
SENATE BILL 6009

State of Washington

57th Legislature

2001 Regular Session

By Senators Kohl-Welles, Long, Hargrove, Costa and Winsley

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1 AN ACT Relating to maintaining the residential parenting program at
2 the women's correctional center; amending RCW 72.09.010, 72.09.015,
3 72.09.251, 72.09.450, 72.09.460, and 72.09.470; adding new sections to
4 chapter 72.09 RCW; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that a child's early
7 attachment to his or her parent influences physical and intellectual
8 development, forms the foundation for psychological development, and
9 becomes the prototype for subsequent interpersonal relationships. The
10 legislature also finds that the late stages of gestation, birth, and
11 first two years of life are critical in an infant's development of
12 conscience, his or her ability to trust and relate to others, and
13 establishes the foundation for key protective factors such as
14 intelligence, trust, and empathy. The legislature finds that when
15 these are depressed or when an infant is mistreated, it may lead to
16 early aggression, impulsive temperament, and violent behavior which are
17 the strongest developmental predictors of future involvement in violent
18 behavior. The legislature finds persuasive research that strongly
19 indicates that the best way to improve later developmental outcomes is

1 to improve mother-child interaction and prevent early loss of primary
2 relationships or breaks in caregiving.
3 The legislature also finds persuasive national statistics that
4 demonstrate that incarcerated mothers who develop strong parenting
5 skills and bond with their children are less likely to reoffend.
6 Consequently, the legislature finds that the residential parenting
7 program at the women's correctional center protects public safety and
8 promotes outcomes that are socially and fiscally responsible by
9 reducing recidivism and reducing the likelihood that a child of an
10 incarcerated mother will become at-risk for committing criminal
11 offenses as a juvenile or adult.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 72.09 RCW
13 to read as follows:

14 The department shall maintain a residential parenting program at
15 its major correctional institutions for women to allow those inmates
16 who give birth while incarcerated, and who meet eligibility
17 requirements, to keep their infants with them during their
18 incarceration. The program shall provide an appropriate living
19 situation for the infants, promote positive parenting skills, and
20 facilitate transition services back into the community.

21 **Sec. 3.** RCW 72.09.010 and 1995 1st sp.s. c 19 s 2 are each amended
22 to read as follows:

23 It is the intent of the legislature to establish a comprehensive
24 system of corrections for convicted law violators within the state of
25 Washington to accomplish the following objectives.

26 (1) The system should ensure the public safety. The system should
27 be designed and managed to provide the maximum feasible safety for the
28 persons and property of the general public, the staff, and the inmates.

29 (2) The system should punish the offender for violating the laws of
30 the state of Washington. This punishment should generally be limited
31 to the denial of liberty of the offender.

32 (3) The system should positively impact offenders by stressing
33 personal responsibility and accountability and by discouraging
34 recidivism.

35 (4) The system should treat all offenders fairly and equitably
36 without regard to race, religion, sex, national origin, residence, or
37 social condition.

1 (5) The system, as much as possible, should reflect the values of
2 the community including:

3 (a) Avoiding idleness. Idleness is not only wasteful but
4 destructive to the individual and to the community.

5 (b) Adoption of the work ethic. It is the community expectation
6 that all individuals should work and through their efforts benefit both
7 themselves and the community.

8 (c) Maintaining, to the extent appropriate, any existing parent-
9 child relationship with their children. The community expects parents
10 to be responsible for their children and for their parenting decisions.
11 Where the court has not prohibited contact or terminated parental
12 rights, and where the inmate's parental role will continue on release,
13 incarceration should not provide an excuse to avoid this
14 responsibility.

15 (d) Providing opportunities for self improvement. All individuals
16 should have opportunities to grow and expand their skills and abilities
17 so as to fulfill their role in the community.

18 ((+d)) (e) Linking the receipt or denial of privileges to
19 responsible behavior and accomplishments. The individual who works to
20 improve himself or herself and the community should be rewarded for
21 these efforts. As a corollary, there should be no rewards for no
22 effort.

23 ((+e)) (f) Sharing in the obligations of the community. All
24 citizens, the public and inmates alike, have a personal and fiscal
25 obligation in the corrections system. All communities must share in
26 the responsibility of the corrections system.

27 (6) The system should provide for prudent management of resources.
28 The avoidance of unnecessary or inefficient public expenditures on the
29 part of offenders and the department is essential. Offenders must be
30 accountable to the department, and the department to the public and the
31 legislature. The human and fiscal resources of the community are
32 limited. The management and use of these resources can be enhanced by
33 wise investment, productive programs, the reduction of duplication and
34 waste, and the joining together of all involved parties in a common
35 endeavor. Since most offenders return to the community, it is wise for
36 the state and the communities to make an investment in effective
37 rehabilitation programs for offenders and the wise use of resources.

1 (7) The system should provide for restitution. Those who have
2 damaged others, persons or property, have a responsibility to make
3 restitution for these damages.

4 (8) The system should be accountable to the citizens of the state.
5 In return, the individual citizens and local units of government must
6 meet their responsibilities to make the corrections system effective.

7 (9) The system should meet those national standards which the state
8 determines to be appropriate.

