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**Expanding Eligibility for Sentencing Alternatives for Parents[[1]](#footnote-1)**

**RCW 9.94A.6551 (“Community Parenting Alternative”)**

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|  | **Current Eligibility** | **Bill as Passed the Legislature** |
| **Prison-Based Option** | **RCW 9.94A.6551** | **Newly amended RCW 9.94A.6551** |
| **Length of prison sentence** | High end of standard range is more than 12 months | Same, no changes. |
| **Which current convictions qualify?** | No current conviction for a felony that is a sex or violent offense. | The person has no current conviction for a felony that is classified as a sex offense or a ***serious violent offense***; or  ***The person has no current conviction for a violent offense, or*** ***where the offender has a current conviction for a violent offense, he or she has not been determined to be a high risk to reoffend*** |
| **How are non-citizens treated?** | The person has not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence | Removed.  No ban on noncitizens applying for Community Parenting Alternative (CPA). |
| **Signing DCYF releases of information for DOC** | The person 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. | Same, no changes. |
| **Which parents and caregivers can apply?** | The person is one of these:   * Has physical or legal custody of a minor child * Has a proven, established, ongoing, and substantial relationship with his or her minor child that existed prior to the commission of the current offense; or * Is a legal guardian of a child that was under the age of eighteen at the time of the current offense | The person is only one of these:   * A parent with guardianship or legal custody of a minor child * An expectant parent (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) * A legal guardian of a minor child * 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 |
| **Placement of the person on Electronic Home monitoring is in the child’s best interests** | Yes. | Same, no changes. |
| **How are prior juvenile adjudications treated?** | All juvenile adjudications are considered for eligibility. | 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. |
| **Information about open child welfare involvement** | Information about open child welfare cases in court only | Same, but adds language that DCYF may report the services agreed to by the person working voluntarily with DCYF or the services ordered by the child welfare court |
| **DOC may require parents to participate in programming and treatment** | Yes. | Adds that DOC shall consider the person’s stated needs. |
| **If revoked from EHM** | Returns to prison for remainder of sentence | Same, no changes. |

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| **Definition of the term “minor child”** | Defined at RCW 9.94A.030 (32):“Minor Child” means a biological or adopted child of the offender who is under age eighteen at the time of the offender's current offense. | ***Deletes definition at RCW9.94A.030 (32). Now defined at RCW 9.94A.655 (10)(b): “Minor Child” means a child under the age of eighteen.*** |

1. Drafted by D’Adre Cunningham, Incarcerated Parents Project Resource Attorney at the Washington Defender Association, on 11 March 2020. [↑](#footnote-ref-1)