
SECOND SUBSTITUTE SENATE BILL 5643

State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Regala, Delvin, Carrell, Hargrove, Keiser, Kohl-Welles, Shin, Tom and Kline)

READ FIRST TIME 03/05/07.

1 AN ACT Relating to children and families of incarcerated parents;
2 adding a new section to chapter 72.09 RCW; adding a new section to
3 chapter 74.04 RCW; adding a new section to chapter 43.215 RCW; adding
4 a new section to chapter 28A.300 RCW; adding a new section to chapter
5 43.63A RCW; and creating a new section.

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

7 NEW SECTION. **Sec. 1.** The legislature recognizes the significant
8 impact on the lives and well-being of children and families when a
9 parent is incarcerated. It is the intent of the legislature to support
10 children and families, and maintain familial connections when
11 appropriate, during the period a parent is incarcerated. Further, the
12 legislature finds that there must be a greater emphasis placed on
13 identifying state policies and programs impacting children with
14 incarcerated parents. Additionally, greater effort must be made to
15 ensure that the policies and programs of the state are supportive of
16 the children, and meet their needs during the time the parent is
17 incarcerated.

18 According to the final report of the children of incarcerated
19 parents oversight committee, helping offenders build durable family

1 relationships may reduce the likelihood that their children will go to
2 prison later in life. Additionally, the report indicates that
3 offenders who reconnect with their families in sustaining ways are less
4 likely to reoffend. In all efforts to help offenders build these
5 relationships with their children, the safety of the children will be
6 paramount.

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

9 (1) The secretary of corrections shall review current department
10 policies and assess the adequacy and availability of programs targeted
11 at inmates with children. The secretary shall adopt policies and
12 programs that encourage familial contact and engagement between inmates
13 and their children with the goal of reducing recidivism and
14 intergenerational incarceration. Programs and policies should take
15 into consideration the children's need to maintain contact with their
16 parent and the inmate's ability to develop plans to financially support
17 his or her children, assist in reunification when appropriate, and
18 encourage the improvement of parenting skills where needed.

19 (2) The secretary shall designate a policy level staff position to
20 assist in implementing the requirements of subsection (1) of this
21 section and to continue to oversee the policies and programs that are
22 developed pursuant to this section. The functions of the staff shall,
23 at a minimum, include the following:

24 (a) Gathering information and data on the families of inmates,
25 particularly the children of incarcerated parents;

26 (b) Developing programs and policies that focus on sustaining the
27 family during the parent's incarceration. Programs should be developed
28 to assist parents to gain skills and connections that will help them
29 resume parenting, and create a plan to help the family successfully
30 deal with reintegration, or help them plan how to support the children
31 if they decide not to reunite or if reunification is not in the best
32 interest of the family;

33 (c) Evaluate data to determine the impact on recidivism and
34 intergenerational incarceration; and

35 (d) Participate in the children of incarcerated parents advisory
36 committee and report information obtained under this section to the
37 advisory committee.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 74.04 RCW
2 to read as follows:

3 (1)(a) The secretary of social and health services shall review
4 current department policies and assess the adequacy and availability of
5 programs targeted at persons who receive services through the
6 department who are the children and families of a person who is
7 incarcerated in a department of corrections facility. Great attention
8 shall be focused on programs and policies affecting foster youth who
9 have a parent who is incarcerated.

10 (b) The secretary shall adopt policies and programs that encourage
11 familial contact and engagement between inmates of the department of
12 corrections facilities and their children with the goal of facilitating
13 normal child development, while reducing recidivism and
14 intergenerational incarceration. Programs and policies should take
15 into consideration the children's need to maintain contact with their
16 parent, the inmate's ability to develop plans to financially support
17 his or her children, assist in reunification when appropriate, and
18 encourage the improvement of parenting skills where needed. The
19 programs and policies should also meet the needs of the child while the
20 parent is incarcerated.

21 (2) The secretary shall designate a policy level staff position to
22 assist in implementing the requirements of subsection (1) of this
23 section and to continue to oversee the policies and programs that are
24 developed pursuant to this section. The functions of the staff shall,
25 at a minimum, include the following:

26 (a) Gathering information and data on the recipients of public
27 assistance, or children in the care of the state under chapter 13.34
28 RCW, who are the children and families of inmates incarcerated in
29 department of corrections facilities;

30 (b) Developing programs and policies that focus on sustaining the
31 family during the parent's incarceration, particularly the needs of the
32 children during the period the parent is incarcerated; and

33 (c) Participate in the children of incarcerated parents advisory
34 committee and report information obtained under this section to the
35 advisory committee.

36 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.215 RCW
37 to read as follows:

1 (1)(a) The director of the department of early learning shall
2 review current department policies and assess the adequacy and
3 availability of programs targeted at persons who receive assistance who
4 are the children and families of a person who is incarcerated in a
5 department of corrections facility. Great attention shall be focused
6 on programs and policies affecting foster youth who have a parent who
7 is incarcerated.

