REENTRY MYTH BUSTER!

On Public Housing

A Product of the Federal Interagency Reentry Council

MYTH: Individuals who have been convicted of a crime are "banned" from public housing.

FACT: Public Housing Authorities 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 policy to do so. In fact, in many circumstances, formerly incarcerated people should not be denied access.

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."

Fact: There are only two convictions for which a PHA MUST prohibit admission – those are:

- 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, however, 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, such as those supervised by drug courts, 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, and 24 CFR 982.553 for the Housing Choice Voucher program

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On the Work Opportunity Tax Credit

REENTRY MYTH BUSTER!

A Product of the Federal Interagency Reentry Council

MYTH: Employers have no federal income tax advantage by 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 employers are compensated by being able to reduce their federal income tax liability. The Work Opportunity Tax Credit program (WOTC) joins other workforce programs that help incentivize workplace diversity and facilitate access to good jobs for American workers.

THE WOTC: 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.

TARGET GROUPS: The WOTC is a federal tax credit used to reduce the federal tax liability of private-for-profit employers. Employers can hire individuals from the following 9 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

APPLICATION PROCESS: There's 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. There's minimal paperwork needed to qualify and claim the tax credit!

For More Information:

http://www.doleta.gov/wotc
http://www.irs.gov

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REENTRY MYTH BUSTER!

On Federal Bonding Program

A Product of the Federal Interagency Reentry Council

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 in the past committed a fraudulent or dishonest act, or who have demonstrated other past behavior casting doubt upon their credibility or honesty, very often are 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 ex-offenders. The 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.

- 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
http://www.bonds4jobs.com/index.html

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REENTRY MYTH BUSTER!

On Hiring/Criminal Records Guidance

A Product of the Federal Interagency Reentry Council

MYTH: People with criminal records are automatically barred from employment.

FACT: An arrest or conviction record will NOT automatically bar individuals from employment.

Title VII of the Civil Rights Act of 1964 makes it unlawful to discriminate in employment based on race, color, national origin, religion, or sex. This law does not prohibit an employer from requiring applicants to provide information about arrests, convictions or incarceration. But, employers may not treat people with the same criminal records differently because of their race or national origin. In addition, in the vast majority of cases, employers may not automatically bar everyone with an arrest or conviction record from employment. This is because an automatic bar to hiring everyone with a criminal record is likely to limit the employment opportunities of applicants or workers because of their race or ethnicity.

If an employer is aware of a conviction or incarceration, that information should only bar someone from employment when the conviction is closely related to the job, after considering:

- The nature of the job,
- The nature and seriousness of the offense, and
- The length of time since it occurred.

Since an arrest alone does not necessarily mean that someone has committed a crime, an employer should not assume that someone who has been arrested, but not convicted, did in fact commit the offense. Instead, the employer should allow the person to explain the circumstances of the arrest. If it appears that he or she engaged in the alleged unlawful conduct, the employer should assess whether the conduct is closely enough related to the job to justify denial of employment.

These rules apply to all employers that have 15 or more employees, including private sector employers, the federal government and federal contractors.

For More Information:

EEOC Policy Guidance and Statements on Arrest and Conviction Records

http://www.eeoc.gov/policy/docs/convict1.html

http://www.eeoc.gov/policy/docs/arrest_records.html

http://www.eeoc.gov/policy/docs/race-color.html#VIB2conviction

FTC Guidance on the Use of Arrest and Conviction Records Under the Fair Credit Reporting Act (FCRA).

The FCRA imposes a number of requirements on employers who wish to use criminal background checks to screen applicants and/or employees. For more information about these requirements, please visit the following websites:

http://www.ftc.gov/bcp/edu/pubs/consumer/credit/cre36.shtm

http://business.ftc.gov/documents/bus08-using-consumer-reports-what-employers-need-know

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REENTRY MYTH BUSTER!

On Federal Hiring Policies

A Product of the Federal Interagency Reentry Council

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

FACT: The Federal Government does not have a policy that precludes employment of people with criminal records from all positions.

The Federal Government employs people with criminal records with the requisite knowledge, skills and abilities.

Consistent with Merit System Principles, agencies are required to consider people with criminal records when filling positions if they are the best candidates and can comply with requirements.

