



# Live Satellite/Internet Broadcasts

## Participant Guide



OFFENDER EMPLOYMENT RETENTION (OER)  
WORTH THE WORK!

JOIN THE DISCUSSION

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## Segment 1: Welcome to Offender Employment Retention: Worth the Work

*"Currently, over 700,000 individuals are released from state and federal prisons each year. Statistics indicate that more than two-thirds of state prisoners are rearrested within three years of their release and half of all prisoners are reincarcerated. Ultimately, more than 95 percent of incarcerated individuals will be released back to the community...."*

*The cost is enormous. The U.S. now spends more than \$68 billion on federal, state and local corrections."*

*United States Attorneys' Offices, August 2011*

### *Employment Helps to Lower Recidivism Rates*

*"Research has empirically established a positive link between job stability and reduced criminal offending. Lipsey's (1995) meta-analysis of nearly 400 studies from 1950 to 1990 found that the single most effective factor in reducing reoffending rates was employment."*

*Petersilia, When Prisoners Come Home: Parole and Prisoner Reentry, 2003*

This Offender Employment Retention Broadcast will cover the following OBJECTIVES:

- Define and describe an offender retention model
- Identify strategies, resources and partnerships that improve retention outcomes
- Describe a process for developing effective offender services and programming
- Identify collaborative partnerships that support increased public safety and effective reentry programs

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**Segment 2:**  
Defining Offender Employment Retention:  
Part I: The Stakeholders

*“Reentry issues are complex and overlapping. An effective response to reentry challenges must therefore be multifaceted and involve multiple service delivery systems working together.”*  
*Federal Interagency Reentry Council, May, 2011*

*“U.S. Attorney’s Offices have a unique “turf neutral” convening power, not only for federal agencies, but for state and local agencies as well, that can provide the perfect opportunity to create successful collaborations on reentry efforts. USAOs that are currently undertaking successful reentry initiatives for state and local prisoners have often developed the necessary contacts from existing state and local partnerships.”*

*Reentry Toolkit for United States Attorney’s Offices*

**What is Offender Employment Retention?**

**Offender Employee Retention (OER) is the ability to maintain active and ongoing attachment to the workforce over time**

It’s also more than that, it is a new, and more collaborative approach. Not just “What is in it for me?” but “What can we accomplish together?” This includes:

- service providers
- researchers
- academics
- state, local and national governments
- criminal justice agencies
- workforce systems
- faith based organizations

The list of stakeholders interested in seeing OER succeed are:

- The Offender
- Families and Loved Ones of the Offender
- Employers
- Schools – trade and associations
- Communities / Those with Public Safety concerns
- Business and Non-Profit agencies
- Correctional Professionals and their agencies
- Federal and State Government
- Tax payers – it’s all of us with a vested interest in the issue

**Segment 3**  
Defining Offender Employment Retention  
Part II: The Barriers and Benefits

*“One in 99 American adults is currently incarcerated. This marks the highest rate of imprisonment in our nation’s history. For communities of color, the rates are even higher. One in every 15 African-American adults is incarcerated. And one in every 36 Hispanic male adults is incarcerated. If people cannot secure jobs when they are released from incarceration, it increases the chances they will return to a life of crime.*

*One of the Re-Entry Council’s strategies to address this problem is to make sure that employers have the facts. Some employers believe they have no economic incentives to hire workers who’ve been incarcerated. Actually, employers can reduce their federal tax liability by up to 40 percent of the wages they pay to any new worker who has a prior felony conviction. That’s a tax credit of up to \$6,000.*

*Also, the Labor Department offers free federal bonding insurance to employers who hire these workers. These bonds offer 100 percent coverage against any loss due to theft for the first six months of employment. Our bonding program has helped place 42,000 job applicants and has had a 99 percent success rate. So there are clear economic advantages for companies to reintegrate these workers into their labor force.”*

*Remarks by Hilda L. Solis, Secretary of Labor  
Workforce Development & Employment Strategies for the Formerly Incarcerated  
DOL Great Hall,  
Washington, DC,  
Tuesday, June 21, 2011*

*“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 wellbeing, assist those returning from prison and jail in becoming productive citizens, and save taxpayer dollars by lowering the direct and collateral costs of incarceration.”*

*Mythbuster! A Product of the Federal Interagency Reentry Council*

**Offender Workforce Development Specialist (OWDS): Identified offenders barriers and opportunities**

Offender Barriers	Solutions / Counterpoints
Discrimination Work will be interrupted Underemployment	Myth busters job readiness programs
External barriers <ul style="list-style-type: none"> <li>• Transportation</li> <li>• Childcare</li> <li>• Housing</li> </ul>	Myth Busters Re-entry council website <a href="http://www.nationalreentryresourcecenter.org/documents/0000/1090/REENTRY_MYTHBUSTERS.pdf">http://www.nationalreentryresourcecenter.org/documents/0000/1090/REENTRY_MYTHBUSTERS.pdf</a>
Attitudes and criminal thinking Addiction issues Mental health issues	Cognitive Programming Self worth and independence Treatment
Supervision relationship	Less recidivism
Anti-social relationships	Pro-social relationships Positive family impact
Education and training	community colleges, vocational training