9 **Sec. 4.** RCW 72.09.015 and 1995 1st sp.s. c 19 s 3 are each amended
10 to read as follows:

11 The definitions in this section apply throughout this chapter.

12 (1) "Base level of correctional services" means the minimum level
13 of field services the department of corrections is required by statute
14 to provide for the supervision and monitoring of offenders.

15 (2) "Contraband" means any object or communication the secretary
16 determines shall not be allowed to be: (a) Brought into; (b) possessed
17 while on the grounds of; or (c) sent from any institution under the
18 control of the secretary.

19 (3) "County" means a county or combination of counties.

20 (4) "Department" means the department of corrections.

21 (5) "Earned early release" means earned (~~early~~) release as
22 authorized by RCW 9.94A.150.

23 (6) "Extended family visit" means an authorized visit between an
24 inmate and a member of his or her immediate family that occurs in a
25 private visiting unit located at the correctional facility where the
26 inmate is confined.

27 (7) "Good conduct" means compliance with department rules and
28 policies.

29 (8) "Good performance" means successful completion of a program
30 required by the department, including an education, work, or other
31 program.

32 (9) "Immediate family" means the inmate's children, stepchildren,
33 grandchildren, great grandchildren, parents, stepparents, grandparents,
34 great grandparents, siblings, and a person legally married to an
35 inmate. "Immediate family" does not include an inmate adopted by
36 another inmate or the immediate family of the adopted or adopting
37 inmate.

1 (10) "Indigent inmate," "indigent," and "indigency" mean an inmate
2 who has less than a ten-dollar balance of disposable income in his or
3 her institutional account on the day a request is made to utilize funds
4 and during the thirty days previous to the request.

5 (11) "Inmate" means a person committed to the custody of the
6 department, including but not limited to persons residing in a
7 correctional institution or facility and persons released on furlough,
8 work release, or community custody, and persons received from another
9 state, state agency, county, or federal jurisdiction.

10 (12) "Privilege" means any goods or services, education or work
11 programs, or earned early release days, the receipt of which are
12 directly linked to an inmate's (a) good conduct; and (b) good
13 performance. Privileges do not include any goods or services the
14 department is required to provide under the state or federal
15 Constitution or under state or federal law.

16 (13) "Residential parenting program" means a program for infants
17 born of eligible pregnant inmates to develop a parent-child
18 relationship with their inmate mothers through the mother's
19 participation in a minimum security residential program that permits
20 her to actively parent her child.

21 (14) "Secretary" means the secretary of corrections or his or her
22 designee.

23 (~~(14)~~) (15) "Superintendent" means the superintendent of a
24 correctional facility under the jurisdiction of the Washington state
25 department of corrections, or his or her designee.

26 (~~(15)~~) (16) "Work programs" means all classes of correctional
27 industries jobs authorized under RCW 72.09.100.

28 **Sec. 5.** RCW 72.09.251 and 1997 c 345 s 4 are each amended to read
29 as follows:

30 (1) The department shall develop and implement policies and
31 procedures for the uniform distribution of communicable disease
32 prevention guidelines to all corrections staff who, in the course of
33 their regularly assigned job responsibilities, may come within close
34 physical proximity to offenders with communicable diseases.

35 (2) The guidelines shall identify special precautions necessary to
36 reduce the risk of transmission of communicable diseases.

37 (3) The guidelines shall identify any unique precautions necessary
38 and appropriate to reduce the risk of transmission of communicable

1 diseases between the infants and mothers of the residential parenting
2 program.

3 (4) For the purposes of this section, "communicable disease" means
4 sexually transmitted diseases, as defined in RCW 70.24.017, diseases
5 caused by bloodborne pathogens, or any other illness caused by an
6 infectious agent that can be transmitted from one person, animal, or
7 object to another person by direct or indirect means including
8 transmission via an intermediate host or vector, food, water, or air.

9 **Sec. 6.** RCW 72.09.450 and 1996 c 277 s 1 are each amended to read
10 as follows:

11 (1) An inmate shall not be denied access to services or supplies
12 required by state or federal law solely on the basis of his or her
13 inability to pay for them.

14 (2) An eligible inmate mother shall not be denied entrance into the
15 residential parenting program on the basis of indigence.

16 (3) The department shall record all lawfully authorized assessments
17 for services or supplies as a debt to the department. The department
18 shall recoup the assessments when the inmate's institutional account
19 exceeds the indigency standard, and may pursue other remedies to recoup
20 the assessments after the period of incarceration.

21 ~~((+3))~~ (4) The department shall record as a debt any costs
22 assessed by a court against an inmate plaintiff where the state is
23 providing defense pursuant to chapter 4.92 RCW. The department shall
24 recoup the debt when the inmate's institutional account exceeds the
25 indigency standard and may pursue other remedies to recoup the debt
26 after the period of incarceration.

27 ~~((+4))~~ (5) In order to maximize the cost-efficient collection of
28 unpaid offender debt existing after the period of an offender's
29 incarceration, the department is authorized to use the following
30 nonexclusive options: (a) Use the collection services available
31 through the department of general administration, or (b)
32 notwithstanding any provision of chapter 41.06 RCW, contract with
33 collection agencies for collection of the debts. The costs for general
34 administration or collection agency services shall be paid by the
35 debtor. Any contract with a collection agency shall only be awarded
36 after competitive bidding. Factors the department shall consider in
37 awarding a collection contract include but are not limited to a
38 collection agency's history and reputation in the community; and the

1 agency's access to a local data base that may increase the efficiency
2 of its collections. The servicing of an unpaid obligation to the
3 department does not constitute assignment of a debt, and no contract
4 with a collection agency may remove the department's control over
5 unpaid obligations owed to the department.