Individuals seeking admission to the civil service must undergo an investigation to establish suitability or fitness for employment. 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 employment of the individual in the department or agency is consistent with the interests of national security.
- The nature, seriousness, and circumstances of the individual's criminal activity, and whether there has been rehabilitation or efforts toward rehabilitation.

People with criminal records are eligible to work in the vast majority of federal jobs. For a few positions, they may not be deemed suitable or fit for the job, depending on the crime committed.

- A handful of federal laws, like those prohibiting treason, carry with them a lifetime ban on federal employment.
- Others, like the criminal statute for inciting a riot, prohibit federal employment for a certain number of years.
- Previous criminal conduct could potentially render an individual incompatible with the core duties of the job.
- Previous criminal conduct may also affect an individual's eligibility for a security clearance, depending on the level of clearance being sought and the nature of the conviction.

Excepted (Schedule A) Appointing Authority permits employment of individuals in work-release programs when a local recruiting shortage exists.

- Allows agencies, with OPM approval, to employ inmates of federal and state correctional institutions.
- Appointments limited to one year.

For More Information:

Regarding Federal Regulations, visit: www.gpo.gov/fdsys

For Suitability Determinations Criteria, search under 5 CFR 731.202

For Excepted Service Disqualifying Factors, search under 5 CFR 302.203

Regarding the Bond Amendment, visit:
http://www.dss.mil/about_dss/press_room/2009/bond_amendment.pdf

Regarding Federal Background Investigations, visit:
http://www.opm.gov/investigate/

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REENTRY MYTH BUSTER!

A Product of the Federal Interagency Reentry Council

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 it 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:

See ***Credit Reports and Employment Background Checks*** from the Federal Trade Commission (http://www.ftc.gov/bcp/edu/pubs/consumer/credit/cre36.pdf).

The FTC works to protect consumers from violations of the FCRA and from fraudulent, deceptive, and unfair business practices in the marketplace, and to educate them about their rights under the FCRA and other consumer protection laws.

To file a complaint or get free information on consumer issues, visit www.ftc.gov or call toll-free, 1-877-FTC-HELP (1-877-382-4357); TTY: 1-866-653-4261.

Watch a video, ***How to File a Complaint,*** at **ftc.gov/video** to learn more.

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REENTRY MYTH BUSTER!

On Veterans Benefits

A Product of the Federal Interagency Reentry Council

MYTH: Veterans cannot request to have their VA benefits resumed until they are officially released from incarceration.

FACT: Veterans may inform VA to have their benefits resumed 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.

The Veterans Administration (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, 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, VA will inform the Veteran that benefits will be discontinued or reduced effective from the date of increase without advance notice.

VA staff conduct outreach in correctional facilities across the nation to share this information with Veterans and prison staff in preparation for release.

For More Information:

VA website	**eBenefits**
www.va.gov	**www.ebenefits.va.gov**
VA Benefits	**Homeless Hotline**
1-800-827-1000	**1-877-4AID-VET**

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On Veterans Health Care

REENTRY MYTH BUSTER!

A Product of the Federal Interagency Reentry Council

MYTH: A Veteran with criminal convictions or a history of incarceration is not eligible for VA health care.

FACT: An eligible Veteran, who is not currently incarcerated, can use VA care regardless of any criminal history, including incarceration. Only when an otherwise eligible Veteran is currently incarcerated, or in fugitive felon status, is he or she not able to use VA health care.

By regulation, the Veterans Administration (VA) cannot provide health care services to Veterans who are patients or inmates of another government agency's institution, if that agency has a duty to provide the care. Because jails and prisons must provide health care for their inmates, VA cannot treat Veterans while they are incarcerated.

For Veterans who are not currently incarcerated and are otherwise eligible for VA health care, past involvement with the criminal justice system has no impact on their ability to enroll for or to receive health care. The only exception applies to Veterans with an open warrant for a felony offense (fugitive felons), whom VA is prohibited from treating by a separate Federal law.

Because Veterans with criminal histories face additional barriers to employment and other services in their communities, and may be at increased risk for homelessness, VA has two programs designed specifically to reach Veterans involved with the criminal justice system:

- **Health Care for Reentry Veterans**, which provides direct outreach to Veterans nearing release from state and federal prisons, emphasizing rapid linkage to needed health care and other VA and community services; and
- **Veterans Justice Outreach**, which connects Veterans in contact with the "front end" of the system (police, courts and jails) to mental health, substance use, and other treatment resources. Every VA medical center has a Veterans Justice Outreach Specialist who serves as the VA's liaison with the local criminal justice system.