8 (b) The director shall adopt policies and programs that support the
9 children of incarcerated parents and meet their needs with the goal of
10 facilitating normal child development, while reducing intergenerational
11 incarceration.

12 (2) The director shall designate a policy level staff position to
13 assist in implementing the requirements of subsection (1) of this
14 section and to continue to oversee the policies and programs that are
15 developed pursuant to this section. The functions of the staff shall,
16 at a minimum, include the following:

17 (a) Gathering information and data on the recipients of assistance
18 who are the children and families of inmates incarcerated in department
19 of corrections facilities;

20 (b) Developing programs and policies that focus on sustaining the
21 family during the parent's incarceration, particularly the needs of the
22 children during the period the parent is incarcerated; and

23 (c) Participate in the children of incarcerated parents advisory
24 committee and report information obtained under this section to the
25 advisory committee.

26 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.300
27 RCW to read as follows:

28 (1) The superintendent of public instruction shall review current
29 policies and assess the adequacy and availability of programs targeted
30 at children who have a parent who is incarcerated in a department of
31 corrections facility. The superintendent of public instruction shall
32 adopt policies and programs that support the children of incarcerated
33 parents and meet their needs with the goal of facilitating normal child
34 development, including maintaining adequate academic progress, while
35 reducing intergenerational incarceration.

36 (2) The superintendent of public instruction shall designate a
37 policy level staff position to assist in implementing the requirements

1 of subsection (1) of this section and to continue to oversee the
2 policies and programs that are developed pursuant to this section. The
3 functions of the staff shall, at a minimum, include the following:

4 (a) Gathering information and data on the students who are the
5 children of inmates incarcerated in department of corrections
6 facilities;

7 (b) Developing programs and policies that focus on sustaining the
8 family during the parent's incarceration, particularly the needs of the
9 children during the period the parent is incarcerated; and

10 (c) Participate in the children of incarcerated parents advisory
11 committee.

12 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.63A RCW
13 to read as follows:

14 (1)(a) The department of community, trade, and economic development
15 shall establish an advisory committee to monitor, guide, and report on
16 recommendations relating to policies and programs for children and
17 families with incarcerated parents.

18 (b) The advisory committee shall include representatives of the
19 the department of corrections, the department of social and health
20 services, the department of early learning, the office of the
21 superintendent of public instruction, representatives of the private
22 nonprofit and business sectors, child advocates, representatives of
23 Washington state Indian tribes as defined under the federal Indian
24 welfare act (25 U.S.C. Sec. 1901 et seq.), court administrators, the
25 administrative office of the courts, the Washington association of
26 sheriffs and police chiefs, jail administrators, the office of the
27 governor, and others who have an interest in these issues may also be
28 included.

29 (c) The advisory committee shall:

30 (i) Gather the data collected by the departments as required in
31 sections 2 through 5 of this act;

32 (ii) Monitor and provide consultation on the implementation of
33 recommendations contained in the 2006 children of incarcerated parents
34 report;

35 (iii) Identify areas of need and develop recommendations for the
36 legislature, the department of social and health services, the
37 department of corrections, the department of early learning, and the

1 office of the superintendent of public instruction to better meet the
2 needs of children and families of persons incarcerated in department of
3 corrections facilities; and

4 (iv) Advise the department of community, trade, and economic
5 development regarding community programs the department should fund
6 with moneys appropriated under sections 7 and 8 of this act. The
7 advisory committee shall provide recommendations to the department
8 regarding the following:

9 (A) The goals for geographic distribution of programs and funding;

10 (B) The scope and purpose of eligible services and the priority of
11 such services;

12 (C) Grant award funding limits;

13 (D) Entities eligible to apply for the funding;

14 (E) Whether the funding should be directed towards starting or
15 supporting new programs, expanding existing programs, or whether the
16 funding should be open to all eligible services and providers; and

17 (F) Other areas the advisory committee determines appropriate.

18 (d) The children of incarcerated parents advisory committee shall
19 update the legislature and governor annually on committee activities,
20 with the first update due by January 1, 2008.

21 (2) The department of community, trade, and economic development
22 shall select community programs or services to receive funding that
23 focus on children and families of inmates incarcerated in a department
24 of corrections facility and sustaining the family during the period of
25 the inmate's incarceration.

26 (a) Programs or services which meet the needs of the children of
27 incarcerated parents should be the greatest consideration in the
28 programs that are identified by the department.

29 (b) The department shall consider the recommendations of the
30 advisory committee regarding which services or programs the department
31 should fund.

32 (c) The programs selected shall collaborate with an agency, or
33 agencies, experienced in providing services to aid families and victims
34 of sexual assault and domestic violence to ensure that the programs
35 identify families who have a history of sexual assault or domestic
36 violence and ensure the services provided are appropriate for the

1 children and families.

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