jail or less.

A Note on Language

Throughout this report, Pregnancy Justice uses the terms “pregnant people” or “pregnant person” more frequently than “pregnant women.” This is because in the face of “fetal personhood” it is important to exert the personhood of the people who are pregnant. This is also in recognition that not everyone who becomes pregnant identifies as a woman.

At the same time, sexism based on the gender binary is a clear throughline in pregnancy criminalization cases, and the patriarchal desire to impose traditional gender roles on women must be acknowledged. In recognition of all of these complexities, we use the terms “pregnant person/people” and “pregnant woman/women” depending on the context and as appropriate when referring to data.

P-T

PAROLE

The discretionary release of a prisoner by a politically appointed panel before the completion of a sentence where the prisoner agrees to abide by certain behavioral conditions, or else they may be re-arrested and returned to prison.

PRETRIAL INCARCERATION

Detention of a person charged with a crime after they are arrested and until their trial, most commonly in a short-term holding facility like a jail.

PRISON

A long-term holding facility under the jurisdiction of the state or federal government for those who have been convicted of serious crimes, typically any felony.

PROBATION

A period of supervision over an offender, ordered by the court often in lieu of incarceration, during which the offender must abide by certain behavioral conditions, the violation of which may result in re-incarceration.

SENTENCE

The punishment assigned to a defendant found guilty by a court, or fixed by law, for a particular offense.

STILLBIRTH

A pregnancy loss after 20 weeks of pregnancy.

TOXICOLOGY TEST

A test that seeks to detect, isolate, and identify the type and sometimes the concentration of a substance, legal or not, that the person has ingested in their blood, urine, or hair. A positive value could mean that alcohol, prescription medicines, and/or illegal drugs have been detected; a negative value could mean the above-mentioned drugs have not been detected.

TRANSGENDER/GENDER NON-BINARY

Transgender, or trans, is an umbrella term for people whose gender identity or gender expression does not conform to that typically associated with the sex to which they were assigned at birth. Non-binary is an identity embraced by some people who do not identify exclusively as a man or a woman; it can also be used as an umbrella term encompassing identities such as agender, bigender, genderqueer, or gender fluid.