For More Information:

VA Benefits Booklet
http://www.va.gov/opa/publications/benefits_book.asp

Health Care Eligibility
http://www.va.gov/healtheligibility/

Health Care for Reentry Veterans
http://www.va.gov/HOMELESS/Reentry.asp

Veterans Justice Outreach
http://www.va.gov/HOMELESS/VJO.asp

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REENTRY MYTH BUSTER!

On Parental Rights

A Product of the Federal Interagency Reentry Council

MYTH: Child welfare agencies are required to terminate parental rights if a parent is incarcerated.

FACT: Important exceptions to the requirement to terminate parental rights provide child welfare agencies and states with the discretion to work with incarcerated parents, their children and the caregivers to preserve and strengthen family relationships.

The Adoption and Safe Families Act (ASFA) requires state child welfare agencies to initiate termination of parental rights if a child is in foster care for 15 out of the previous 22 months, unless one of several exceptions apply. The ASFA exceptions to the mandatory filing rule that are most relevant to incarcerated parents include:

- at the option of the State, the child is being cared for by a relative; and
- the State agency has documented in the case plan… a compelling reason for determining that filing such a petition would not be in the best interests of the child.

These exceptions provide child welfare agencies with flexibility to work within the requirements imposed by ASFA by recruiting relatives as caregivers for children and by developing carefully written case plans that document, as circumstances warrant, that the severance of the parent-child relationship would be contrary to the child's best interests.

Because they are in federal statute, the exceptions provided in the law are available to every state, though not all use them in practice. Some states and the District of Columbia repeat the exceptions in their state statutes, emphasizing their applicability. These states include (as of February, 2010): Alabama, Alaska, California, Colorado, Connecticut, Florida, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Oregon, Tennessee, Utah, Vermont, Washington, West Virginia, and Wyoming.

For More Information:

Child Welfare State Policies
http://www.childwelfare.gov/systemwide/laws_policies/state/

Child Welfare Statutes
http://www.childwelfare.gov/systemwide/laws_policies/statutes/groundtermin.cfm

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REENTRY MYTH BUSTER!

On Child Support

A Product of the Federal Interagency Reentry Council

MYTH: Non-custodial parents who are incarcerated cannot have their child support orders reduced.

FACT: Half of all states have formalized processes for reducing child support orders during incarceration. Three-quarters of all states have laws that permit incarcerated parents to obtain a reduced or suspended support order.

Paying child support is an important responsibility for parents and orders usually reflect a support amount based on state guidelines that take into account parents' ability to pay. Debt accumulation is often associated with incarceration because parents have little or no ability to earn income while they are incarcerated. For non-custodial parents leaving prison, studies report child support arrearages in the range of $15,000 to $30,000.

Three-quarters of the States have the ability to suspend orders during periods of incarceration and 25 States have implemented formalized initiatives or processes to reduce orders during incarceration. However, the process is not automatic. In most states, incarcerated non-custodial parents have to initiate a request for a review of their order before any adjustment or modification can be made.

Examples of state processes to modify orders for incarcerated parents include:

- Orders set based on actual, not imputed, income during incarceration. (CT)
- If the child support agency is notified that a non-custodial parent is incarcerated, it must review the order to determine whether it is appropriate under the guidelines and may request a modification if warranted. (DC)
- Child support staff meet with inmates at intake, file a modification request, and suspend enforcement. After release, a court hearing reviews order. (MA)
- Order can be reduced to zero if the parent requests modification and is expected to be in prison for at least six more months and earns less than $200/month. (OR)

For More Information:

Repaying Debts
http://reentrypolicy.org/jc_publications/repaying_debts_full_report

Staying In Jobs and Out of the Underground
http://www.clasp.org/admin/site/publications/files/0349.pdf

Working with Incarcerated and Released Parents
http://www.acf.hhs.gov/programs/cse/pubs/2006/guides/working_with_incarcerated_resource_guide.pdf

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REENTRY MYTH BUSTER!

On Social Security Benefits

A Product of the Federal Interagency Reentry Council

MYTH: Eligibility for Social Security benefits cannot be reinstated when an individual is released from incarceration.

