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|  <p>STATE OF WASHINGTON<br/>DEPARTMENT OF CORRECTIONS</p> <p><b>POLICY</b></p> | <b>APPLICABILITY</b><br><b>FIELD</b>                 |                              |                                     |
|                                                                                                                                                                 | <b>REVISION DATE</b><br>10/10/22                     | <b>PAGE NUMBER</b><br>1 of 6 | <b>NUMBER</b><br><b>DOC 390.580</b> |
|                                                                                                                                                                 | <b>TITLE</b><br><b>FAMILY SENTENCING ALTERNATIVE</b> |                              |                                     |

**REVIEW/REVISION HISTORY:**

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Revised: 10/10/22

**SUMMARY OF REVISION/REVIEW:**

I.D.3.a. and I.E. - Adjusted form use

**APPROVED:**

Signature on file

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**CHERYL STRANGE**, Secretary  
Department of Corrections

10/4/22  
Date Signed

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|                                                                                                                                                                 | <b>TITLE</b><br><b>FAMILY SENTENCING ALTERNATIVE</b> |                              |                                     |

## REFERENCES:

DOC 100.100 is hereby incorporated into this policy; [RCW 9.94A](#); [Senate Bill 5207](#); DOC 320.400 Risk and Needs Assessment Process; DOC 350.380 Discharge and Closure of Supervision; DOC 350.750 Warrants, Detainers, and Holds; DOC 390.600 Imposed Conditions; DOC 460.130 Response to Violations and New Criminal Activity; DOC 460.140 Hearings and Appeals

## POLICY:

- I. The Family and Offender Sentencing Alternative (FOSA) is an alternative to total confinement for individuals with minor children. A court-ordered risk assessment report will be conducted and sent to the sentencing court before being considered.
- II. The court will retain jurisdiction and the Department will provide supervision and monitor compliance for individuals with a FOSA sentence.

## DIRECTIVE:

- I. Eligibility
  - A. Individuals must reside in Washington State with their child(ren) to participate in a FOSA.
  - B. Prior juvenile adjudications are considered when determining eligibility if the individual has been convicted for any of the following:
    1. Sex offense
    2. Serious violent offense
    3. Felony offense where the individual was armed with a firearm or deadly weapon in the commission of the offense
  - C. The court may consider a FOSA if the individual:
    1. Will be sentenced for an offense where the high end of the standard sentence range is greater than one year,
    2. Has no current conviction for a violent offense,
    3. Has no current or history of sex or serious violent offense felony conviction(s),
    4. Has no felony offense where the individual was armed with a firearm or deadly weapon in the commission of the offense,

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5. Signs all release of information forms, and
  6. Meets one of the following criteria:
    - a. Is an expectant parent,
    - b. Is a parent with physical custody of a minor child,
    - c. Is a legal guardian of a minor child, or
    - d. Is a biological/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.
- D. When a court-ordered risk assessment report request is received, the FOSA Administrator/designee will:
1. Forward the following signed release forms via the secure file transfer to the Department of Children, Youth, and Families (DCYF) and the Health Care Authority.
    - a. [DCYF 14-012 Consent](#)
    - b. [HCA 80-0001 Authorization for Release of Information](#)
    - c. DOC 02-363 DCYF - Authorization for Release of Information
    - d. DOC 14-029 Mental Health/Criminal Justice System Multi-Party Authorization for Release of Information
  2. Request DCYF provide a Child Welfare History Report to the case manager within 7 business days.
  3. Assign a case manager to complete:
    - a. DOC 09-174 Parenting Sentencing Alternative Risk Assessment Report
    - b. A criminal history background check for all adults residing in the home
- E. The case manager will complete a home visit investigation and return all requested documents to the court, including:
1. DOC 09-174 Parenting Sentencing Alternative Risk Assessment Report,
  2. DOC 14-045 Substance Use Disorder Pre-Screen, and
  3. [DCYF 09-010 Child Welfare History](#)
- F. All documentation will be provided to the court within 30 days after receiving the court order. The court will determine what is in the minor's best interest, considering:

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1. Whether the child-parent relationship can be maintained during parental incarceration, and if incarceration increases the likelihood of being detrimental to the relationship.
2. The existence of a previously substantiated referral of child abuse/neglect or an open child welfare case.
  - a. Existing conditions will not alone preclude the parent from applying/ participating in FOSA.