**Offender Workforce Development Specialist (OWDS): Identified staff barriers in supporting offender employment and reentry. I.e. Probation, parole, workforce development, security**

Program Delivery / Staff / Agency Barriers	Solutions / Counterpoints
Systemic Changes	Outcome oriented - retention
Attitudes <ul style="list-style-type: none"> <li>• stress</li> <li>• apathy</li> </ul>	Promotion Less Stress
Lack of knowledge <ul style="list-style-type: none"> <li>• Staff members do not understand the impact of helping offenders. When offenders are doing well, incidents decrease</li> </ul>	Staff safety and Community safety
Lack of communication between and with partners <ul style="list-style-type: none"> <li>• employers</li> <li>• correctional staff</li> <li>• offenders etc.</li> </ul>	Re-entry initiatives Collaboration
Policy Changes <ul style="list-style-type: none"> <li>• operational restructuring</li> </ul>	
Political Changes Budget	Return on investment (cost benefit) Tax takers to Tax payers Improved public safety Pro-social connections

**Segment 4**  
Offender Employment Retention Toolkit  
Reducing Recidivism through Evidence Based Practices  
Strategy and Partnerships

*The Federal Interagency Reentry Council defines Evidence Based Practice and its importance to the Corrections community as follows:*

*“Evidence-based practice is the conscientious use of the best evidence available to inform decisions about the supervision of individual offenders as well as the design and delivery of policies and practices to achieve the maximum, measurable reduction in recidivism. Evidence-based practices are programs that have been scientifically proven to be effective.”*

## Offender Workforce Development Model



**Segments 5**  
Putting the Gears in Motion: OER Implementation  
Part I: Assessing & Planning

*The Attorney General's Office has recently released a report that states:*

*"Reentry programs have now, in the words of the Attorney General, "moved from the margins to the mainstream" both for the Department of Justice and for state and local criminal justice systems.*

*The need to stem the growing costs associated with the tremendous growth in the prison population has made reentry practices a critical part of the public safety mission of the Department of Justice."*

The OERS Pathway to progress model is a 4 step process adapted from the more detailed 11 step planning model offered by NIC as part of the Offender Workforce Development Specialist. This model provides a structure for agencies to begin to examine priorities and needs and to begin planning for positive outcomes. The model can also be used in individual case management with the offender/customer at the center of the model, helping them to examine their situation, plan and set goals, implement and take action, evaluate their progress.

Step one involves assessing the priorities, culture, needs and available resources while identifying potential gaps that need to be filled.

*Assessing Involves:*

- \*Identify Stakeholders*
- \*Identify Stakeholder Priorities*
- \*Identify Your Priorities*
- \*Identify the Needs of the Target Population*
- \*Identify available Resources*
- \*Identify Employer Needs*
- \*Identify Economic Needs*

*Assess Labor Market Information*

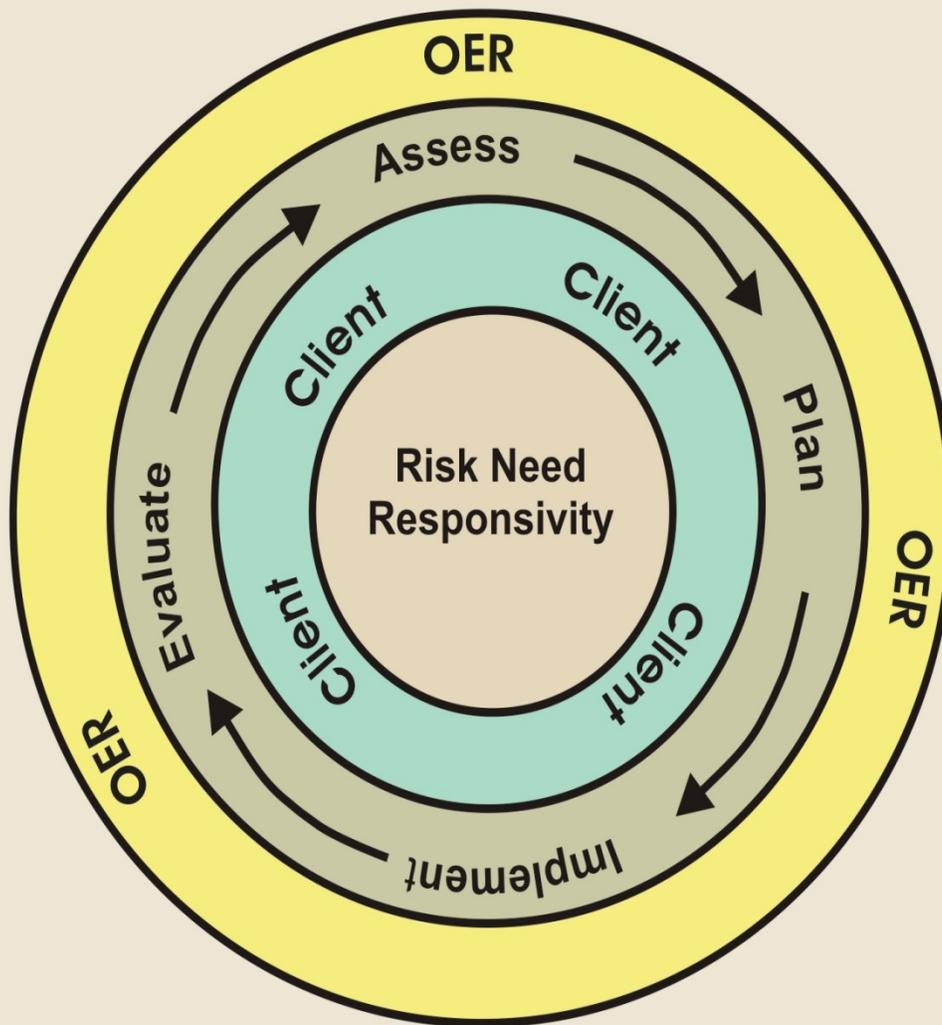
Step two includes the formal development of plans which requires education of partners to reach shared goals.

