

California

REENTRY

PLANNING TOOLKIT

for people in reentry & people with
arrest and conviction records



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Thank You!

The writing of this Toolkit was a ***joint, collaborative effort*** between **Root & Rebound's legal team, individuals, and family members directly impacted by incarceration, and service providers who support people with past involvement in the criminal legal system.**

Even before we began writing, Root & Rebound's team met with, interviewed, and surveyed currently and formerly incarcerated people and their family members and loved ones about the issues that impacted them the most. We also reviewed the most frequently asked questions that come to us through our Reentry Legal Hotline, clinics, and other programs, so that we could include know-your-rights information about the **most common reentry legal barriers.**

Our partners include groups whose members are directly impacted by incarceration. As directly impacted experts, they offered critical insight on the topics in this Toolkit, and wrote and edited content outside the scope of Root & Rebound's expertise. This Toolkit would not have been possible without the contributions, inspiration, and resilience of **people directly impacted by the criminal legal system and their family members.** Thank you for your tireless advocacy for a better, fairer world.

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About the Toolkit

Who is Root & Rebound?

Root & Rebound (R&R) is a non-profit **reentry legal resource and advocacy center**. Our mission is to support people navigating reentry and reduce the harms perpetuated by mass incarceration. You can learn more about our programs and services at the end of this Toolkit. You can also visit our website at rootandrebound.org or call **510-279-4662** to learn more. We accept collect calls.

What does this Toolkit cost?

Our cost structure is as follows:

- Available FREE online at rootandrebound.org/resources/reentry-planning-Toolkit/.
- Currently incarcerated people and people with prior justice system involvement can get one copy of the *Reentry Planning Toolkit* for free. Contact Root & Rebound at **510-279-4662** and request reentry legal resources. (Donations are always welcome; no amount is too small.)

All others can request a print copy for a small cost. Call **510-279-4662** or order online at rootandrebound.org/orderrrpt/.

Why did Root & Rebound create this Reentry Planning Toolkit?

This Toolkit was created to help individuals in reentry from prison and jail and people with arrest and conviction records develop an individualized reentry plan and learn about their legal rights along the way. The Toolkit provides answers to key questions such as: “What are my rights with a criminal record? Where do I start? Who can help? When should I start?”

The Toolkit also provides **practical tools—important information, action steps, questionnaires, checklists, tips, referrals, and resources**—that can guide you through common questions in reentry and help you find the answers and support you seek. You will find information for getting an ID, voting rights, navigating the employment search, family reunification, education, parole and probation issues, record cleaning, and other key reentry issues. It is R&R’s desire that each individual be informed to have the best reentry back into society.

Who is this Toolkit for?

This Toolkit is designed for **people in reentry and people with prior criminal legal system involvement**. A criminal record is often a barrier to the most important things in life: housing, employment, family reunification, health care, education, and even getting basic forms of identification documents (ID). We created this Toolkit to provide you with information about your legal rights and helpful tools and resources. We hope this information allows you to tap into your inner advocate and strengths, enabling you to thrive and move beyond your system involvement.

This Toolkit is also a great resource for family members, loved ones, and advocates of people navigating and planning for reentry. While the language in this Toolkit is directed to people in reentry and people with prior criminal legal system involvement, we wrote with their support systems in mind as well. Please use the information throughout this Toolkit as a resource to help you support your loved one, family member, and/or those you advocate for.

When and how should I use this Toolkit?

It is never too early to plan for reentry! And it is never too late to learn more about your rights living with a record!

- **If you are currently incarcerated**, we recommend that you begin planning for your reentry and working through this Toolkit **at least 1 year before release from prison or jail**, if possible.
- **If you are formerly incarcerated or living with a record**, parts of this Toolkit will likely be useful to you **now**. Many parts of this Toolkit may be more relevant depending on how long ago you were involved with the criminal legal system. Even if you have never been incarcerated but have an arrest or conviction record, certain parts of this Toolkit may help you learn about your rights.






If you are not sure what to read first, here are some suggestions: To begin, review the **Table of Contents** on page 4 to understand all the topics covered in the Toolkit. This can also help you identify topics to look for more information. Next, review the **Timeline** on page 12 to get a better idea of where you are now and identify key steps you can take. Each section of the Toolkit has a cover page that summarizes the information you will cover. There are also summary questions and checklists in every section you can fill out as you go. Finally, Appendix A (starting on page 166 of the Toolkit) includes a **Sample Reentry Plan** that you can write in or start with before you jump into the Toolkit!

This Toolkit includes general tips and information. **Remember that the reentry process and the impact of having an arrest or conviction record looks different for everyone.** Use this Toolkit as needed. If you already know something or if information does not apply to you, feel free to skip that section. There is no “right” or “wrong” here—there is only information meant to help you know your rights and plan ahead.

Key Terms: We have listed key terms at the beginning of each Chapter throughout this Toolkit. The key terms are listed in alphabetical order and provide basic definitions for **commonly used terms** related to the criminal legal system and criminal records. We have **highlighted** the first time a key term appears in each Chapter. When you see a highlighted word, you can go back to the beginning of that Chapter to find a definition for that key term.

KEY ICONS IN THE TOOLKIT

Below is a list of **key icons** that pop up in this Toolkit as you read and what each of those icons mean.

Icon	Meaning
	CONSULT A LAWYER: If you believe your rights may have been violated, talking to a lawyer can be very helpful. As a first stop, Root & Rebound offers a Reentry Legal Hotline every <i>Friday</i> from 9 a.m. to 3 p.m. PST at phone number 510-279-4662 . Anyone with a reentry-related question can call and speak to a member of our legal team. We accept collect calls.
	ACTION STEP: The information after a star symbol provides concrete next steps in your reentry journey.
	IMPORTANT INFORMATION OR WARNING: The particulars of your arrest or conviction history and other personal circumstances can have a big impact on your legal options and outcomes. This icon warns you of individual-specific issues that require you to be extra careful.
	REENTRY PLANNING TIPS: This icon indicates tips that can help you as you plan for your reentry and advocate for yourself.
	HELPFUL RESOURCES: This icon identifies other organizations and resources that may be able to support you in reentry.

Disclaimer

Statements in this Toolkit do not constitute legal advice. This Toolkit does its best to offer helpful and accurate information for individuals in reentry and individuals with conviction records. However, this Toolkit cannot be updated every time there is a change in law or policy. It is your responsibility to make sure the law has not changed and applies to your individual situation.

This Toolkit is not intended to give legal advice but rather general legal information about people's rights in reentry. If you need legal advice, we suggest consulting your own attorney.

Root & Rebound offers this Toolkit "as-is" and makes no representations or warranties of any kind concerning the Toolkit, express, implied, statutory or otherwise, including, without limitation, warranties of accuracy, completeness, title, marketability, merchantability, fitness for a particular purpose, noninfringement, or the presence of errors, whether or not discoverable. In particular, Root & Rebound does not make any representations or warranties that the Toolkit, or any information in the Toolkit, is accurate, complete, or up-to-date or that it will apply to your circumstances.

CONTACT US

If you have any questions, please call us at

510-279-4662,

email us at

info@rootandrebound.org,

or write to us at

**1610 Harrison Street, Suite E-East,
Oakland, CA 94612.**

DONATE

If you find value in this *Reentry Planning Toolkit* and Root & Rebound's work, please consider donating. You can go to rootandrebound.org and click on "donate" on the top right of the screen. Your donations help us to continue offering our free resources and training to currently and formerly incarcerated people and their loved ones.

“Do not judge me by my successes,
judge me by how many times I fell
down and got back up again.”

– Nelson Mandela

CHAPTER

1

INTRODUCTION TO REENTRY PLANNING: STARTING OVER STRONG

Summary - Chapter 1 provides:

- **Information** about what reentry is and **tips** for building a strong reentry plan;
- A suggested **timeline** for reentry planning;
- **Resources** for people who are currently incarcerated; and
- **Information and resources** to help rebuild relationships with family & loved ones after incarceration.

Key Terms

NOTE

These terms are **highlighted** the first time they appear in this Chapter. When you see a highlighted word, you can refer to this section for a definition.

