



**THE EFFI BARRY
TRAINING INSTITUTE**

RE-ENTRY RESOURCES

RE-ENTRY RESOURCES

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OVERVIEW

Reentry, the transition from life in jail, prison, or some type of juvenile justice facility, can be an incredibly difficult time for many inmates as they prepare to move from a life within a correctional facility to a life within a community.

The process of reentry is one that affects millions of individuals each year, including prisoners as well as their family and friends. **Annual estimates indicate that approximately 600,000 incarcerated individuals return home after leaving either a state or federal institution.** In addition to this number, almost 11.5 million individuals cycle through jail systems in local communities.

Such staggering numbers indicate the incredible need for information and resources that can support individuals in their transition from correctional facility to community. Support through the reentry process does not solely assure that an individual is able to return home and meet their basic needs. **Resources to ensure a successful transition are also a means of avoiding recidivism, the tendency of the individual to relapse into committing some type of criminal behavior and becoming reincarcerated.**

Statistics reported by the Bureau of Justice Statistics indicate that more than two thirds (68%) of state prisoners are arrested again within a period of three years after being released.

In the United States today, most individuals who leave correctional facilities are eventually incarcerated again. To reduce the occurrence of recidivism, it is crucial that resources are made available so incarcerated individuals can successfully transition home, build a life, and avoid returning to prison or jail. Additionally, it is critical that those who work with previously incarcerated individuals are aware of what types of supportive measures can result in successful reentry.

Individuals seeking to transition from the correctional system back to their communities are likely to encounter multiple challenges. They must not only take the steps to address their most immediate basic needs – including food, clothing, and shelter – but also determine how they will address any additional needs. It is critical that individuals attempting to reenter their communities devise a plan as to how they will ensure the most successful transition possible.

To ensure the successful reentry of incarcerated individuals into their communities, it is critical that steps for release be determined as early as possible so that they can organize potential resources. This early planning will allow individuals to identify all possible sources of support, as well as determine potential approaches that they can utilize to ensure that they are able to meet their most basic needs. This approach allows individuals to reestablish their place in their former communities, or to build their lives in new communities once they are no longer incarcerated.

Successful reentry into their communities requires that individuals navigate a complex array of challenges to ensure access to even the most basic of needs. Efforts to create, strengthen, or re-establish bonds with friends and family are an essential first step to ensure a smoother transition. Other critical steps include securing housing, obtaining access to food and health-care, and obtaining stable employment.

FIVE KEY COMPONENTS OF SUCCESSFUL REENTRY:

1. COMMUNITY & FAMILIAL SOURCES OF SUPPORT



2. HOUSING



3. FOOD



4. HEALTHCARE



5. EMPLOYMENT



COMMUNITY AND FAMILIAL SOURCES OF SUPPORT

Access to sources of support can prove integral for many individuals as they attempt to move from incarceration to the community. The availability of social support networks can prove to be a critical aspect of the transition process. It is key that those who assist with the reentry process recognize how important family engagement and access to social support can be. Incarcerated individuals must identify those individuals who can help to serve as a core support system first. Examinations of case management techniques suggest that family-driven and inclusive activities are linked to a decreased likelihood of an individual resorting back to criminal activities. Those efforts that attempt to strengthen community networks, as well as leverage family sources of support, will likely be more effective at helping incarcerated individuals transition home.

Establishing a connection with family and friends before release helps incarcerated individuals build important bonds that help provide a strong sense of stability and empowerment once the individual is released. Continuing these relationships after release can prove beneficial by helping individuals obtain access to important resources and services.

The establishment of healthy relationships with key individuals can also help provide a sense of emotional support. Those who have trouble transitioning back to the community will certainly benefit from the existence of strong connections who can provide needed guidance and advice, as well as a shoulder to lean on. Once these relationships are established, individuals can then move on to the next step in the process – securing access to basic needs.



HOUSING

Stable housing is a crucial issue for those transitioning from incarceration to the community. Besides food, access to shelter is their most immediate need. Nationally more than 10% of those who are released from incarceration (and more than 50% in urban areas) may have to contend with the threat of homelessness. For those who are not able to secure stable housing, there is a high likelihood they may reoffend and reenter the criminal justice system. While more and more options are becoming available to previously incarcerated individuals, the issue of housing is still a critical one for many.

Various types of transitional housing can provide a solution. The possibility of renting a residence is also an option, however this usually requires that an individual be familiar with the process of renting (e.g. having the appropriate legal documents, completing an application, providing a rental history, etc.), and have access to financial resources that will pay for the costs of the rental. Although these options exist, support from family and friends can often present the best and most realistic housing options, whether temporary or permanent.

Staying with family and friends is not always an option. Families may not have available space or may fear that their own housing will be in jeopardy if they allow the returning individual to reside in their home. For those who live in public housing, concern is particularly heightened, with families fearing the possibility of eviction if it is discovered that a formerly incarcerated individual is living in their home. This topic is especially important to address because it can be based on misconceptions about what the policies of public housing authorities allow.

For those able to secure some type of residence, there are still challenges. They may reside in an area with high crime rates, an issue that increases their chance of reoffending. Those who obtain access to housing may be concerned it is only temporary, making it difficult for them to feel as though they are able to put down roots and build a life in their new environment.



BENEFITS

Incarcerated individuals must also connect with resources that help to ensure they have access to food and healthcare. Upon release, individuals may encounter challenges obtaining basic necessities provided for them while incarcerated. To meet these critical needs, previously incarcerated individuals must identify resources and social services that may be able to provide immediate assistance.

Programs like the **Supplemental Nutrition Assistance Program (SNAP)** can serve as a critical resource to assist with reentry. SNAP is a federal program that offers benefits to low income individuals, so they can purchase food. Programs like SNAP not only offer basic food assistance but can also provide supplemental income.

How does SNAP work?

SNAP provides timely, targeted, and temporary benefits to people in need, so Americans have access to nutritious food. SNAP responds quickly to changes in our population, growing in response to increases in poverty and unemployment, and shrinking as the need is met and reduced. SNAP is administered by the states, which have considerable discretion to adapt the program to best meet the needs of their residents.

<https://www.feedingamerica.org/take-action/advocate/federal-hunger-relief-programs/snap>



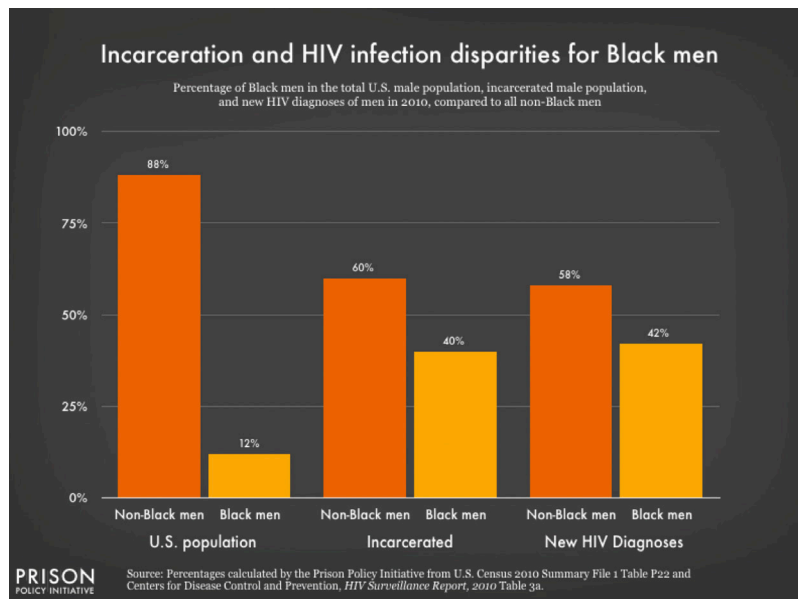


HEALTHCARE

During the initial period of release, individuals are often working to reestablish relationships and meet basic needs like food and housing. As a result of the attention given to those competing demands, healthcare is often ignored.

Incarcerated populations experience a disproportionate health burden for many chronic diseases, such as mental illness and substance abuse. Over half have reported they have some type of mental health condition. More than half of state prisoners and just under a half of federal prisoners have diagnoses that meet the American Psychiatric Association's Diagnostic and Statistical Manual, Fourth Edition (DSM-IV) criteria for drug dependence. These percentages are much higher than those for the general population. Almost half of incarcerated individuals reported they have suffered from some type of chronic condition, and almost a fifth also reported they have or have had an infectious disease, such as Hepatitis, HIV/AIDS, MRSA, sexually transmitted disease or tuberculosis. For those who were receiving care before release, it is critical they maintain continuity of treatment as they transition out of the correctional system. It is crucial that individuals have access to either information that can assist with gaining access to healthcare or receive some level of guidance as they attempt to navigate what can often be a complex healthcare landscape.

Research suggests that during the vulnerable period of reentry after incarceration, individuals are at much higher risk of mental illness and substance abuse. They may experience higher rates of hospitalization or even death. Such findings emphasize the need for individuals to quickly identify and connect with resources in the community that can provide treatment and care.