*Developing SMART Goals*

*Specific*  
*Measurable*  
*Attainable*  
*Relevant*  
*Timely*

# PATHWAY TO PROGRESS

## Offender Employment Retention



**Segment 6**  
Putting the Gears in Motion: Strategic Planning  
Part II: Implementing & Evaluating

Once the assessment and planning have occurred, the implementation takes place. Services are delivered on a continuum based upon the individual risk and needs.

Intensive services are aimed at individuals who are deemed high risk overall and also high risk in the domain areas of education and employment.

Moderate to lower risk offenders are offered a series of shorter workshops on building their resumes, applying for jobs, interview skills and awareness of workforce development resources in the community.

Gearing the plan towards the specific needs of each individual offender will increase the probability of a positive implementation. The offender will realize it is their own plan of action and be more motivated to put it into place.

In order to have the most effective outcomes, it is important to evaluate your existing programs. The information gathered goes back into the cycle of assessing, planning implementing and improving processes and delivery of services.

The included assessment, planning, implementation and evaluation worksheets can be used as a guide to create or modify your own jurisdiction's process. See Appendix.

**Segment 7**  
Leveraging Resources:  
Professional Development Opportunities

**OES: Offender Employment Specialist**

OES: Building Bridges" is a training program featuring a variety of OES (Offender Employment Specialist) professionals in jails, prisons, probation and parole, community corrections, community-based organizations, and faith-based organizations. These individuals demonstrate best practices, discuss ways for overcoming challenges, and identify tools and strategies for improving outcomes in offender employment.

**OWDS (Offender Workforce Development Specialist)**

The Offender Workforce Development Specialist (OWDS) Partnership Training Program is offered by invitation only to teams of twelve people. Modules of instruction include: career development theory and application; understanding and using facilitation skills; the role of assessment in career planning and job placement; instruction and group facilitation; designing and implementing training and work development services; barriers to employment; ethics and the career development facilitator; transition interventions for the offender population; job seeking and employability skills; job retention; and the role of information and computers in career planning.

**OERS (Offender Employment Retention Specialist)**

The Offender Employment Retention Specialist Training will provide practitioners the knowledge, skill and abilities to develop specialized services and programming for offenders targeted as being at high risk for job loss. The training, delivered using a combination of both classroom-based and distance learning instruction, is the third course in a series specific to offender workforce development (with Offender Employment Specialist training and Offender Workforce Development Specialist training being the first two courses, respectively). This training builds on the relationship between the principles of cognitive behavioral therapy (CBT) and motivational interviewing (MI) techniques. Combining these two research-based methods helps the offender create a solid foundation for self-exploration, one that helps resolve any ambivalence to change

