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SENATE BILL 5938

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State of Washington

68th Legislature

2024 Regular Session

By Senators C. Wilson and Lovelett

Prefiled 01/02/24.

1 AN ACT Relating to modifying the community parenting alternative  
2 for eligible participants in the residential parenting program at the  
3 department of corrections; and amending RCW 9.94A.6551.

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

5 **Sec. 1.** RCW 9.94A.6551 and 2020 c 137 s 3 are each amended to  
6 read as follows:

7 ~~((For))~~ (1) (a) Except as provided in (b) of this subsection, for  
8 an ((offender)) incarcerated individual not sentenced under RCW  
9 9.94A.655, but otherwise eligible under this section, no more than  
10 the final ((twelve)) 12 months of the ((offender's)) incarcerated  
11 individual's term of confinement may be served in partial confinement  
12 as home detention as part of the parenting program developed by the  
13 department.

14 ~~((1))~~ (b) For an incarcerated individual not sentenced under  
15 RCW 9.94A.655, but otherwise eligible under this section, who is  
16 participating in the residential parenting program at the department,  
17 no more than the final 18 months of the incarcerated individual's  
18 term of confinement may be served in partial confinement as home  
19 detention as part of the parenting program developed by the  
20 department.

1        (2) The secretary may transfer an (~~offender~~) incarcerated  
2 individual from a correctional facility to home detention in the  
3 community if it is determined that the parenting program is an  
4 appropriate placement and when all of the following conditions exist:

5        (a) The (~~offender~~) incarcerated individual is serving a  
6 sentence in which the high end of the range is greater than one year;

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

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

15       (d) The (~~offender~~) incarcerated individual signs any release of  
16 information waivers required to allow information regarding current  
17 or prior child welfare cases to be shared with the department and the  
18 court;

19       (e) The (~~offender~~) incarcerated individual is:

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

21       (ii) An expectant parent; or

22       (iii) A biological parent, adoptive parent, custodian, or  
23 stepparent with a proven, established, ongoing, and substantial  
24 relationship with a minor child that existed at the time of the  
25 offense; and

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

31       (~~(2)~~) (3) Except for sex offenses and serious violent offenses,  
32 prior juvenile adjudications are not considered offenses when  
33 considering eligibility for the parenting program developed by the  
34 department.

35       (~~(3)~~) (4) When the department is considering partial  
36 confinement as part of the parenting program for an (~~offender~~)  
37 incarcerated individual, the department shall inquire of the  
38 individual and the department of children, youth, and families  
39 whether the agency has an open child welfare case or prior

1 substantiated referral for abuse or neglect involving the  
2 ((~~offender~~)) incarcerated individual.

3 ((~~(4)~~)) (5) If the department of children, youth, and families or  
4 a tribal jurisdiction has an open child welfare case, the department  
5 will seek input from the department of children, youth, and families  
6 or the involved tribal jurisdiction as to: (a) The status of the  
7 child welfare case; and (b) recommendations regarding placement of  
8 the ((~~offender~~)) incarcerated individual, services agreed to by the  
9 ((~~offender~~)) incarcerated individual working voluntarily with the  
10 department, or services ordered by the court within the  
11 ((~~offender's~~)) incarcerated individual's child welfare case. The  
12 department and its officers, agents, and employees are not liable for  
13 the acts of ((~~offenders~~)) incarcerated individuals participating in  
14 the parenting program unless the department or its officers, agents,  
15 and employees acted with willful and wanton disregard.

16 ((~~(5)~~)) (6) All ((~~offenders~~)) incarcerated individuals placed on  
17 home detention as part of the parenting program shall provide an  
18 approved residence and living arrangement prior to transfer to home  
19 detention.

20 ((~~(6)~~)) (7) While in the community on home detention as part of  
21 the parenting program, the department shall:

22 (a) Require the ((~~offender~~)) individual to be placed on  
23 electronic home monitoring;

24 (b) Require the ((~~offender~~)) individual to participate in  
25 programming and treatment that the department determines is needed  
26 after consideration of the ((~~offender's~~)) individual's stated needs;

27 (c) Assign a community corrections officer who will monitor the  
28 ((~~offender's~~)) individual's compliance with conditions of partial  
29 confinement and programming requirements; and

30 (d) If the ((~~offender~~)) individual has an open child welfare case  
31 with the department of children, youth, and families, collaborate and  
32 communicate with the identified social worker in the provision of  
33 services.

34 ((~~(7)~~)) (8) The department has the authority to return any  
35 ((~~offender~~)) incarcerated individual serving partial confinement in  
36 the parenting program to total confinement if the ((~~offender~~))  
37 individual is not complying with sentence requirements.

38 ((~~(8)~~)) (9) For the purposes of this section:

1 (a) "Expectant parent" means a pregnant or other parent awaiting  
2 the birth of his or her child, or an adoptive parent or person in the  
3 process of a final adoption.  
4 (b) "Minor child" means a child under the age of eighteen.  
5 (c) "Residential parenting program" means a correctional nursery  
6 program administered by the department that allows pregnant, minimum  
7 security incarcerated individuals that meet eligibility criteria  
8 established by the department to keep their newborn children with  
9 them after giving birth in a designated unit and receive support and  
10 education in alliance with skilled early childhood educators.

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