

SENATE BILL REPORT

SB 5182

As of January 21, 2025

Title: An act relating to programs and services for incarcerated parents at the department of corrections.

Brief Description: Concerning programs and services for incarcerated parents at the department of corrections.

Sponsors: Senators Nobles, Frame, Bateman, Hasegawa, Saldaña, Trudeau and Wilson, C..

Brief History:

Committee Activity: Human Services: 1/21/25.

Brief Summary of Bill

- Removes language specifying that nothing requires the Department of Corrections (DOC) to establish or provide funding for midwifery or doula services.
- Allows DOC to contract with a nonprofit organization or partner with volunteers to deliver midwifery or doula services to incarcerated individuals.
- Expands eligibility for who may participate in the Community Parenting Alternative at DOC.

SENATE COMMITTEE ON HUMAN SERVICES

Staff: Kelsey-anne Fung (786-7479)

Background: Midwifery and Doula Services. Doula services are services provided by a trained doula and designed to provide physical, emotional, or informational support to a pregnant woman before, during, or after delivery of a child. Midwifery services are defined as medical aid rendered by a licensed midwife to a woman during prenatal, intrapartum, or

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postpartum stages or to a woman's newborn up to two weeks of age.

State law requires the Department of Corrections (DOC) to make reasonable accommodations for the provision of available midwifery or doula services to incarcerated persons who are pregnant or who have given birth in the last six weeks. Persons providing midwifery or doula services must be granted appropriate facility access, must be allowed to attend and provide assistance during labor and childbirth where feasible, and must have access to the incarcerated person's relevant health care information if the person authorizes disclosure. Nothing in state law requires DOC to establish or provide funding for midwifery or doula services, or prevents DOC from adopting policy guidelines for the delivery of midwifery or doula services to incarcerated persons. Provided services may not supplant health care services routinely provided to the incarcerated person.

Community Parenting Alternative. The Community Parenting Alternative (CPA) is a partial confinement program where eligible incarcerated individuals may serve up to the last 12 months of their term of confinement on home detention in the community. CPA must be an appropriate placement for the incarcerated individual and the individual must:

- not have a current conviction for a felony classified as a sex offense or serious violent offense;
- not have a current conviction for a violent offense, or if the person has a current conviction for a violent offense, not have been determined to be a high risk to reoffend;
- be a parent with guardianship or legal custody of a minor child; an expectant parent; or 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;
- be subject to a sentence range with a high end of greater than one year;
- sign a release of information waiver regarding current or prior child welfare involvement; and
- be determined by DOC that the person's participation in the parenting program is in the best interests of the child.

The individual must have an approved residence and living arrangement prior to transfer to home detention, and participants must be placed on electronic home monitoring, participate in programming and treatment, and be monitored by a community corrections officer. DOC must seek input and recommendations on placement and services from the Department of Children, Youth, and Families or a tribal jurisdiction if the person is involved in any open child welfare case or prior substantiated referrals of abuse or neglect.

Summary of Bill: Language specifying that nothing requires DOC to establish or provide funding for midwifery or doula services is removed. DOC may contract with a nonprofit organization or partner with volunteers to deliver midwifery or doula services to incarcerated individuals.

Eligibility for CPA is expanded by:

- removing the requirement for a biological parent, adoptive parent, custodian, or stepparent's relationship with a minor child to have existed at the time of offense; and
- adding individuals who are expected to take over the duties of a parent and be responsible for exercising the day-to-day care and control of a minor child.

References to gender are replaced with gender neutral terms. References to inmate are replaced with incarcerated individual.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Parents who are incarcerated face unique challenges in staying connected with their families and ensuring their children have the support they need. These connections are vital for the well-being of the parents and their children, and the communities they return to. This bill will improve access to resources and update outdated policies and terminology, and remove restrictive requirements in CPA.

OTHER: This bill will increase access to health care for the incarcerated. This bill allows DOC to contract with nonprofits or volunteers to deliver midwifery and doula services to the population inside facilities. The bill includes an updated definition of parent, which better accounts for individuals who fulfill the duties of a parent and who are responsible for day-to-day care but may not be the biological parent. This change dismantles the cycle of intergenerational incarceration.

Persons Testifying: PRO: Senator T'wina Nobles, Prime Sponsor; Cindy Arends, Washington Defender Assn, WA Assn Criminal Defense Attorneys.

OTHER: Danielle Armbruster, Washington State Department of Corrections.

Persons Signed In To Testify But Not Testifying: No one.