



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
P.O. Box 41100 • Olympia, Washington 98504-1110

February 9, 2021

TO: DCYF Child Welfare Field Operations
Parent Attorneys
Court Officials

FROM: Lisa J. Flynn, DOC Correctional Program Administrator 
Kwesi Booker, DCYF Assistant Secretary of Child Welfare Field Operations 

SUBJECT: Incarcerated Parent Virtual Participation in Dependency Court Hearings and Trials

The Department of Corrections (DOC) has been working with the Department of Children, Youth, and Families (DCYF) to simplify the process for incarcerated individuals (I/I) with children in the care of the State to be present for court-mandated hearings and trials. This process only applies to individuals incarcerated in at DOC facility.

The process described in this memo should *only* be used to arrange an incarcerated parent's virtual participation by phone or video in a hearing or trial in dependency, ch. 13.36 guardianship, and termination of parental rights matters. All other arrangements, including speaking with an incarcerated individual about an upcoming hearing or trial, should be made by contacting the facility's legal liaison. DOC is unable to accommodate community based virtual parenting programs required by the court. However, DOC may have a parenting program available at the facility where the incarcerated individual is housed.

To arrange for an incarcerated parent's virtual participation by phone or video in a dependency, ch. 13.36 guardianship, or termination of parental rights matter, the requester (DCYF worker or their counsel, parent attorney, or court) should do the following:

- Provide at least **seven days' notice** of the request;
- Identify in the request **the type of hearing or trial** (e.g., shelter care hearing, dependency fact-finding trial, review hearing, permanency planning hearing, ch.13.36 guardianship fact-finding trial, termination of parental rights trial);
- Specify in the request **the date and time** of the hearing or trial, which should be **scheduled to occur between the hours of 9:00 a.m. and 4:00 p.m. Monday through Friday**, as cases scheduled outside of these times may not allow for participation;
- Include in the request the **details necessary for the incarcerated parent to participate** (e.g., video conference link); and
- **Email the request to DOCATGCourts@doc1.wa.gov.**

Please note that following the above procedure does not guarantee that DOC will be able to make the incarcerated individual available for virtual participation but following this procedure will increase the likelihood of the request's success. DOC recognizes that shelter care hearings are emergency hearings for which seven days' notice is usually not possible and will do its best to accommodate an incarcerated individual's virtual participation at a shelter care hearing, even if seven days' notice is

Mandatory Incarcerated Individual Participation in Virtual Child-Dependency Court Hearings

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not provided. Please note that **DOC will prioritize trials over hearings due to the rights at stake during a trial. Please make it clear if the request is for participation at a trial.** Additionally, it is important that the court attempts to prioritize cases with incarcerated parents first on the docket to avoid the parent having to sit through several hearings.

DOC facilities are prepared for the following:

- The parent attorney, counsel for DCYF, or the DCYF worker submits the request for an incarcerated parent's virtual participation using the process outlined above. The request will be forwarded to the facility coordinator, who will notify the assigned DOC case manager. **NOTE:** *Zoom can be used for court hearings and trials, but not scheduled by DOC staff.*
- Once the parent has been added to the call out, DOCATGCourts@doc1.wa.gov will confirm scheduling.
- Incarcerated parents may utilize the court identified lunch recess to discuss the case with their attorney. **NOTE:** *DOC will attempt to provide a confidential setting, but in some cases the computer access will require a staff member to be present to monitor network access.*
- Court hearing or trial participants must identify themselves as being part of court proceeding and DOC will request confirmation of participants. This is for security purposes to avoid misuse of the system.
- The identified location will be furnished with a monitor, microphone, and speaker capabilities for adequate participation from the incarcerated parent and court officials to communicate interactively.
- Attempts will be made to allow parents to consult with their attorneys in private if staff can step out, but still visually monitor a brief caucus during the trial, hearing or court recess.
- The assigned DOC staff will wait at least 15 minutes for court proceedings to begin before disconnecting if the court does not connect.
- ***This process is for court proceedings ONLY. Virtual meetings with DCYF case managers or social workers are not authorized at this time.***

This directive does not take the place of any court order to produce individuals' in-person for dependency, ch. 13.36 guardianship, or termination of parental rights proceedings. In person court appearances will continue to require 30-day advance notice to provide for transportation planning. If DOC staff conclude they cannot arrange for safe transportation for in-person participation, in addition to notifying the requester, DOCATGCourts@doc1.wa.gov will send notification to dcyf.cwhearings@dcyf.wa.gov

Please contact Paul Seabaugh, Children's Justice Program Manager or Lisa Flynn, Correctional Program Administrator, if you have additional questions or concerns regarding this directive. Thank you for working to reflect the importance of parent involvement through our joint collaborations.

LF:eh

CC:

Lisa Flynn, DOC Correctional Program Administrator
Paul Seabaugh, DCYF Children's Justice Program Manager
Elizabeth Hainline, DOC Statewide Visit Unit