- **Board of Parole Hearings (BPH):** The Board that is responsible for parole suitability hearings and nonviolent offender parole reviews. This Board also assesses parole eligibility for incarcerated people who are elderly, have medical problems, or were “youth offenders” (as determined by California law).
- **California Department of Corrections and Rehabilitation (CDCR):** The State department responsible for operating California’s state prisons and parole systems. Prison staff and parole personnel are employees of CDCR.
- **Conviction:** A judgment, made in court by a jury or judge, stating that a person is guilty of a crime.
- **Incarceration:** Imprisonment of a person convicted of a crime who is serving their court-ordered sentence for that crime. Note that this is different from detention, which is the temporary holding of a person who is charged with a crime but has not been convicted of the crime or found innocent yet.
- **Jail:** The county-level government’s detention center, which holds people awaiting trial, people convicted of misdemeanors (see below), or people convicted of felonies but sentenced under Realignment (see below).
- **Misdemeanor:** A crime usually punishable by a fine and/or confinement in a place other than prison, such as county jail. Examples include driving under the influence (DUI), petty theft, solicitation for an act of prostitution, and shoplifting.
- **Parole:** A condition of release for a person coming out of state prison. People on parole (sometimes called “parolees”) remain under the control of the CDCR and must adhere to a set of rules (called “conditions”) designed to promote public safety. To ensure compliance with these rules, people on parole are required to check in with a Parole Officer (P.O.) or Agent employed by the CDCR Division of Adult Parole Operations (DAPO) at designated intervals.
- **Prison:** A state or federal confinement facility for people convicted of crimes, especially felonies. The California Department of Corrections and Rehabilitation, commonly abbreviated as CDCR, oversees the state prison system.
- **Probation (county-level):** A criminal sentence served in the community in place of (or following) a jail sentence. People on county probation must follow a set of rules (known as “conditions”) designed to promote a crime-free life. There are different types of probation: some supervised by the court (called informal, summary, or court probation), and some supervised by a probation officer (called formal probation).
- **Realignment:** In 2011, Governor Jerry Brown signed the Public Safety Realignment Act in an effort to reduce the number of people going into overcrowded state prisons. Realignment allows people with non-violent, non-serious, non-sex offense related convictions to serve their sentences in county jail instead of prison.
- **Sentence:** The punishment imposed by a court on a person convicted of a crime. See other definitions for detailed descriptions of common types of sentences.

INTRODUCTION TO REENTRY PLANNING

This section provides general information about reentry planning. You can expect to learn:

- What reentry means
 - Planning tips
 - How to create a timeline for reentry planning
 - How to prepare for your release while incarcerated
 - Common issues that may come up while you (re)build your relationships on the outside
-

What is reentry?

Reentry is the process of moving from **prison** or **jail** into your community. This process includes preparing for and figuring out everyday issues. Some tasks to plan for are:

- Getting identification documents (ID);
- Securing housing;
- Figuring out employment and finances;
- Completing **parole** or **probation**;
- Signing up for health care; and
- Reunifying with family members.

The word "reentry" describes issues you might face because of your criminal record. Reentry issues can come up long after your involvement with the legal system.

Why is planning for reentry important?

It is important to map out what your journey home might look like. It is impossible to foresee all the real-life issues that may come up, but having a plan will help you create a successful reentry.

When and how do I start planning for my reentry needs?

This is one of the first and hardest questions you may have. The reentry planning timeline on the next page can help you. This timeline tells you when to work on different reentry tasks.

This timeline is broken into two sections:

- **The left half** shows key steps you can take **while** you are incarcerated.
- **The right half** shows key steps you can take **after** release from prison or jail.

CONVICTION



AFTER RELEASE



What tips can help me build a strong reentry plan?

This Toolkit has general tips for **reentry planning**. These tips are for people who are currently incarcerated and people living with a record in the community. Think of these as a guide that we encourage you to look back at from time to time. Remember that every person's path and plan is different and will change over time. Your reentry plan will look different depending on your situation.

A note on your reentry journey

Whether you are getting closer to your parole hearing date, release, or any other steps that might get you closer to coming home, it is important to pause and give yourself credit for the work that you have accomplished. Preparing to come home often comes with mixed feelings, and that is completely understandable. Be kind to yourself. You have done so much to prepare for this next step. You deserve to be home.



REENTRY PLANNING TIPS

- Start planning for reentry issues early on. Starting 6 months to 1 year before you are released is ideal. It is never too early or late to start!
- Take notes and write down helpful information, resources, and contacts. Also write down dates, deadlines, phone numbers, addresses, and other important information. Remember to keep all of this information in one place!
- Think about and plan for your immediate needs like housing, food, and clothing. While you figure out short-term needs, keep your long-term vision and goals in mind too.
- Remember, strong communication is key. It is okay to share your concerns and feelings with people who care about you. Are you worried about finances? About finding employment? Tell the people who can support you through the challenges and help you problem-solve.
- Surround yourself with people who motivate and encourage you. You might also consider attending community support meetings like reentry programs, Alcoholics Anonymous (AA), Narcotics Anonymous (NA), or faith-based community meetings.
- Have a plan to avoid risky situations. This might include people, places, and things. For example, a plan to avoid drugs or alcohol might help you if you have dealt with substance abuse.

COMMON NEEDS & USEFUL ITEMS IN THE EARLY DAYS AFTER RELEASE

There are important items that you may need or want after **incarceration**. The chart below lists common needs, useful items, and places you can go for help. This can help whether you are already released or planning your release. A family member or service provider may be supporting you. In this case, you can ask a family member or service provider if they can help you get any of these items.

COMMON NEEDS AND USEFUL ITEMS IN THE FIRST DAYS AFTER RELEASE

COMMON NEEDS	WHAT YOU NEED TO KNOW	WHERE TO GO FOR HELP
Clothing & Toiletries	<ul style="list-style-type: none"> Some nonprofit organizations provide free clothes and basic toiletries. These toiletries include toothpaste, toothbrushes, soap, and razors. 	Ask for Referrals to Community-Based Organizations That Offer Toiletries and Showers: <ul style="list-style-type: none"> Call 2-1-1 or Root & Rebound.
Transportation or Public Transit Pass	<ul style="list-style-type: none"> You will need transportation to get to appointments. This may include appointments with your probation/parole officer, social services offices, the DMV, medical appointments, or job interviews. A public transportation pass or card can help you get where you need to be. 	Get Free Transit Passes: <ul style="list-style-type: none"> You may be able to get free transit passes from your parole/probation officer and from public benefits offices. Find Low Cost Transit Options: <ul style="list-style-type: none"> Call 2-1-1 or search online for free and low-cost local public transportation options. You can also call 2-1-1 or search online for any additional options for seniors and people with disabilities. If you are a veteran, call 800-698-2411 or visit https://www.va.gov/HEALTHBENEFITS/vtp/map.asp#California to find free transportation to VA health services. Apply for a Driver's License: <ul style="list-style-type: none"> See Chapter 2: Getting Official ID for more information on applying for a driver's license.

COMMON NEEDS	WHAT YOU NEED TO KNOW	WHERE TO GO FOR HELP
Food	<ul style="list-style-type: none"> You can apply for CalFresh before or after release. CalFresh is sometimes called food benefits, food stamps, or EBT. Local food banks & soup kitchens have free food for those in need. 	<p>Apply for CalFresh (Food Stamps):</p> <ul style="list-style-type: none"> Go to https://calfresh.dss.ca.gov/food/ to find your local county social services office. You can apply for CalFresh at your local county social services office. You can also call 1-877-847-3663 See Chapter 10: Setting Up Public Benefits and Health Care for more information on CalFresh. <p>Find a Food Bank:</p> <ul style="list-style-type: none"> Go to http://www.cafoodbanks.org to find a local food bank. Call 2-1-1 to find the closest food bank.
Immediate Housing/ Shelter	<ul style="list-style-type: none"> Transitioning home will be easier if you have housing set up. If you do not have housing, local shelters can help. Local shelters offer a free, temporary place to sleep, eat, and shower. You can likely enter the county's coordinated entry system while in a shelter. This system will help you find longer-term housing. Your parole/probation officer may be able to help you get into transitional housing. See Chapter 4: Creating a Housing Plan for more information. Check your conditions to see if your parole/probation officer must approve housing. Note: They can conduct unannounced home searches at any time. See Chapter 7: Community Supervision (Parole and Probation) for more information. Protective court orders and no-contact orders can impact who you can stay with. 	<p>Find Local Shelters and Transitional Housing:</p> <ul style="list-style-type: none"> Call Root & Rebound for referrals. Ideally, ask us for this information long before your release. We can help you up to 18 months before your release. Call 2-1-1 and ask your parole/probation officer for information about local shelters and transitional housing.

COMMON NEEDS	WHAT YOU NEED TO KNOW	WHERE TO GO FOR HELP
Financial Help	<ul style="list-style-type: none"> You will need transportation to get to appointments. This may include appointments with your probation/parole officer, social services offices, the DMV, medical appointments, or job interviews. A public transportation pass or card can help you get where you need to be. When released, you are entitled to the money in your prison/jail trust account. If leaving California state prison, you are usually entitled to \$200 gate money. (There are some exceptions.) Most people in prison and some people in county jail can sign up for public benefits. These benefits will be ready when you are released. Some examples of these benefits are CalFresh for food and MediCal for health insurance. You usually need to call or go in person to start your benefits applications. You can sign up in person, online, or by phone. 	<p>File an Appeal if You Did Not Receive Your Gate Money:</p> <ul style="list-style-type: none"> Call Root & Rebound's Reentry Legal Hotline for information on filing a CDCR Form 602 appeal if you do not receive your gate money. <p>Sign Up For Public Benefits:</p> <ul style="list-style-type: none"> See Chapter 10: Setting Up Public Benefits and Healthcare for more information on signing up for CalFresh, MediCal, and other public benefits.
Cell Phone	<ul style="list-style-type: none"> Cell phones are important to stay in contact with family members, parole or probation officers, and for employment opportunities. California LifeLine is a program that can help you get a free phone and low-cost service. You must be low-income to use this program. This program is sometimes called "ObamaPhone." 	<p>Get a Free Phone And Low-Cost Service:</p> <ul style="list-style-type: none"> To find a place where you can get a LifeLine phone, visit: www.californialifeline.com/en/provider_search or call 1-866-272-0357. To see if you are eligible, visit: https://www.cpuc.ca.gov/consumer-support/financial-assistance-savings-and-discounts/lifeline/california-lifeline-eligibility. There are also many places where you can walk up and apply in public.