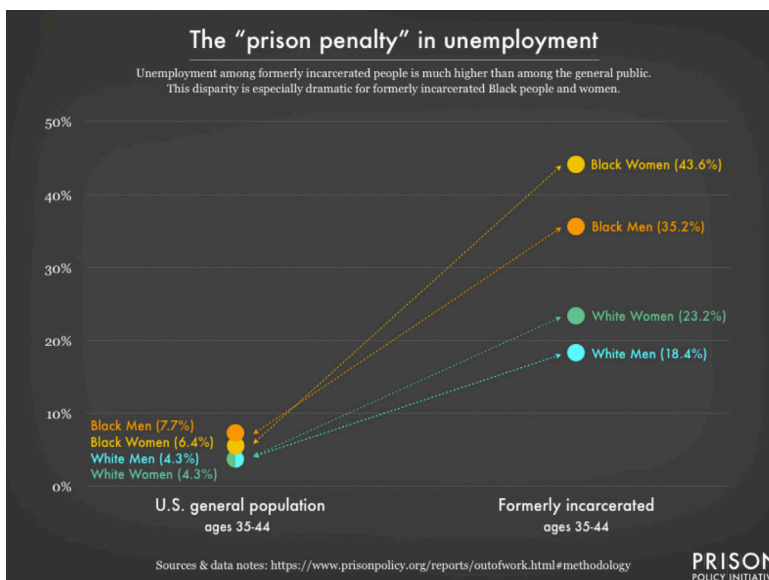
EMPLOYMENT

The ability to obtain employment is critical for those who are seeking to build a stable home and avoid the likelihood of reoffending. Over 70 million people – the segment of the U.S. population that has some type of criminal record - are impacted by this issue. These individuals, representing approximately one in three Americans who are of working age, typically have histories that consist of minor nonviolent offenses. Often these minor offenses are a result of incidents that occurred years, sometimes decades ago.

Stable employment allows access to vital resources that can greatly influence how an individual is able to live. In addition to providing financial resources, stable employment serves as an often-critical predictor of an individual’s successful reentry into a community. Those who are not able to obtain gainful employment may have a greater likelihood of interacting with the criminal justice system in the future.

The issue of employment is of particular importance to those who have been incarcerated because possessing a criminal record makes securing employment much more difficult. They may face numerous obstacles to securing a job, even if they are qualified for the position, have served their time, and are not likely to reoffend in the future. The stigma that is attached to having a criminal history is serious and it can often serve as a significant barrier to those who are trying to obtain employment.

Existing data supports these assertions. Job applicants who have a criminal history are typically treated differently than peers who do not. If individuals vie for the same position, those who have a criminal background are usually half as likely as their peers who do not to receive the opportunity to interview for it. This occurs even in those cases where both individuals possess the same qualifications and résumés.



Employment is not only a means of achieving a sense of self-sufficiency, it is also often a condition of probation or parole. Resources that can provide job assistance are therefore critically important to preventing individuals from violating their parole. Social services that provide job training, apprenticeships, or access to education can help previously incarcerated individuals obtain employment and become more self-sufficient.

EDUCATION

The topic of education is incredibly important to many individuals who are attempting to successfully reenter their communities after incarceration. In one federal study, it was determined that almost all (94%) previously incarcerated individuals indicated that one of their most important needs was education.

More than one third (37%) of those in state prisons have not earned a high school diploma or a diploma equivalent. Additionally, the vast majority (86%) of them have not been able to obtain a postsecondary education.

The process of reentry can present a tough transition. Education is one resource that can better prepare incarcerated individuals for release and increase their likelihood of accessing employment opportunities upon reentry. In addition to serving as a factor that can possibly improve one's chances of gaining access to certain resources, education may also play a role in reducing recidivism. One meta-analysis revealed that incarcerated individuals who opted to participate in education programs were, on average, 43% less likely to reoffend and be incarcerated again than their peers who had been incarcerated but who had not participated in correctional education programs. Findings from this and similar studies emphasize the need for incarcerated individuals, and those who work with them, to understand the role of education in the reentry process.

REFERENCES AND RESOURCES

RESOURCES FOR REENTRY – MYTHS and FACTS

The following information helps clarify federal policies that may impact individuals who were previously incarcerated and their family members. It is necessary for those who are returning home from prison or jail to have access to necessary information that can help them to achieve their goals and become productive citizens. The information provided can serve as a valuable resource for those who feel that they need assistance and access to resources during reentry.

MYTH

Families of persons convicted of crime and incarcerated for more than 30 continuous days can no longer receive a portion of their social security payments.

FACT

If the family was eligible to receive a portion of the social security benefits prior to the conviction and incarceration, they should continue to receive the benefits.

SOCIAL SECURITY

- **Other family members are sometimes eligible to receive a portion of one family member's social security retirement or disability check.** For example, benefits can be paid to a spouse age 62 or older, or any age if the spouse is caring for a beneficiary's child who is under 16 or disabled. Benefits can also be paid to the person's unmarried children under 18; to those between 18 and 19 who are full-time elementary or secondary school students; or to those 18 or older who became severely disabled before age 22.
- **Persons convicted of crime and incarcerated for more than 30 continuous days no longer receive social security retirement or disability payments while serving their sentences.** However, family members eligible to receive a portion of the incarcerated person's benefits should continue receiving payments.
- **Benefits from the Supplemental Security Income Program (SSI) cannot be paid to family members when the beneficiary is incarcerated.** SSI pays benefits to disabled adults and children who have limited income and resources. Because these benefits are paid only to individuals, not to families, the benefits are suspended when the beneficiary is incarcerated for a full calendar month.

For More Information:
[Social Security Administration](#)

REFERENCES AND RESOURCES

MEDICAID

MYTH

When parents are incarcerated, their children lose eligibility for Medicaid.

FACT

Many children remain eligible or gain eligibility for Medicaid coverage while their parents are incarcerated.

- When parents go to prison, their children’s living situations may change. The children may move in with family or friends, or they may enter foster care. As children change living situations, their Medicaid eligibility may change, but **parents’ incarceration does not itself make children ineligible for federal or state health insurance programs.** Many children with incarcerated parents remain eligible for Medicaid, and, in fact, **some children who were previously ineligible for Medicaid may become eligible in their new living situations.**
- Many different factors determine children’s eligibility for Medicaid, including the income of the parents and siblings with whom they live, their ages, the states where they live, and whether they are under state guardianship. If children with one incarcerated parent live with another parent, **it is the income of the parent with whom they live that determines their eligibility for Medicaid or the Children’s Health Insurance Program (CHIP).**
- **Children may become eligible for subsidies for private health insurance purchased through the Health Insurance Marketplace.** Eligibility for such subsidies is based on who claims the children as tax dependents. Children in foster or guardianship care and receiving Title IV-E payments are automatically eligible for Medicaid.
- If children live with friends, or relatives other than their parents, while their parents are incarcerated, **the children’s caretaker’s income is not counted towards determining eligibility for Medicaid or CHIP.**
- Rules for eligibility and coverage vary among the states, **but every state allows caregivers to apply for Medicaid or CHIP on behalf of children who live with them.** Family member caregivers may also be eligible for Medicaid coverage of their own healthcare needs.

For More Information:

[Kinship Caregivers and the Child Welfare System Medicaid/CHIP Eligibility for Children](#)

REFERENCES AND RESOURCES

TANF (Temporary Assistance for Needy Families)

MYTH

If parents become ineligible for TANF assistance due to a felony drug conviction, their children also lose TANF assistance.

- Children may still be eligible to receive TANF assistance even if one or both parents become ineligible. A state may provide assistance to the children of a family with ineligible parents through a “child-only” case if the family meets all other eligibility criteria. Child-only cases may include cases in which the parents present in the home are ineligible to receive TANF due to sanctions or prohibitions, such as felony drug convictions.
- In many cases the ineligible parents could be designated the “non-recipient parent payee” and receive benefits on behalf of the children. In these cases, the parents are not members of the “assistance unit,” meaning the parents’ needs are not considered when calculating the assistance payment.
- Two-parent households where one parent is ineligible due to a felony drug conviction would not warrant a child-only case because one eligible parent remains.
- Any parent living with children receiving assistance is still subject to the TANF work-requirements, unless exempted. The specific rules governing eligibility determination and calculation of assistance vary from state to state.

FACT

Children may be eligible for TANF assistance even if they live with ineligible parents.

For More Information:

[The Welfare Rules Database provides information on state benefit and eligibility criteria.](#) [Office of Family Assistance in the Administration for Children and Families](#)
[Contact information for local TANF agencies](#)

REFERENCES AND RESOURCES

SNAP (Supplemental Nutrition Assistance Program)

MYTH

If parents become ineligible for SNAP benefits, their children also lose eligibility.

FACT

Children may be eligible for SNAP assistance even if their parents are not.

- **Children may be eligible to receive SNAP benefits (formerly known as the Food Stamp Program) even if other members of the household are ineligible** if the household meets the program's other eligibility criteria.
- **Some states have a lifetime or modified ban on SNAP eligibility that applies to individuals with past drug felony convictions.** In such cases, ineligible family members may not receive benefits themselves, but their income and resources will be considered in determining SNAP eligibility and the benefit amount for other members of the household.
- If parents are ineligible for SNAP because they are incarcerated, their children may still be eligible for benefits. **The children's guardians or caregivers can apply on behalf of the children or may include them as a part of their own SNAP household** if they are also participating in the program.

For More Information:

[The SNAP website](#)

[For more information on states with bans on SNAP eligibility due to drug felony convictions see the Reentry Myth Buster on SNAP Benefits](#)

REFERENCES AND RESOURCES

SNAP Pre-release Waivers

MYTH

An incarcerated individual scheduled for release cannot apply for SNAP benefits.

FACT

If a State SNAP agency requests a waiver of program rules, an incarcerated person nearing his or her release date can apply for assistance and receive an eligibility interview.