**Upcoming OERS training dates through the National Institute of Corrections**

**Jan. 09, 2012 - Jan. 13, 2012**

**May. 07, 2012 - May. 11, 2012**

## Thinking for Change

Thinking for a Change (T4C) is the innovative, evidence-based cognitive behavioral curriculum from the National Institute of Corrections (NIC) that has broadly influenced the correctional field and the way correctional facilitators work with offenders and inmates. The program can be delivered to correctional clients by facilitators who have been trained to do so. Studies have shown that, when implemented with integrity, it can reduce recidivism among offenders. Lessons comprising this manual are: introduction; social skill-active listening; social skill—asking questions; social skill-giving feedback; social skill-knowing your feelings; cognitive self-change—thinking controls our behavior; cognitive self-change step 1—pay attention to our thinking; cognitive self-change step 2—recognizing risk; cognitive self-change step 3—use new thinking; thinking check-in; social skill—understanding the feelings of others; social skill—making a complaint; social skill—apologizing; social skill—responding to anger; social skill—negotiating; introduction to problem solving; problem solving skill 1—stop and think; problem solving skill 2—state the problem; problem solving skill 3—set a goal and gather information; problem solving practice skills 1-3; problem solving skill 4—think of choices and consequences; problem solving skill 5—make a plan; problem solving skill 6—do and evaluate; problem solving application; next steps; cognitive self-change—aftercare skill practice; social skill—aftercare skill practice; and problem solving—aftercare skill practice. The curriculum was developed by Barry Glick, Ph.D., Jack Bush, Ph.D., and Juliana Taymans, Ph.D., in cooperation with the National Institute of Corrections.

## Motivational Interviewing

Motivational interviewing (MI) was developed by clinical psychologists Professor William R Miller, Ph.D. and Professor Stephen Rollnick, Ph.D. It is a client-centered, semi-directive method of engaging intrinsic motivation to change behavior by developing discrepancy and exploring and resolving ambivalence within the client. The main goals of motivational interviewing are to establish rapport, elicit change talk, and establish commitment language from the client. Motivational interviewing is non-judgmental, non-confrontational and non-adversarial. The approach attempts to increase the client's awareness of the potential problems caused, consequences experienced, and risks faced as a result of the behavior in question.

*“Reentry provides a major opportunity to reduce recidivism, save taxpayer dollars, and make our communities safer.” Attorney General Eric Holder, Jr.*

# APPENDIX

## GLOSSARY OF TERMS

**Offender Employee Retention (OER)** is defined as the ability to maintain active and ongoing attachment to the workforce over time

OER is more than keeping a person in one job

- It involves having a changing view of success, it's attachment to employment for the long-term
- Involves career development, career paths
- It is a holistic strategy requiring a system-wide approach, interdisciplinary, supportive wrap-around services used to address a hierarchy of needs (shoes, clothing, housing, etc)
- Job versus Career Model
  - developing skills for a career path
  - view problems as challenges and learning experiences
  - attachment to the world of work

**Evidence Based Practice:** The Federal Interagency Reentry Council defines Evidence Based Practice and its importance the to the Corrections community as follows:

“Evidence-based practice is the conscientious use of the best evidence available to inform decisions about the supervision of individual offenders as well as the design and delivery of policies and practices to achieve the maximum, measurable reduction in recidivism. Evidence-based practices are programs that have been scientifically proven to be effective.”

### **Criminogenic:**

Events in a person life that contribute toward producing or tend to produce a crime or criminal activity and behavior

### **Criminogenic Risk: The Who**

Circumstances that are directly related to the probability of re-offending

### **Criminogenic Needs: The What**

Attributes of offenders directly linked to criminal behavior

### **Offender Criminogenic attributes that are directly linked to criminal behavior.**

- Anti-social personality
- Anti-social attitudes and values
- Anti-social associates
- Family dysfunction
- Poor self-control, poor problem-solving skills
- Substance abuse
- Lack of employment/employment skills

### **Responsivity: The How**

Intervention based on the criminogenic risks and needs

The specific model used in the OERS is the **Relapse Prevention Model**.

Relapse prevention model is a collection of CBT skills that helps offenders identify and prepare for triggers that place them at high risk for losing employment. For example:

- Dealing with conflict with co-workers or supervisors
- Managing stress associated with being on time, receiving criticism, performance ratings, etc.
- How to effectively interact in the work world
- How to leave a job and pursue another

### **Cognitive Behavioral Interventions (CBI)**

CBI's use a scientific approach requiring sound client assessments, specific treatment goals following a program intervention that is well designed and specifically implemented

CBI's focus on the present rather than past experiences and behaviors, require offenders to be active in their own learning and treatment and presume that the intervention will be targeted to address specific needs (preferably those that have been identified as criminogenic in nature).

CBI's are usually short term interventions, lasting weeks rather than months or years; are sequential in teaching skills; combine well tested procedures to teach offenders: such as a process to train skills or modify the offender's thoughts, feelings, beliefs and attitudes by well tested cognitive restructuring techniques.

### **Motivational Interviewing:**

A collaborative and person centered form of guiding to elicit and strengthen a person's motivation to change.

**OERS Pathway to Progress - Worksheet**

**Section 1 – Assess**

**Conducting an environmental scan**

List any priorities, political issues, or external pressures that could affect the development or delivery of programs or services.

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**What are the characteristics and needs of the population to be served?**

Describe the specific population and identify the reason services are needed, i.e barriers, economic issues, past successes.

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**Identify the stakeholders and partners.**

List those who are stakeholders and those who may be partners related to programs and services and identify how they fit in the planning process.