COMMON NEEDS	WHAT YOU NEED TO KNOW	WHERE TO GO FOR HELP
Email Account	<ul style="list-style-type: none"> Email is commonly used for job applications. Gmail accounts are free. You can set up a new email address at mail.google.com. When choosing an email account name, consider what you want employers, schools, and everyone else to see. An example of this would be firstname.lastname@gmail.com. 	<p>Create an Email Account:</p> <ul style="list-style-type: none"> See Chapter 5: Creating an Employment Plan for tips on creating a new email account. <p>Learn How to Use a Computer and Email:</p> <ul style="list-style-type: none"> There are many free computer classes online and in person. Adult schools, libraries, and community colleges often offer classes. Call 2-1-1 or Root & Rebound for contact information for local adult schools, libraries, and community colleges.
Official Identification (ID)	<ul style="list-style-type: none"> Getting an ID is important for most of your basic needs. An ID is important to move forward in reentry. We suggest gathering your ID documents while you are incarcerated or as soon as possible after release. 	<p>Get an ID:</p> <ul style="list-style-type: none"> See the next Chapter (Chapter 2) for more information on getting an official ID.



HELPFUL LEGAL RESOURCES FOR CURRENTLY INCARCERATED PEOPLE

1. Prison Law Office: The Prison Law Office (PLO) can give you more information about prisoners' rights. PLO also focuses on rights related to medical issues and health care. You can contact PLO by writing to: Prison Law Office, General Delivery, San Quentin, CA 94964. PLO writes publications and fact sheets about prisoners' legal rights. They sometimes help with people's legal cases. PLO's publications about prisoners' rights cover many topics. Some of these publications are:

- **California State Prisoners Handbook:** Describes the rights you have while incarcerated in a California state prison. This includes your medical rights. Write PLO at the address above for an order form.
- **Investigations of Staff Misconduct:** Free tips on starting an investigation on prison or jail staff, including medical neglect.
- **Lawsuits for Money Damages Against Prison Officials:** Explains how to sue California state prison officials for money damages for personal injuries.
- **State Habeas Manual:** Explains how to challenge a **conviction, sentence**, or a denial of parole granted by the **Board of Parole Hearings (BPH)**.
- **Administrative Appeals:** Explains how to challenge a CDCR employee action, policy, procedure, or condition.

2. The Jailhouse Lawyer's Handbook: This publication is free. The handbook explains how to file lawsuits against prisons and prison staff for abuse and poor conditions. It is available digitally at <http://jailhouselaw.org>. You may want a loved one on the outside to print relevant Chapters for you.

IMPORTANT ISSUES TO KEEP IN MIND WHEN (RE)BUILDING RELATIONSHIPS WITH FAMILY & LOVED ONES

This section covers (re)building relationships after incarceration. The Parent-Caregiver Advisory Group (PCAG) wrote this section. PCAG is a group of system-impacted people and their family members. Many of these writers are also trained experts on mental health and counseling.

1. What are some important issues to keep in mind when rebuilding relationships in reentry?

Incarceration and Reentry Take a Mental Toll

- Be patient with yourself. Some parts of social life may feel unfamiliar or overwhelming. This is normal after the trauma and isolation of incarceration.
- It may take time for you to share your feelings and have difficult conversations. It can take time for you to re-adjust to discussing personal information, sharing your feelings, or having difficult conversations.
- It may take time to re-adjust to bright colors, loud noises, fast movements, a new environment, and a new living space. This is especially true in cities.

Classes, Therapy, and Support Groups Can Help

- It can take time for you to adapt to life back in the community. The pace of life is faster and technology is always changing. Look for classes or programs that can help you adjust to changes that have taken place during your incarceration.
- You may feel disconnected from your friends, family, or community. Family therapy or support groups can help you to reconnect.

2. Are there common emotional responses in reentry that I can prepare for?

You may have heard of “triggers.” Even this word can have a harmful effect. We chose to use the term **“emotional responses”** instead. The emotions you may experience after incarceration are normal. Emotions can come up because of what you have been through, things you are returning to, and new experiences when coming home.

Reminders of traumatic experiences can cause different reactions. Your reactions might cause you to act in harmful or unexpected ways. With time and support, you can learn to manage emotional responses. This may not come naturally at first. For this reason, it is important for you to know what situations cause your harmful emotional responses.

Reminders of past trauma can cause

- Angry outbursts and/or violence
- Shutting down and withdrawal
- Addictive or unhealthy habits (like alcohol, food, drugs, gambling, sex, etc.)
- Verbally or emotionally abusive behavior

It may take some time to respond positively to things like

- | | |
|---|--|
| • Intimacy | • Institutional settings (like being in court or law enforcement agencies) |
| • Hugs and touch | • Sudden or quick movements |
| • Loud noises | • People of certain |
| • Crowded spaces | genders/races/identities (segregation |
| • Small (claustrophobic) spaces | and gang-affiliation is a common survival |
| • Large (wide open) spaces | tactic inside prison and jail) |
| • Sharing possessions and personal things | |

Identifying the causes of emotional responses is hard. Many responses are rooted in past trauma. Honest conversations with people you trust can help. We recommend talking through:

- Your emotional response
- The specific circumstance that caused your response
- The past trauma that may have caused your emotional response



REENTRY PLANNING TIP

Health care is critical in reentry. Health care includes care for trauma and your mental health. Health care also includes treatment for substance abuse, addiction, and overdose prevention. As you navigate reentry, it can be helpful to seek out these types of healthcare support. Keep reading for more information on seeking out these types of services.

THERAPY & SUPPORT

As a reminder, this section was written by system-impacted therapists. Incarceration and reentry can take a mental toll on people. You and/or your loved ones may benefit from therapy. If you choose to try therapy, it is important to be patient. This is especially true if you are nervous to go to therapy. This is also especially true if you have had a negative experience with therapy before.

1. Different Options for Therapy

There are many different mental health services you can consider:

Individual Therapy

In this space, you can discuss anything you may be struggling with. This includes:

- Feelings and thoughts about what it is like to be incarcerated;
- Any pressure you may experience from others' expectations;
- Challenges adjusting to release; or
- Unexpected and new emotional responses.

Family Therapy

Reentry can also be hard for family members. Family therapy offers support for challenges that may arise. Family members get to talk through issues with a therapist and each other. This is especially helpful when children are involved. Family therapy tends to look at the family as a system. Through this viewpoint, everyone is affected and plays a part. A good therapist will create an environment where no one is blamed and attention is shared.

Group Therapy and Support Groups

Group therapy and support groups are judgment-free spaces. These spaces offer insight and support from people facing similar issues. Some examples of support groups are:

- Anger management;
- Parenting;
- Teen groups; and
- Recovery.

Important Note on Privacy

Licensed mental healthcare professionals are not allowed to repeat what you tell them. You are guaranteed this privacy through the law. There are some exceptions. Licensed mental healthcare professionals can repeat what you tell them if:

- The healthcare professional is connected to your probation/parole;
- You discuss plans to harm yourself or others;
- You discuss child/elder abuse;
- You discuss child pornography.



MENTAL HEALTH HOTLINES FOR ADULTS AND CHILDREN

(These hotlines are not accessible to currently incarcerated people.)

- National Alliance on Mental Illnesses: 800-950-NAMI (6264)
- National Domestic Violence/Child Abuse/Sexual Abuse: 800-799-SAFE (7233)
- National Suicide Prevention Lifeline: 988
- National Youth Crisis Hotline: 800-442-HOPE (4673)
- Teen Help Adolescent Resources: 800-840-5704

2. Resources for Substance Abuse and Recovery

Resources can help if you have struggled with substance abuse or addiction. We recommend planning ahead. Having resources and strategies in place can help you avoid relapse. You can avoid people, places, or things that might threaten your recovery. You can also build a sober support community to lean on. A sober community can be especially helpful when you have temptations.

What is Relapse Prevention Planning?

Relapse prevention planning has two parts:

1. Predict when you might want to use again.
2. Create a plan to maintain your sobriety.

It is normal to want to use while in recovery. Trained professionals can help you plan on how you will resist this urge. If you have used opiates in the past, a trained professional can explain how tolerance changes during incarceration. This professional can also connect you with a medical professional who can help you reduce the risk of overdose.