- Under SNAP rules, incarcerated individuals are ineligible to receive benefits while they are residents of an institution.
- State agencies that administer SNAP may request the Prisoner Pre-Release Application Filing Waiver, which allows them to take applications and conduct eligibility interviews from incarcerated applicants prior to their release. This allows the State agency to issue benefits immediately upon the individual's release if he or she is certified for assistance. The goal of this waiver is to increase access to critical nutrition assistance benefits for members of a vulnerable population.
- By ensuring food security, the waiver can increase the likelihood of successful reentry. Adopting the waiver can improve reentry resources for those leaving correctional facilities, reduce recidivism, and offer formerly incarcerated individuals a good start on a second chance.
- Implementing the waiver requires collaboration between correctional facilities and State SNAP agencies. The U.S. Department of Agriculture Food and Nutrition Service, which administers SNAP, reviews waiver requests from any State interested in establishing such partnerships.

For More Information:
[The SNAP Website](#)

REFERENCES AND RESOURCES

SNAP Benefits/Address and ID

MYTH

An individual cannot apply for SNAP benefits without a mailing address or a valid State-issued identification card.

Mailing Address:

- SNAP applicants are required to provide an address where they can receive case-related notices – such as interview appointment requests and reapplication forms – but individuals and families who do not have a mailing address can still receive SNAP benefits. Applicants without a fixed address should notify an eligibility worker at their local SNAP office to find out how they can receive program-related correspondence.
- Local offices can help ensure that clients without a mailing address receive notices by:
 - Holding notices at the local SNAP office for pickup
 - Using the address of a local shelter (with the shelter’s permission)
 - Using the address of a trusted friend or family member (with resident’s permission)
 - Sending notices to a local post office as general delivery mail

FACT

A person can get SNAP benefits even if he or she does not have a mailing address or a valid State ID.

State Identification (ID):

- **SNAP regulations require applicants to verify their identities to receive program benefits.** While a valid State-issued ID is commonly used as proof of identity, other documents are also acceptable.
- **Local SNAP offices must accept any document that reasonably establishes an applicant’s identity,** including:
 - A birth certificate
 - An ID card for health benefits or another assistance program
 - A school or work ID card
 - Wage stubs containing the applicant’s name
- The local SNAP office must provide assistance if applicants cannot obtain sufficient verification on their own.
- **The local SNAP office can accept a statement from a collateral contact – someone who knows about the applicant’s situation and can confirm information on the application – to verify the applicant’s identity.** Possible collateral contacts include current or former employers, landlords, probation or parole officers, or staff members from other social service agencies.

For More Information:

Visit the [SNAP website](#) for information on application and eligibility requirements

REFERENCES AND RESOURCES

SNAP Benefits/Drug Felony Convictions

MYTH

Individuals convicted of a drug felony can never receive SNAP benefits.

FACT

Only six states have kept the drug felony ban in place in its entirety. Most states have modified or eliminated the ban.

- Section 115 of the Personal Responsibility and Work Opportunity Act of 1996 prohibited states from providing Food Stamps (now the Supplemental Nutrition Assistance Program) to individuals convicted of drug felonies **unless the state passes legislation to extend benefits to these individuals.**
 - **Only the following 6 states have kept the welfare ban entirely in place:** Arizona, Arkansas, Indiana, Mississippi, South Carolina, and West Virginia. All other states have modified the ban or have eliminated it entirely.
 - **The following 20 states and the District of Columbia have eliminated the ban entirely:** California, Delaware, Illinois, Iowa, Maine, Massachusetts, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, and Wyoming.
 - **The following 24 states have amended the ban to allow some individuals to regain eligibility by meeting certain additional requirements, such as receiving or completing drug or alcohol treatment:** Alabama, Alaska, Colorado, Connecticut, Florida, Georgia, Hawaii, Idaho, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Carolina, North Dakota, Tennessee, Texas, Virginia, and Wisconsin.
- Several state SNAP agencies have also requested a SNAP Pre-Release Waiver, which allows them to **accept benefit applications and conduct eligibility interviews for incarcerated individuals nearing release.**

For More Information:

[Visit the SNAP website for information on application and eligibility requirements](#)

REFERENCES AND RESOURCES

Child Welfare

MYTH

Child welfare agencies do not need to plan family reunification for children in foster care if the parents are incarcerated.

- Child welfare agencies are required to engage parents, including absent, non-custodial or incarcerated parents, in case planning for their children in foster care whenever possible and appropriate.
- Incarceration alone should not be considered an obstacle that changes the child welfare agency's efforts:
 - to work with the child's parents through caseworker visits or contacts with the parent;
 - to identify relatives who may be able to serve as a resource for the child;
 - to encourage, where appropriate, parent visitation or contacts with the child;
 - to work to preserve the parent-child relationship; or
 - to involve the parent in case planning for the child.

FACT

Child welfare agencies should make efforts to involve incarcerated parents in planning for children in foster care.

- Reunification between incarcerated parents and their children in foster care is not always feasible, but **social workers can and should plan for reunification when possible.**
- While federal child welfare law requires child welfare agencies to initiate Termination of Parental Rights (TPR) if a child is in foster care for 15 out of the most recent 22 months, **the law provides exceptions to this mandatory TPR rule at the option of the state in the following circumstances:**
 - The child is being cared for by a relative.
 - The state agency has documented in the case plan a compelling reason that filing such a petition would not be in the best interests of the child.
 - The state has not provided to the child's family the required services necessary for the safe return of the child to the home.
 - These exceptions give child welfare agencies flexibility to work within the TPR requirements and work towards unifying incarcerated parents with their children after release.

For More Information:

[When a Parent Is Incarcerated Guide](#)

[A Toolkit for Working with Children of Incarcerated Parents](#)

[The Adoption and Safe Families Act: Barriers to Reunification between Children and Incarcerated Mothers](#)

[Safeguarding Children of Arrested Parents](#)

[Youth.gov: Children of Incarcerated Parents](#)

REFERENCES AND RESOURCES

Parental Arrests

MYTH

When police arrest parents, they must call child protective services to make decisions about the children's placement.

- Since arrest does not necessarily indicate child abuse or neglect, **arrested parents can still make decisions about the welfare of their children.** Children may be placed in the care of relatives, friends, or neighbors recommended by the arrested parents.
- In every situation, **it is important for police officers to assess the immediate safety of the children** and if the situation warrants, work with child protective services to ensure the suitability of a temporary placement for children.
 - If the police find arrested parents are not providing a safe environment for children - for example if the parents were fabricating drugs inside the home - **police may call child protective services to investigate the situation and assess whether out-of-home placement is needed.**

FACT

At the time of their arrest, parents can make decisions regarding placement of their children.

For More Information:

[Child Welfare Information Gateway](#)

[Promising Practices Toolkit](#)

[When a Parent is Incarcerated: A Primer for Social Workers](#)

[Keeping Children Safe when their Parents are Arrested: Local Approaches that Work](#)

REFERENCES AND RESOURCES

Obtaining & Challenging FBI Criminal History Records

MYTH

Individuals cannot obtain a copy of or challenge an Identity History Summary (IdHS), often referred to as a criminal history record or “rap sheet.”

- In accordance with the Order, **the FBI will release copies of an individual’s record to that individual upon submission of the following information** to the FBI’s Criminal Justice Information Services (CJIS) Division:
 - A completed Applicant Information Form
 - Payment of the processing fee, either by certified check or money order made payable to the Treasury of the United States, or by credit card. For credit card payment form and other relevant information, refer to: <http://www.fbi.gov/checks>.
 - A current fingerprint card listing the individual’s name and date of birth. The fingerprint card must include rolled impressions of all 10 fingerprints and impressions of all 10 fingerprints taken at the same time (referred to as plain or flat impressions). If possible, fingerprints should be taken by a fingerprinting technician. Previously processed cards or copies will not be accepted.

FACT

The Federal Bureau of Investigation (FBI) is authorized (via U.S. Department of Justice Order 556-73) to issue copies of FBI Identification Records to subjects of the records upon request.

- Upon completion of the request, **the individual will receive, via the U.S. Postal Service, an official copy of his/her IdHS, or a U.S. DOJ Order 556-73 response indicating that there is no arrest information maintained on him/her within the FBI Criminal File.**
- An individual may also request an IdHS check by electronically submitting a complete set of fingerprint impressions to the FBI’s CJIS Division through an FBI-approved Channeler. Upon completion of a search of the FBI Criminal File, the appropriate response will be returned to the FBI-approved Channeler for dissemination to the requesting individual.
- For an individual to effectively challenge any arrest information contained within the FBI Criminal File, **the individual should first undergo the U.S. DOJ Order 556-73 process.**

REFERENCES AND RESOURCES

Obtaining & Challenging FBI Criminal History Records

- If an individual has received a U.S. DOJ Order 556-73 response and wishes to challenge information maintained within the FBI Criminal File, the individual has two options for doing so:
 - the individual may contact the owner of the information to obtain the agency's specific challenge procedures; or
 - the individual can provide a signed, written request to the FBI's CJIS Division stating that he/she wishes to challenge IdHS information maintained on him/her within the FBI Criminal File.
 - In this request, **the individual should clearly identify the information he/she feels is inaccurate or incomplete and should include all available proof or documentation that would substantiate his/her claim.** If the individual chooses to challenge the information through a third party, such as an attorney, the individual must also include a signed statement authorizing the FBI's CJIS Division to release information to the third party.
- Once the verification and any IdHS modification processes are complete, the FBI's CJIS Division's Biometric Services Section Chief will provide a signed letter to the individual, which will provide the individual complete details regarding the results of the individual's IdHS information challenge.

