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**SUBSTITUTE SENATE BILL 6009**

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**State of Washington**

**57th Legislature**

**2001 Regular Session**

**By** Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles, Long, Hargrove, Costa and Winsley)

READ FIRST TIME 02/26/01.

1       AN ACT Relating to maintaining the residential parenting program at  
2 the women's correctional center; amending RCW 72.09.010, 72.09.015, and  
3 72.09.450; adding new sections to chapter 72.09 RCW; and creating a new  
4 section.

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

6       NEW SECTION.   **Sec. 1.** The legislature finds that a child's early  
7 attachment to his or her parent influences physical and intellectual  
8 development, forms the foundation for psychological development, and  
9 becomes the prototype for subsequent interpersonal relationships. The  
10 legislature also finds that the late stages of gestation, birth, and  
11 first two years of life are critical in an infant's development of  
12 conscience, his or her ability to trust and relate to others, and  
13 establishes the foundation for key protective factors such as  
14 intelligence, trust, and empathy. The legislature finds that when  
15 these are depressed or when an infant is mistreated, it may lead to  
16 early aggression, impulsive temperament, and violent behavior which are  
17 the strongest developmental predictors of future involvement in violent  
18 behavior. The legislature finds persuasive research that strongly  
19 indicates that the best way to improve later developmental outcomes is

1 to improve mother-child interaction and prevent early loss of primary  
2 relationships or breaks in caregiving.  
3 The legislature also finds persuasive national statistics that  
4 demonstrate that incarcerated mothers who develop strong parenting  
5 skills and bond with their children are less likely to reoffend.  
6 Consequently, the legislature finds that the residential parenting  
7 program at the women's correctional center protects public safety and  
8 promotes outcomes that are socially and fiscally responsible by  
9 reducing recidivism and reducing the likelihood that a child of an  
10 incarcerated mother will become at-risk for committing criminal  
11 offenses as a juvenile or adult.

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

14 The department shall maintain a residential parenting program at  
15 its major correctional institution for women to allow those inmates who  
16 meet eligibility requirements to keep their infants with them during  
17 their incarceration. The program shall provide an appropriate living  
18 situation for the infants, promote positive parenting skills, and  
19 facilitate transition services back into the community.

20 **Sec. 3.** RCW 72.09.010 and 1995 1st sp.s. c 19 s 2 are each amended  
21 to read as follows:

22 It is the intent of the legislature to establish a comprehensive  
23 system of corrections for convicted law violators within the state of  
24 Washington to accomplish the following objectives.

25 (1) The system should ensure the public safety. The system should  
26 be designed and managed to provide the maximum feasible safety for the  
27 persons and property of the general public, the staff, and the inmates.

28 (2) The system should punish the offender for violating the laws of  
29 the state of Washington. This punishment should generally be limited  
30 to the denial of liberty of the offender.

31 (3) The system should positively impact offenders by stressing  
32 personal responsibility and accountability and by discouraging  
33 recidivism.

34 (4) The system should treat all offenders fairly and equitably  
35 without regard to race, religion, sex, national origin, residence, or  
36 social condition.

1 (5) The system, as much as possible, should reflect the values of  
2 the community including:

3 (a) Avoiding idleness. Idleness is not only wasteful but  
4 destructive to the individual and to the community.

5 (b) Adoption of the work ethic. It is the community expectation  
6 that all individuals should work and through their efforts benefit both  
7 themselves and the community.

8 (c) Maintaining, to the extent appropriate, any existing parent-  
9 child relationship with their children. The community expects parents  
10 to be responsible for their children and for their parenting decisions.  
11 Where the court and/or the department has not prohibited contact or  
12 terminated parental rights, and where the inmate's parental role will  
13 continue on release, incarceration should not provide an excuse to  
14 avoid this responsibility.

15 (d) Providing opportunities for self improvement. All individuals  
16 should have opportunities to grow and expand their skills and abilities  
17 so as to fulfill their role in the community.