## II. Supervision

### A. The case manager will:

1. Complete the risk and needs assessment per DOC 320.400 Risk and Needs Assessment Process.
2. At intake, provide the individual with DOC 11-050 Emergency Caregiver Agreement and DOC 02-365 Family and Offender Sentencing Alternative Job Search Log at intake to complete.
3. Provide a copy of the signed case management plan to the individual within 30 business days of intake.
4. Impose conditions per DOC 390.600 Imposed Conditions that may include:
  - a. Parenting classes
  - b. Substance use disorder or mental health treatment
  - c. Vocational training
  - d. Cognitive change programs
  - e. Life skills classes
5. Maintain contact standards outlined in Attachment 1.
6. Provide quarterly written progress reports to the court using DOC 09-124 Court - Special, detailing the individual's progress in required treatment, programming, parenting responsibilities, and other supervision conditions.
7. Coordinate with DCYF when an individual has an open child welfare case.

### B. The case manager may submit DOC 02-337 Housing Payment Request to the Regional Housing Specialist when payment assistance is needed and approved by the FOSA Program Administrator.

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### III. Violations

#### A. The case manager will:

1. Report alleged violations of the Judgment and Sentence or imposed conditions to the court, by email, phone, or in person, within 3 business days.
2. Submit DOC 09-122 Court - Notice of Violation within 10 business days of notifying the court.

#### B. Violations will be addressed per DOC 460.130 Response to Violations and New Criminal Activity and hearings will be conducted per DOC 460.140 Hearings and Appeals.

#### C. When an individual absconds supervision, the case manager will follow DOC 350.750 Warrants, Detainers, and Holds for issuance of a warrant and apprehension.

1. In the absence of a warrant, authorized employees will use DOC 09-325 Order for Arrest and Detention to effect an immediate arrest of a non-Board individual in response to warranted violation behavior.
2. DOC 09-014 Cancellation of Detainer will be used once a bench warrant has been placed.

### IV. Court Jurisdiction

#### A. The individual may be ordered to return to court at any time during supervision to evaluate treatment progress. The court may:

1. Modify or impose conditions if it is determined that a violation(s) of the sentence or conditions occurred.
2. Extend the length of participation in the FOSA by no more than 6 months.
3. Revoke the FOSA placement and order the individual to total confinement at any time during community custody if the individual:
  - a. Violates conditions or requirements of the sentence or other Department imposed conditions, or
  - b. Fails to make satisfactory progress in treatment.

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- B. If the court revokes the FOSA placement, the individual will only receive credit for time previously served in total confinement while on the alternative.
- C. Discharge/Closure of Supervision
  - 1. Prior to the expiration date of supervision, the case manager will follow the applicable process per DOC 350.380 Discharge and Closure of Supervision, and
  - 2. Provide the individual with information on [voting rights restoration](#) and a [Washington State Voter Registration form](#) per Senate Bill 5207.

#### DEFINITIONS:

The following words/terms are important to this policy and defined in the glossary section of the Policy Manual: Expectant Parent, Legal Guardian. Other words/terms appearing in this policy may also be defined in the glossary.

#### ATTACHMENTS:

Family and Offender Sentencing Alternative (FOSA) Phase Requirements and Minimum Contact Standards (Attachment 1)

#### DOC FORMS:

DOC 02-337 Housing Payment Request  
 DOC 02-358 Employer Letter  
 DOC 02-363 DCYF - Authorization for Release of Information  
 DOC 02-365 Family and Offender Sentencing Alternative Job Search Log  
 DOC 09-014 Cancellation of Detainer  
 DOC 09-122 Court - Notice of Violation  
 DOC 09-124 Court - Special  
 DOC 09-174 Parenting Sentencing Alternative Risk Assessment Report  
 DOC 09-325 Order for Arrest and Detention  
 DOC 11-050 Emergency Caregiver Agreement  
 DOC 14-029 Mental Health/Criminal Justice System Multi-Party Authorization for Release of Information  
 DOC 14-045 Substance Use Disorder Pre-Screen