For More Information:

[FBI Identity History Summary Checks Website](#)

[How to Challenge and How to Obtain Your FBI Identity History Summary](#)

REFERENCES AND RESOURCES

The Work Opportunity Tax Credit (WOTC)

MYTH

There is no federal income tax advantage for employers hiring an ex-felon.

FACT

Employers can save money on their federal income taxes in the form of a tax credit incentive through the Work Opportunity Tax Credit (WOTC) program by hiring ex-felons. An ex-felon under WOTC is an individual who has been convicted of a felony under any statute of the United States or any State, and has a hiring date which is within one year from the date of conviction or release from prison.

- **The main objective of this program is to enable certified employees to gradually move from economic dependency to self-sufficiency as they earn a steady income and become contributing taxpayers.** At the same time, participating private-for-profit employers are compensated by with a reduced federal income tax liability.
- The WOTC joins other workforce programs that help **incentivize workplace diversity and facilitate access to good jobs for American workers.**
 - For each new ex-felon hired, the credit is 25% of qualified first-year wages for those employed at least 120 hours, or \$1,500; and 40% for those employed 400 hours or more, or \$2,400.
- As part of WOTC, employers can hire individuals from the following target groups which have traditionally faced significant barriers to employment:
 - Qualified TANF Recipients
 - Qualified Veterans
 - Qualified Ex-Felons
 - Qualified Designated Community Residents (DCR)
 - Qualified Vocational Rehabilitation Referrals
 - Qualified Summer Youth
 - Qualified Food Stamp Recipients
 - Qualified Supplemental Security Income (SSI) Recipients
 - Qualified Long-Term Family Assistance Recipients
- There is no limit to the number of “new” ex-felons an employer can hire to benefit from these tax savings.
- **Employers apply for and receive a WOTC certification for each new hire from their State Workforce Agencies.** Minimal paperwork is required to qualify and claim the tax credit.

For More Information:
[IRS Website](#)

REFERENCES AND RESOURCES

Child Support/Drivers' License Renewal

MYTH

Noncustodial parents who lose their drivers' licenses for nonpayment of child support cannot have them reinstated.

- Federal Law 42 USC 666(a)(16) requires that state child support programs have processes to withhold, suspend, or restrict licenses for noncompliance with child support. Under the federal law, **states may suspend drivers' licenses for a variety of non-driving offenses, including nonpayment of child support.**

- Each state administers this requirement in different ways; through an administrative or judicial process, or through a combination of both. States also have great flexibility in deciding what triggers suspension, such as the threshold of an unpaid past due amount.

- **Many states have a specific hardship exemption, recognizing the importance of helping parents who are behind in their child support avoid license revocation.**

These states assist parents in reinstating their licenses if they meet certain payment requirements.

- **Examples of state drivers' license renewal practices include:**

- Child Support Services may supply work-restricted licenses for parents who have jobs.
- Child Support Services may provide payment plans and conditional licenses while payments are being made.
- Child Support statutes or policies may provide that inability to pay is a defense to license suspension if the parent lacked the ability to pay the underlying support order.
- Child Support programs may partner with employment programs to help noncustodial parents find and keep jobs. These employment programs may help with restoring drivers' licenses.

- **Noncustodial parents may wish to contact their local Child Support offices and request assistance with arrears management, order modification, and license reinstatement.** Partnerships with legal service programs or fatherhood programs may help noncustodial parents navigate the complexities of reinstatement.

For More Information:

[GAO Report on License Suspension for Non-Driving Offenses Employment Programs in Child Support](#)

FACT

While federal law requires that state Child Support programs have mechanisms to suspend licenses, states have the flexibility to allow reinstatement or issue provisional licenses for employment.

REFERENCES AND RESOURCES

Getting a Replacement Social Security Card

MYTH

Incarcerated individuals cannot get a replacement Social Security card unless they have a current drivers' license or United States passport.

FACT

The Social Security Administration can issue a replacement card for many inmates nearing release even if they do not have a current drivers' license or U.S. passport.

- By law, the Social Security Administration (SSA) must see documents to prove the identity of every applicant for a replacement Social Security card. Individuals who have been incarcerated for an extended period may not have the documents needed to prove identity, such as a current drivers' license or passport.
- To help soon-to-be released persons obtain a replacement Social Security card, many institutions agree to perform an investigation to prove each incarcerated person's identity at the time they enter into custody.
 - The institution may prove a person's identity by reviewing documents in their file; reviewing records from other law enforcement entities; examining birth records, school transcripts, employment records, conferring with family members; and comparing the individual's physical characteristics against the physical description found in National Crime Information Center records.
- Once the investigation is complete and documented, individuals confined in an institution that has an agreement with the SSA may file an application for a Social Security card as they near their anticipated release date.
 - Because the institution has established the individual's identity, the SSA accepts written certification from an official of the institution in lieu of documents usually required when a person applies for a card at a Social Security office. This process ensures that the individual has a Social Security card in-hand when they are released.
- Correctional institutions should contact the local Social Security office to learn how to enter into an agreement with the SSA to help soon-to-be released individuals obtain replacement cards.

For More Information:

[Social Security Administration Website](#)

[Social Security Administration Reentry](#)

[Website Find your local Social Security Office](#)

REFERENCES AND RESOURCES

Student Records

MYTH

Transfer of individual student education information from local school systems to juvenile justice agencies is prohibited by the Family Educational Rights and Privacy Act (FERPA).

- The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. 1232g and 34 C.F.R. Part 99) is an important federal law ensuring the privacy of students' education records. **The FERPA statute and regulations and other state and local privacy requirements have significant implications for students who are involved in the juvenile justice system.**
- Youth involved with the juvenile justice system experience many transitions between educational programs—from community school into facilities, between facilities, and when returning to their community schools—so **it is critical that relevant agencies understand the conditions under which FERPA allows for the transfer of student records.**
- FERPA specifically authorizes the non-consensual disclosure of personally identifiable information (PII) from students' education records to state or local authorities within the juvenile justice system under the following conditions:

When Disclosing to Juvenile Justice Agency-Run Schools or School Districts Where the Student is Placed by the Juvenile Justice Agency

- FERPA permits the nonconsensual disclosure of PII from education records to officials of other schools or school systems in advance of the transfer to the new school or school system where a student seeks or intends to enroll or into which a student is being placed (see § 99.31(a)(2) and § 99.34 of FERPA regulations). Juvenile justice agencies that have been designated by their State as either a school or school district are assigned a code by the National Center for Education Statistics (go to <http://nces.ed.gov/globallocator/>). An originating school may disclose without parental consent student education records to other school systems or schools before a student's actual transfer by meeting any of the following criteria (see § 99.34 and § 99.7):
 - The originating school previously notified/informed parents in its annual notification of FERPA rights that it forwards education records to other schools that have requested the records and into which (a) the student seeks or intends to enroll or (b) the student is being placed; or
 - The originating school makes a reasonable attempt to notify the parent at his or her last known address of the disclosure; or
 - The disclosure is initiated by the parent.
- The parent has the right under FERPA to request a copy of the records that were disclosed and the right to seek to amend them.

FACT

FERPA allows educational institutions and agencies to disclose student's education records, without parental consent if certain conditions are met.

REFERENCES AND RESOURCES

Student Records

MYTH

Transfer of individual student education information from local school systems to juvenile justice agencies is prohibited by the Family Educational Rights and Privacy Act (FERPA).

When Disclosing Pursuant to an Authorizing State Statute

- FERPA specifically permits juvenile justice agencies to receive PII from students' education records pursuant to an authorizing state statute if the disclosure concerns the juvenile justice system and is needed by such system to effectively serve the student (see § 99.31(a)(5)(i)).
 - If the underlying state statute authorizing the disclosure was enacted after November 19, 1974, then the disclosure must be needed by such system to effectively serve the student prior to the student's adjudication as a delinquent (see § 99.31(a)(5)(i)(B) and § 99.38).
 - For state statutes enacted after November 19, 1974, the officials or authorities receiving the PII from education records must have certified in writing that they will not disclose the information to a third party without consent, except as provided under State law. Id.

FACT

FERPA allows educational institutions and agencies to disclose student's education records, without parental consent if certain conditions are met.

When Disclosing Pursuant to Court Order or Subpoena

- PII from students' education records may be disclosed without parental consent if the disclosure is to comply with a judicial order or lawfully issued subpoena (see § 99.31(a)(9)(i)).
 - The educational agency or institution generally only may disclose information under a court order or a subpoena if the agency or institution makes a reasonable effort to notify the parent of the order or subpoena in advance of compliance with it, so that the parent may seek protective action (see § 99.31(a)(9)(ii)).
 - Notification is not required if disclosure is in compliance with a subpoena issued for a law enforcement purpose, and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed. Id.

For More Information:

[Family Policy Compliance Office](#)

[FERPA Regulations](#)

[Privacy Technical Assistance Center \(PTAC\)](#)

[Sharing Information: A Guide to the Family Educational Rights and Privacy Act and Participation in Juvenile Justice Programs \(1997\)](#)

REFERENCES AND RESOURCES

Hiring/Criminal Records Guidance

MYTH

People with criminal records are automatically barred from all employment.

- On April 25, 2012, the U.S. Equal Employment Opportunity Commission (EEOC) issued its Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964, as amended (Title VII), 42 U.S.C. § 2000e.
- The Guidance updates, consolidates, and supersedes the EEOC’s 1987 and 1990 policy statements on this issue, as well as the relevant discussion in the EEOC’s 2006 Race and Color Discrimination Compliance Manual Chapter. These rules apply to all employers that have 15 or more employees, including private sector employers, the federal government, and federal contractors.