***Stakeholders and partners***

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**Identify Available Resources and Employer Needs:**

List any existing resources that exist to assist in the development of employment opportunities. List Identified Employer Needs

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**Section 2 – Plan**

Bring together stakeholders and partners to establish objectives and goals for the programs and services you are designing. These objectives goals should be Specific, measurable, attainable, relevant and timely (SMART).

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Identify how you can evaluate programs and services. Remember that evaluation should be based on the measurable objectives and goals you have set.

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Describe the programs and services that you plan to provide, including the sequence of events, how the services will be delivered, and who will deliver them.

<u>Services</u>	<u>How to Deliver</u>	<u>Who will Deliver</u>
<hr/>	<hr/>	<hr/>

List the resources needed to deliver these services. Include personnel and their time, facilities, equipment, materials, partners, etc.

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

List significant barriers the programs and services may encounter as you consider the environment, the stakeholders/partners, and the resources needed. Create list of potential barriers and strategies to overcome each barrier identified.

<u>Barriers</u>	<u>Strategies to overcome</u>
_____	_____
_____	_____
_____	_____
_____	_____

Plan how to market programs and services to administration, staff, and peers and three ideas for marketing to offenders.

***Administration/Staff/Peers:***

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

***Offenders:***

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

**Section 3 - Implement**

In the space provided below, review, rewrite, and select your goal and objectives from the “plan” section. For each goal or objective, state the steps that you will need to accomplish in order to develop promote, deliver, and evaluate these services.

*Goal/Objective* \_\_\_\_\_

<i>Detailed Steps</i>	<i>Assigned Responsibility</i>	<i>Due Dates</i>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

*Goal/Objective:* \_\_\_\_\_

<i>Detailed Steps</i>	<i>Assigned Responsibility</i>	<i>Due Dates</i>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

*Goal/Objective:* \_\_\_\_\_

<i>Detailed Steps</i>	<i>Assigned Responsibility</i>	<i>Due Dates</i>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**Section 4 – Evaluate**

List resources available at your location to assist with evaluation and resources you need to evaluate the effectiveness of programs and services. (colleges, universities, data tracking systems, researchers etc.)

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From the goals and objectives set for programs and services determine the desired outcomes and method for evaluating.

**Goal/Objective:** \_\_\_\_\_

<i>Desired Outcome</i>	<i>How to Measure</i> Quantitative/Qualitative	<i>Analyze</i> Internal - External
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**Goal/Objective:** \_\_\_\_\_

<i>Desired Outcome</i>	<i>How to Measure</i> Quantitative/Qualitative	<i>Analyze</i> Internal - External
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**Goal/Objective:** \_\_\_\_\_

<i>Desired Outcome</i>	<i>How to Measure</i> Quantitative/Qualitative	<i>Analyze</i> Internal - External
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

*Goal/Objective:* \_\_\_\_\_

<i>Desired Outcome</i>	<i>How to Measure</i> Quantitative/Qualitative	<i>Analyze</i> Internal - External
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

*Goal/Objective:* \_\_\_\_\_

<i>Desired Outcome</i>	<i>How to Measure</i> Quantitative/Qualitative	<i>Analyze</i> Internal - External
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Plan for sharing evaluation outcomes and use information to identify gaps and **assess** the next level of need. List method for distributing evaluation results and how results will be used to **assess** future needs.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

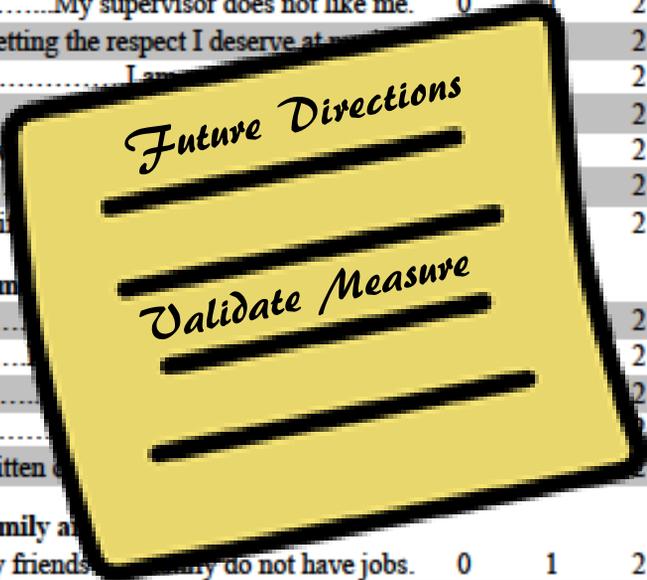
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\_\_\_\_\_

## Employment Retention Questionnaire

Instructions: Please circle a response for each of the items. If you do not understand an item, leave it blank and discuss it with your counselor. None of the possible response choices are illegal or place you at risk for violating probation or parole. Please answer honestly.