FACT: Social Security benefits are not payable if an individual is convicted of a criminal offense and confined. However, monthly benefits usually can be reinstated after a period of incarceration by contacting Social Security and providing proof of release.

By law, Social Security benefits are not payable to an individual who is convicted of a criminal offense and confined for more than 30 consecutive days. If an individual was getting Social Security benefits prior to confinement, benefits are suspended until he or she is released. Generally, there is no time limit on the period of suspension.

Upon release, benefits can be reinstated without filing a new claim. The individual must request reinstatement and provide proof of release to a Social Security office. Upon provision of the necessary proof, the Social Security office will reinstate benefits quickly.

Social Security cannot reinstate benefits after release if the individual was not receiving benefits before confinement. Instead, the individual must file a claim and be approved before benefits can be paid. For these individuals, Social Security offers a prerelease application procedure, which enables a claim to be filed several months before the scheduled release date. This process allows benefits to start shortly after the individual is released.

Social Security also administers the Supplemental Security Income (SSI) program for aged or disabled individuals who have limited income and resources. SSI benefits are suspended if the individual is incarcerated for a full calendar month or more. If the incarceration is 12 months or less, Social Security can reinstate SSI benefits quickly upon release. For incarceration periods greater than 12 months, SSI eligibility is terminated and a new claim must be filed to reestablish eligibility. The prerelease application procedure expedites the provision of SSI benefits after the individual is released.

For More Information:

Social Security's Website
http://ww.ssa.gov/

What Prisoners Need to Know
http://www.ssa.gov/pubs/10133.html

Entering the Community after Incarceration – How We Can Help
http://ssa.gov/pubs/10504.html#prerelease

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REENTRY MYTH BUSTER!

On TANF Benefits

A Product of the Federal Interagency Reentry Council

MYTH: A parent with a felony conviction cannot receive TANF/welfare.

FACT: The 1996 Welfare ban applies only to convicted drug felons, and only eleven states have kept the ban in place in its entirety. Most states have modified or eliminated the ban.

Section 115 of P.L. 104-193 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996) imposed a lifetime ban on Temporary Assistance for Needy Families (known as TANF or cash/public assistance) benefits for people with felony drug convictions after August 22, 1996, unless their state passes legislation to opt out of the ban. States in which you currently cannot receive TANF if you have a felony drug conviction are Alabama, Alaska, Delaware, Georgia, Illinois, Mississippi, Nebraska, South Carolina, South Dakota, Texas, and West Virginia. All other states have modified the ban or eliminated it entirely.

Thirteen states have enacted laws that allow people with drug felony convictions to receive TANF: Kansas, Maine, Michigan, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Vermont, & Wyoming.

Nine states (California, Hawaii, Iowa, Kentucky, Maryland, Nevada, Oregon, Tennessee, and Utah) have amended the ban to allow individuals who are receiving or have completed drug or alcohol treatment to receive benefits.

Other examples of state modifications to the ban include:

- Providing assistance to individuals who have been convicted of drug possession, while banning those convicted of manufacturing, selling, or trafficking drugs (Arkansas, Florida, and North Dakota).
- Restoring an individual's eligibility after a certain time period if they do not violate the terms of their supervision or become convicted of a new crime (Louisiana and North Carolina).
- Imposing successful completion of drug-testing requirements as a condition of eligibility (Minnesota, Virginia, and Wisconsin).

For More Information

"State TANF Options—Drug Felon Ban"
http://bit.ly/HIRE_TANF

After Prison: Roadblocks to Reentry
http://www.lac.org/roadblocks-to-reentry/

This information was provided by the Legal Action Center based on the *After Prison: Roadblocks to Reentry* report funded by Open Society Institute and a 2010 state survey funded by the Public Welfare Foundation.

What is a REENTRY MYTH BUSTER?

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Because reentry intersects with health and housing, education and employment, family, faith, and community well-being, many federal agencies are focusing on initiatives for the reentry population. Under the auspices of the Cabinet-level interagency Reentry Council, federal agencies are working together to enhance community safety and well-being, assist those returning from prison and jail in becoming productive citizens, and save taxpayer dollars by lowering the direct and collateral costs of incarceration.

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REENTRY
MYTH BUSTER!

On SNAP Benefits

A Product of the Federal Interagency Reentry Council

MYTH: Individuals convicted of a felony can never receive Supplemental Nutrition Assistance Program (SNAP, formerly the Food Stamp Program) benefits.