Important Questions in Relapse Prevention Planning

What supports do I need in place? What situations make me want to use? How can I cope when these situations happen? Who can I call for support?



ACTION STEP

Creating a relapse prevention plan can be helpful. If someone is assisting you with your reentry, you may want to ask them to help you create a plan. You can also find a professional to help you create a relapse prevention plan. Two exercises can be helpful:

- Identify specific emotions, situations, or events that might lead to relapse; and
- Brainstorm ways to manage these emotions, situations, or events in a healthy, productive manner.



NATIONAL RESOURCES FOR ADDRESSING SUBSTANCE ABUSE AND ADDICTION

(Most of these hotlines and resources are not accessible to currently incarcerated people.)

- Alcohol Hotline: 800-331-2900
- Al-Anon for Families of Alcoholics: 800-344-2666
- Alcohol and Drug Helpline: 800-821-4357
- Alcohol Treatment Referral Hotline: 800-252-6465
- Narcotics Anonymous: 818-773-9999
- Harm Reduction: <http://harmreduction.org/connect-locally/>
- Contact Root & Rebound for a list of local resources

Conclusion

A strong reentry plan helps you know and plan for your needs after incarceration.

Chapter 1 covered:

- Tips about reentry planning;
- Legal rights that are helpful to know;
- Resources for incarcerated people;
- Rebuilding relationships with family and loved ones.

NEXT STEPS



ACTION STEP

The **Sample Reentry Plan** in Appendix A starting on page 166 can help you plan your reentry. The Sample Reentry Plan has questions for each Chapter in this Toolkit. You can answer the questions before or while planning your reentry. These questions can be helpful whether you are incarcerated or living with a record in the community.

The questions in the Sample Reentry Plan for Chapter 1 focus on the “big picture.” What are your goals? What are your concerns? What are you committed to in your reentry? How do you hope family or other people who support you will be involved?



CONSULT A LAWYER

Call Root & Rebound’s **Reentry Legal Hotline** any Friday, 9 a.m. – 3 p.m. PST, at 510-279-4662 for support. We accept collect calls.

CHAPTER

2

GETTING OFFICIAL ID

Summary - Chapter 2 provides:

- **Information** on how you can get a government-issued identification (ID) and what you will need once you are home;
- **Timelines** and checklists to help you get an ID and other items you will need; and
- **Tips on overcoming barriers** to getting different types of ID.

Key Terms

NOTE

These terms are **highlighted** the first time they appear in this Chapter. When you see a highlighted word, you can refer to this section for a definition.

- **California Department of Corrections and Rehabilitation (CDCR):** The State department responsible for operating California's state prisons and parole systems. Prison staff and parole personnel are employees of CDCR.
- **Charge:** To formally accuse a person of an offense. At this stage, a District Attorney or prosecutor has the choice to drop (or "dismiss") charges, or move forward with criminal prosecution in court.
- **Correctional Counselor:** A prison staff member who works with incarcerated individuals, maintaining records on their history, risk of re-offending, and managing their plans for transition from prison to parole or probation.
- **Incarceration:** Imprisonment of a person convicted of a crime who is serving their court-ordered sentence for that crime. Note that this is different from detention, which is the temporary holding of a person who is charged with a crime but has not been convicted of the crime or found innocent yet.
- **Infraction:** A violation of a rule or local ordinance, usually punishable by a fine rather than by incarceration. Examples include traffic (or "moving") violations, disturbing the peace, and failure to appear.
- **Jail:** The county-level government's detention center, which holds people awaiting trial, people convicted of misdemeanors, or people convicted of felonies but sentenced under Realignment (see below).
- **Misdemeanor:** A crime usually punishable by a fine and/or confinement in a place other than prison, such as county jail. Examples include driving under the influence (DUI), petty theft, solicitation for an act of prostitution, and shoplifting.
- **Parole:** A condition of release for a person coming out of state prison. People on parole (sometimes called "parolees") remain under the control of the CDCR and must adhere to a set of rules (called "conditions") designed to promote public safety. To ensure compliance with these rules, people on parole are required to check in with a Parole Officer (P.O.) or Agent employed by the CDCR Division of Adult Parole Operations (DAPO) at designated intervals.
- **Prison:** A state or federal confinement facility for people convicted of crimes, especially felonies. The California Department of Corrections and Rehabilitation, commonly abbreviated as CDCR, oversees the state prison system.
- **Probation (county-level):** A criminal sentence served in the community in place of (or following) a jail sentence. People on county probation must follow a set of rules (known as "conditions") designed to promote a crime-free life. There are different types of probation: some supervised by the court (called informal, summary, or court probation), and some supervised by a probation officer (called formal probation).
- **Realignment:** In 2011, Governor Jerry Brown signed the Public Safety Realignment Act in an effort to reduce the number of people going into overcrowded state prisons. Realignment allows people with non-violent, non-serious, non-sex offense related convictions to serve their sentences in county jail instead of prison.
- **Sentence:** The punishment imposed by a court on a person convicted of a crime. See other definitions for detailed descriptions of common types of sentences.
- **Warden:** The chief administrative officer of a prison who oversees prison operations, manages prison personnel, and supervises facility-wide safety and security compliance.

→ GETTING OFFICIAL IDENTIFICATION DOCUMENTS (ID)

Identification documents (ID) provide proof of who you are. A government-issued photo ID is a California state ID (CA ID) or driver's license (DL). You will need a CA ID or DL for most of your basic needs. Your basic needs are things like:

- Getting a job;
- Housing (even to stay in a motel);
- Health care;
- Public benefits;
- Registering to vote;
- Opening a bank account; and
- Cashing a check.

If You Were Born in the United States: You will need your birth certificate and Social Security card to get a CA ID or DL. These ID documents may have expired, been taken, or been lost during **incarceration**.

If You Were Not Born In The United States: You do not need your birth certificate to get a CA ID or DL. Instead, you need a passport or a certain immigration form. The DMV has a list of what documents you can use.

Having a CA ID or DL is critical during reentry. We recommend gathering the documents you need to get a CA ID or DL as soon as possible. This could be while you are incarcerated or right after you are released. It is often easier to get an ID while you are incarcerated.

→ MOST IMPORTANT TYPES OF ID IN REENTRY

Generally, the three most important forms of ID are:

1. Birth certificate;
2. Social Security card; and
3. California State ID (CA ID) or driver's license (DL).

Once you have your birth certificate and Social Security Card, you should be able to get a CA ID or DL. (Sometimes, you just need the Social Security Number.) To get a DL, you will also need to meet certain driving requirements.

→ GETTING AN ID

Birth Certificate

Get while incarcerated or soon after release

TIP: Certain family members can get your birth certificate for you. This is the easiest way to get a birth certificate. These family members can get your birth certificate by showing their photo ID.

You can get a birth certificate from the county recorder's office or state vital statistics office where you were born. If you were born in California, the vital statistics office is the California Department of Public Health (CDPH).

If You Are Incarcerated and Applying for Yourself

- **CDCR is Supposed to Help You:**
 - CDCR is supposed to “facilitate the process” for many people within CDCR to get a birth certificate. It is unclear what they will help with. You can mention the following law to ask for help: Penal Code section 3007.05(a)(2).
 - Birth certificates cost money and must be notarized. (As of 2023, CDCR typically charges people to use a notary.)
 - CDCR prisons do provide notaries at a fee. You can try asking for a free notary under PC 3007.05(a)(2). You can ask your counselor how to set up a notary appointment.
 - According to CDCR, you have the right to keep your birth certificate with you while incarcerated.
- **For California Birth Certificates, You Must Submit:**
 - An application where you request a “certified” copy. (The application must be notarized.)
 - A fee.

If You Are Not Incarcerated

You can request a birth certificate in person, online, or by mail. Remember, this will be through the county recorder’s office or state vital statistics office where you were born. If you were born in California, the vital statistics office is the California Department of Public Health (CDPH).

- **If You Need a California Birth Certificate:** You can request your birth certificate:
 - Online (www.cdph.ca.gov or call 916-558-1784),
 - In person, or
 - By mail. (You can request it by mail at the county recorder’s office in the county where you were born (options vary by county); you can request it by mail from the CDPH; or you can request it online through a third party company that works with the CDPH. The mailing address is on the form you use.)

NOTE: If you request your birth certificate in person, you do not need the application notarized, but usually, you will need a government-issued photo ID. If you have no ID and the DMV demands a birth certificate before giving you a photo ID, there are at least two options:

- A close family member can get it for you with their ID. The DMV has a list of family members who can do this; or
 - You can prove you are who you say you are to a notary without a photo ID. In some cases, you just need two people to tell a notary that you are who you say you are.
- **California Fee Waiver if You Are Unhoused** (incarceration does not count): You may be eligible for fee waivers. You can ask for a fee waiver from a:
 - Shelter;
 - Transitional housing program;
 - **Parole/probation** officer; or
 - An agency that helps people who are unhoused.
 - **NOTE:** Many people and organizations also use the term “homeless” instead of “unhoused.” At R&R we aim to use “people-first” language, or language that centers the person instead of their experience.

