

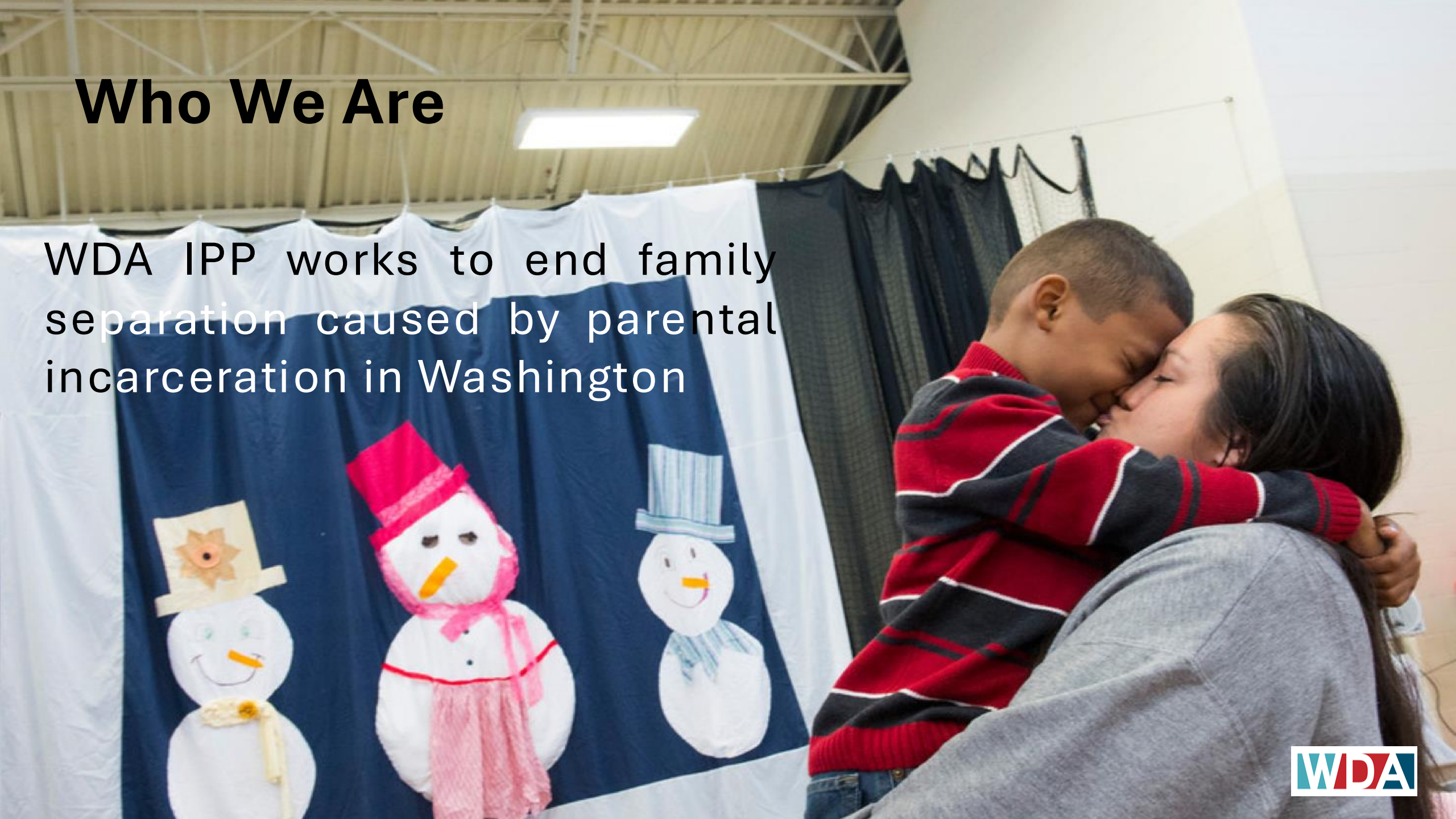
The background of the slide features silhouettes of a family against a light-to-dark gradient. On the left, a woman and a man are shown in profile, holding hands. To their right, a young child stands with their back to the viewer, holding the hand of another child who is also seen from behind. Further right, a woman and a man are walking away from the viewer. The overall mood is somber and contemplative.