6 **Sec. 7.** RCW 72.09.460 and 1998 c 244 s 10 are each amended to read
7 as follows:

8 (1) The legislature intends that all inmates be required to
9 participate in department-approved education programs, work programs,
10 or both, unless exempted under subsection (4) of this section.
11 Eligible inmates who refuse to participate in available education or
12 work programs available at no charge to the inmates shall lose
13 privileges according to the system established under RCW 72.09.130.
14 Eligible inmates who are required to contribute financially to an
15 education or work program and refuse to contribute shall be placed in
16 another work program. Refusal to contribute shall not result in a loss
17 of privileges. The legislature recognizes more inmates may agree to
18 participate in education and work programs than are available. The
19 department must make every effort to achieve maximum public benefit by
20 placing inmates in available and appropriate education and work
21 programs.

22 (2) The department shall provide access to a program of education
23 to all offenders who are under the age of eighteen and who have not met
24 high school graduation or general equivalency diploma requirements in
25 accordance with chapter 28A.193 RCW. The program of education
26 established by the department and education provider under RCW
27 28A.193.020 for offenders under the age of eighteen must provide each
28 offender a choice of curriculum that will assist the inmate in
29 achieving a high school diploma or general equivalency diploma. The
30 program of education may include but not be limited to basic education,
31 prevocational training, work ethic skills, conflict resolution
32 counseling, substance abuse intervention, and anger management
33 counseling. The curriculum may balance these and other rehabilitation,
34 work, and training components.

35 (3) The department shall, to the extent possible and considering
36 all available funds, prioritize its resources to meet the following
37 goals for inmates in the order listed:

1 (a) Achievement of basic academic skills through obtaining a high
2 school diploma or its equivalent and achievement of vocational skills
3 necessary for purposes of work programs and for an inmate to qualify
4 for work upon release;

5 (b) Additional work and education programs based on assessments and
6 placements under subsection (5) of this section; and

7 (c) Other work and education programs as appropriate.

8 (4) The department shall establish, by rule, objective medical
9 standards to determine when an inmate is physically or mentally unable
10 to participate in available education or work programs. The standards
11 shall include standards for pregnant and postpartum inmates. When the
12 department determines an inmate is permanently unable to participate in
13 any available education or work program due to a medical condition, the
14 inmate is exempt from the requirement under subsection (1) of this
15 section. When the department determines an inmate is temporarily
16 unable to participate in an education or work program due to a medical
17 condition, the inmate is exempt from the requirement of subsection (1)
18 of this section for the period of time he or she is temporarily
19 disabled. The department shall periodically review the medical
20 condition of all temporarily disabled inmates to ensure the earliest
21 possible entry or reentry by inmates into available programming.

22 (5) The department shall establish, by rule, standards for
23 participation in department-approved education and work programs. The
24 standards shall address the following areas:

25 (a) Assessment. The department shall assess all inmates for their
26 basic academic skill levels using a professionally accepted method of
27 scoring reading, math, and language skills as grade level equivalents.
28 The department shall determine an inmate's education history, work
29 history, and vocational or work skills. The initial assessment shall
30 be conducted, whenever possible, within the first thirty days of an
31 inmate's entry into the correctional system, except that initial
32 assessments are not required for inmates who are sentenced to life
33 without the possibility of release, assigned to an intensive management
34 unit within the first thirty days after entry into the correctional
35 system, are returning to the correctional system within one year of a
36 prior release, or whose physical or mental condition renders them
37 unable to complete the assessment process. The department shall track
38 and record changes in the basic academic skill levels of all inmates

1 reflected in any testing or assessment performed as part of their
2 education programming;

3 (b) Placement. The department shall follow the policies set forth
4 in subsection (1) of this section in establishing criteria for placing
5 inmates in education and work programs. The department shall, to the
6 extent possible, place all inmates whose composite grade level score
7 for basic academic skills is below the eighth grade level in a combined
8 education and work program. The placement criteria shall include at
9 least the following factors:

10 (i) An inmate's release date and custody level, except an inmate
11 shall not be precluded from participating in an education or work
12 program solely on the basis of his or her release date;

13 (ii) An inmate's education history and basic academic skills;

14 (iii) An inmate's work history and vocational or work skills;

15 (iv) An inmate's economic circumstances, including but not limited
16 to an inmate's family support obligations; and

17 (v) Where applicable, an inmate's prior performance in department-
18 approved education or work programs;

19 (c) Performance and goals. The department shall establish, and
20 periodically review, inmate behavior standards and program goals for
21 all education and work programs. Inmates shall be notified of
22 applicable behavior standards and program goals prior to placement in
23 an education or work program and shall be removed from the education or
24 work program if they consistently fail to meet the standards or goals;

25 (d) Financial responsibility. (i) The department shall establish
26 a formula by which inmates, based on their ability to pay, shall pay
27 all or a portion of the costs or tuition of certain programs. Inmates
28 shall, based on the formula, pay a portion of the costs or tuition of
29 participation in:

30 (A) Second and subsequent vocational programs associated with an
31 inmate's work programs; and

32 (B) An associate of arts or baccalaureate degree program when
33 placement in a degree program is the result of a placement made under
34 this subsection;

35 (ii) Inmates shall pay all costs and tuition for participation in:

36 (A) Any postsecondary academic degree program which is entered
37 independently of a placement decision made under this subsection; and

38 (B) Second and subsequent vocational programs not associated with
39 an inmate's work program.