FACT

An arrest or conviction record does NOT automatically bar individuals from all employment.

Below are answers to common questions about the Guidance.

QUESTION: Does this Guidance prohibit employers from obtaining and using criminal background reports about job applicants or employees?

ANSWER: No, the Guidance does not prohibit employers from obtaining or using arrest or conviction records to make employment decisions. The EEOC simply seeks to ensure that such information is not used in a discriminatory way.

QUESTION: How could an employer use criminal history information in a discriminatory way?

ANSWER: Two ways -- First, Title VII prohibits disparate treatment discrimination. Employers should not treat job applicants or employees with the same criminal records differently because of their race, national origin, or other protected characteristic (disparate treatment discrimination). Second, Title VII prohibits disparate impact discrimination. Employers should not use a policy or practice that excludes people with certain criminal records if the policy or practice significantly disadvantages individuals of a particular race, national origin, or other protected characteristic, and does not accurately predict who will be a responsible, reliable, or safe employee. In legal terms, it is not “job related and consistent with business necessity.”

REFERENCES AND RESOURCES

Hiring/Criminal Records Guidance

QUESTION: How would an employer prove “job related and consistent with business necessity?” Is it burdensome?

ANSWER: Proving that a criminal record exclusion is “job related and consistent with business necessity” is not burdensome. The employer can prove this if it (1) considers at least the nature of the crime, time since the criminal conduct occurred, and the nature of the job in question, and (2) gives an individual who may be excluded by the screen an opportunity to show why he or she should not be excluded.

QUESTION: Why should an arrest record be treated differently than a conviction record?

ANSWER: An arrest record does not establish that a person engaged in criminal conduct. Arrest records may also be inaccurate (e.g., mistakenly identify the arrestee) or incomplete (e.g., do not state whether charges were filed or dismissed against the arrestee), so they should not be used by an employer to take an adverse employment action. But an arrest may trigger an inquiry into whether the conduct underlying the arrest justifies an adverse employment action.

For More Information:

[EEOC Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII](#)

[EEOC Questions and Answers About the EEOC’s Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII](#)

REFERENCES AND RESOURCES

Criminal Histories and Employment Background Checks

MYTH

An employer can get a copy of your criminal history from companies that do background checks without your permission.

FACT

According to the Fair Credit Reporting Act (FCRA), employers must get one's permission, usually in writing, before asking a background screening company for a criminal history report. If one does not give permission or authorization, the application for employment may not get reviewed. If a person does give permission but does not get hired because of information in the report, the potential employer must follow several legal obligations.

Key Employer Obligations in the FCRA

- An employer that might use an individual's criminal history report to take an "adverse action" (e.g., to deny an application for employment) must provide a copy of the report and a document called A Summary of Your Rights under the Fair Credit Reporting Act before taking the adverse action.
- An employer that takes an adverse action against an individual based on information in a criminal history report must tell the individual – orally, in writing, or electronically:
 - the name, address, and telephone number of the company that supplied the criminal history report;
 - that the company that supplied the criminal history information did not make the decision to take the adverse action and cannot give specific reasons for it; and
 - about one's right to dispute the accuracy or completeness of any information in the report, and one's right to an additional free report from the company that supplied the criminal history report, if requested within 60 days of the adverse action.
- A reporting company that gathers negative information from public criminal records, and provides it to an employer in a criminal history report, must inform the individual that it gave the information to the employer or that it is taking precautions to make sure the information is complete and current.
- If an employer violation of the FCRA is suspected, it should be reported to the Federal Trade Commission (FTC). **The law allows the FTC, other federal agencies, and states to take legal action against employers who fail to comply with the law's provisions.** The FCRA also allows individuals to take legal action against employers in state or federal court for certain violations.

For More Information:

[Background Checks: Tips for Job Applicants and Employees from the FTC](#)

[Background Checks: What Job Applicants and Employees Should Know from the Equal Employment Opportunity Commission and the FTC](#)

REFERENCES AND RESOURCES

MYTH

MYTH: It is not possible for incarcerated individuals to get out of default or avoid defaulting on their federal student loans.

FACT

FACT: If an incarcerated individual is not in default on their federal student loans, they could be eligible for an income-driven repayment plan. Under these plans, the individual may qualify for reduced or \$0 payments on their student loans. By using these payment plans, individuals may eventually pay off their loans. If an incarcerated individual defaults on a federal student loan, he or she must resolve the default before taking advantage of an income-driven repayment plan.

Repaying Federal Student Loans While Incarcerated

Financial aid language and terminology can be confusing. Below are some commonly used terms and definitions.

Delinquent: A loan is “delinquent” when loan payments are not received by the due dates. A loan remains delinquent until the borrower makes up the missed payment(s).

Default: A loan is in “default” when it is not repaid according to the terms agreed to. It takes about a year of nonpayment to default on a federal student loan, but this may vary.

Income-driven repayment plan: Refers to one of the repayment plans for federal student loans that bases the monthly payment amount on the individual’s income and family size.

Loan Forgiveness: The release of the borrower’s obligation to repay all or a designated portion of a federal student loan.

Rehabilitation: A process that removes a loan from default after the borrower makes nine voluntary, reasonable, and affordable monthly payments within twenty days of the due date during ten consecutive months.

Repayment: If a borrower is in repayment on a federal student loan, it means the borrower has an obligation to make a scheduled payment each month or postpone repayment through deferment or forbearance.

QUESTION: My student loan is not in default. How can I sign up for an income-driven repayment plan?

ANSWER: To sign up for an income-driven repayment plan, submit the Income-Driven Repayment Plan Request. You may have to consolidate existing loans first. Submit the application online at StudentLoans.gov, or in paper form, which your loan servicer will provide once sent a written request. The application allows you to select an income-driven repayment plan by name, or to request that your loan servicer determine what income-driven plan or plans you qualify for, and then place you on the income-driven plan with the lowest monthly payment amount. Be sure to read all the rules and instructions about income-driven repayment plans so there are no surprises.

REFERENCES AND RESOURCES

Repaying Federal Student Loans While Incarcerated

QUESTION: My student loan is in default status. Now what?

ANSWER: If you have a loan in default the first thing you need to do is rehabilitate your loan. That means “get it out of default.” You can do this by:

- entering into a rehabilitation agreement with the organization managing your loan (this could be a collection agency or a guaranty agency), and then
- making nine consecutive monthly payments after entering into the rehabilitation agreement.

The rehabilitation agreement will specify your required monthly payment, which will be calculated based on your income or your income and expenses. For many incarcerated individuals, the payment required to rehabilitate the defaulted federal student loans will be five dollars per month. However, if you have a Pell Grant overpayment, you cannot rehabilitate your overpayment and will need to make arrangements for repayment.

- After you rehabilitate your defaulted federal student loans, your loans will be transferred to another organization for servicing. This transfer may affect your interest rate or the terms of your loan. Visit StudentAid.gov to view information about the federal student loans you have received and to find contact information for the loan servicer or lender for your loans.
- If you do not have Internet access, you may send a letter to the Federal Student Aid Information Center at:
U.S. Department of Education Federal Student Aid Information Center
P.O. Box 84 Washington, DC 20044
- After the new organization takes over management of your loan, you will want to choose a repayment plan for your loans. If you choose an income-driven repayment plan where payments are based on your income, your payments will likely be \$0.
 - In order to pay off most loans, you need to make 240 or 300 monthly payments. These \$0 monthly payments count toward the necessary number to pay off your loans while you are incarcerated.
 - Upon your release from incarceration, this payment amount will likely increase, as it is based on your income. Keep in mind when calculating your repayment amount that your spouse’s income may be included as well.

REFERENCES AND RESOURCES

Repaying Federal Student Loans While Incarcerated

QUESTION: Where do I begin?

ANSWER: If the Studentaid.gov website or the response letter from the Federal Student Aid Information Center containing loan information says your loan is owned by the U.S. Department of Education, call the Default Resolution Group at 1-800-621-3115 or visit myeddebt.ed.gov to obtain information about “loan rehabilitation” and income-driven repayment plans.

- If you are unable to speak with the Default Resolution Group, you may write them requesting this information. Your letter should explain that you cannot speak over the phone. You can also learn more about income driven repayment plans by visiting StudentAid.gov/IDR or sending an information request letter to:

U.S. Department of Education
Default Resolution Group
P.O. BOX 5609 Greenville, TX 75403

If your letter from the Federal Student Aid Information Center says that your student loan is owned by a different organization than the U.S. Department of Education, send the information request letter to the organization that owns your loan.

- In response, you may be asked to complete a form to document your income and expenses, or to provide documentation of your income, or a written letter explaining your financial circumstances.
- Remember, by rehabilitating your loan and entering a repayment plan you will be helping to repair your credit and ensuring that you and your spouse are eligible to receive appropriate tax credits, when applicable. You will also ensure that you have immediate access to student loans upon your release should you decide to continue your education.

REFERENCES AND RESOURCES

On Federal Hiring Policies

MYTH

The Federal Government's hiring policies prohibit employment of people with criminal records.

- The Federal Government employs people – including some who may have criminal records – that possess the requisite knowledge, skills, and abilities. **Consistent with Merit System Principles, agencies are generally required to consider people with criminal records when filling positions if they are the best candidates and can comply with requirements.**

- **For most federal jobs, questions regarding criminal history do not appear on initial job applications**, but individuals seeking admission to the civil service are generally asked to complete a Declaration for Federal Employment (OF 306) and undergo an investigation to establish “suitability” or fitness for employment at some point in the hiring process.