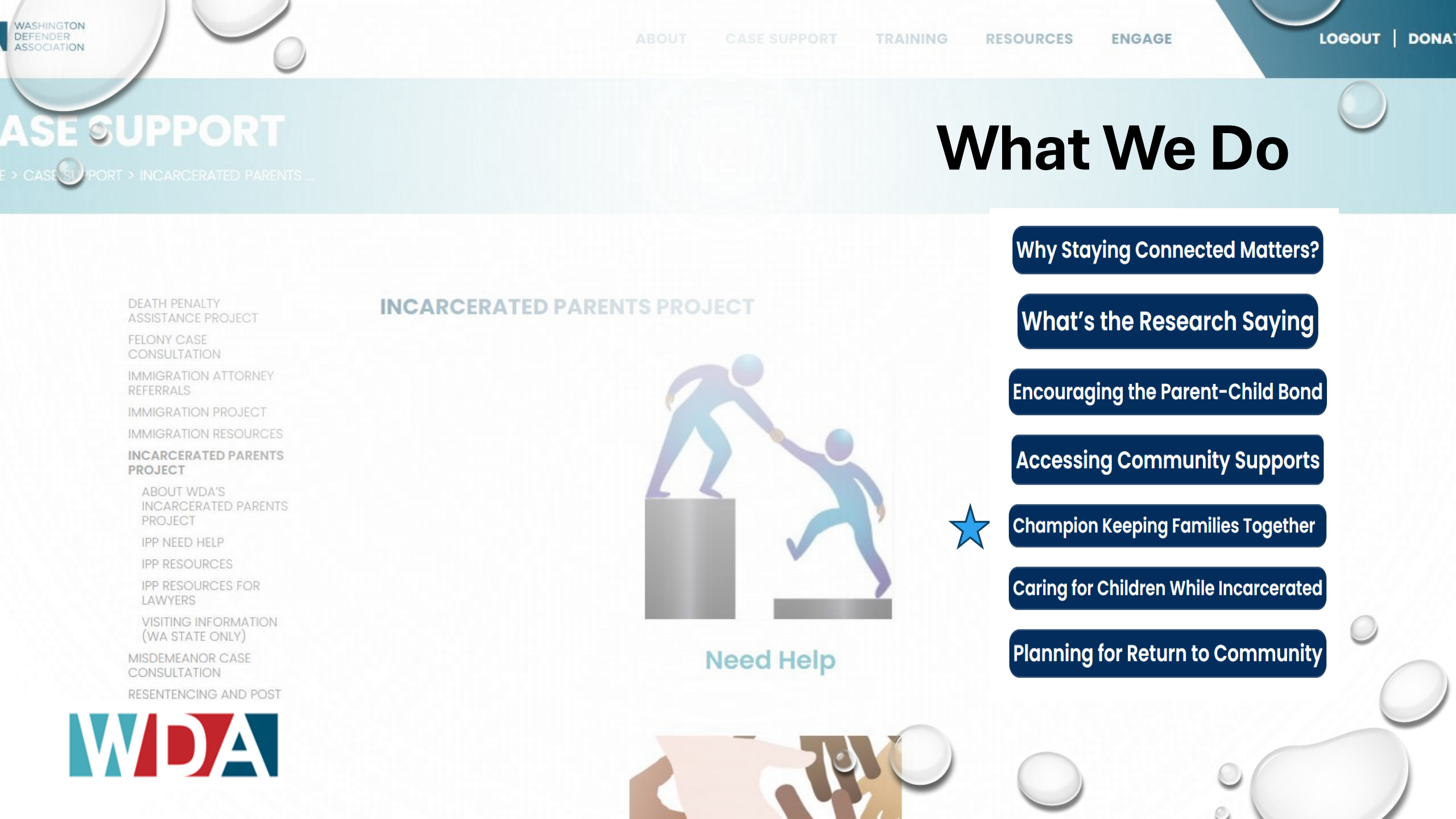
Special Issues Affecting Parents In Jail or In Prison