IN THE PAST MONTH...		Does Not Apply	Applies A Little	Applies Somewhat	Definitely Applies
<b>Barriers</b>					
1	Family issues make it hard for me to get to work.	0	1	2	3
2	I have transportation problems getting to my job.	0	1	2	3
3	I don't have a stable place to live.	0	1	2	3
4	My injuries or health problems interfere with work.	0	1	2	3
5	Other problems in life are more important than my job.	0	1	2	3
<b>Stress</b>					
6	I dislike my co-workers.	0	1	2	3
7	My supervisor does not like me.	0	1	2	3
8	I am not getting the respect I deserve at work.	0	1	2	3
9	I am	0	1	2	3
10		0	1	2	3
11	I w	0	1	2	3
12		0	1	2	3
13	My li	0	1	2	3
<b>Time</b>					
14		0	1	2	3
15		0	1	2	3
16		0	1	2	3
17		0	1	2	3
18	I got a written c	0	1	2	3
<b>Family and Friends</b>					
19	My friends	0	1	2	3
20	I feel like I'm the only one who has to work.	0	1	2	3
21	People I hang out with don't care about a job.	0	1	2	3
22	My friends don't understand why I go to work.	0	1	2	3
23	My friends pull me away from my job.	0	1	2	3



Please complete other side of questionnaire.

**Inmate Reentry Skills  
Federal Bureau of Prisons**

<b>Reentry Skills</b>	<b>Reentry Skills as Demonstrated in the Institution and in the Community</b>
<b>Daily Living Skills</b> <ul style="list-style-type: none"> <li>- Financial Management</li> <li>- Food Management</li> <li>- Personal Hygiene/Sanitation</li> <li>- Transportation</li> <li>- Identification</li> <li>- Housing</li> <li>- RRC Placement</li> <li>- Family Care</li> </ul>	<p>Displays independent living skills commensurate with institution or community opportunities to include maintenance of a clean residence, a responsible budget to include a savings account, meal preparation, appropriate personal hygiene and appearance and proper etiquette. Obtains, maintains, and/or contributes financially to a legal residence and any necessary transportation. Obeys institution rules and regulations and local, state and federal laws. Is able to identify and access community resources for basic needs.</p>
<b>Mental Health Skills</b> <ul style="list-style-type: none"> <li>- Substance Abuse Management</li> <li>- Mental Illness Management</li> <li>- Transitional Plan</li> <li>- Appropriate Sexual Behavior</li> </ul>	<p>Maintains sound mental health through avoidance of substance abuse/dependence and other self-destructive behaviors and use of effective coping techniques. Participates in appropriate medication and/or treatment regime as necessary to address any acute or chronic mental health issues.</p>
<b>Wellness Skills</b> <ul style="list-style-type: none"> <li>- Health Promotion/Disease Prevention</li> <li>- Disease/Illness Management</li> <li>- Transitional Plan</li> <li>- Government Assistance</li> </ul>	<p>Maintains physical well-being through health promotion and disease prevention strategies such as a healthy lifestyle and habits, routine medical care, regular exercise, and appropriate diet. Participates in appropriate medication and/or treatment regime as necessary to address any acute or chronic medical conditions.</p>
<b>Interpersonal Skills</b> <ul style="list-style-type: none"> <li>- Relationships</li> <li>- Family Ties/Support System</li> <li>- Parental Responsibility</li> <li>- Communication</li> </ul>	<p>Relates appropriately and effectively with staff, peers, visitors, family, co-workers, neighbors and members of the community by observing basic social conventions and rules. Displays the ability to develop and maintain healthy relationships to include the avoidance of co-dependency. Avoids negative interpersonal influences.</p>
<b>Academic Skills</b> <ul style="list-style-type: none"> <li>- Intellectual Functioning</li> <li>- Literacy</li> <li>- Language</li> <li>- Computer Skills</li> </ul>	<p>Participates and progresses in educational activities commensurate with ability and occupation to serve as foundational skills for other re-entry skills. Reads, writes and utilizes basic arithmetic at a level necessary to function in a correctional environment and in society.</p>
<b>Cognitive Skills</b> <ul style="list-style-type: none"> <li>- General Behavior</li> <li>- Criminal History</li> <li>- Domestic Violence/Abuse</li> <li>- Criminal Behavior</li> </ul>	<p>Engages in accurate self-appraisal by acknowledging and correcting irrational thinking patterns. Is cognizant of the importance of goal setting. Solves problems effectively, maintains self-control and displays pro-social values. Acknowledges and appropriately corrects criminal thinking patterns and behaviors.</p>
<b>Vocational/Career Skills</b> <ul style="list-style-type: none"> <li>- Employment History</li> <li>- Career Development</li> <li>- Institution Work History</li> <li>- Post-Incarceration Employment</li> </ul>	<p>Acquires and maintains employment in order to become self-sufficient and fulfill financial obligations. Engages in purposeful activity, develops abilities useful in the acquisition and maintenance of post-release employment and pursuit of career goals.</p>
<b>Leisure Time Skills</b> <ul style="list-style-type: none"> <li>- Use of Leisure Time</li> </ul>	<p>Engages in meaningful recreational activities and hobbies making positive and effective use of free time and facilitating stress management and favorable peer affiliations.</p>
<b>Character Skills</b> <ul style="list-style-type: none"> <li>- Personal Character</li> <li>- Personal Responsibility</li> </ul>	<p>Maintains a sense of accountability to self and others through attention to the potential impact (short and long term) of actions. Seeks to engage in behaviors which reflect pro-social values thus creating a positive impact in their life and the lives of others. Displays a healthy tolerance for delayed gratification. Displays the capacity for self-reflection and consideration of meaning in life in relation to a particular faith or personal philosophy.</p>