1 Enrollment in any program specified in (d)(ii) of this subsection
2 shall only be allowed by correspondence or if there is an opening in an
3 education or work program at the institution where an inmate is
4 incarcerated and no other inmate who is placed in a program under this
5 subsection will be displaced; and

6 (e) Notwithstanding any other provision in this section, an inmate
7 sentenced to life without the possibility of release:

8 (i) Shall not be required to participate in education programming;
9 and

10 (ii) May receive not more than one postsecondary academic degree in
11 a program offered by the department or its contracted providers.

12 If an inmate sentenced to life without the possibility of release
13 requires prevocational or vocational training for a work program, he or
14 she may participate in the training subject to this section.

15 (6) The department shall coordinate education and work programs
16 among its institutions, to the greatest extent possible, to facilitate
17 continuity of programming among inmates transferred between
18 institutions. Before transferring an inmate enrolled in a program, the
19 department shall consider the effect the transfer will have on the
20 inmate's ability to continue or complete a program. This subsection
21 shall not be used to delay or prohibit a transfer necessary for
22 legitimate safety or security concerns.

23 (7) Before construction of a new correctional institution or
24 expansion of an existing correctional institution, the department shall
25 adopt a plan demonstrating how cable, closed-circuit, and satellite
26 television will be used for education and training purposes in the
27 institution. The plan shall specify how the use of television in the
28 education and training programs will improve inmates' preparedness for
29 available work programs and job opportunities for which inmates may
30 qualify upon release.

31 (8) The department shall adopt a plan to reduce the per-pupil cost
32 of instruction by, among other methods, increasing the use of volunteer
33 instructors and implementing technological efficiencies. The plan
34 shall be adopted by December 1996 and shall be transmitted to the
35 legislature upon adoption. The department shall, in adoption of the
36 plan, consider distance learning, satellite instruction, video tape
37 usage, computer-aided instruction, and flexible scheduling of offender
38 instruction.

1 (9) Following completion of the review required by section 27(3),
2 chapter 19, Laws of 1995 1st sp. sess. the department shall take all
3 necessary steps to assure the vocation and education programs are
4 relevant to work programs and skills necessary to enhance the
5 employability of inmates upon release.

6 **Sec. 8.** RCW 72.09.470 and 1995 1st sp.s. c 19 s 7 are each amended
7 to read as follows:

8 To the greatest extent practical, all inmates shall contribute to
9 the cost of privileges. The department shall establish standards by
10 which inmates shall contribute a portion of the department's capital
11 costs of providing privileges, including television cable access,
12 extended family visitation, weight lifting, and other recreational
13 sports equipment and supplies. The standards shall also require
14 inmates to contribute a significant portion of the department's
15 operating costs directly associated with providing privileges,
16 including staff and supplies. Inmate contributions may be in the form
17 of individual user fees assessed against an inmate's institution
18 account, deductions from an inmate's gross wages or gratuities, or
19 inmates' collective contributions to the institutional welfare/
20 betterment fund. The department shall make every effort to maximize
21 individual inmate contributions to payment for privileges. The
22 department shall not limit inmates' financial support for privileges to
23 contributions from the institutional welfare/betterment fund. The
24 standards shall consider the assets available to the inmates, the cost
25 of administering compliance with the contribution requirements, and
26 shall promote a responsible work ethic.

27 In addition, inmates may make voluntary contributions to programs,
28 including the residential parenting program, but not to any individual
29 in a program.

30 The department may accept voluntary contributions to the
31 residential parenting program from members of the community. The
32 department may, to the extent consistent with program and security
33 objectives, accept in-kind donations to the residential parenting
34 program from members of the community. Funds donated to an infant
35 member of the program are not subject to the mandatory deductions
36 established in RCW 72.09.111. Funds donated to an infant must be used
37 for the support of the infant and may not be used for support of the
38 inmate mother. In-kind donations of property made to an infant shall

1 be placed on that infant's property list and, except as otherwise
2 provided, shall accompany the infant when the infant leaves the
3 facility.

4 NEW SECTION. Sec. 9. A new section is added to chapter 72.09 RCW
5 to read as follows:

6 Participation in the residential parenting program is not a right
7 and decisions about admission to the program shall be made on a case-
8 by-case basis.

9 (1) No inmate who is the subject of a no contact order which
10 prohibits contact with minor children, has a felony detainer, or has a
11 documented history of sex offenses against children is eligible to
12 participate. Good cause exceptions to the felony detainer requirement
13 may be approved only by the superintendent. No other exceptions may be
14 made.

