

# KNOW YOUR RIGHTS REPRODUCTIVE RIGHTS WHILE INCARCERATED

When you're in prison or jail, you still have the right to make decisions about your own body and reproductive healthcare. These rights can be a little different depending on whether you are in a state prison, Cook County Jail, or a different county jail. **No matter where you are, jails and prisons can't prevent you from making decisions about your own body**, like whether to take birth control pills and whether to continue a pregnancy or have an abortion.

**WHAT DO THESE RIGHTS MEAN?** Having the rights listed here means that jails and prisons can't punish or threaten you for making decisions about your body. It also means that if you have a right to a service or medications, the jail or prison has to provide you with that service or medications (like prenatal care and contraceptives).

## PREGNANCY AND RELATED HEALTHCARE

- **Right to choose whether to have an abortion or continue your pregnancy.**
  - Call the National Abortion Fund at 1-800-772-9100 to get help to pay for your abortion. If you need help contacting them, talk to your doctor, or contact [acluofillinois@aclu-il.org](mailto:acluofillinois@aclu-il.org).
- **Right to prenatal care.**
  - This can include things like getting prenatal vitamins and regular checkups with a doctor to make sure you are healthy, and track any possible complications with your pregnancy.
  - This can also include the right to more food, including nutritious food, while you are pregnant.
  - You also have the right to medical care if your pregnancy ends in a miscarriage.
- **Right to educational programming about pregnancy and childbirth.**
- **Right to a bed that is 3 feet from the floor or lower while you're pregnant.**
- **Right not to be put in solitary confinement while you're pregnant**, unless you are a harm to your self, your baby, or another person, or will attempt escape.
- **If you're in a state (or IDOC) prison**, you have the right to be screened for eligibility for the Moms and Babies Program, a program that allows moms to spend time with their babies while they are still incarcerated.
- **If you're in a county jail (including Cook County Jail)** and it's close to your due date, you have the right to a hearing to determine whether your being in jail is necessary to protect the public. (725 ILC 5/110-5.2)
- **If you're in Cook County Jail**, you have the right not to be shackled at any time, unless the jail believes you are likely to try to escape, or unless a doctor or other health staff asks for you to be in restraints to protect you or your pregnancy.
  - Even if the jail does use restraints, they can't use leg irons, shackles, or waist shackles.

## BIRTHING AND POST-BIRTH CARE

- **Right to make decisions about how you want to give birth.**
    - This can include deciding whether to have a c-section or whether to get an epidural or not.
    - You have the right to refuse induced labor, even if the prison or jail wants you to do it for their convenience.
    - You also have the right to consent to things like vaginal or cervical checks, and episiotomy. This means that doctors should talk to you and check with you before they do these things.
  - **Right not to have restraints of any kind on your way to the hospital to give birth.** This includes handcuffs, shackles, and any other restraints.
  - **Right not to have a correctional officer in your room at the hospital while giving birth** – they must wait outside.
  - **Right not to be shackled or be put in leg irons under any circumstances during labor.**
  - **Right to breastfeed your baby during visits to the prison.**
  - **Right to have your baby stay with you for 72 hours after you give birth**, unless a doctor says it is not safe.
    - For this period of time, the prison or jail must provide you with diapers, and anything else you need to care for your infant.
  - **Right not to be put in solitary confinement for month after giving birth**, unless you are a harm to yourself, your baby, or another person, or will attempt escape.
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- If you're in Cook County Jail and you have just given birth, you may only be restrained by handcuffs at the front of your body. If a doctor or nurse asks the officer to remove the handcuffs, they must do it immediately.

## OTHER REPRODUCTIVE HEALTHCARE

- **Right to reproductive healthcare**, including regular pap smears and other reproductive healthcare.
- **Right to access to enough menstrual products** (things like pads and tampons).
- **Right to use birth control** and choose the method that is best for you.

**If your reproductive rights have been violated,  
please contact [acluofillinos@aclu-il.org](mailto:acluofillinos@aclu-il.org).**