*WDA IPP Special Issues Presentation
14 March 2025*

Who We Are

WDA IPP works to end family separation caused by parental incarceration in Washington





CASE SUPPORT

HOME > CASE SUPPORT > INCARCERATED PARENTS PROJECT

What We Do

DEATH PENALTY
ASSISTANCE PROJECT

FELONY CASE
CONSULTATION

IMMIGRATION ATTORNEY
REFERRALS

IMMIGRATION PROJECT

IMMIGRATION RESOURCES

**INCARCERATED PARENTS
PROJECT**

ABOUT WDA'S
INCARCERATED PARENTS
PROJECT

IPP NEED HELP

IPP RESOURCES

IPP RESOURCES FOR
LAWYERS

VISITING INFORMATION
(WA STATE ONLY)

MISDEMEANOR CASE
CONSULTATION

RESENTENCING AND POST

INCARCERATED PARENTS PROJECT



Need Help



Why Staying Connected Matters?

What's the Research Saying

Encouraging the Parent-Child Bond

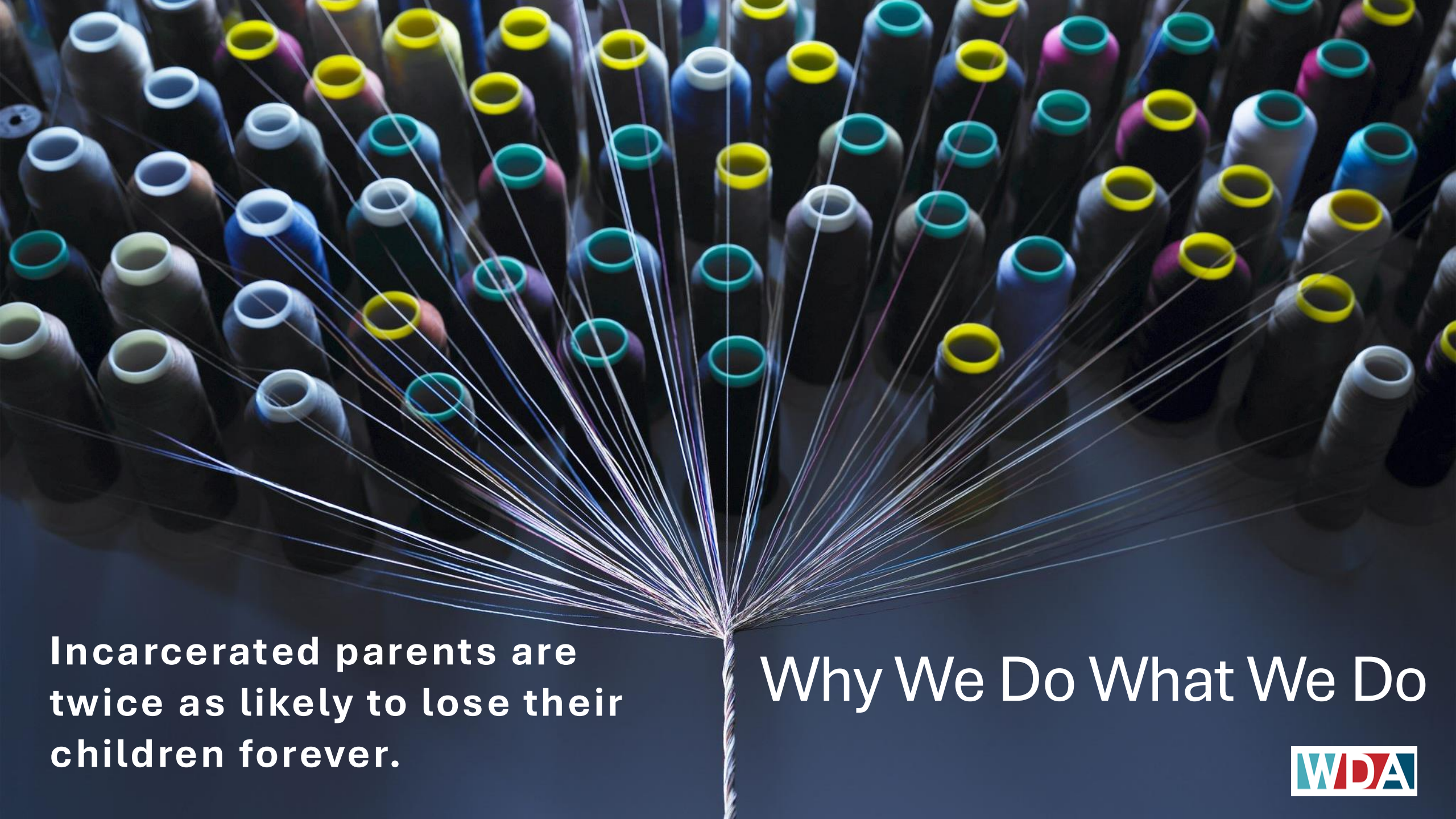
Accessing Community Supports

Champion Keeping Families Together

Caring for Children While Incarcerated

Planning for Return to Community





**Incarcerated parents are
twice as likely to lose their
children forever.**

Why We Do What We Do



Special Issue: Access to Family Court

**Parenting rights are
fundamental**

**Right to meaningful access to
court for civil actions is too**

**Language access and GR 33 is
required but difficult to access
from prison or jail**

Special Issue: Access to Family Court

For example, there is no guaranteed right to legal representation in most WA family law cases between coparents

Special Issue: Access to Family Court

Changes to custody between parents is very difficult to accomplish

Law changed with Chapter 7.105 RCW, visit plans cannot be ordered with existing NCOs/CPOs

A woman with dark, braided hair is shown in profile, kissing a young child on the cheek. The child has curly hair and is wearing a white shirt with small dark polka dots. The woman is wearing a yellow textured sweater. The background is a soft, out-of-focus indoor setting.

Special Issue: The SRA & Parenting In Community

- Exceptional Mitigation Basis
(SB 5133 Caregiving)
- Community Parenting Alternative

Special Issues: Services

- Services related to child safety are parent's responsibility in family court (e.g. parenting misconduct, sexual misconduct, violence)
- Child's public insurance can pay for certain parent-child services
- Professional visitor policy applies; it is facility-specific