15 (2) Eligible inmates must meet the following additional criteria:

16 (a) The inmate mother must be classified as a minimum custody
17 inmate;

18 (b) The inmate mother must be pregnant at the time of application
19 with a delivery date prior to her anticipated release date from the
20 Washington correctional center for women;

21 (c) The inmate mother must be eligible for transfer to a prerelease
22 facility by the time her child reaches the age of eighteen months;

23 (d) The inmate mother must be physically and mentally capable of
24 caring for a child;

25 (e) The inmate mother must meet head start eligibility requirements
26 and must be willing to participate in all parenting training and
27 parent-child activities associated with the early head start program;

28 (f) The inmate mother must be willing to participate in the
29 residential parenting program at prerelease and work release
30 facilities;

31 (g) The inmate mother must be willing to participate in prenatal
32 parenting activities, training, and education conducted by community
33 agencies working in partnership with the Washington correctional center
34 for women; and

35 (h) The inmate mother must be cleared by child protective services.

36 (3) Where an inmate mother meets the eligibility criteria
37 established in subsections (1) and (2) of this section, but has one or

1 more of the following risk factors, eligibility shall be determined on
2 a case-by-case basis. The inmate:

3 (a) Has documented behavior of child abuse or neglect;

4 (b) Has medically documented concerns, including mental health
5 concerns, which would prevent full participation in the residential
6 parenting program. This may require a professional evaluation and
7 determination of the inmate's ability to participate;

8 (c) Gives birth to a medically fragile or special needs infant;

9 (d) Has been found guilty of a serious infraction within the last
10 three months; or

11 (e) Has a history of committing arson.

12 NEW SECTION. **Sec. 10.** A new section is added to chapter 72.09 RCW
13 to read as follows:

14 Participation in the program is only by request of the inmate and
15 is not a right. Each inmate's application shall be individually
16 reviewed. The department shall maintain published procedures,
17 including notice provisions, for application and approval of the
18 application. Final enrollment decisions shall be made by the
19 superintendent following review by staff of both the inmate's current
20 program and living unit and a review screening committee from the
21 residential parenting program.

22 NEW SECTION. **Sec. 11.** A new section is added to chapter 72.09 RCW
23 to read as follows:

24 (1) Infants must wear identifying wristbands at all times. The
25 department shall maintain a stock of infant pediatric wristbands for
26 replacement purposes. Wristbands shall be available for changing as
27 needed.

28 (2) Wristbands shall contain at least the following information:

29 (a) The infant's name;

30 (b) The infant's department of social and health services number,
31 once available;

32 (c) The inmate mother's name; and

33 (d) The inmate mother's department of corrections number.

34 (3) The copy of the filing for live birth and a photograph of the
35 infant shall be kept in the inmate mother's central file. Photographs
36 must be updated regularly.

1 NEW SECTION. **Sec. 12.** A new section is added to chapter 72.09 RCW
2 to read as follows:

3 (1) All residential parenting program participants must participate
4 in the following programs and activities:

5 (a) Department case management;

6 (b) Early head start program components;

7 (c) All assigned residential parenting program education
8 components;

9 (d) An institution work program during all points when the inmate
10 mother is medically cleared to work;

11 (e) Family support networking;

12 (f) The parenting program; and

13 (g) If applicable, literacy training, GED, or high school
14 completion; and chemical dependency treatment.

15 (2)(a) Except as provided in (b) of this subsection, inmate mothers
16 shall participate in regular departmental education and work
17 programming.

18 (b)(i) Inmate mothers shall not be assigned to work during a six-
19 week postpartum period or until medically cleared. Following
20 clearance, inmate mothers must obtain an on-site job and take part in
21 all available residential parenting program education components.

22 (ii) Inmate mothers shall return to other programming outlined in
23 their case plan as soon as medical providers approve the inmate mother
24 and baby for program participation.

25 (iii) Pregnant participants must participate in the regular
26 programming outlined in their case plan unless the participant does not
27 meet the medical standards for participation.

28 (c) Following the six-week postpartum period, and when the inmate
29 mother and baby have been medically cleared for program participation,
30 inmate mothers shall take their infants to the day care facility in the
31 morning and pick them up in the afternoon.

32 (3) While an inmate mother prepares food in the kitchen or eats in
33 the dining room, her infant shall be cared for by another program
34 participant or an inmate caregiver.

35 (4) Residential parenting program inmates shall have access to the
36 same recreational programs as other inmates and participation shall be
37 without their infants.

38 (5) Inmate mothers shall have access to prenatal and postnatal
39 classes.

1 (6) Inmate mothers shall participate in recreational activities
2 with their infants that develop their child's physical, emotional, and
3 developmental needs, including yard time for walking and outdoor play
4 with their children, indoor play, age appropriate crafts, group
5 activities, and other needs as determined.

6 (7) There shall be opportunities available for regular photographs
7 of the infant.

8 (8) Inmate mothers shall be the primary caretakers and the persons
9 responsible for the safety and well-being of their infants. Program
10 participants may partner together to provide short periods of respite
11 child care for each other.

12 (9) Inmate mothers are responsible to clean up after their infant
13 children prior to leaving common areas and to leave common spaces in
14 sanitary and appropriate condition for others to use.

