

Expanding Eligibility for Sentencing Alternatives for Parents¹
RCW 9.94A.6551 (“Community Parenting Alternative”)

	Current Eligibility	Current Legislation (passed Senate)	Proposed Striker Amendment-House Public Safety
Prison-Based Option	RCW 9.94A.6551	2 nd Engrossed Substitute Senate Bill 5291	
Length of prison sentence	High end of standard range is more than 12 months	Same, no changes.	Same, no changes.
Which current convictions qualify?	No current conviction for a felony that is a sex or violent offense.	No current conviction for a <u>felony that is a sex or serious violent offense</u> . A person with <u>a current conviction for a violent offense is eligible if they have been determined to be a low risk to reoffend</u> .	No current conviction for a <i>felony that is classified as a sex offense or a serious violent offense</i> . No current conviction for a violent offense, or <i>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</i> .
How are noncitizens 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).	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.	Same, no changes.
Which parents and caregivers can apply?	The person is one of these:	The person is only one of these:	The person is only one of these:

¹ Drafted by D’Adre Cunningham, Incarcerated Parents Project Resource Attorney at the Washington Defender Association, on 26 February 2020.

	<ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • 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.	Same, no changes.
How are prior juvenile adjudications treated?	Are considered for eligibility.	Are not considered for eligibility.	Are not considered for eligibility.
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	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.	Adds that DOC shall consider the person's stated needs.
If revoked from EHM	Returns to prison for remainder of sentence	Same, no changes.	Same, no changes.