Social Security Card

Get while incarcerated or soon after release.

If You Are Incarcerated

Before requesting a Social Security Card be sent to the **jail/prison**, check that you will be allowed to receive the card. If you are told you cannot receive it, you can contact Root & Rebound for support.

If You Had a Social Security Number (SSN) Before: You can request a free replacement card while incarcerated. You will need to send all of the below documents to a Social Security Agency Office (list continues on the next page):

- Social Security Card Application Form (SS-5);
 - If you do not know your Social Security number, you can leave blank Question number 2 that asks for it. If you do this, it is important that you check the box "yes" in question 11 that you have had an SSN before.
- Proof of birthday and identity; and
 - The SS-5 form lists the documents the Social Security Administration (SSA) accepts to prove your birthday and identity. Sometimes, you will only need one document to prove both your birthday and identity. Some people have proved their identity with certified medical records from CDCR.
 - We recommend including a "certification of identity." You can ask a prison official for this certification. This certification confirms your name and birthday on prison letterhead.
- Release of Information form (SSA-3288).
 - This form gives the SSA permission to send your card to prison or to a very trusted person on the outside. Identity theft causes serious challenges, so we recommend that you protect your SSN. Be sure you are allowed to receive your card before sending the card to prison. Contact Root & Rebound for support if you are told you cannot receive the card.

If You Have Never Had a Social Security Number (SSN): You will need to apply in person at a nearby Social Security Administration (SSA) field office after you are released.



FIND AN SSA OFFICE

- Phone: 1-800-772-1213
- Website: www.ssa.gov/locator
- Address: SSA Regional Public Affairs Office, P.O. Box 4201, Richmond, CA 94804

If You Are Not Incarcerated

If You Have Never Had a Social Security Number (SSN) Before: You will need to apply in person at a nearby Social Security Administration (SSA) field office.

If You Have Had a Social Security Number (SSN) Before: It is easiest to request your Social Security Card in person at a nearby SSA field office. Otherwise, you must mail original documents to a field office either:

- With the SS-5 form or
- After applying for a card online.

California State ID Card (CA ID) / Driver's License

Get while incarcerated or soon after release.

Get a REAL ID: You can get regular or REAL ID versions of both a CA ID and a DL. Beginning May 7, 2025, people will need a "REAL ID" (or passport) to go on an airplane anywhere in the U.S. and to enter federal buildings. To get a REAL ID for the first time, you will need to go in person to the DMV with your birth certificate (or other DMV-accepted proof of birth), plus two documents proving your address. There is no price difference, so if you can get a REAL ID, there is no downside.

If Incarcerated in CDCR

Getting a CA ID: You have the right to receive a CA ID for free through the in-prison CA ID program (also sometimes called the “Cal-ID program”). It does not matter whether or not you have had a CA ID in the past. Your **correctional counselor** should help you apply within 13 months of your release date. If they do not help you apply, ask! You will need to give the following information and may need proof of it:

- Full name;
- Date of birth;
- Valid SSN; and
- Legal presence in the U.S.
- They may ask for an address. If you do not have an address, you can use the parole or post release community supervision office address.

NOTE:

- As of 2023, many people still are leaving CDCR without a CA ID. If this happens to you, you have the right to keep your prison ID. It is still important to get a CA ID or DL. Most businesses and agencies will not accept a prison ID. Root & Rebound can help you get your ID after release.
- As of 2023, CDCR is not getting CA IDs for people released after board of parole hearings. However, this may change. We recommend you ask your counselor to screen you for a CA ID as soon as you are granted parole.

Getting a DL: You can get a driver’s license (DL) renewal if you have had a DL before and meet certain DMV requirements. There is a fee. CDCR will pay for a CA ID but not a DL. A DL is more expensive. You must pay the difference in cost between a DL and a CA ID. If successful, you will get your DL at release.

If You Believe You Will Not Get a CA ID or DL Through an In-Prison Program: You can start preparing to get an ID as soon as possible after release. There are two steps.

1. Try to get your birth certificate (see above).
2. Make sure you know your SSN. (If you do not know your SSN, see previous section to get a Social Security Card.)

If You Are Not Incarcerated

The Department of Motor Vehicles (DMV) issues both CA ID and CA DLs.

- Find your local DMV office here: <https://www.dmv.ca.gov/portal/locations/field-offices/>. You can also find more information on acceptable documents here: <https://www.dmv.ca.gov/portal/driver-licenses-identification-cards/real-id/real-id-checklist/>.
- Phone number: 1-800-777-0133
- Hearing impaired line: TTY 1-800-368-4327

Getting a CA ID: To get a CA ID, you must bring certain documents with you to the DMV. The DMV has a detailed list of all the documents you will need.

- **Proof of your identity**
- **Proof of legal presence in the U.S.**
 - A birth certificate may prove both your identity and legal presence in the U.S. The DMV has a list of other documents they will accept as well.
 - There is a new law that will allow people who cannot prove legal presence in the U.S. to get a CA ID. The date that this will begin is not set yet (but should be before July 1, 2027.)
- **Social Security Number (SSN)**
- **Document(s) That Prove Your Address**
 - Regular ID: You only need to bring 1 document.
 - REAL ID: You must bring 2 documents.
- **Note:** One document that can work to prove one or more of the above is a letter from your parole or probation officer saying they certify your identity and/or legal presence and/or address.

- **Money to Pay the Fee or a Signed Fee Waiver or Reduced Fee Form**

- A signed fee waiver will come from your parole agent, transitional housing, shelter, or an agency that helps people who are unhoused.
- A signed reduced fee form will come from a Public Benefits office. If you are on public benefits, you should qualify for a reduced fee.
- Notes for Seniors: People over 62 can get free Senior IDs at the DMV.

Getting a DL: To get a DL, you must pass a vision test, Rules of the Road test, and driving test.

- **Required Document(s):** Bring your California ID, or the same documents as for a California ID are required (see above).
 - Exception: For people who cannot or choose not to provide documents proving legal presence, a driver's license called an AB-60 license is a possibility (**NOTE:** this is not an ID under the law; continue reading this Chapter for more information).
- **There is no fee waiver to get a DL.**
- **Preparing ahead of time:** You may want to prepare ahead of time for the written test. If so, you can access the California Driver's Handbook by having a family member or loved one print it for you: <https://www.dmv.ca.gov/portal/handbook/california-driver-handbook/>.

Changing Name or Gender on Your Official ID

1. Access & fill out court documents.

Your first step is to find and fill out the right forms. What forms you need depends on if you are changing your name, your gender, or both your name and your gender. All the forms can be found on the CA Judicial Council's website or at your prison's law library. There is a fee to file these forms in most counties (between \$435-\$450). You can file a fee waiver form so that you do not have to pay any fees. These are the forms you need to submit:

- **Change of name only:** [NC-100](#), [NC-110](#), [NC-125](#), [NC-130](#), and [CM-010](#).
- **Change of gender only:** [NC-300](#), [NC-330](#), and [CM-010](#).
- **Change of both name and gender:** [NC-200](#), [NC-110](#), [NC-125](#), [NC-230](#), and [CM-010](#).
- **Fee waiver forms:** [FW-001](#) and [FW-003](#) and a certified copy of your trust account balance.

NOTE: You can find all the forms listed in the "Changing Name or Gender on Your Official ID" section at <https://www.courts.ca.gov/>.

2. Submit your forms to the Superior Court in the county where you currently live or are incarcerated. There may be more than one Superior Court courthouse in your county of current residence. If so, you will usually submit your name or gender change papers at the location that handles "unlimited civil petitions." People on the PC 290 registry have additional requirements if petitioning to change their name.

3. If you are in prison or on parole, give a copy of your paperwork to your jail officials, **Warden**, or Regional Parole Administrator. This guide does not specifically explain which steps to take if you are in county jail, federal prison, or probation. Please reach out to Root & Rebound if you have questions specific to your situation.

When you submit your papers to the Superior Court, you must also give a copy of your papers to the people supervising you.

- **Prison:** **(1)** Fill out and submit CDCR Form 2010 (06/18), Notice of Legal Name Change Petition. This can be found in the law library. **(2)** Give this CDCR form and the papers you submitted to the Superior Court to the Warden. **(3)** The Superior Court will mail you a receipt and an “Order to Show Cause.” Give the Warden a copy of “Order to Show Cause.”
- **Parole:** **(1)** Fill out and submit CDCR Form 2010 (06/18), Notice of Legal Name Change Petition. This can be found in the law library. **(2)** Give this CDCR form and the papers you submitted to the Superior Court to the Regional Parole Administrator. **(3)** The Superior Court will mail you a receipt and an “Order to Show Cause.” Give the Regional Parole Administrator a copy of “Order to Show Cause.”