15 (10) Inmate mothers with a religious preference form on file may
16 request infant baptism or christening. Inmate mothers shall attend a
17 class on infant baptism, conducted by the chaplain or other appropriate
18 faith group leader. The inmate mother may invite family on her
19 approved visitor list to attend the baptism.

20 NEW SECTION. Sec. 13. A new section is added to chapter 72.09 RCW
21 to read as follows:

22 The department shall seek to establish an operating agreement with
23 a community head start program to maintain the child care center as an
24 early head start program.

25 NEW SECTION. Sec. 14. A new section is added to chapter 72.09 RCW
26 to read as follows:

27 The department shall provide facilities appropriate to meet the
28 needs of the child participants in the residential parenting program.
29 The facilities shall include the following:

30 (1) A minimum security housing unit. Inmate mothers must keep
31 their infants in their cells and, if necessary, cells shall be modified
32 or equipped to be appropriate for infants and to accommodate the
33 infant's crib and other necessary equipment. There shall be one inmate
34 mother and her infant, or in the case that an inmate mother delivers
35 more than one infant, her infants, per cell;

36 (2) A day room suitable for group activities and indoor infant
37 play. All department and facility rules for day rooms must be

1 observed. The day room floor covering shall be appropriate for infant
2 play;

3 (3) An appropriate space close to the day room or other common
4 spaces for diaper changing;

5 (4) A kitchen for preparing the infant's food with a refrigerator
6 and freezer for storing baby food and expressed milk;

7 (5) Dining room facilities;

8 (6) A fenced, outside play area for children; and

9 (7) A resource room containing, among other resources, medical and
10 childrearing guides for parents.

11 NEW SECTION. **Sec. 15.** A new section is added to chapter 72.09 RCW
12 to read as follows:

13 (1) Inmate mothers may apply for a community visit for their
14 infants six weeks after birth. Applications may be made quarterly
15 thereafter and must be made two weeks in advance. Exceptions in
16 frequency may be approved by the superintendent for court-ordered
17 visitation by a joint legal custodian. The superintendent has final
18 authority for all visitation approvals or disapprovals.

19 (2) Community visits shall last twenty-four to seventy-two hours.

20 (3) The child shall be picked up and returned during normal
21 visiting times. Exceptions must be approved in advance.

22 (4) The person picking up the child must be an authorized
23 caretaker.

24 (5) Infant property must be logged and signed for when the baby
25 leaves and returns.

26 (6) The returning child must be searched as provided in section 17
27 of this act.

28 NEW SECTION. **Sec. 16.** A new section is added to chapter 72.09 RCW
29 to read as follows:

30 (1) Following her return from the hospital for labor and delivery,
31 inmate mothers shall receive medical services from Washington
32 correctional center for women providers.

33 (2) Infants shall receive medical and well-baby services from
34 community providers.

35 (3) When an infant becomes ill, the inmate mother shall access
36 medical resources in the following order:

1 (a) The inmate mother's personal child care books and child care
2 books from the resource room;

3 (b) A medical hotline. The inmate mother shall be permitted to
4 talk to the provider on the hotline through the use of a speaker phone.
5 Staff must log and monitor the call and confirm information provided to
6 the inmate mother;

7 (c) Physician or emergency room visits as recommended by the
8 hotline. Correctional center staff shall provide transportation and
9 the inmate mother shall accompany her child. The department shall
10 establish policies or field instructions to designate which staff are
11 appropriate to accompany the inmate mother;

12 (d) In case of an emergency, staff shall call 911 to obtain
13 emergency medical services, inform necessary correctional center
14 security, and assist the inmate mother as needed.

15 (4) The department shall enter an agreement with a local hospital
16 or children's hospital to maintain infants' medical records and provide
17 hospital services to infants in the program.

18 (5) Inmate mothers are responsible for general cleaning and
19 sanitation on a daily basis. Janitorial staff shall be assigned to the
20 residential training program to perform deep cleaning and sanitation on
21 a daily basis. Inmate mothers shall be trained in proper cleaning and
22 sanitation procedures, the use of a child safe germicidal cleaner, and
23 proper sanitation and diaper disposal following diaper changing.

24 NEW SECTION. **Sec. 17.** A new section is added to chapter 72.09 RCW
25 to read as follows:

26 (1) The department shall maintain a procedure for counting inmate
27 mothers and infants.

28 (2) Infants must wear identification bracelets and inmate mothers
29 must wear their inmate identification at all times.

30 (3) All areas designated for infant participants and where infants
31 congregate are off limits to all inmates except residential program
32 participants and designated inmate caregivers.

33 (4) The main institution is off limits to all infants and children
34 except as follows:

35 (a) When an inmate mother returns from delivering her infant and is
36 subject to processing;

37 (b) Emergency situations;

1 (c) The chapel is not off limits for infant christenings or
2 designated services.

3 (5) When newborn infants arrive at the correctional center, unit
4 staff shall dispense baby supplies to the inmate mother and record
5 property.

6 (6)(a) Inmate mothers have custody of their infants and shall not
7 relinquish possession of their infants except for programming, medical
8 reasons, disciplinary actions, or in an emergency.

9 (b) Emergency separations may include medical emergencies, an
10 inmate mother's assignment to administrative segregation, or a program
11 interruption or termination.

12 (c) In an emergency, the staff shall contact the emergency
13 community contact, who must be able to assume responsibility for the
14 infant within eight hours.