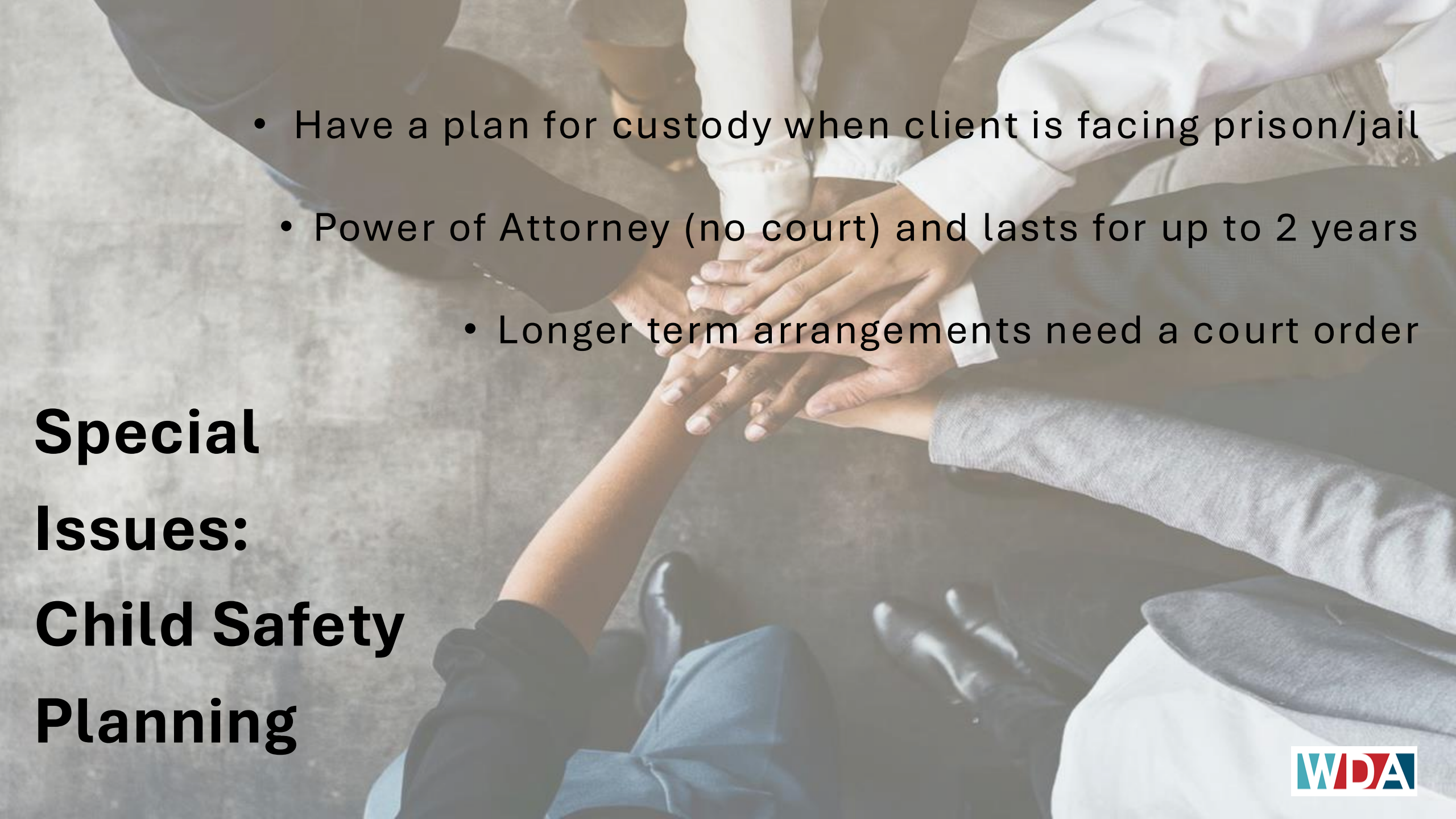
Special Issues: Establishing Parentage

- Some clients have not established their legal relationship and they need that done before they can receive visits with their child
- Proof of a legal relationship **and** a parent/guardian willing to apply to jail/prison and help the child visit/call (parent's name on birth certificate)