FACT

People with criminal records are eligible to compete for most federal jobs.

- The principal issues for agencies as they consider hiring people with criminal records involve making determinations related to:
 - An individual's character traits and conduct to determine whether employment would or would not protect the integrity and promote the efficiency of the service.
 - Whether the past criminal conduct, by its nature, is incompatible with the core duties of the job.
 - Whether employment of the individual in the department or agency is consistent with the interests of national security.
 - The nature, seriousness, recency, and circumstances of the individual's criminal activity, and whether there has been rehabilitation or efforts toward rehabilitation. People with criminal records are eligible for employment in most federal jobs.
- **Depending on the crime committed, individuals may not be eligible to apply for a few specific positions.** For example:
 - A handful of federal laws, like those prohibiting treason, carry with them a lifetime ban on federal employment.
 - Some federal laws, like the criminal statute for inciting a riot, prohibit federal employment for a certain number of years.
 - The Bond Amendment imposes restrictions related to national security positions.

REFERENCES AND RESOURCES

Federal Bonding Program (FBP)

MYTH

Businesses and employers have no way to protect themselves from potential property and monetary losses should an individual they hire prove to be dishonest.

FACT

Through the Federal Bonding Program (FBP), funded and administered by the U.S. Department of Labor (DOL), fidelity insurance bonds are available to indemnify employers for loss of money or property sustained through the dishonest acts of their employees (i.e., theft, forgery, larceny, and embezzlement).

- Job seekers who have committed a fraudulent or dishonest act in the past, or who have demonstrated other past behavior casting doubt upon their credibility or honesty, are often rejected for employment due to their personal backgrounds.
- **The FBP is an employer hiring incentive that guarantees the job honesty of at-risk job seekers, including formerly incarcerated individuals.** The Department of Labor (DOL) provides state workforce agencies with a package of promotional bonds to provide a base and incentive to employers and others to participate. Beyond the promotional bonds, additional bonds may be purchased from the bonding agent by states, localities, and other organizations providing reentry services. As part the FBP, employers receive bonded employees free of charge which serves as an incentive to hire hard to place job applicants.
 - The FBP bond insurance was designed to reimburse the employer for any loss due to employee theft of money or property with no employer deductible.
 - **This tool has proven to be extremely successful with only 1% of the bonds ever issued resulting in a claim.**

For More Information:

[Federal Bonding Program Homepage](#)

REFERENCES AND RESOURCES

MYTH

Individuals who have been convicted of a crime are “banned” from public housing.

FACT

Public Housing Authorities (PHAs) have great discretion in determining their admissions and occupancy policies for ex-offenders. While PHAs can choose to ban ex-offenders from participating in public housing and Section 8 programs, it is not HUD (US Department of Housing and Urban Development) policy to do so. In fact, in many circumstances, formerly incarcerated people should not be denied access.

Public Housing

- On January 5, 2011, during an Interagency Reentry Council Meeting, HUD Secretary Shaun Donovan reminded council members that “this is an Administration that believes in the importance of second chances.” He further stated, “And at HUD, part of that support means **helping ex-offenders gain access to one of the most fundamental building blocks of a stable life – a place to live.**”
- There are only two convictions for which a **PHA MUST** prohibit admission:
 - If any member of the household is subject to a lifetime registration requirement under a State sex offender registration program; and,
 - If any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.
- Additionally, PHAs must prohibit admission of an applicant for three years from the date of eviction if a household member has been evicted from federally assisted housing for drug-related criminal activity.
- PHAs must also establish standards which **prohibit admission if the PHA determines that any household member is currently engaged in illegal use of a drug** or the PHA determines that it **has reasonable cause to believe that a household member’s illegal drug use or a pattern of illegal drug use may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.**
 - In these cases PHAs retain their discretion to consider the circumstances and **may admit households if the PHA determines that the evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program**, or that the circumstances leading to eviction no longer exist (24 CFR 5.854).
- PHAs must also formally **allow all applicants to appeal a denial for housing**, giving the applicant an opportunity to present evidence of positive change since the time of incarceration.

Working within the parameters and flexibilities of the above regulations, many PHAs have established admissions and occupancy policies that have promoted reuniting families in supportive communities and using stable housing as a platform for improving the quality of life.

For More Information:

See [24 CFR 960.204 for Public Housing](#) & [24 CFR 982.553 for the Housing Choice Voucher program](#)

REFERENCES AND RESOURCES

Medicaid Suspension vs. Termination for Juveniles

MYTH

Medicaid agencies are required to terminate benefits if an otherwise eligible juvenile is incarcerated.

- Like Medicaid-eligible adults, **Medicaid-eligible juveniles may continue to be enrolled in the program before, during, and after the time in which they are held involuntarily in the secure custody of a public institution.**

- The statutory Federal Financial Participation (FFP) exclusion applies to Medicaid-eligible inmates of public institutions, including juveniles, and only affects the availability of federal funds under Medicaid for reimbursement of medical services provided to an incarcerated individual. **The FFP exclusion does not affect the Medicaid eligibility of an incarcerated juvenile or adult.** Additionally, Medicaid reimbursement is available for inpatient services provided to a confined juvenile in medical facilities. Is the juvenile A) confined in a medical facility? Or B) receiving inpatient services in a medical facility? If A - Additionally, Medicaid reimbursement for inpatient services is available to a juvenile confined in a medical facility. If B - Additionally, Medicaid reimbursement is available for inpatient services provided in medical facilities for confined juveniles.

FACT

States are not required to terminate eligibility for juveniles who are incarcerated based solely on their confinement status. States may suspend eligibility during incarceration, enabling a juvenile to remain enrolled in the state Medicaid program, thereby facilitating access to Medicaid services following release.

- Prior to release from incarceration, the state may make certain that enrolled juveniles in suspended status are placed in payment status to ease the receipt of Medicaid-covered services immediately upon leaving the facility.
 - An application may be filed prior to discharge for otherwise eligible juveniles not already enrolled in Medicaid. **Beginning the process before release allows the state time to enroll so that they may receive Medicaid-covered services upon leaving the facility.**
- Under federal law, individuals under 19 years of age are eligible for Medicaid if their family income is equal to or less than the federal poverty level or they are receiving a federal foster care payment. States may extend the age and income eligibility parameters.

For More Information:

[Centers for Medicare and Medicaid Services Medicaid Primer \(pp 75- 77\)](#)

REFERENCES AND RESOURCES

Juvenile Records

MYTH

A person with a criminal record is not eligible to receive federal student financial aid.

FACT

Individuals who are currently incarcerated in a federal, state, or local correctional institution have limited eligibility for federal student aid. Restrictions on federal student aid eligibility are removed for formerly incarcerated individuals, including those on probation, on parole, or residing in a halfway house.

- Data collection systems are designed to collect, record, and report information on each felony and serious misdemeanor arrest that occurs in a state, as well as the court's response to the arrest.
 - These records may be used for many purposes, mostly for background checks including identification, employment, security, adoption, immigration / international travel / visa, licensing, assistance in developing suspects in a criminal investigation, and for enhanced sentencing in criminal prosecutions. This information is accumulated into what is commonly known as a "RAP Sheet" (Record of Arrest and Prosecution) and is linked to a person through fingerprints.
- Some state repositories collect information on juvenile arrests, and some do not. Some states with juvenile information report this information when it is requested by a criminal justice entity (e.g., law enforcement, prosecution) and some do not. When a potential employer requests criminal history information on a juvenile applicant, some states will provide some or all the recorded juvenile information, and some will not.
- Sealing of juvenile court records means placing them in a separate file or other repository that is not accessible to the public. Expungement refers to court records that are considered to have never existed or the destruction of those records. Destruction of such records does not always mean actual destruction, but rather placing a juvenile's records in a separate file where only certain parties can access them, usually with a court order.
- Privacy of juvenile court records has eroded over the years. Persons interested in juvenile justice issues should know the policies and practices of their state's criminal history repository.
- As technology advances, it is likely that the contents of each state repository will grow to include more and more information on juvenile matters. Given that the information will be collected and stored, concerns for juvenile justice should focus on the repository's retention and dissemination policies, especially dissemination to potential employers. The questions to ask are:
 - Should any juvenile records be reported when a request is made by a potential employer?
 - Should reporting be limited to only those matters in which the youth was adjudicated delinquent?
 - Should there be criteria established to expunge juvenile information housed in a repository after a certain period of time?
 - If a court expunges or seals the juvenile court records on a youth should (and is) the information housed in the state criminal history repository also be expunged or sealed?
 - How can juveniles determine if their information is in a repository, and if it is accurate?

For More Information:

[ABA's Juvenile Collateral Consequences Database](#)

[Can Sealed Juvenile Court Records ever be Unsealed or Inspected?](#)

[Protecting Youth from Self-Incrimination when Undergoing](#)

[Screening, Assessment, and Treatment in the Juvenile Justice System](#)

REFERENCES AND RESOURCES

Federal Student Financial Aid

MYTH

A person with a criminal record is not eligible to receive federal student financial aid.

FACT

Individuals who are currently incarcerated in a federal, state, or local institution have limited eligibility for federal student aid. Restrictions on federal student aid eligibility are removed for formerly incarcerated individuals, including those on probation, on parole, or residing in a halfway house.