15 (7) No inmate other than a program participant or inmate caregiver
16 may hold or pick up a child at any time. Children may be cared for by
17 child care center staff, approved inmate caregivers, or other program
18 participants. A program participant may not care for more than one
19 child in addition to her own at any time.

20 (8) Infants shall not be taken to any area unauthorized for
21 inmates.

22 (9) Infants may be left unsupervised for short periods while
23 sleeping, but the inmate mother may not leave the unit during periods
24 where her infant is unsupervised and must check on the infant at
25 reasonable intervals.

26 (10) Any suspected nonaccidental injury or allegation of child
27 neglect must be referred to the local child protective services office.

28 (11)(a) Inmate searches shall be conducted under the same policies
29 as in the main institution except that an infant must not be present
30 during a strip search of the infant's mother. Staff must arrange for
31 the infant to be supervised by an inmate caregiver or another inmate
32 during the search.

33 (b) If safety and security necessitate an infant search, the
34 infant's mother shall perform a routine diaper change under observation
35 by a correctional officer. If necessary and only upon approval of a
36 Washington correctional center for women administrator, an authorized
37 staff person may administer a search of the infant in the presence of
38 the inmate mother in accordance with policy.

1 (12) The program shall maintain a file on each inmate mother as a
2 portion of her central file. The file shall contain all program
3 related forms, files, clearances, sponsor applications and records
4 checks, signed information and other releases, birth certificate,
5 photographs of the child at entrance and periodically thereafter, legal
6 and court papers relevant to the father or the child, parenting plan,
7 emergency plan, and emergency community contacts.

8 (13) The department shall develop policies and field instructions
9 for the appropriate use of force in the residential parenting program.
10 The use of physical force shall be limited, when a child is involved,
11 to situations when the child may be in imminent danger, or for self-
12 protection or the protection of others in imminent danger. The use of
13 physical force must be limited to the minimum force necessary and,
14 where possible, only after verbal diffusing techniques or calling for
15 help. Property destruction is not a reason to use physical force
16 against a child. The inmate mother shall be instructed to control her
17 child.

18 (14) The department shall develop policies or field instructions to
19 address additional program safety and security requirements.

20 NEW SECTION. **Sec. 18.** A new section is added to chapter 72.09 RCW
21 to read as follows:

22 (1) Each inmate mother shall have an emergency plan and designate
23 an emergency community contact to assume responsibility for her infant
24 within two hours if an emergency separation, program interruption, or
25 program termination occurs. Exceptions to the two-hour requirement may
26 be made in special circumstances, including cross-state travel time.
27 Where possible the contact should be a relative. Where the infant's
28 father has parental rights, a parenting plan or any custodial contact
29 in the infant's life, and is willing to be the emergency contact, the
30 father should be the contact. If the father is involved in decision
31 making for the child he should approve the contact.

32 (2)(a) If the emergency occurs while the child care center is open,
33 the infant must be placed at the child care center until the emergency
34 community contact arrives. If the emergency community contact cannot
35 arrive until after the child care center closes, but can arrive within
36 two hours after it closes the infant shall be cared for by an inmate
37 caregiver or program participant until the contact arrives.

1 (b) If the emergency occurs when the center is not open and the
2 emergency community contact is unable to arrive within two hours but is
3 able to take the child within forty-eight hours, the child shall be
4 temporarily placed with a community facility that provides crisis child
5 care or nursing services. If the emergency community contact is unable
6 to take the child within forty-eight hours, child protective services
7 shall be asked to make a placement for the child.

8 NEW SECTION. **Sec. 19.** A new section is added to chapter 72.09 RCW
9 to read as follows:

10 (1) Inmate caregivers shall assist inmate mothers in the care of
11 their infants when inmate mothers are at programming, meals, and at
12 other times as designated by the department.

13 (2) Inmate caregivers shall assist staff when the inmate mother is
14 unable to care for the child and shall be responsible for the child
15 until the designated community emergency contact arrives.

16 (3) Inmate caregivers shall be scheduled on a daily rotational
17 basis. Inmate mothers may use only the assigned caregiver.

18 (4) Inmate caregivers must be recommended by the child development
19 manager and must meet the following minimum criteria:

20 (a) Be classified as minimum security, submit to preselection and
21 random urinalysis testing, and be free of infractions for six months;

22 (b) Have child care experience;

23 (c) No significant medical or psychological problems;

24 (d) No violent crimes or crimes against children;

25 (e) No history of child abuse or neglect;

26 (f) No court orders prohibiting contact with children of any age;

27 (g) No history of arson;

28 (h) No problems that would affect her ability to care for children;

29 (i) Clearance by child protective services;

30 (j) Successful completion of an inmate caregiver training
31 curriculum; and

32 (k) Approval by the residential parenting program screening
33 committee and the superintendent.

34 (5) Inmate caregivers must have access to the child care center and
35 all designated areas for children.

36 (6) A designated number of inmate caregivers shall be assigned
37 housing in the residential parenting program wings for on-call duty on
38 an assigned basis twenty-four hours per day.

1 (7) Inmate caregivers may enter another inmate's cell for infant
2 caregiving reasons.

3 (8) Inmate caregivers must be willing to care for any infant to
4 whom they are assigned.