18 ((+d)) (e) Linking the receipt or denial of privileges to  
19 responsible behavior and accomplishments. The individual who works to  
20 improve himself or herself and the community should be rewarded for  
21 these efforts. As a corollary, there should be no rewards for no  
22 effort.

23 ((+e)) (f) Sharing in the obligations of the community. All  
24 citizens, the public and inmates alike, have a personal and fiscal  
25 obligation in the corrections system. All communities must share in  
26 the responsibility of the corrections system.

27 (6) The system should provide for prudent management of resources.  
28 The avoidance of unnecessary or inefficient public expenditures on the  
29 part of offenders and the department is essential. Offenders must be  
30 accountable to the department, and the department to the public and the  
31 legislature. The human and fiscal resources of the community are  
32 limited. The management and use of these resources can be enhanced by  
33 wise investment, productive programs, the reduction of duplication and  
34 waste, and the joining together of all involved parties in a common  
35 endeavor. Since most offenders return to the community, it is wise for  
36 the state and the communities to make an investment in effective  
37 rehabilitation programs for offenders and the wise use of resources.

1 (7) The system should provide for restitution. Those who have  
2 damaged others, persons or property, have a responsibility to make  
3 restitution for these damages.

4 (8) The system should be accountable to the citizens of the state.  
5 In return, the individual citizens and local units of government must  
6 meet their responsibilities to make the corrections system effective.

7 (9) The system should meet those national standards which the state  
8 determines to be appropriate.

9 **Sec. 4.** RCW 72.09.015 and 1995 1st sp.s. c 19 s 3 are each amended  
10 to read as follows:

11 The definitions in this section apply throughout this chapter.

12 (1) "Base level of correctional services" means the minimum level  
13 of field services the department of corrections is required by statute  
14 to provide for the supervision and monitoring of offenders.

15 (2) "Contraband" means any object or communication the secretary  
16 determines shall not be allowed to be: (a) Brought into; (b) possessed  
17 while on the grounds of; or (c) sent from any institution under the  
18 control of the secretary.

19 (3) "County" means a county or combination of counties.

20 (4) "Department" means the department of corrections.

21 (5) "Earned early release" means earned (~~early~~) release as  
22 authorized by RCW 9.94A.150.

23 (6) "Extended family visit" means an authorized visit between an  
24 inmate and a member of his or her immediate family that occurs in a  
25 private visiting unit located at the correctional facility where the  
26 inmate is confined.

27 (7) "Good conduct" means compliance with department rules and  
28 policies.

29 (8) "Good performance" means successful completion of a program  
30 required by the department, including an education, work, or other  
31 program.

32 (9) "Immediate family" means the inmate's children, stepchildren,  
33 grandchildren, great grandchildren, parents, stepparents, grandparents,  
34 great grandparents, siblings, and a person legally married to an  
35 inmate. "Immediate family" does not include an inmate adopted by  
36 another inmate or the immediate family of the adopted or adopting  
37 inmate.

1 (10) "Indigent inmate," "indigent," and "indigency" mean an inmate  
2 who has less than a ten-dollar balance of disposable income in his or  
3 her institutional account on the day a request is made to utilize funds  
4 and during the thirty days previous to the request.

5 (11) "Inmate" means a person committed to the custody of the  
6 department, including but not limited to persons residing in a  
7 correctional institution or facility and persons released on furlough,  
8 work release, or community custody, and persons received from another  
9 state, state agency, county, or federal jurisdiction.

10 (12) "Privilege" means any goods or services, education or work  
11 programs, or earned early release days, the receipt of which are  
12 directly linked to an inmate's (a) good conduct; and (b) good  
13 performance. Privileges do not include any goods or services the  
14 department is required to provide under the state or federal  
15 Constitution or under state or federal law.

16 (13) "Residential parenting program" means a program for infants  
17 born of eligible inmates to develop a parent-child relationship with  
18 their inmate mothers through the mother's participation in a  
19 residential program that permits her to actively parent her child.

