

How We Support Defense in Pregnancy Criminalization Cases



Contact us at info@pregnancyjusticeus.org

1 **Expert Witnesses and Scientific / Medical Evidence Support**

Pregnancy Justice can help with identifying, engaging, and paying for experts. From OB/GYNs, to specialists in substance use disorders during pregnancy (impact of drug use on pregnancy and/or breastfeeding), to medical examiners, toxicologists, psychologists (unperceived pregnancies, etc.), and placental/neonatal pathologists.

2 **Policy / Legislative Support**

Offer advice or guidance around how proposed laws or changes in laws in your jurisdiction might affect your client, as well as advocacy support for legislative change.

3 **Co-Counsel / Direct Legal Support**

- **Pregnancy Justice can join your representation as co-counsel in civil, criminal or appellate proceedings.** Pregnancy Justice will bring its expertise in constitutional/civil rights violations, criminal law, or systemic issues (e.g. a law that criminalizes behaviors during pregnancy or fetal personhood), as well as bad forensic science (non-consensual hospital drug testing, FIGG and the lung float test), to your cases.
- Pregnancy Justice can assist in interventions on behalf of a client who is under investigation, forced to give birth in untenable circumstances, or threatened with prosecution.
- Pregnancy Justice can help develop amicus and post-conviction litigation strategy with practitioners by submitting amicus briefing and finding experts in the field to write amicus briefs, drafting post-conviction relief briefing, and supporting post-conviction relief hearings (e.g. direct and cross outlines, etc.)

4 **Strategic Defense Tools**

Provide exemplars and drafting support. Pregnancy Justice can open its litigation library and share briefs, motions (to dismiss, Daubert, etc); arguments challenging forensic methods; challenging child welfare interventions based on conduct during pregnancy, prosecutorial overreach challenges.

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5 Training and Skill Development

- **Provide access to CLEs, workshops, and training sessions specifically about pregnancy criminalization.**
- Education for defense teams about relevant medical science, substance use in pregnancy, pregnancy loss etc.

6 **Communications / Public Advocacy**

- Help support or drive media/narrative to shift public perception or generate strategic media attention where appropriate.
- Provide tracking of similar cases and trends, important precedents, and context around typicality of prosecution approaches.

7 **Resource Lists, Materials, Manuals**

- Access to publicly available reports and toolkits.
- Assemble research that may be of use in cases.
- Provide and incorporate research and data.

“Pregnancy Justice played an invaluable role in defending our client against an unjust felony child abuse charge. Their expertise helped us educate the prosecution on the critical medical and legal distinctions at issue—ultimately demonstrating that the state could not prove the more serious allegations. Because of their collaboration, our client’s sentencing exposure was reduced by several years, ensuring a far fairer outcome and reaffirming the importance of evidence-based advocacy in cases involving pregnancy and parenting.”

– Missy Owen, North Carolina