4. CDCR staff will review your petition. CDCR may object in writing within 6 or 12 weeks of the court petition. If CDCR opposes, CDCR must object at least 2 days before the scheduled court hearing. If they do not oppose, the court may cancel the court hearing.

5. Attend a hearing.

6. If someone files an objection to your gender and/or name change request, the Court will schedule a hearing. Tell the staff at your jail or prison the hearing date and time. This way, you can be sure to attend the hearing in person or over the phone. At the hearing, explain why you want to change your name and/or gender. If the Court grants your name and/or gender change, you will get a court order granting the change(s).



CONSULT A LAWYER

If you have any trouble trying to change your name and/or gender, call Root & Rebound's **Reentry Legal Hotline** any Friday, 9 a.m. – 3 p.m. PST, at 510-279-4662 for support. We accept collect calls.

Tribal ID Card

This information applies to you if you are a tribal member. You might be able to get a Tribal ID card while incarcerated or soon after release. You might be able to use your Tribal ID card as identification in many places. You also might be able to access tribal benefits with your Tribal ID card. Contact your tribe for more information.

LEGAL BARRIERS TO GETTING AN ID

This section explains barriers you may face getting an ID and possible solutions.

1. Child Support Debt As a Barrier to Getting a Driver's License (DL)

Your driver's license (DL) can be suspended if you do not pay child support. Beginning January 1, 2025, you will have more protections. After this date, your DL cannot be suspended for child support debt if your income is at 70% or less than the median income in the county where you live. Beginning January 1, 2027, your commercial DL can be suspended but your regular DL still cannot be suspended.

Temporarily Reinstate Your DL

You may be able to ask the court that issued your child support order to temporarily reinstate your DL. You can ask the court to temporarily reinstate your DL if your DL was suspended due to unpaid child support that you cannot afford to pay.

Submit a form to the court online. The form is called a "Notice of Motion for Judicial Review of License" Denial (Form FL-670)". This form asks the judge to give you back your DL so that you can go to work and earn money. The judge will make the final decision, not the local child support agency (LCSA).

1. Access the form online at: www.courts.ca.gov/forms.htm.
2. Complete the FL-670 form according to its directions.
 - The case number is the same as your child support case number.
3. File the original form with the court clerk.
 - Fee: The court may charge a fee to file the form. You can apply for a fee waiver.
4. Serve (usually by mail) a copy to the local child support agency.
5. Keep a copy for yourself.
6. Get ready for your hearing.
 - On the date of your hearing, you may need to wait in the courtroom for your case to be called. At the hearing, tell the judge why getting your license back would let you work, earn money, and pay your child support.

Reinstate Your DL

To get your license back, one option is paying the child support you owe. To pay your debt, contact the local child support agency. Sometimes, a child support agency can reduce prior debt you owe. Only a court can reduce the amount you owe each month.

2. Unpaid Traffic Fines Should No Longer Result in You Losing Your License

As of June 2017, your DL can no longer be suspended for unpaid fines. However, it can still be suspended for a failure to appear in court. Beginning January 1, 2027, the DMV will not be allowed to suspend your license for a failure to appear. Starting this date, the DMV should remove earlier suspensions for a failure to appear.

If your license was suspended BEFORE June 2017 due to a failure to pay:
You may be able to have your traffic debt forgiven and your license reinstated if you had a pending ticket when you went to jail/prison. (NOTE: You can also follow these steps to pay traffic debt even if your license was not suspended.)

You Can Receive Relief If:

1. You are/were serving a state prison **sentence** **or** a realignment sentence in county jail; **and**
2. Your ticket was “pending” when you were incarcerated. “Pending” means the ticket was not yet decided by the court. In other words, a court had not yet ordered you to pay it; and
3. Your ticket was for an **infraction** or **misdemeanor** traffic offense. The ticket also did not require suspension or revocation of your DL.

NOTE: You cannot have been on bail, parole, or post release community supervision when you got the ticket. If you were, this relief will not apply to you.

What You Can Do:

Send a request to the court and the DMV to remove fines. Include:

1. Proof of your sentence;
2. Dates of your incarceration;
3. Date of your DL suspension; and
4. Any warrants.

If you are incarcerated, below are two options:

- You can ask a jail official to send in form DL 114 for you; **OR**
- You can ask a prison official to write and sign a letter on prison letterhead.
 - The letter should include your dates of incarceration.
 - The letter should ask for the dismissal of your pending tickets under Vehicle Code section 41500.
 - The letter should be sent to:
 - The traffic court in the county where your ticket was issued; and
 - The Department of Motor Vehicles, Division of Drivers Safety and Licensing, P.O. Box 9412890, Sacramento, CA 94290.

Your License Was Suspended For a Failure-to-Pay, Failure-to-Appear, or Other Failure-to-Comply That is More Than 5 Years Old: You can call or write to the DMV Mandatory Actions Unit to ask if your suspension can be removed. We recommend calling the DMV Mandatory Actions Unit about 3 minutes before they open. Hold times can be long.



DMV CONTACT INFORMATION

Department of Motor Vehicles
Attn. Mandatory Actions Unit, Mail Station J233
P.O. Box 942890
Sacramento, CA 94290-0001
916-657-6525

Your Local County Court May Have a Process For Waiving Fees: You can find out about traffic debt programs in your county. Use a site created by East Bay Community Law Center at <http://ebclc.org/reentry-legal-services/>.

3. Suspended DL: If your DL is suspended for a reason other than fines or if you do not know

Call or write to the DMV Mandatory Actions Unit (with full name, CA ID/DL #, address on the ID, and birthday) to find out how to get your DL back:



DMV CONTACT INFORMATION

Department of Motor Vehicles
Attn. Mandatory Actions Unit, Mail Station J233
P.O. Box 942890
Sacramento, CA 94290-0001
916-657-6525

4. ID for People Who are Undocumented

There are additional challenges if you are undocumented. You cannot yet get an official ID that works for all government purposes. This should change on or before July 1, 2027 because of AB 1766. Until then, you may be able to get special types of ID that work in limited circumstances. The following forms of ID may benefit you:

- **California AB 60 Driver's License:** If you cannot prove legal presence in the U.S., you still can get a driver's license (DL). Your DL is not meant to be proof of your identity. Your DL is simply meant to allow you to drive. Other types of ID (listed below) can be proof of your identity. You can get your DL at the DMV with:
 1. Proof of your identity; and
 2. Proof of your address in California. (The DMV has lists of documents they accept).



WARNING

While California police are not supposed to discriminate against individuals driving with an AB 60 driver's license, the protection does not apply to federal agents in California and all law enforcement outside of California. For this reason, **it may not be safe to use your AB 60 DL outside of California or in federal facilities (including airports and customs).**

- **Municipal ID:** Some cities offer municipal or "city ID" cards for their residents. These are usually photo ID cards that can be used to receive city services and benefits. These forms of ID often **do not** usually require proof of citizenship or legal presence in the United States. You can check your city's official webpage or contact your city offices to find out if your city offers a city ID.
- **Consular Identification Card (CID):** Some governments issue this form of ID to their citizens who are living in foreign countries. Some consulates offer the option to apply by mail. However, most consulates require you to apply in person. If possible, look online for your country's nearest consulate. Next, call them to ask about whether a CID would be available to you.

- **Foreign Passport Application and Renewal:** If you are a citizen of another country, you can get a foreign passport from that country. This includes those who hold dual citizenship with the U.S. and another country. Note that U.S. nationals (including dual nationals) must use a U.S. passport to enter and leave the United States. The requirements for obtaining a foreign passport vary from country to country. Generally you will need to:
 - Locate and call the foreign consulate or embassy;
 - Gather necessary documentation proving your identity and nationality of that foreign country;
 - Complete the passport application;
 - Get passport photos taken; and
 - Submit application materials and fees.



WARNING

A CID and foreign passport can help you open a bank account and get a driver's license in California. However, they do not grant you legal presence in the United States. Because of this, you do NOT want to share them with an ICE agent or other federal worker.

Conclusion

Chapter 2 covered steps you can take to get official IDs. The process of getting your ID is not always straightforward. The process requires you to fill out paperwork and visit different offices. However, the process is important to your successful reentry and reintegration. The process is also one of the earliest steps you can take. There is a close connection between getting an ID and being able to access your basic needs.

NEXT STEPS



ACTION STEP

Fill out the questions in the Sample Reentry Plan in Appendix A starting on page 166. You can answer the questions before or while planning your reentry.

The questions for Chapter 2 can help you plan your reentry to determine what ID you have or need. The questions can also help you find out which ID you can get before release. When going through this checklist, we recommend that you:

1. Note the documents that you do and do not have; and
2. Refer to the following information on how to get documents that you may need.



CONSULT A LAWYER

Call Root & Rebound's **Reentry Legal Hotline** any Friday, 9 a.m. – 3 p.m. PST, at 510-279-4662 for support. We accept collect calls.

