RCW 9.94A.6551 Partial confinement as a part of a parenting program. (1) For an incarcerated individual not sentenced under RCW 9.94A.655, but otherwise eligible under this section, 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;

(iii) A biological parent, adoptive parent, custodian, caregiver, or stepparent with a proven, established, ongoing, and substantial relationship with a minor child that existed at the time of the offense; or

(iv) An individual expected to take over the duties of a caregiver or parent and be responsible for exercising the day-to-day care and control of a minor child, who has a proven, established, ongoing, and substantial relationship with the minor child, and who is not prohibited from contact with a minor child by any law, court order, or any other restriction; 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) The department may not transfer an incarcerated individual to participate in the parenting program until the department has a clinically appropriate evaluation for substance use disorder. If the incarcerated individual is diagnosed to have a substance use disorder, the department shall assist the incarcerated individual in enrolling in substance use disorder treatment services at the level deemed clinically appropriate. Individuals transferred to participate in the parenting program, and diagnosed with a substance use disorder, must begin receiving substance use disorder treatment services as soon as practicable after transfer to avoid any delays in treatment. Substance use disorder treatment services shall include, as deemed necessary by the evaluation, access to medication-assisted treatment and counseling programs. Upon transfer to the parenting program, when clinically appropriate, individuals must be provided with access to self-administered fentanyl testing supplies and medications designed to reverse the effects of opioid overdose.

(8) 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.

(9) 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.

(10) If the individual's earned release date changes after placement in partial confinement under this section, the department may extend the duration of participation in the alternative program by no more than six months or up to the earned release date, whichever comes first.

(11) 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 18. [2025 c 407 s 4; 2024 c 193 s 1; 2020 c 137 s 3; 2018 c 58 s 47; 2010 c 224 s 8.]

Retroactive application—2025 c 407: "The changes to restrictions on the community parenting alternative and partial confinement under sections 2 through 7 of this act apply prospectively and retroactively to persons currently serving a sentence in any facility or institution

either operated by the state or utilized under contract." [2025 c 407 s 8.]

Findings—Intent—2025 c 407: "The legislature recognizes that partial confinement programs play a critical role in rehabilitation and the reduction of recidivism. The legislature finds that different partial confinement programs can meet the rehabilitative needs of different individuals. The legislature finds that aligning participation timelines for programs will allow incarcerated individuals to engage in the program best suited for their individual circumstances." [2025 c 407 s 1.]

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