- Through the Department of Education’s Second Chance Pell Experimental Sites Initiative, **an estimated 12,000 eligible incarcerated individuals can now receive Pell Grants** to pursue postsecondary education.
- Although an individual incarcerated in a federal or state prison is eligible to receive a Federal Supplemental Educational Opportunity Grant (FSEOG) and Federal Work-Study (FWS), he or she is unlikely to receive either. The FSEOG’s award priority is that the grant must be given to those students who also receive a Federal Pell Grant, and perform an FWS job, logistically difficult while incarcerated.
- **Those incarcerated in correctional institutions other than federal or state institutions are eligible for a Federal Pell Grant, FSEOG, and FWS, but not for federal student loans.** It is unlikely that incarcerated individuals in correctional institutions other than federal or state institutions will receive FSEOG or FWS due to school funding limitations and to the logistical difficulties of performing an FWS job while incarcerated.
- Incarcerated individuals **may not** receive federal consolidation loans.
- **Upon release, most eligibility limitations (other than those noted below) will be removed.** You may apply for aid in anticipation of being released so that your aid is processed in time for you to start school.
- **You may be able to have your federal student loans deferred while you are incarcerated,** but you must apply for a deferment and meet its eligibility requirements. To apply for deferment, contact the servicer of your loan(s). To find out what kind(s) of loan(s) you have, and/or to find contact information for your loan servicer, call 1-800-4FED-AID (1-800-433-3243) or visit <https://studentaid.gov/>

REFERENCES AND RESOURCES

Federal Student Financial Aid

- **If your incarceration was for a drug-related offense or if you are subject to an involuntary civil commitment for a sexual offense, your eligibility may be limited:**
 - A student convicted for the possession or sale of illegal drugs may have eligibility suspended if the offense occurred while the student was receiving federal student aid (grants, loans, or work-study). When you complete the Free Application for Federal Student Aid (FAFSASM), you will be asked whether you had a drug conviction for an offense that occurred while you were receiving federal student aid. If the answer is yes, you will be provided a special worksheet to help you determine whether your conviction affects your eligibility for federal student aid. You may preview the worksheet in the FAFSA Information section at www.studentaid.gov/pubs.
 - If you have been convicted of a forcible or non-forcible sexual offense, and you are subject to an involuntary civil commitment upon completion of a period of incarceration for that offense, you are ineligible to receive a Federal Pell Grant.

For More Information:

[Guide to Federal Student Aid for Students with Criminal Convictions How Do Drug-Related Convictions Affect My Student Loan Eligibility?Federal Student Aid Eligibility for Students Confined in Adult Correctional or Juvenile Justice Facilities](#)

REFERENCES AND RESOURCES

Veterans Benefits

MYTH

Veterans cannot request to have their Veterans Administration (VA) benefits resumed until they are officially released from incarceration.

- The Department of Veterans Affairs (VA) is proactive with ensuring Veterans are receiving their full entitlement of benefits once released from incarceration.
- If the evidence is dated no more than 30 days before the anticipated release from incarceration, **the VA may resume disability benefits prospectively from the anticipated date of release** based on evidence received from a parole board or other official prison source showing the Veteran's scheduled release date.
- If the release does not occur on the scheduled date, the VA will inform the Veteran that benefits will be discontinued or reduced effective from the date of increase without advance notice.
- The VA staff conduct outreach in correctional facilities across the nation to share this information with Veterans and prison staff in preparation for release.

FACT

Veterans may inform the VA to have their benefits resume within 30 days or less of their anticipated release date based on evidence from a parole board or other official prison source showing the Veteran's scheduled release date.

For More Information:

[VA website](#)

[eBenefits](#)

VA Benefits: 1-800-827-1000

National Call Center for Homeless Veterans: 1-877-4AID-VET

REFERENCES AND RESOURCES

Youth Access to Education upon Reentry

MYTH

Confined youth easily return to school after release from juvenile confinement.

FACT

The majority of youth involved in the juvenile justice system have strong aspirations to continue their education yet face many barriers that reduce their access to education upon reentry.

- According to the latest Office of Juvenile Justice and Delinquency (OJJDP) Survey of Youth in Residential Placement (December 2010), more than two-thirds of youth in custody report that they have aspirations of higher education. **Research consistently shows that school attendance is a strong protective factor against delinquency; youth who are engaged in school are much less likely to commit crimes in the short and long-terms.**
- Despite the strong association between school truancy, dropouts, and delinquency, re-enrollment in school for youth exiting residential confinement is often challenging. **While more than half of confined youth have not completed the eighth grade, 66% do not return to school after release.**
- There are multiple challenges involved in this issue:
 - States lack a comprehensive mechanism to assess and address the learning needs of youth reentering the school system.
 - **The process of re-enrolling in school is often complicated and lengthy**, resulting in a difficult burden for youth to face alone.
 - Youth often face challenges having their educational records and credits transferred from juvenile justice educational facilities to their home schools upon reentry.
 - Some schools place obstacles to re-enrollment for formerly incarcerated youth because they are considered difficult to manage. In fact, some states have enacted laws that create obstacles for youth attempting to re-enroll in school upon reentry.

REFERENCES AND RESOURCES

Youth Access to Education upon Reentry

- **Evidence-based practice suggests that successful youth reentry programs and policies must be comprehensive in scope.** An educational approach based upon a “think exit at entry” philosophy, which is student-driven and addresses individual strengths and weaknesses of juvenile justice-involved youth, must be a part of a comprehensive reentry plan whose goal is to prevent recidivism and help youth establish a self-sustaining, law-abiding life.
 - Ideally, comprehensive reentry plans start when youth enter a justice facility; they include the time that youth are in juvenile justice facilities, as well as the transitional period when youth leave; and they end in a follow-up phase to ensure that youth have the resources and support they need to successfully rejoin their communities, families, and schools.
- The U.S. Department of Education recently released an updated transition toolkit to help State and local administrators, teachers, and service providers deliver high-quality transition services for youth moving into, through, and out of education programs within the juvenile justice system.

For More Information:

[Evaluating the Effectiveness of Correctional Education \(RAND\)](#)

[Correctional Education in Juvenile Justice Facilities: Guidance Package \(ED\)](#)

[Transition Toolkit 3.0: Meeting the Educational Needs of Youth Exposed to the Juvenile Justice System \(ED\)](#)

[You Got This— Educational Pathways for Youth in Transition \(ED\)](#)

[Addressing the Unmet Educational Needs of Children and Youth in the Juvenile Justice and Child Welfare Systems](#)

REFERENCES AND RESOURCES

Information Technology Access

MYTH

Incarcerated persons should never be allowed Internet access because it creates an unreasonable risk to the public and to institutional security.

FACT

Internet access can be limited rather than prohibited. Incarcerated persons may be able to use Web-enabled resources to assist them in preparing for post-release success.

- Correctional institutions have a dual mandate: to protect public safety by running safe and secure prisons and to provide incarcerated individuals with treatment and training necessary to be productive and law-abiding citizens upon release.
 - To address both mandates, a nuanced approach to Internet access can be used for many incarcerated populations, somewhere between “no access” and “unfettered access.” Lack of access can be an impediment to release preparation. Unfettered access can result in significant risks to public safety.
- Education and education-related activities, including computer-assisted instruction, online learning, digital literacy development, assessment, certification, and academic research are key reasons to examine safe and effective ways to expand access in correctional settings. However, numerous other reentry-related functions are also greatly enhanced by access to the Internet.
 - These include activities such as seeking employment; accessing benefits important to sustaining a crime-free post-release life; addressing issues such as child support payments and student loans, and obtaining a driver’s license and health insurance.
- While access to online resources is appropriate for some segments of correctional populations, it may not be for others. Incarcerated individuals nearing release, especially those who have progressed to lower security status, may appropriately be afforded greater levels of access to electronic information resources.
 - Correctional professionals classify members of the prison population to security levels. These security classifications will be a key determiner of appropriate levels of access to information technology. No access or extremely limited access may be necessary in the case of individuals in higher security risk classifications.
- Technologies to permit controlled or limited access to the Internet have advanced and are increasingly being applied in correctional settings. One prominent example is the now routine use of limited, electronic messaging for personal correspondence in the Federal Bureau of Prisons. This secure filtered access provides inmates with an additional method of communication with friends and family beyond visiting, telephone calls, and letters.
 - At the same time, electronic messaging allows for security oversight through greater ease of monitoring and review. It also decreases physical mail, thereby allowing correctional staff to spend time on security and inmate programming rather than processing and inspecting in and outgoing mail. Other correctional systems also apply information technology security solutions to expand cost-effective reentry programming while maintaining high standards of institutional security.
- While expanding information technology access within correctional settings is not without challenges - particularly challenges relating to costs and security concerns - as the technology matures there should be increasing opportunities to use these tools in a safe and cost-effective manner to assist inmates in education, programming, visitation, and reentry transition to help them return to their communities as law-abiding citizens.

REFERENCES AND RESOURCES

Education Technology in Juvenile Facilities

MYTH

Juvenile correctional facilities that want to expand youth access to technology must be willing to compromise the security of the facility and the safety of detained youth.

The use of technology in correctional classrooms offers many advantages, such as addressing a broad range of learning styles and academic readiness, reaching isolated or geographically remote populations, and leveraging limited instructional resources via virtual dissemination. While concerns over youth and community safety often prevent facilities from pursuing such options, **states and jurisdictions have begun to explore options for offering their students and staff opportunities to use education technology while maintaining security and safety.**

INDIANA:

State-run Juvenile Delinquent Facilities, statewide Textbook Online Supplemental Materials via SMART Boards

How they got started:

As many textbook publishers have begun to bundle online supplementary material with their textbooks, teachers in Indiana's state-run juvenile facilities felt that, due to the lack of Internet access, their students were missing out on opportunities afforded their peers in local schools. Their principals sought assistance from the Indiana Department of Corrections (IDOC) Office of Juvenile Education, which soon developed a two-year plan to get SMART boards (interactive whiteboards) into each classroom within the state's juvenile correctional facilities. By 2013, many facilities had SMART Boards and were tapping into online supplemental instructional and teaching materials. IDOC is continuing to install SMART Boards in every juvenile correctional facility classroom and is exploring more possibilities for supplementing textbook-based learning with online and other digital tools, and increasing the use of computer-based student assessments, including the newly redesigned General Education Development (GED) test launched in 2014.