FACT: This ban applies only to convicted drug felons, and only thirteen States have kept the 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 Sates from providing Food Stamps (now the Supplemental Nutrition Assistance Program) to convicted **drug** felons unless the State passes legislation to extend benefits to these individuals.

Only the following 13 States have kept the welfare ban entirely in place: Alabama, Alaska, Arizona, Arkansas, Florida, Georgia, Indiana, Mississippi, Missouri, North Dakota, South Carolina, Texas and West Virginia. All other States have modified the ban or have eliminated it entirely.

The following 18 States and the District of Columbia have eliminated the ban entirely: Iowa, Kansas, 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 19 States have amended the ban to allow some individuals to regain eligibility by meeting certain additional requirements, like receiving or completing drug or alcohol treatment: California, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Montana, Nebraska, Nevada, North Carolina, Tennessee, Virginia and Wisconsin.

For More Information:

See the SNAP State Options Report at
www.fns.usda.gov/SNAP/government/Policy.htm

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On SNAP Benefits/ID

REENTRY MYTH BUSTER!

A Product of the Federal Interagency Reentry Council

MYTH: An individual cannot apply for Supplemental Nutrition Assistance Program (SNAP, formerly the Food Stamp Program) benefits without a valid State-issued identification card.

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

Supplemental Nutrition Assistance Program (SNAP) regulations require an applicant to verify his or her identity in order to receive program benefits. A valid State-issued ID is a common document used to prove an applicant's identity, but it is not the only acceptable form of proof. SNAP regulations require that local SNAP offices offer applicants flexibility about the type of documents they can provide to verify their information. A local office is required to accept any document that reasonably establishes the applicant's identity and cannot accept only one type of verification. Other examples of acceptable documents that verify an applicant's identity are:

- 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

If an applicant cannot obtain sufficient verification on his or her own, the local office is required to provide assistance. If sufficient proof of identity cannot be obtained, the local office can accept a statement from a collateral contact who can confirm the applicant's identity. A collateral contact is a person who is knowledgeable about the applicant's situation and can corroborate information given on the application. Possible collateral contacts include current or former employers, landlords, probation officers or staff members from other social service agencies.

For More Information:

Visit the SNAP website at www.fns.usda.gov/snap for information on application and eligibility requirements.

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On SNAP Benefits/Mailing Address

REENTRY MYTH BUSTER!

A Product of the Federal Interagency Reentry Council

MYTH: An individual cannot apply for Supplemental Nutrition Assistance Program (SNAP, formerly the Food Stamp Program) benefits without a mailing address.

FACT: A person can get SNAP benefits even if he or she does not have a mailing address.

The Supplemental Nutrition Assistance Program (SNAP) application process requires applicants to provide an address where they can receive case related notices. Some common documents that clients receive by mail include:

- Electronic Benefit Card (EBT) that clients use to access their benefits at authorized stores
- Reapplication forms
- Eligibility interview appointment information

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 about their situation to find out how they can receive program-related correspondence. Some common ways local offices ensure that clients without a mailing address receive notices include:

- Holding correspondence at the local office for pick up;
- Using the address of a local shelter (with the shelter's permission);
- Use the address of a trusted friend or family member (with resident's permission);
- Send correspondence to a local post office as general delivery mail.

Establishing a procedure for applicants without a fixed address to receive timely correspondence helps to ensure that they continue to receive all the SNAP benefits for which they are eligible.

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REENTRY MYTH BUSTER!

On Federal Student Financial Aid

A Product of the Federal Interagency Reentry Council

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 some limited eligibility for federal student aid. In general, restrictions on federal student aid eligibility are removed for formerly incarcerated individuals, including those on probation, on parole, or residing in a halfway house.

- An individual incarcerated in a federal or state institution is ineligible to receive a Federal Pell Grant or federal student loans. 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 FSEOG or FWS due to the FSEOG award priority, which is that the grant must be given to those students who also will receive a Federal Pell Grant, and due to the logistical difficulties of performing an FWS job 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. Also, 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. In addition, 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 1-800-4-FED-AID (1-800-433-3243) or visit www.nslds.ed.gov.
- 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 as indicated in the two bullets below.
- 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* (FAFSA[SM]), 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.ed.gov/pubs.
- If you have been convicted of a forcible or nonforcible 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:

To learn about applying for federal student aid, visit www.studentaid.ed.gov.
For details on whether the drug conviction(s) of a particular individual would limit aid eligibility, visit www.studentaid.ed.gov/pubs **and view the "FAFSA Question 23 Student Aid Eligibility Worksheet" to establish if or when a conviction limits eligibility.**

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REENTRY
MYTH BUSTER!