20 (14) "Secretary" means the secretary of corrections or his or her  
21 designee.

22 (~~(14)~~) (15) "Superintendent" means the superintendent of a  
23 correctional facility under the jurisdiction of the Washington state  
24 department of corrections, or his or her designee.

25 (~~(15)~~) (16) "Work programs" means all classes of correctional  
26 industries jobs authorized under RCW 72.09.100.

27 **Sec. 5.** RCW 72.09.450 and 1996 c 277 s 1 are each amended to read  
28 as follows:

29 (1) An inmate shall not be denied access to services or supplies  
30 required by state or federal law solely on the basis of his or her  
31 inability to pay for them.

32 (2) An eligible inmate mother shall not be denied entrance into the  
33 residential parenting program on the basis of indigence.

34 (3) The department shall record all lawfully authorized assessments  
35 for services or supplies as a debt to the department. The department  
36 shall recoup the assessments when the inmate's institutional account  
37 exceeds the indigency standard, and may pursue other remedies to recoup  
38 the assessments after the period of incarceration.

1       (~~(3)~~) (4) The department shall record as a debt any costs  
2 assessed by a court against an inmate plaintiff where the state is  
3 providing defense pursuant to chapter 4.92 RCW. The department shall  
4 recoup the debt when the inmate's institutional account exceeds the  
5 indigency standard and may pursue other remedies to recoup the debt  
6 after the period of incarceration.

7       (~~(4)~~) (5) In order to maximize the cost-efficient collection of  
8 unpaid offender debt existing after the period of an offender's  
9 incarceration, the department is authorized to use the following  
10 nonexclusive options: (a) Use the collection services available  
11 through the department of general administration, or (b)  
12 notwithstanding any provision of chapter 41.06 RCW, contract with  
13 collection agencies for collection of the debts. The costs for general  
14 administration or collection agency services shall be paid by the  
15 debtor. Any contract with a collection agency shall only be awarded  
16 after competitive bidding. Factors the department shall consider in  
17 awarding a collection contract include but are not limited to a  
18 collection agency's history and reputation in the community; and the  
19 agency's access to a local data base that may increase the efficiency  
20 of its collections. The servicing of an unpaid obligation to the  
21 department does not constitute assignment of a debt, and no contract  
22 with a collection agency may remove the department's control over  
23 unpaid obligations owed to the department.

24       NEW SECTION. Sec. 6. A new section is added to chapter 72.09 RCW  
25 to read as follows:

26       Participation in the residential parenting program is not a right  
27 and decisions about admission to the program shall be made on a case-  
28 by-case basis.

29       (1) No inmate who is the subject of a no contact order which  
30 prohibits contact with minor children or has a documented history of  
31 sex offenses against children is eligible to participate.

32       (2) The department shall maintain published procedures including  
33 notice provisions for application and approval of the application.

34       NEW SECTION. Sec. 7. A new section is added to chapter 72.09 RCW  
35 to read as follows:

36       (1) The department shall maintain a separate financial account for  
37 infant participants in the residential parenting program. Funds

1 deposited to the infant's account are not subject to the mandatory  
2 inmate deductions required by RCW 72.09.111.

3 (2) Infant participants are eligible for temporary assistance for  
4 needy families grants and women infants children funds for child-  
5 related expenses. The department shall hold these funds in the  
6 infant's account.

7 (3) Child support payments made for the support of the infant and  
8 not subject to an assignment pursuant to Title IV-D of the federal  
9 social security act shall be held in the infant's account.

10 (4) Funds in the infant's account may be used only for the infant's  
11 needs and expenses and equipment needed for proper infant care. Such  
12 funds may not be used to pay for maternal expenses and may not be  
13 applied to the mother's legal financial obligations.

14 NEW SECTION. **Sec. 8.** If any provision of this act or its  
15 application to any person or circumstance is held invalid, the  
16 remainder of the act or the application of the provision to other  
17 persons or circumstances is not affected.

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