How they paid for it:

State support in conjunction with funding from Title I, Part D of the Elementary and Secondary Education Act and the Individuals with Disabilities Education Act (IDEA).

How they ensure education and security:

Each classroom's SMART Board is routed through desktop computers on each teacher's desk to ensure that access to online learning materials is used for the right purposes. The teacher ensures the security for the computer and has sole access to the computer's contents and Internet connection. Further, Internet access is provided and protected by a NovaNet intranet, which sets up firewalls that prevent access to content inappropriate for the classroom.

FACT

Many juvenile correctional facilities have successfully incorporated technology, including the Internet, to broaden the scope of education programming while maintaining appropriate and effective safeguards for detained youth.

REFERENCES AND RESOURCES

Education Technology in Juvenile Facilities

PENNSYLVANIA:

Loysville Youth Development Center (LYDC) International Computer Driving License

How they got started:

Over the past two years, the Pennsylvania Department of Education (PDE) has been working with the Pennsylvania Department of Public Welfare (PDPW), who operates the LYDC, to implement online training courses for the International Computer Driving License, or ICDL. The ICDL certification programs consist of seven modules that provide users with the skills necessary to be a proficient user of a computer and common computer applications. In 2013, LYDC began the process of expanding the youth's access to the ICDL outside of the classroom, during evening study hours, to supplement what youth accomplish during the school day. Loysville is in the early stages of implementing the ICDL facility-wide, and they have plans to explore other online and computer-based educational and vocational opportunities.

How they paid for it:

The ICDL program is paid for exclusively by PDPW with state funding. PDE, in turn, provides the technological infrastructure, including computers and secure Internet connection, within the school setting to operate ICDL.

How they ensure education and security:

Facility and PDE staff worked with state IT professionals to institute safeguards preventing access to any Internet content outside of the ICDL program. Students are continuously monitored by teaching and security staff to ensure they are not using the computers or Internet access for any other purposes. The facility also tracks all Internet usage and creates monthly reports. Any youth found using connections inappropriately meets with appropriate staff to discuss how their behavior jeopardizes not only their continued access to the ICDL and other opportunities but also the access of their peers.

REFERENCES AND RESOURCES

Education Technology in Juvenile Facilities

OREGON:

Juvenile Corrections and Detention Facilities, statewide Oregon Virtual School District (ORVSD)

How they got started:

In 2010, Oregon formalized access to the Internet and other electronic networks for all facilities statewide by enacting Oregon Administrative Rule (OAR) Chapter 416, Division 040. The Rule provides guidelines for acceptable use of specific computers, hardware, software, storage media, and networks by youth within Oregon Youth Authority (OYA) custody to assist in their successful reintegration from confinement into the community. With OAR 416-040 in place, OYA and the Oregon Department of Education (ODE) have made available the Oregon Virtual School District (ORVSD) to all OYA facilities as of July 1, 2013. ORVSD allows students to supplement their classes with videos, podcasts, and other online resources. ODE and OYA are supplementing ORVSD with a Hippo Campus server, which allows short-term students in OYA facilities to have access to a playlist of individual lessons without having to enroll in a full course. Oregon is embarking on a full-scale, statewide implementation of ORVSD in their facilities while adopting a uniform online student assessment that will let them track every student's progress at the state level.

How they paid for it:

Because ORVSD began in the public schools, ODE already supports the technological "backbone" of the system and they have developed a separate "virtual school district budget." As ORVSD makes its way into OYA facilities, this budget covers all initial fees, the online courses, training materials, and server space for all facilities. The only financial responsibility for the facilities is the hardcopy instructional materials used by students and teachers.

How they ensure education and security:

Security is maintained using screening software and firewalls in place in each facility. Additionally, all facility superintendents (or designated staff) review the online history of all machines on a monthly basis and all employ continuous real-time monitoring of every computer within the facility, ensuring that no inappropriate content is accessed by anyone. Finally, OYA and ODE have worked with the ORVSD vendor, Oregon State University, to ensure youth cannot access online content outside of ORVSD.

For More Information:

Visit [NDTAC Technology Program Highlights](#).

RESEARCH

1. Data on Common Health Problems reported by Prison Inmates:
<https://www.cdc.gov/correctionalhealth/health-data.html>
2. The Justice-Involved Population and Health Guest Editors: Juliet Bui, MPA, MSW; Minh Wendt, PhD; and Alexis Bakos, PhD, MPH, RN
3. Guest Editorial Understanding and Addressing Health Disparities and Health Needs of Justice-Involved Populations 3S Juliet Bui, Minh Wendt, and Alexis Bakos
4. Special Article Linkages Between Incarceration and Health 8S Michael Massoglia and Brianna Remster
5. Commentary Health Consequences of Family Member Incarceration for Adults in the Household 15S Christopher Wildeman, Alyssa W. Goldman, and Hedwig Lee
6. Examining the Impact of Criminal Justice Involvement on Health Through Federally Funded, National Population-Based Surveys in the United States
7. 22S
8. Emily A. Wang, Alexandria Macmadu, and Josiah D. Rich
9. Principles to Guide National Data Collection on the Health of Persons in the Criminal Justice System 34S Ingrid A. Binswanger, Laura M. Maruschak, Shane R. Mueller, Marc F. Stern, and Stuart A. Kinner
10. Asking Survey Questions About Criminal Justice Involvement 46S Ting Yan and David Cantor
11. Pregnant Women in Prison and Jail Don't Count: Data Gaps on Maternal Health and Incarceration 57S Jennifer Bronson and Carolyn Sufrin
12. Research Incarceration, HIV Risk-Related Behaviors, and Partner Characteristics Among Heterosexual Men at Increased Risk of HIV Infection, 20 US Cities 63S
13. Akilah Wise, Teresa Finlayson, Catlainn Sionean, and Gabriela Paz-Bailey
14. Public Health Evaluation Completion Rates, Adverse Effects, and Costs of a 3-Month and 9-Month Treatment Regimen for Latent Tuberculosis Infection in California Inmates, 2011-2014 71S Charlotte Wheeler and Janet Mohle-Boetani
15. Law Enforcement Looks to Research to Help Fight the Opioid Crisis:
<https://nij.ojp.gov/topics/articles/law-enforcement-looks-research-help-fight-opioid-crisis>
16. NIJ-Funded Research Examines What Works for Successful Reentry:
<https://nij.ojp.gov/topics/articles/nij-funded-research-examines-what-works-successful-reentry>
17. Notes from the Field: Prison Reform Reducing Restrictive Housing for Improved Prison Outcomes:
<https://nij.ojp.gov/topics/articles/notes-field-prison-reform-reducing-restrictive-housing-improved-prison-outcomes>
18. National Inventory of Collateral Consequences of Conviction: <https://niccc.csgjusticecenter.org/about>
19. Neighborhoods, Recidivism and Employment Among Returning Prisoners:
<https://nij.ojp.gov/topics/articles/neighborhoods-recidivism-and-employment-among-returning-prisoners>
20. Child Support Topics (e.g., How to change a child support order):
<https://www.acf.hhs.gov/css/child-support-professionals/working-with/incarcerated-groups-re-entry#>
21. Coping with Incarceration - Resources for Children about a variety of topics (What is incarceration? Visiting a parent in prison, etc.): <https://sesamestreetincommunities.org/topics/incarceration/>

COMMON MEDICAL PROBLEMS REPORTED BY PRISON INMATES

INFECTIOUS DISEASES:

- Hepatitis
- HIV/AIDS
- MRSA
- Sexually Transmitted Diseases
- Tuberculosis

CHRONIC DISEASES:

- Arthritis
- Asthma
- Cancer
- Diabetes
- Heart Disease
- High Blood Pressure
- Stroke

For More Information:

[Data and Statistics about Correctional Health](#)

[Recommendations and Guidance about Correctional Health](#)

[Scientific Reports & Morbidity and Mortality Weekly Reports](#)

[Health Educational Materials about Correctional Health](#)

RE-ENTRY RESOURCES

THE EFFI BARRY TRAINING INSTITUTE

The Effi Barry Training Institute provides trainings and technical assistance to support current and prospective HAHSTA grantees and community-based organizations in the Fee-for-Service business process; basic HIV service competencies; advanced skills in health care systems, data and health informatics; high-impact prevention programs, including biomedical; and emerging evidence-based or informed approaches through a series of group-level trainings, boot camps, community forums, and individual consultation.

Rooted in the idea of holistic, integrated, patient-centered care, HealthHIV capacity building efforts help develop an organization's ability to improve patient outcomes and increase efficiencies, while remaining organizationally sustainable. The agency's unique approach involves structuring sustainable systems and services that span the HIV care continuum. HealthHIV's ability to diagnose and address multisystem challenges is enhanced by a comprehensive team of expert consultants and focuses on achieving measurable outcomes. By remaining data and outcomes driven, HealthHIV employs state-of-the-art, and state-of-the-sciences approaches to improve health care delivery.

EffiBarryInstitute.org

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