## Resources:

Offender Employment Retention Broadcast Participant Manual:

<http://nicic.gov/Training/SIB11022011>

National Reentry Resource Center:

<http://www.nationalreentryresourcecenter.org/reentry-council>

Reentry Council Toolkit:

[http://www.nationalreentryresourcecenter.org/documents/0000/1163/Reentry\\_Council\\_Reentry\\_Toolkit.pdf](http://www.nationalreentryresourcecenter.org/documents/0000/1163/Reentry_Council_Reentry_Toolkit.pdf)

Reentry Myth Busters

[http://www.nationalreentryresourcecenter.org/documents/0000/1090/REENTRY\\_MYTHBUSTERS.pdf](http://www.nationalreentryresourcecenter.org/documents/0000/1090/REENTRY_MYTHBUSTERS.pdf)

Reentry Resource Center Activities

<http://www.nationalreentryresourcecenter.org/reentry-council/activities>

Criminal Justice Initiative

<http://www.nationalreentryresourcecenter.org/national-criminal-justice-initiatives-map>

Office of the Attorney General

<http://www.justice.gov/ag/>

Department of Labor, EEOC

<http://www.dol.gov/dol/media/webcast/20110621-eeoc/>

United States Department of Labor

[www.doleta.gov](http://www.doleta.gov)

Survey Monkey

<https://www.surveymonkey.com/s/WorthTheWork>

## Evidence Based Practices Information

<http://www.wsipp.wa.gov/rptfiles/06-01-1201.pdf>

<http://cjonline.uc.edu/the-challenge-of-change-correctional-programs-and-evidence-based-practices>

[http://dcj.state.co.us/ors/pdf/docs/CCJJ\\_EBP\\_rpt\\_v3.pdf](http://dcj.state.co.us/ors/pdf/docs/CCJJ_EBP_rpt_v3.pdf)

[http://www.urban.org/UploadedPDF/1001016\\_reentry\\_programs.pdf](http://www.urban.org/UploadedPDF/1001016_reentry_programs.pdf)

[http://dcj.state.co.us/ors/pdf/docs/WW08\\_022808.pdf](http://dcj.state.co.us/ors/pdf/docs/WW08_022808.pdf)

### **What Works Cognitive-Behavioral Programs**

Aggression Replacement Training (ART)

Thinking for Change (T4C)

Moral Reconditioning Therapy (MRT)

Relapse Prevention Therapy (RPT)

### **What Works for Juvenile Offenders**

Functional Family Therapy (FFT)

Multidimensional Treatment Foster Care (MTFC)

Multi-Systemic Therapy (MST)

### **Promising Programs for Women**

Moving On

Seeking Safety

La Bodega de la Familia

Beyond Trauma: Healing Journey for Women

Helping Women Recover: Addiction Program

Forever Free

## References:

*Federal Interagency Reentry Council, May, 2011:*

*Lipsey's (1995)*

*Reentry Toolkit for United States Attorneys' Offices, August 2011*

*Petersilia, When Prisoners Come Home: Parole and Prisoner Reentry, 2003*

*Solis, Hilda L., Secretary of Labor: Workforce Development & Employment Strategies for the Formerly Incarcerated*

*DOL Great Hall, Washington, DC, June 21, 2011*

*Mythbuster! A Product of the Federal Interagency Reentry Council*

*Lighting the Way: Improving Corrections Policies and Practices: An Integrated Model of Corrections Founded on Evidence Based Practices*

*Attorney General; Eric Holder, Jr.*



## Reentry MythBusters

[Reentry MythBusters](#) are a first product of the Federal Interagency [Reentry Council](#). They are essentially fact sheets, designed to clarify existing federal policies that affect formerly incarcerated individuals and their families in areas such as [public housing](#), access to benefits, [parental rights](#), [employer incentives](#), Medicaid suspension/termination, and more. As you will see, some federal laws and policies are narrower than is commonly perceived, as is the case with [public housing](#) and [food assistance benefits](#). In several policy areas, states and localities have broad discretion in determining how policies are applied and/or have various opt-out provisions for states ([TANF](#) and [child support](#) are examples here). In some cases, statutory barriers do not exist at all or are very limited, as is the case with [federal hiring](#). In fact, some federal policies and practices contain incentives for assisting the formerly convicted population (i.e., [federal bonding](#) and [tax incentives for employers](#) hiring formerly convicted individuals).

