

SENATE BILL REPORT

SB 5938

As Passed Senate, February 9, 2024

Title: An act relating to modifying the community parenting alternative for eligible participants in the residential parenting program at the department of corrections.

Brief Description: Modifying the community parenting alternative for eligible participants in the residential parenting program at the department of corrections.

Sponsors: Senators Wilson, C., Lovelett, Frame, Hasegawa, Kuderer, Nguyen, Nobles and Wellman.

Brief History:

Committee Activity: Human Services: 1/23/24, 1/25/24 [DP, w/oRec].

Floor Activity: Passed Senate: 2/9/24, 49-0.

Brief Summary of Bill

- Allows individuals in the Residential Parenting Program to participate in the Community Parenting Alternative for up to the final 18 months of the person's term of confinement.

SENATE COMMITTEE ON HUMAN SERVICES

Majority Report: Do pass.

Signed by Senators Wilson, C., Chair; Kauffman, Vice Chair; Frame, Nguyen, Warnick and Wilson, J..

Minority Report: That it be referred without recommendation.

Signed by Senator Boehnke, Ranking Member.

Staff: Kelsey-anne Fung (786-7479)

Background: Partial Confinement. Generally, a person sentenced to the custody of the

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Department of Corrections (DOC) may not leave the correctional facility or be released prior to the expiration of the sentence unless a statutory exception applies. Partial confinement is one such exception for qualifying incarcerated individuals and refers to work release, home detention, work crew, electronic home monitoring, or a combination of these programs. Certain incarcerated individuals may not qualify for transfer to partial confinement such as individuals serving sentences for offenses with mandatory minimums.

Community Parenting Alternative. The Community Parenting Alternative (CPA) is a partial confinement program where eligible incarcerated individuals may serve up to the last 12 months of their sentence on home detention in the community. CPA must be an appropriate placement for the incarcerated individual and the individual must:

- not have a current conviction for a felony classified as a sex offense or serious violent offense;
- not have a current conviction for a violent offense, or where the person has a current conviction for a violent offense, not have been determined to be a high risk to reoffend;
- be a parent with guardianship or legal custody of a minor child; an expectant parent; or a biological parent, adoptive parent, custodian, or stepparent with a proven, established, ongoing, and substantial relationship with a minor child that existed at the time of the offense;
- be subject to a sentence range with a high end of greater than one year;
- sign a release of information waiver regarding current or prior child welfare involvement; and
- be determined by DOC that the person's participation in the parenting program is in the best interests of the child.

The individual must have an approved residence and living arrangement prior to transfer to home detention, and participants must be placed on electronic home monitoring, participate in programming and treatment, and be monitored by a community corrections officer. DOC must seek input and recommendations on placement and services from the Department of Children, Youth, and Families or a tribal jurisdiction if the person is involved in any open child welfare case or prior substantiated referrals of abuse or neglect.

Residential Parenting Program. The Residential Parenting Program (RPP) at the Washington Corrections Center for Women (WCCW) allows minimum security women with sentences of 30 months or less, who are pregnant upon arrival at the prison, to keep their newborns by their side after giving birth. The mothers and babies live together in a special unit and receive support and education from experienced early childhood educators. The maximum amount of time a child can live with their mother in the RPP post-birth is 30 months. The mother must be eligible for work release into the community before the child reaches 30 months.

RPP began in August 1999 through a partnership with the Puget Sound Education Service District Early Head Start. Washington's RPP is one of only 12 in the country, and is the only

one with an Early Head Start. The on-site, licensed Early Head Start learning center at WCCW provides infant and toddler care while mothers fulfill required institution obligations such as work, education, and training. They also conduct regular developmental screenings, health screenings, observations, and assessments. According to DOC, RPP gives mothers the chance the bond with her child and learn parenting skills to enhance the child's development and their successful reentry into society. Participants are required to undergo pre- and post-natal programs, such as parenting skills, child development, self-care and self-esteem, positive discipline techniques, and nutrition and family life skills.

Graduated Reentry. The Graduated Reentry Program (GRE) is a partial confinement program that allows incarcerated individuals to serve part of their sentence on home detention in the community. There are two tracks with different eligibility requirements, minimum total confinement times, and maximum lengths of participation.

For track one, individuals who are not subject to deportation order, civil commitment, or interstate compact for adult offender supervision must serve at least six months in total confinement in a state correctional facility to be eligible to serve up to the final five months of the person's term of confinement in GRE. For track two, individuals who are not currently serving a sentence for a sex, violent, or crime against a person offense, and who are not subject to a deportation order or the jurisdiction of the Indeterminate Sentence Review Board, must serve at least four months in total confinement at a state correctional facility to be eligible to serve up to the final 18 months of the person's term of confinement in GRE.

GRE must be an appropriate placement for the incarcerated individual. The individual must have an approved residence and living arrangement prior to transfer to home detention, and may be eligible to receive a rental voucher for up to six months. GRE participants must be placed on electronic home monitoring, participate in programming and treatment, and be monitored by a community corrections officer.

Summary of Bill: Incarcerated individuals participating in the RPP may serve up to the final 18 months of their term of confinement in the CPA.

RPP is defined as a correctional nursery program administered by DOC that allows pregnant, minimum security incarcerated individuals that meet eligibility criteria to keep their newborn children with them after giving birth in a designated unit and receive support and education in alliance with skilled early childhood educators.

References to offender are replaced with incarcerated individual or individual, where appropriate.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: RPP allows incarcerated mothers and their babies to live in a special unit together and receive support, education, mentorship, and what they need to learn to be good parents. It is important to have supportive folks in critical times when you think about what it takes to raise a healthy child in today's world. RPP gives mothers the chance to bond with their baby and form attachment, which is incredibly important for stopping recidivism.

The bill provides equal access to reentry opportunities by extending partial confinement for CPA for parents in RPP from 12 months to 18 months. This bill would bring the time allowed under CPA in line with the time allowed for GRE, so parents in RPP do not have to choose between CPA and GRE. It would be limited to parents who participate in RPP so it does not open the flood gates. It will increase participation on CPA and remove any disincentive for this population to take part of CPA over GRE.

Persons Testifying: PRO: Senator Claire Wilson, Prime Sponsor.

Persons Signed In To Testify But Not Testifying: No one.