CHAPTER

3

VOTING RIGHTS

Summary - Chapter 3 provides:

- **Information on the current law** and a **chart** summarizing who can and cannot vote in California because of their incarceration or supervision status; and
- **Basic steps** about when and how to register (or re-register) to vote.

Key Terms

NOTE

These terms are **highlighted** the first time they appear in this Chapter. When you see a highlighted word, you can refer to this section for a definition.

- **Criminal Legal System:** An umbrella term that refers to the laws, procedures, institutions, and policies at play before, during, and after the commission of a crime. This is often also referred to as the “criminal justice system.” Although the idea of justice is implied, we acknowledge that a “fair” outcome is rarely achieved by all parties involved in this system and prefer to use the term “criminal legal system” instead.
- **Felony:** A crime usually punishable by imprisonment for more than one year or by death. Examples include burglary, arson, rape, certain drug crimes, and murder. Felonies can be—but are not always—classified as serious or violent. These classifications can be important, as they dictate whether a crime counts as a strike (see below) under California’s Three Strikes Law. They also may impact a person’s ability to be released early.
- **Incarceration:** Imprisonment of a person convicted of a crime who is serving their court-ordered sentence for that crime. Note that this is different from detention, which is the temporary holding of a person who is charged with a crime but has not been convicted of the crime or found innocent yet.
- **Jail:** The county-level government’s detention center, which holds people awaiting trial, people convicted of misdemeanors, or people convicted of felonies but sentenced under Realignment (see below).
- **Misdemeanor:** A crime usually punishable by a fine and/or confinement in a place other than prison, such as county jail. Examples include driving under the influence (DUI), petty theft, solicitation for an act of prostitution, and shoplifting.
- **Parole:** A condition of release for a person coming out of state prison. People on parole (sometimes called “parolees”) remain under the control of the CDCR and must adhere to a set of rules (called “conditions”) designed to promote public safety. To ensure compliance with these rules, people on parole are required to check in with a Parole Officer (P.O.) or Agent employed by the CDCR Division of Adult Parole Operations (DAPO) at designated intervals.
- **Prison:** A state or federal confinement facility for people convicted of crimes, especially felonies. The California Department of Corrections and Rehabilitation, commonly abbreviated as CDCR, oversees the state prison system.
- **Probation (county-level):** A criminal sentence served in the community in place of (or following) a jail sentence. People on county probation must follow a set of rules (known as “conditions”) designed to promote a crime-free life. There are different types of probation: some *supervised by the court* (called informal, summary, or court probation), and some *supervised by a probation officer* (called formal probation).
- **Realignment:** In 2011, Governor Jerry Brown signed the Public Safety Realignment Act in an effort to reduce the number of people going into overcrowded state prisons. Realignment allows people with non-violent, non-serious, non-sex offense related convictions to serve their sentences in county jail instead of prison.
- **Sentence:** The punishment imposed by a court on a person convicted of a crime. See other definitions for detailed descriptions of common types of sentences.
- **Strike:** A conviction in California for “violent” or “serious” felonies.

VOTING RIGHTS

Voting is a way for you to express your political voice. You can help change practices and laws related to the **criminal legal system** and people's rights in reentry. This section explains current voting rights laws and how to register to vote.

ARE YOU ELIGIBLE TO VOTE (IN CALIFORNIA)?

- ☐ I am over 18 years old
- ☐ I am a U.S. Citizen
- ☐ I am a California resident
- ☐ I am not in Federal or State **Prison** (or serving a state prison **sentence**)
- ☐ I have not been disqualified from voting because of a current court order that I am both subject to a conservatorship and unable to communicate my desire to participate in the voting process.

You Can Vote!

- ✓ Yes, you can vote if you are on **parole** or **probation**!
- ✓ Yes, you can vote if you are serving a jail sentence, even a Realignment felony sentence!
- ✓ Yes, you can vote if you are in jail pre-trial!

Continue reading for more details on voting eligibility and to learn how to register to vote!

Know Your Voting Rights!

Talk to your county elections office about how to register!

- **Myth Buster:** Californians do not permanently lose their right to vote due to a criminal record.
- **If you are eligible to vote, you have the right to take paid time off from work to vote.** Be sure to make arrangements with your employer at least two working days before voting day.
- **Myth Buster:** **If you are unhoused, you have the right to vote.** You can list your address in one of two ways:
 1. You can register using an address where you are frequently located (like a shelter);
 2. You can register using a description of a location (like an intersection or park).

NOTE: You can use a P.O. Box address to receive mail. You cannot use a P.O. Box as the address where you live.
- **If you have a disability**, you have certain rights.
 - **You have the right to reasonable accommodations** to access voting locations.
 - You have the right to use a **voting machine that is accessible**.
 - You have rights **if you are unable to read** or have other physical difficulties voting. You have the right to **select up to two people to assist you in the booth**. Just make sure those people are not affiliated with your employer.



ACTION STEP

You can register to vote any time (even right now). The deadline to register to vote is 15 days before the next election. To register, you must:

1. Fill out a voter registration form; and
2. Send the form to your county elections office.

You can do this by:

1. Filling out the online registration at <http://registertovote.ca.gov>; or by
2. Filling out a paper form.
 - Paper forms are available at:
 - County elections offices;
 - Public libraries;
 - The DMV; or
 - U.S. Post Offices.

If you are in **jail** and want to vote, ask the jail staff for help. The staff can provide you with a voter registration form.

If you miss the 15-day deadline, you can register and vote on election day.

1. Go to your local polling place or county elections office. This includes early voting locations.
2. Ask for a “Conditional Voter Registration.”

In this case, you will have a conditional ballot. Conditional ballots are counted after a person’s registration has been verified.

Call the **California Secretary of State’s toll-free voter hotline** with any questions:

- 1-800-345-VOTE (English);
- 1-800-232-VOTA (Spanish); or
- 1-800-833-8683 (TTY/TTD).
- For additional language options, visit this website:
<https://www.sos.ca.gov/elections/voting-resources/voting-california/voter-hotlines>.
- If you are incarcerated and cannot call these numbers, call Root & Rebound for support.

You can also mail your questions to the California Secretary of State’s office:

- Elections Division, 1500 11th Street, 5th Floor Sacramento, CA 95814.

Even if you registered previously, you will likely need to **re-register** to vote if:

- You changed your permanent address, legal name, or political party; OR
- You completed a prison sentence.

The **chart** below explains how **incarceration** affects voting rights in California.

California VOTING ELIGIBILITY WITH A RECORD

People with State Convictions	
Supervision Status	CAN I VOTE? (Note: You must also be age 18 or older by the next election day, a U.S. citizen, and a California resident)
Currently Incarcerated in California State Prison (or serving a prison sentence in a community program)	NO
On California State Parole	YES
On Probation (informal or formal)	YES
Under Post Release Community Supervision	YES
Under Mandatory Supervision	YES
Currently Incarcerated in County Jail	IT DEPENDS: <ul style="list-style-type: none"> Because of a sentence in county jail (this can be a felony or misdemeanor sentence or part of a probation sentence): YES Because of a parole violation: NO
Pending Felony Charge(s) (you are charged, but not yet convicted)	YES
Serving a Sentence in Jail or on Probation for a Misdemeanor Conviction	YES (A misdemeanor never affects your right to vote in California)
People with Federal Convictions	
Supervision Status	CAN I VOTE? (Note: You must also be age 18 or older by the next election day, a U.S. citizen, and a California resident)
Currently Incarcerated (in federal prison or serving federal prison sentence)	NO
On Federal Probation	YES
On Federal Supervised Release	YES
On Federal Parole	YES



IMPORTANT

Once you are **no longer incarcerated**, your right to vote is automatically restored in California. Your right to vote is restored for both state and federal elections. All you need to do is register (or re-register) to vote!

NEXT STEPS



ACTION STEP

Fill out the questions in the Sample Reentry Plan in Appendix A starting on page 166. The Sample Reentry Plan can help you plan your reentry. The questions for Chapter 3 can help you create a plan to register to vote.



CONSULT A LAWYER

An advocate may be able to help you register to vote. Call Root & Rebound's **Reentry Legal Hotline** any Friday, 9 a.m. – 3 p.m. PST, at 510-279-4662 for support. We accept collect calls.

CHAPTER

4

CREATING A HOUSING PLAN

Summary - Chapter 4 provides:

- **Guidance** on creating both short-term and long-term housing plans;
- **An overview** of different housing options in reentry;
- **Suggestions** for housing that may work better if you have specific needs; and
- **Information** about your housing rights and **how to challenge illegal denials to public and private housing.**

Key Terms

NOTE

These terms are **highlighted** the first time they appear in this Chapter. When you see a highlighted word, you can refer to this section for a definition.