On Federal Taxes

A Product of the Federal Interagency Reentry Council

MYTH: Incarceration exempts individuals from the requirement to file taxes, halts the accumulation of federal tax debts, and prohibits the receipt of tax credits and deductions upon release.

FACT: Incarceration neither changes one's obligation to pay taxes and tax debts nor prohibits the receipt of tax credits and deductions upon release.

Filing Taxes and Accumulation of Tax Debt

All citizens must comply with the federal requirements to file and pay taxes. Collection of tax debts does not stop automatically upon incarceration. Individuals who are unable to pay should contact the Internal Revenue Service (IRS).

A tax return is necessary when:

- Applying for housing and providing proof of income to the rental agency or owner.
- Applying for a student loan-- the college/university will ask for proof of income and request to see an individual's most recent tax return.
- Purchasing large items such as homes, cars, etc. that also require proof of income.
- Proving or establishing residency in the United States and providing employers with employment history.

If the IRS deems an individual unable to pay any tax debt, collection may be delayed until the individual's financial condition improves. But, delay of collection will *increase* tax debt because *penalties and interest are charged until payment of the full amount.*

- Individuals who owe $25,000 or less in combined tax, penalties, and interest, can, for a fee, request an installment agreement.
- Additional time to pay taxes in full may be granted, but the payments must be timely.

To make an installment or payment delay request, use the Online Payment Agreement application at www.irs.gov or call 800-829-1040.

Individuals have three years from the due date of a tax return to file a past due return and receive a refund. Individuals who do not have the necessary documents to prove employment should:

- Call 1-800-829-1040 and request a copy of their Form W-2, Wage and Tax Statement, or Form 1099-MISC, Miscellaneous Income, for the year for which the tax return is being filed.
- After receiving the forms, contact the local IRS office or local 211 number to receive free tax return preparation services.

Before or after incarceration, individuals can visit a Low Income Tax Clinic (LITC) for assistance. LITCs are independent organizations that provide low income taxpayers with representation in federal tax disagreements with the IRS for free or for a nominal charge.

Free help is available through the Taxpayer Advocate Service (TAS), an independent organization within the IRS that helps taxpayers who are experiencing economic harm as a result of tax issues. Individuals should contact their local advocates, whose numbers are in the phone book, in Publication 1546, Taxpayer Advocate Service -- Your Voice at the IRS, online at www.irs.gov/advocate, or by calling 1-877-777-4778.

Tax Credits and Deductions

After release, a felony conviction does not bar an individual from receiving tax credits or deductions. Tax Credits create a dollar for dollar reduction in tax liability. Tax deductions reduce the level of taxable income.

REENTRY
MYTH BUSTER!

On Federal Taxes

A Product of the Federal Interagency Reentry Council

Common tax credits include:

- Earned Income Tax Credit (EITC) – Individuals who work and have an earned income below the thresholds may qualify for the refundable EITC; the amount is determined by income and family size. **Income received for work performed while incarcerated, in a work release program or while in a halfway house is not included in the calculation of the EITC amount**.
- Child Tax Credit - Individuals with a qualifying child may receive this tax credit which can be claimed in addition to the Child and Dependent Care Credit (see below).
- Child and Dependent Care Credit –Covers a percentage of the expenses paid for the care of children under age 13, or for a disabled spouse or dependent, which enables the taxpayer to work.
- Education Credits—The American Opportunity Tax Credit covers some tuition and related expenses in the first four years of post-secondary education of an eligible student for whom the taxpayer claims an exemption on the tax return. The Lifetime Learning Credit can be claimed for all post-secondary education for an unlimited number of years. Both credits cannot be claimed for the same student in one year.
- Retirement Savings Contribution Credit – May be claimed on a percentage of qualified retirement savings contributions. Eligible individuals must be age 18 or older at the end of the year, not a student or an individual for whom someone else claims a dependency exemption, and have an adjusted gross income below a specified amount.

