
SENATE BILL 5182

State of Washington

69th Legislature

2025 Regular Session

By Senators Nobles and Frame

Prefiled 01/08/25.

1 AN ACT Relating to programs and services for incarcerated parents
2 at the department of corrections; and amending RCW 72.09.588 and
3 9.94A.6551.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 72.09.588 and 2018 c 41 s 1 are each amended to read
6 as follows:

7 (1) The department must make reasonable accommodations for the
8 provision of available midwifery or doula services to ~~((inmates))~~
9 incarcerated individuals who are pregnant or who have given birth in
10 the last six weeks. Persons providing midwifery or doula services
11 must be granted appropriate facility access, must be allowed to
12 attend and provide assistance during labor and childbirth where
13 feasible, and must have access to the ~~((inmate's))~~ incarcerated
14 individual's relevant health care information, as defined in RCW
15 70.02.010, if the ~~((inmate))~~ incarcerated individual authorizes
16 disclosure.

17 (2) For purposes of this section, the following definitions
18 apply:

19 (a) "Doula services" are services provided by a trained doula and
20 designed to provide physical, emotional, or informational support to
21 a pregnant ~~((woman))~~ individual before, during, and after delivery of

1 a child. Doula services may include, but are not limited to: Support
2 and assistance during labor and childbirth; prenatal and postpartum
3 education; breastfeeding assistance; parenting education; and support
4 in the event that ((a woman)) an individual has been or will become
5 separated from ((her)) their child.

6 (b) "Midwifery services" means medical aid rendered by a midwife
7 to ((a woman)) an individual during prenatal, intrapartum, or
8 postpartum stages or to ((a woman's)) an individual's newborn up to
9 two weeks of age.

10 (c) "Midwife" means a midwife licensed under chapter 18.50 RCW or
11 an advanced registered nurse practitioner licensed under chapter
12 18.79 RCW.

13 (3) Nothing in this section ((requires the department to
14 establish or provide funding for midwifery or doula services, or))
15 prevents the department from adopting policy guidelines for the
16 delivery of midwifery or doula services to ((inmates)) incarcerated
17 individuals, or from contracting with a nonprofit organization or
18 partnering with volunteers to deliver these services to incarcerated
19 individuals. Services provided under this section may not supplant
20 health care services routinely provided to the ((inmate))
21 incarcerated individual.

22 **Sec. 2.** RCW 9.94A.6551 and 2024 c 193 s 1 are each amended to
23 read as follows:

24 (1)(a) Except as provided in (b) of this subsection, for an
25 incarcerated individual not sentenced under RCW 9.94A.655, but
26 otherwise eligible under this section, no more than the final 12
27 months of the incarcerated individual's term of confinement may be
28 served in partial confinement as home detention as part of the
29 parenting program developed by the department.

30 (b) For an incarcerated individual not sentenced under RCW
31 9.94A.655, but otherwise eligible under this section, who is
32 participating in the residential parenting program at the department,
33 no more than the final 18 months of the incarcerated individual's
34 term of confinement may be served in partial confinement as home
35 detention as part of the parenting program developed by the
36 department.

37 (2) The secretary may transfer an incarcerated individual from a
38 correctional facility to home detention in the community if it is

1 determined that the parenting program is an appropriate placement and
2 when all of the following conditions exist:

3 (a) The incarcerated individual is serving a sentence in which
4 the high end of the range is greater than one year;

5 (b) The incarcerated individual has no current conviction for a
6 felony that is classified as a sex offense or a serious violent
7 offense;

8 (c) The incarcerated individual has no current conviction for a
9 violent offense, or where the incarcerated individual has a current
10 conviction for a violent offense, he or she has not been determined
11 to be a high risk to reoffend;

12 (d) The incarcerated individual signs any release of information
13 waivers required to allow information regarding current or prior
14 child welfare cases to be shared with the department and the court;

15 (e) The incarcerated individual is:

16 (i) A parent with guardianship or legal custody of a minor child;

17 (ii) An expectant parent; (~~(e)~~)

18 (iii) A biological parent, adoptive parent, custodian, or
19 stepparent with a proven, established, ongoing, and substantial
20 relationship with a minor child (~~(that existed at the time of the~~
21 ~~offense)); or~~

22 (iv) An individual expected to take over the duties of a parent
23 and be responsible for exercising the day-to-day care and control of
24 a minor child; and

25 (f) The department determines that the incarcerated individual's
26 participation in the parenting program is in the best interests of
27 the child. Nothing in this section provides the department with
28 authority to determine placement of a minor child.

29 (3) Except for sex offenses and serious violent offenses, prior
30 juvenile adjudications are not considered offenses when considering
31 eligibility for the parenting program developed by the department.

32 (4) When the department is considering partial confinement as
33 part of the parenting program for an incarcerated individual, the
34 department shall inquire of the individual and the department of
35 children, youth, and families whether the agency has an open child
36 welfare case or prior substantiated referral for abuse or neglect
37 involving the incarcerated individual.

38 (5) If the department of children, youth, and families or a
39 tribal jurisdiction has an open child welfare case, the department
40 will seek input from the department of children, youth, and families

1 or the involved tribal jurisdiction as to: (a) The status of the
2 child welfare case; and (b) recommendations regarding placement of
3 the incarcerated individual, services agreed to by the incarcerated
4 individual working voluntarily with the department, or services
5 ordered by the court within the incarcerated individual's child
6 welfare case. The department and its officers, agents, and employees
7 are not liable for the acts of incarcerated individuals participating
8 in the parenting program unless the department or its officers,
9 agents, and employees acted with willful and wanton disregard.

10 (6) All incarcerated individuals placed on home detention as part
11 of the parenting program shall provide an approved residence and
12 living arrangement prior to transfer to home detention.

13 (7) While in the community on home detention as part of the
14 parenting program, the department shall:

15 (a) Require the individual to be placed on electronic home
16 monitoring;

17 (b) Require the individual to participate in programming and
18 treatment that the department determines is needed after
19 consideration of the individual's stated needs;

20 (c) Assign a community corrections officer who will monitor the
21 individual's compliance with conditions of partial confinement and
22 programming requirements; and

23 (d) If the individual has an open child welfare case with the
24 department of children, youth, and families, collaborate and
25 communicate with the identified social worker in the provision of
26 services.

27 (8) The department has the authority to return any incarcerated
28 individual serving partial confinement in the parenting program to
29 total confinement if the individual is not complying with sentence
30 requirements.

31 (9) For the purposes of this section:

32 (a) "Expectant parent" means a pregnant or other parent awaiting
33 the birth of his or her child, or an adoptive parent or person in the
34 process of a final adoption.

35 (b) "Minor child" means a child under the age of eighteen.

36 (c) "Residential parenting program" means a correctional nursery
37 program administered by the department that allows pregnant, minimum
38 security incarcerated individuals that meet eligibility criteria
39 established by the department to keep their newborn children with

1 them after giving birth in a designated unit and receive support and
2 education in alliance with skilled early childhood educators.

--- **END** ---