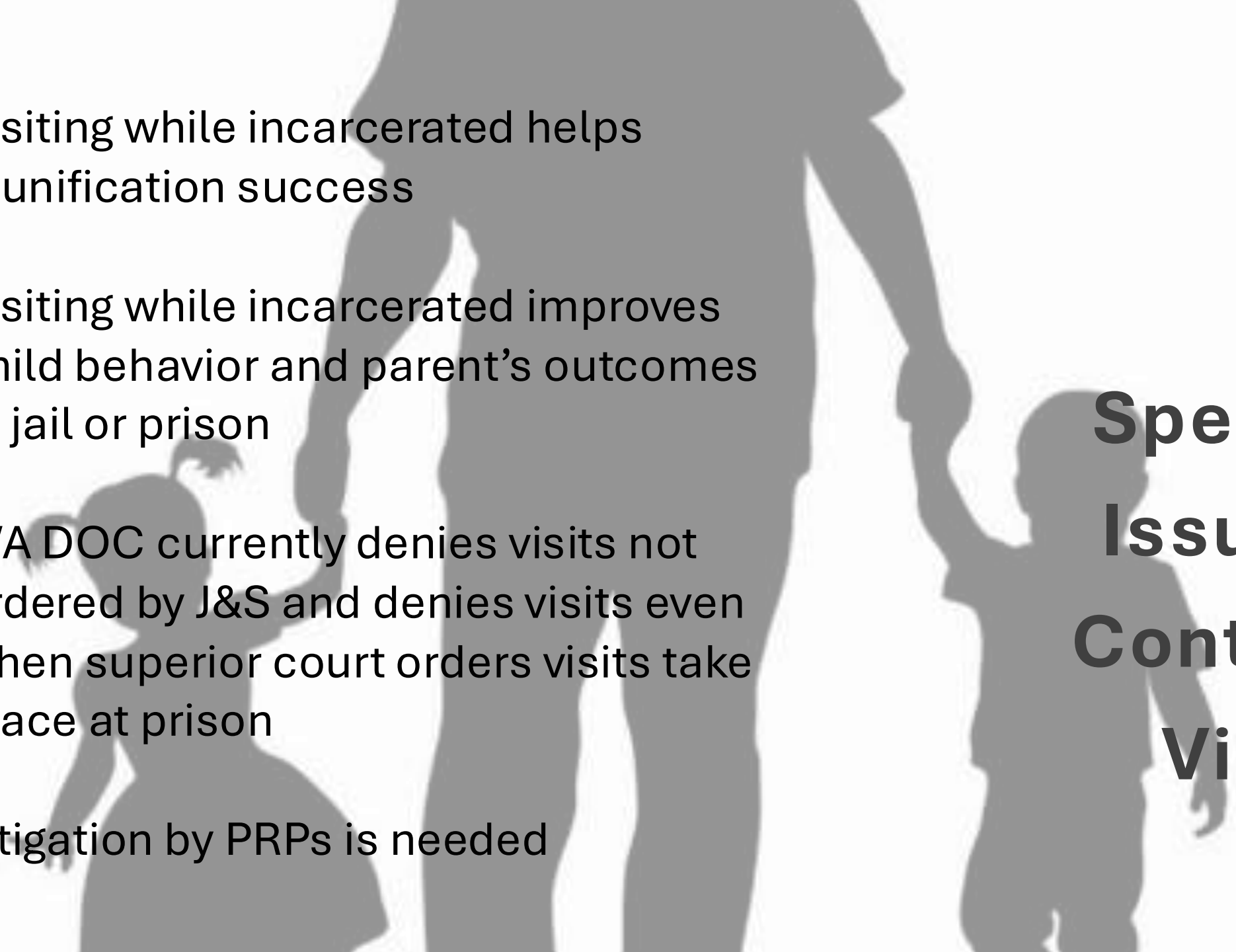
Special Issues: Parentage & Criminal Legal Advice

Court process to establish legal
parent-child relationship
requires genetic test

Legal advice might be needed
(genetic testing may prove
criminal conduct)

- 
- Have a plan for custody when client is facing prison/jail
 - Power of Attorney (no court) and lasts for up to 2 years
 - Longer term arrangements need a court order

Special Issues: Child Safety Planning


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- A large, light gray silhouette of a family consisting of an adult and two children, one holding the adult's hand and the other holding the adult's leg, positioned in the background.
- Visiting while incarcerated helps reunification success
 - Visiting while incarcerated improves child behavior and parent's outcomes at jail or prison
 - WA DOC currently denies visits not ordered by J&S and denies visits even when superior court orders visits take place at prison
 - Litigation by PRPs is needed

Special Issues: Contact Visits

Barriers from Criminal Case:

- These RCW 10.99 orders creates basis for new crimes (otherwise constitutionally protected conduct)
- RCW 10.99 orders that prohibit indirect contact through 3rd party PREVENT visits from happening.
- Parent cannot get visitation ordered with NCO in place

**Special
Issues:
When Contact
Between Co-
Parents Is
Criminalized**

- 
- There is basically a “first in time” rule. Courts **cannot order less restrictive contact between the parents** than a prior order.
 - **Motions to Change/Remove NCOs must happen first for your client to get visits ordered.** They cannot get a parenting plan order with an NCO that prohibits indirect contact between parents.

**Special
Issues:
Motions to
Change/
Remove
NCOs**



What You Can Do

From: “I don’t do family law.”

To: “Let me find you a family law resource.”

- **Reach out to WDA IPP**
- **Consult family law experts**
- **Give to client legal referrals**

Questions



THANK YOU!

D'Adre Cunningham, J.D.

WDA's Incarcerated Parents Project Resource Attorney

Website: www.defensenet.org

Email: dadre@defensenet.org

IPP Line: 206-799-1201

(for unrepresented parents in jail or prison, collect calls accepted)

****NEW 2025 HOURS: Tuesdays & Thursdays 10am-12:30pm**