Common tax deductions include:

- Standard Deduction - Consists of the basic standard deduction and any additional standard deduction for age or blindness.
- Exemption – Reduces taxable income. Individuals are entitled to a personal exemption when filing a tax return.

For More Information:

Publication 594, The IRS Collection Process, provides valuable information on the collection process.

Publication 4925, Get Right with Your Taxes and **Get Right with Your Taxes**, Facilitator's Guide for Prisoner Reentry Educational Program

For more information on LITC's see **Publication 4134, Low Income Taxpayer Clinic List**, this provides information on clinics in local areas.

Publication 596, Earned Income Tax Credit

Publication 972, Child Tax Credit

Publication 503, Child and Dependent Care Expenses

Publication 970, Tax Benefits for Education

Chapter 5 in Publication 590, Individual Retirement Arrangements (IRAs)

Publication 501, Exemptions, Standard Deduction, and Filing Information

For copies of these documents, call toll free at 1-800-TAX-FORM (1-800-8293676), write or visit a local IRS office. To find a local office, visit the IRS website at www.irs.gov.

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REENTRY
MYTH BUSTER!

On Voting Rights

A Product of the Federal Interagency Reentry Council

MYTH: An individual with a felony conviction can never vote.

FACT: Nearly every state has a restoration process to regain voting rights. Only a few states do not allow re-enfranchisement, and those restrictions only apply to a few specific offenses. Generally, it is not a matter of whether one can vote, but how and when one can vote.

It is a common misconception that all states permanently disenfranchise a person on the basis of a felony conviction. Every state is different with respect to disenfranchisement and restoring one's right to vote. There is no federal law disqualifying people with convictions to vote.

While many states do temporarily take away a citizen's right to vote for a criminal conviction, most states automatically restore that right once a person is no longer incarcerated or once they have completed probation or parole. Thus, in the real sense, most incarcerated individuals have their voting rights suspended. In particular:

- 14 states (including the District of Columbia) suspend a citizen's right to vote only while incarcerated. Those states are DC, HI, IL, MA, MT, NH, ND, OH, OR, PA, and UT.
- 23 states suspend a citizen's right to vote until certain post-incarceration sentences and obligations are satisfied, including probation and parole, and often times the payment of fees and restitution associated with such.
- 12 states require an additional waiting period, ranging from two to seven years, and/or additional requirements, such as applying for clemency or pardon from a governor, parole board, or judge, or even convincing a state legislature to pass a bill specifically designated to re-enfranchise an individual.
- In two states, ME and VT, people with criminal convictions are not disenfranchised. Individuals may vote even while incarcerated.

Some states do permanently disallow the restoration of one's voting rights for certain crimes committed - these include AL, TN, OH, and MD. In these states, even pardons, expunged records, or other such restoration methods are disallowed. Some sources incorrectly cite VA, KY, IA, and FL as states that permanently disenfranchise individuals for criminal offenses; all of these states actually have restoration processes for all disqualifying criminal convictions, albeit some are lengthy.

For More Information:

The Sentencing Project
http://www.sentencingproject.org/template/page.cfm?id=133

National Conference of State Legislatures
http://www.ncsl.org/default.aspx?tabid=16529

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On Medicaid Suspension vs. Termination

REENTRY MYTH BUSTER!

A Product of the Federal Interagency Reentry Council

MYTH: Medicaid agencies are required to terminate benefits if an otherwise eligible individual is incarcerated.

FACT: States are not required to terminate eligibility for individuals who are incarcerated based solely on inmate status. States may suspend eligibility during incarceration, enabling an individual to remain enrolled in the state Medicaid program, thereby facilitating access to Medicaid services following release.

Medicaid-eligible individuals 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 and only affects the availability of federal funds under Medicaid for reimbursement of medical services provided to an incarcerated individual. **The FPP exclusion does not affect the Medicaid eligibility of an incarcerated individual.** Additionally, Medicaid reimbursement is available for inpatient services provided to an inmate in *medical* facilities.

Prior to release from incarceration, the state may make certain that enrolled individuals in suspended status are placed in payment status to ease the receipt of Medicaid-covered services immediately upon leaving the facility.

Inmates not already enrolled in Medicaid may file an application prior to discharge. Beginning the process before release allows the state time to enroll eligible individuals so that they may receive Medicaid-covered services upon leaving the facility.

The Medicaid letter on the back of this document, dated 4/25/2004 and entitled *Ending Chronic Homelessness,* explains the suspension versus termination dichotomy in greater detail.

