

**RCW 9.94A.6551 Partial confinement as a part of a parenting program.**

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

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

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

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

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

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

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

(e) The incarcerated individual is:

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

(ii) An expectant parent; or

(iii) 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; and

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

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

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

(5) If the department of children, youth, and families or a tribal jurisdiction has an open child welfare case, the department will seek input from the department of children, youth, and families or the involved tribal jurisdiction as to: (a) The status of the child welfare case; and (b) recommendations regarding placement of the incarcerated individual, services agreed to by the incarcerated individual working voluntarily with the department, or services ordered by the court within the incarcerated individual's child

welfare case. The department and its officers, agents, and employees are not liable for the acts of incarcerated individuals participating in the parenting program unless the department or its officers, agents, and employees acted with willful and wanton disregard.

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

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

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

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

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

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

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

(9) For the purposes of this section:

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

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

(c) "Residential parenting program" means a correctional nursery program administered by the department that allows pregnant, minimum security incarcerated individuals that meet eligibility criteria established by the department 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. [2024 c 193 s 1; 2020 c 137 s 3; 2018 c 58 s 47; 2010 c 224 s 8.]

**Effective date—2018 c 58:** See note following RCW 28A.655.080.