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**SENATE BILL 5182**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Senators Nobles, Frame, Bateman, Hasegawa, Saldaña, Trudeau, and C. Wilson

Prefiled 01/08/25. Read first time 01/13/25. Referred to Committee on Human Services.

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; (~~or~~)

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** ---