5 NEW SECTION. **Sec. 20.** A new section is added to chapter 72.09 RCW
6 to read as follows:

7 Inmate caregiver training must include at least training in the
8 following elements:

9 (1) Infant CPR and first aid;

10 (2) Training in infant food and bottle preparation and storage and
11 feeding techniques;

12 (3) Infant health and safety, including universal precautions and
13 diapering procedures;

14 (4) Child development and language development for infants through
15 eighteen months of age;

16 (5) Understanding infant behavioral clues and sleeping and waking
17 patterns of infants;

18 (6) Developmentally appropriate activities for infants to eighteen
19 months;

20 (7) Cultural issues in infant care;

21 (8) Overview of early head start; and

22 (9) Child abuse and neglect reporting procedures and
23 confidentiality.

24 NEW SECTION. **Sec. 21.** A new section is added to chapter 72.09 RCW
25 to read as follows:

26 The department shall maintain and coordinate a program of community
27 volunteer participation in the residential parenting program.
28 Volunteers must pass a child protective services screen and normal
29 departmental volunteer screening and orientation prior to selection for
30 work in the residential parenting program.

31 NEW SECTION. **Sec. 22.** A new section is added to chapter 72.09 RCW
32 to read as follows:

33 (1) The department shall maintain a separate financial account for
34 infant participants in the residential parenting program. Funds
35 deposited to the infant's account are not subject to the mandatory
36 inmate deductions required by RCW 72.09.111.

1 (2) Infant participants are eligible for temporary assistance for
2 needy families grants and women infants children funds for child-
3 related expenses. The department shall hold these funds in the
4 infant's account.

5 (3) Any court-ordered child support payments shall be held in the
6 infant's account.

7 (4) Funds in the infant's account may be used only for the infant's
8 needs and expenses and equipment needed for proper infant care. Such
9 funds may not be used to pay for maternal expenses and may not be
10 applied to the mother's legal financial obligations.

11 NEW SECTION. **Sec. 23.** A new section is added to chapter 72.09 RCW
12 to read as follows:

13 (1) The department shall maintain a separate property list for
14 infant participants in the residential parenting program.

15 (2) An infant's property shall accompany the infant when the infant
16 leaves the program or when the infant and inmate mother transfer to a
17 prerelease or work release facility.

18 (3) If an inmate mother is terminated from the program, the
19 infant's property must be transferred with the infant to the emergency
20 community contact or foster parent.

21 (4) Inmate mothers may order infant clothing and toys from an
22 approved vendor. Inmate mothers may receive one gift package and two
23 catalogue orders of baby clothing and supplies in the final trimester
24 of pregnancy. The infant may receive one gift package and two to three
25 catalogue orders per quarter. Packages are limited to fifteen pounds.
26 Any exceptions must be approved by the superintendent.

27 (5) Inmate mothers may donate no-longer-needed clothing items to
28 the program for use by indigent mothers.

29 NEW SECTION. **Sec. 24.** A new section is added to chapter 72.09 RCW
30 to read as follows:

31 (1) For purposes of this subsection, "program interruption" means
32 any temporary problem that will separate an inmate mother from her
33 child or normal programming for more than two hours. An inmate mother
34 may be temporarily separated from her child for any of the following
35 reasons:

36 (a) The inmate mother is in the hospital or on a medical trip;

37 (b) The inmate mother is in segregation;

- 1 (c) The inmate mother is in court;
- 2 (d) The child is in the hospital; or
- 3 (e) The child is on a community visit.

4 (2) Upon a temporary separation, the inmate mother must complete
5 and sign a temporary authorization form for the release of custody of
6 her child. If the inmate mother is unable to complete and sign the
7 form, staff shall complete the form, write "inmate unable to sign" on
8 the form and attach the form to an incident report that describes the
9 reasons the inmate mother was unable to sign.

10 (3) All program interruptions must be documented both when the
11 child leaves and returns to the inmate mother's care.

12 (4) An inmate mother may be terminated from the program if:

- 13 (a) Information provided during screening for admission was false;
- 14 (b) The inmate mother commits a serious infraction;
- 15 (c) The inmate mother loses minimum custody status;
- 16 (d) Living arrangements are deemed unhealthy for the inmate mother
17 or her child;
- 18 (e) The inmate mother is incapable of caring for her child;
- 19 (f) The inmate mother is not following her case management plan;
- 20 (g) The inmate mother requests termination;
- 21 (h) Child protective services recommend termination; or
- 22 (i) Washington correctional center for women staff recommend
23 termination.

24 (5) If an inmate mother is terminated from the residential
25 parenting program, she may reapply with that child once the issues that
26 caused the termination are resolved.

27 (6) If an inmate mother is terminated from the residential
28 parenting program, the superintendent shall notify her of her right to
29 appeal the decision to the superintendent within forty-eight hours.

30 (7) Prior to an inmate mother and her child's transfer to work
31 release, program staff shall assure that paperwork has been completed
32 to transfer the case to the local department of social and health
33 services office. Upon an inmate mother's release from custody, the
34 local department of social and health services office shall be
35 notified.

36 NEW SECTION. **Sec. 25.** If any provision of this act or its
37 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other
2 persons or circumstances is not affected.

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