

APPL	ICABILITY
FIF	D

REVISION DATE 10/10/22

PAGE NUMBER 1 of 6 NUMBER **DOC 390.580** 

POLICY

**FAMILY SENTENCING ALTERNATIVE** 

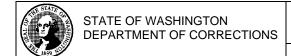
## **REVIEW/REVISION HISTORY:**

Effective: 7/18/11
Revised: 2/27/12
Revised: 3/24/14
Revised: 4/16/20
Revised: 2/8/21
Revised: 1/12/22
Revised: 10/10/22

**Department of Corrections** 

## **SUMMARY OF REVISION/REVIEW:**

I.D.3.a. and I.E Adjusted form use		
APPROVED:		
Signature on file		
	10/4/22	
CHERYL STRANGE, Secretary	Date Signed	



FIELD		
REVISION DATE 10/10/22	PAGE NUMBER 2 of 6	NUMBER DOC 390.580

## **POLICY**

**FAMILY SENTENCING ALTERNATIVE** 

#### 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

**APPLICABILITY** 

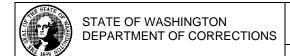
TITLE

### **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
    - 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),
    - Has no felony offense where the individual was armed with a firearm or deadly weapon in the commission of the offense,



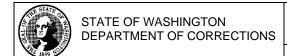
FIELD		
REVISION DATE	PAGE NUMBER	NUMBER
10/10/22	3 of 6	DOC 390 580

**APPLICABILITY** 

# **POLICY**

## **FAMILY SENTENCING ALTERNATIVE**

- 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:
  - 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.
  - 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:



FIELD		
REVISION DATE	PAGE NUMBER	NUMBER
10/10/22	4 of 6	DOC 390.580

**APPLICABILITY** 

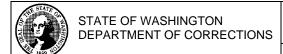
## **POLICY**

### **FAMILY SENTENCING ALTERNATIVE**

- 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:
  - 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.



FIELD		
REVISION DATE	PAGE NUMBER	NUMBER
10/10/22	5 of 6	DOC 390.580

**APPLICABILITY** 

# **POLICY**

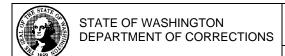
## **FAMILY SENTENCING ALTERNATIVE**

#### 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.



FIELD		
REVISION DATE	PAGE NUMBER	NUMBER
10/10/22	6 of 6	DOC 390.580

**APPLICABILITY** 

# **POLICY**

### **FAMILY SENTENCING ALTERNATIVE**

- 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
  - 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
  - Provide the individual with information on <u>voting rights restoration</u> and a <u>Washington State Voter Registration form</u> 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