For More Information:

For more information see the Centers for Medicare and Medicaid Services Medicaid Primer (pp 75- 77), available on the CMS website: https://www.cms.gov/CommunityServices/ downloads/Homeless_Primer.pdf.

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DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mail Stop S2-14-26
Baltimore, Maryland 21244-1850

CMS
CENTERS for MEDICARE & MEDICAID SERVICES

Center for Medicaid and State Operations
Disabled and Elderly Health Programs Group (DEHPG)

TO: State Medicaid Directors
CMS Associate Regional Administrators for Medicaid

CC: Charlene Brown, CMSO Deputy Director

FROM: Glenn Stanton
Acting Director
Disabled and Elderly Health Programs Group (DEHPG)

SUBJ: Ending Chronic Homelessness

DATE: May 25, 2004

The United States Interagency Council on Homelessness, recently chaired by HHS Secretary Thompson, is working to develop and implement a comprehensive national approach to end chronic homelessness in the United States through interagency, intergovernmental, and intercommunity collaborations. CMS has been supporting the efforts of the council in several ways. First, we worked with our federal partners to release a new tool on our website entitled *First Step on the Path to Benefits for People who are Homeless.* The *FirstStep* product is an easy-to-use, interactive tool designed to assist case managers and outreach workers in helping people who are homeless to gain access to mainstream programs. The tool may be found on the CMS website at http://www.cms.hhs.gov/medicaid/homeless/firststep/index.html.

Second, I am pleased to announce that we have posted a report on our website that is entitled *Improving Medicaid Access for People Experiencing Chronic Homelessness: State Examples.* This report focuses on practices that have increased Medicaid access for people experiencing chronic homelessness, including assisting people leaving psychiatric facilities and correctional facilities to obtain Medicaid quickly. We hope this report will provide useful information about state efforts as you address chronic homelessness issues in your state. The report may be found on CMS's website at http://www.cms.hhs.gov/promisingpractices/ or at http://www.cms.hhs.gov/medicaid/homeless/.

Finally, CMS is encouraging states with this letter to "suspend" and not "terminate" Medicaid benefits while a person is in a public institution or Institute for Mental Disease (IMD). Persons released from institutions are at risk of homelessness; thus, access to mainstream services upon release is important in establishing a continuum of care and ongoing support that may reduce the demand for costly and inappropriate services later.

As a reminder, the payment exclusion under Medicaid that relates to individuals residing in a public institution or an IMD does not affect the *eligibility* of an individual for the Medicaid program. Individuals who meet the requirements for eligibility for Medicaid may be enrolled in

the program before, during, and after the time in which they are held involuntarily in secure custody of a public institution or as a resident of an IMD. The statutory federal financial participation (FFP) exclusion applying to inmates of public institutions and residents of IMDs affects only the availability of federal funds under Medicaid for health services provided to that individual while he or she is an inmate of a public institution or a resident of an IMD.

Thus, states should not terminate eligibility for individuals who are inmates of public institutions or residents of IMDs based solely on their status as inmates or residents. Instead, states should establish a process under which an eligible inmate or resident is placed in a suspended status so that the state does not claim FFP for services the individual receives, but the person remains on the state's rolls as being eligible for Medicaid (assuming the person continues to meet all applicable eligibility requirements). Once discharge from the facility is anticipated, the state should take whatever steps are necessary to ensure that an eligible individual is placed in payment status so that he or she can begin receiving Medicaid-covered services immediately upon leaving the facility. If an individual is not already eligible for Medicaid prior to discharge from the facility, but has filed an application for Medicaid, the state should take whatever steps are necessary to ensure that the application is processed in a timely manner so that the individual can receive Medicaid-covered services upon discharge from the facility.

Given the high incidence of substance abuse, mental illness, and physical illness among those who have been incarcerated or otherwise held in involuntary custody, I encourage states to coordinate prison health services and other health care services provided during involuntary confinement with Medicaid services. By working with parole officers and other social services professionals who deal with inmates and residents of IMDs who are to be released, State Medicaid programs can assure that eligible persons are enrolled in Medicaid prior to release and can create an ongoing continuum of care for these individuals, regardless of the source of funding for such care.

In closing, I want to thank you for your ongoing efforts to improve access to Medicaid for all persons, and particularly for those who are homeless.