So who are the Reentry MythBusters helpful for?

- **Prison, jail, probation, community corrections, and parole officials** – who want to ensure that individuals can access federal benefits, as appropriate, immediately upon release to help stabilize the critical first days and weeks after incarceration. Pre-release applications and procedures are available for certain federal benefits ([Veterans](#), [Social Security](#), [food assistance](#), and [student financial aid](#)).
- **Reentry service providers and faith-based organizations** – who want to know how to access the laws and policies related to [public housing](#), [SNAP benefits](#), federal [student financial aid](#), and [Veterans](#), [Social Security](#), and [TANF benefits](#). The Reentry MythBusters also describe [child support](#) options, [parental rights](#) while incarcerated, and the [appropriate use of criminal histories in hiring decisions](#).
- **Employers and workforce development specialists** – who are interested in the [incentives](#) and [protections](#) involved in hiring formerly convicted individuals. The Reentry MythBusters are also helpful to employers (including [federal agencies](#)) who want to better understand the [appropriate use of a criminal record](#) in making hiring decisions.
- **States and local agencies** – that want to understand, modify, or eliminate certain bans on benefits ([TANF](#), [SNAP](#)) for people who have been convicted of drug felonies.

Additional Reentry MythBusters are under development and will address juvenile justice issues, among others.

Questions? A [roster](#) of the Reentry Council staff working group is available on the Reentry Council [website](#), as is additional overview material about the [issue of reentry](#) and an [the Reentry Council activities](#) to date.

# BUSTER!

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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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.

For more information about the Reentry Council, go to: [www.nationalreentryresourcecenter.org/reentry-council](http://www.nationalreentryresourcecenter.org/reentry-council)

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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# BUSTER!

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!

*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/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!

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](http://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](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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**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:

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](http://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](http://ftc.gov/video) to learn more.

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REENTRY  
MYTH

BUSTER!

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**  
[www.va.gov](http://www.va.gov)

**eBenefits**  
[www.ebenefits.va.gov](http://www.ebenefits.va.gov)

**VA Benefits**  
**1-800-827-1000**

**Homeless Hotline**  
**1-877-4AID-VET**

**What is a REENTRY MYTH BUSTER?**

This Myth Buster is one in a series of fact sheets intended to clarify existing federal policies that affect formerly incarcerated individuals and their families. Each year, more than 700,000 individuals are released from state and federal prisons. Another 9 million cycle through local jails. When reentry fails, the social and economic costs are high -- more crime, more victims, more family distress, and more pressure on already-strained federal, state, and municipal budgets.

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.

For more information about the Reentry Council, go to: [www.nationalreentryresourcecenter.org/reentry-council](http://www.nationalreentryresourcecenter.org/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](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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**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/](http://www.childwelfare.gov/systemwide/laws_policies/state/)

##### Child Welfare Statutes

[http://www.childwelfare.gov/systemwide/laws\\_policies/statutes/groundtermin.cfm](http://www.childwelfare.gov/systemwide/laws_policies/statutes/groundtermin.cfm)

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# BUSTER!

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/ic\\_publications/repaying\\_debts\\_full\\_report](http://reentrypolicy.org/ic_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\\_wit\\_h\\_incarcerated\\_resource\\_guide.pdf](http://www.acf.hhs.gov/programs/cse/pubs/2006/guides/working_wit_h_incarcerated_resource_guide.pdf)

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**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://www.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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# BUSTER!

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](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.

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**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 States 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](http://www.fns.usda.gov/SNAP/government/Policy.htm)

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# 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](http://www.fns.usda.gov/snap) for information on application and eligibility requirements.

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**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.

**For More Information:**

Visit the SNAP website at [www.fns.usda.gov/snap](http://www.fns.usda.gov/snap) for information on application and eligibility requirements.

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# BUSTER!

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.nsls.ed.gov](http://www.nsls.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<sup>SM</sup>), 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](http://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](http://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](http://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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**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](http://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](http://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.

**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](http://www.irs.gov).

### What is a REENTRY MYTH BUSTER?

This Myth Buster is one in a series of fact sheets intended to clarify existing federal policies that affect formerly incarcerated individuals and their families. Each year, more than 700,000 individuals are released from state and federal prisons. Another 9 million cycle through local jails. When reentry fails, the social and economic costs are high -- more crime, more victims, more family distress, and more pressure on already-strained state and municipal budgets.

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.

For more information about the Reentry Council, go to: [www.nationalreentryresourcecenter.org/reentry-council](http://www.nationalreentryresourcecenter.org/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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**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 FFP 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](https://www.cms.gov/CommunityServices/downloads/Homeless_Primer.pdf).

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**The Annie E. Casey Foundation**

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