- **Arrest:** Occurs when law enforcement apprehends or restrains the movement of a criminal suspect. An arrest does not necessarily lead to a person being charged with a crime or taken to jail. However, even if they are not prosecuted, an arrest will show up on a person's criminal record.
- **Board of Parole Hearings (BPH):** The Board that is responsible for parole suitability hearings and nonviolent offender parole reviews. This Board also assesses parole eligibility for incarcerated people who are elderly, have medical problems, or were "youth offenders" (as determined by California law).
- **California Department of Corrections and Rehabilitation (CDCR):** The State department responsible for operating California's state prisons and parole systems. Prison staff and parole personnel are employees of CDCR.
- **Conviction:** A judgment, made in court by a jury or judge, stating that a person is guilty of a crime.
- **Incarceration:** Imprisonment of a person convicted of a crime who is serving their court-ordered sentence for that crime. Note that this is different from detention, which is the temporary holding of a person who is charged with a crime but has not been convicted of the crime or found innocent yet.
- **Jail:** The county-level government's detention center, which holds people awaiting trial, people convicted of misdemeanors, or people convicted of felonies but sentenced under Realignment (see below).
- **Parole:** A condition of release for a person coming out of state prison. People on parole (sometimes called "parolees") remain under the control of the CDCR and must adhere to a set of rules (called "conditions") designed to promote public safety. To ensure compliance with these rules, people on parole are required to check in with a Parole Officer (P.O.) or Agent employed by the CDCR Division of Adult Parole Operations (DAPO) at designated intervals.
- **Prison:** A state or federal confinement facility for people convicted of crimes, especially felonies. The California Department of Corrections and Rehabilitation, commonly abbreviated as CDCR, oversees the state prison system.
- **Private Background Check:** A background check done by a private company. The background check will draw from sources like court records, police, correctional, and CDCR records, other public records, internet searches, and communication with people who know the applicant.
- **Probation (county-level):** A criminal sentence served in the community in place of (or following) a jail sentence. People on county probation must follow a set of rules (known as "conditions") designed to promote a crime-free life. There are different types of probation: some *supervised by the court* (called informal, summary, or court probation), and some *supervised by a probation officer* (called formal probation).
- **Realignment:** In 2011, Governor Jerry Brown signed the Public Safety Realignment Act in an effort to reduce the number of people going into overcrowded state prisons. Realignment allows people with non-violent, non-serious, non-sex offense related convictions to serve their sentences in county jail instead of prison.
- **Sentence:** The punishment imposed by a court on a person convicted of a crime. See other definitions for detailed descriptions of common types of sentences.

CREATING A HOUSING PLAN

Housing is one of the most important parts of a successful reentry plan. We recommend you:

1. Start planning early;
2. Consider multiple options. Think creatively and stay as flexible as possible; and
3. Know your legal rights so you can respond if those rights are violated.

This advice applies whether you are planning on living with family, looking for transitional or short-term housing, or seeking long-term housing.

Know Your Housing Rights!

(The housing rights below are explained in more depth throughout this Chapter.)

Blanket Bans: It is usually illegal for housing providers to use "blanket bans." Blanket bans stop all people with **convictions** from living in housing.

Illegal Discrimination: It is illegal to deny someone housing based on a "protected" characteristic.

- Examples of protected characteristics are race, gender, national origin, religion, family status, etc.
- Conviction history is not a protected characteristic. This means it is not illegal to deny someone housing because of their conviction history.
 - It is illegal to use a conviction history to deny someone based on race or another protected characteristic. (For example, this would happen if a landlord only gave background checks to people of a certain race.)

Background checks by private landlords:

- The housing provider must:
 - Ask you to authorize a background check; and
 - Give you a copy of the report if you request it.
- The background check:
 - Cannot go back more than seven years;
 - Cannot include convictions that were expunged or dismissed; and
 - Cannot report **arrests** that are not pending (open).
- You can demand that a background check be corrected if:
 - There is incorrect information; or
 - The background check includes information that should not be reported.

Public Housing: Federally funded public housing (like "Section 8") has slightly different rules than private housing. If you are denied housing, you have the right to challenge the denial.

Disability: You have the right to request reasonable accommodations for your disability in transitional, public, and private housing. This includes accommodations for:

- Physical disabilities;
- Mental disabilities;
- Past drug addiction (but not current drug addiction).

NOTE: It can be difficult to know if you have been illegally discriminated against. We recommend asking a housing attorney how the law applies to your situation. You can also call Root & Rebound for support.

SHORT-TERM, TRANSITIONAL, AND SPECIFIC NEEDS HOUSING

Short-term, transitional, or specific needs housing is necessary for many people in reentry. Long-term housing may not be an immediate option. Some people are required to live in transitional housing. Some people want to live in “clean and sober” housing. Others prefer transitional housing for structure and professional support before living with family, friends, or alone.

1. Short-Term Housing (Shelters)

Most shelters are free and offer a bed and a shower. Some shelters also offer meals. Shelters are not a permanent housing solution. However, shelters can be a critical resource when short-term or emergency housing is needed. Shelters can provide an access point to long-term housing options. It is important to know that many shelters have rules for:

- Who is eligible;
- What can be brought in; and
- The timing of arrival, meals, and other activities.



HELPFUL RESOURCE: CALL 2-1-1

Most counties in California offer a 2-1-1 service. 2-1-1 provides free and confidential information and local referrals. Call 2-1-1 if:

- You are no longer incarcerated; and
- You are in need of immediate shelter or other resources.

2-1-1 can refer you to organizations that offer:

- Shelter and housing;
- Food;
- Employment;
- Health care;
- and more.

2. Transitional Housing

Transitional housing programs usually last between 3 and 24 months. These programs may help you adjust to life outside of **incarceration**. Staying in transitional housing can give you time to figure out longer-term housing. Transitional housing programs can offer a safe place to live while you work on getting a job. Many transitional housing programs provide programs and services like:

- Counseling;
- Money-saving plans;
- Food;
- Job training; and
- Computer classes.

Transitional housing may also offer options for people who need extra support. This support could be **mental health services** or **substance abuse treatment**.

If You are Currently Incarcerated

You can sometimes set up transitional housing before your release date. Each CA state **prison** should have a “Parole Services Associate,” or PSA. If you will be on **parole**, the PSA can likely set up **CDCR**-funded transitional housing for you. You can also try to set up your own transitional housing by contacting the transitional housing yourself. It is important to share your plans with the PSA. The PSA may need to contact the transitional housing to approve your housing. The PSA may also need to provide a referral from CDCR for you to go there. Also, your PSA might not ask you about housing. If this happens, you can send in an inmate request 22 form to ask to see the PSA to set up housing.

You can get a list of transitional housing resources from:

- Root & Rebound;
- Your counselor; or
- Your Parole Services Associate (PSA).

This list can be for the county you expect to be released to. Most of the time, you will be released to the county where you were living before going to prison. You may ask for a transfer to another county before release. See Chapter 7: Community Supervision (Parole and **Probation**) for more information on requesting a transfer.



TIP

There may not be space in CDCR-funded housing in a particular county. If this happens, parole staff should automatically approve a transfer to a CDCR-funded program in another county. This rule is in the CDCR Department Operations Manual (DOM). You can reference this section of the manual: Section 81010.10(a).



REENTRY PLANNING TIPS

It can be particularly hard for people on the sex offense and arson registries to find housing. There is CDCR-funded housing that accepts people on these registries. Asking the PSA for housing is the way to set it up. You can ask your probation officer or the PSA for housing before release.

Many people on Post Release Community Supervision (PRCS) are not assigned housing until after their release. They usually can get housing after they first meet with their PRCS officer if they ask and a bed is available. If you will be on PRCS, see Chapter 7: Community Supervision (Parole and Probation) for more information.

You May Be Required to Live in Transitional Housing Because

- Your parole or probation conditions require you to; or
- You were paroled after a life **sentence**. In this case, the **Board of Parole Hearings (BPH)** usually requires people to live in transitional housing.

If You Presented Transitional Housing Acceptance Letters at Your Parole Hearing, It is Not a Guarantee You Will Go to One

- Presenting acceptance letters to transitional housing programs to the Parole Board can help you get a grant of parole. Most of the time, it will be the PSA and Division of Adult Parole Operations (DAPO) who chooses your housing.
- After your grant, it is important to follow up with your PSA to be sure they know about your acceptance and confirm you are assigned to go there.



REENTRY PLANNING TIP

Not all transitional housing programs are the same. Some are more supportive than others. Some begin with a blackout period where you cannot communicate with people outside the program. Some require a lot of programming instead of letting you work. Others require you to work. Some help people find long-term housing and some do not. Finding transitional housing can also take a long time and can be a confusing process. If you are currently incarcerated, you can start calling or writing potential programs **6-12 months in advance of your release date**. You can also call our Friday **Reentry Legal Hotline** for support related to issues with transitional housing.



REENTRY PLANNING TIP

You can apply to transitional housing programs whether you are required to or not. The BPH may require you to live in transitional housing if you were sentenced to a life term in a California state prison. In this case, you will be required to live in transitional housing for 6 months after release. Parole will likely choose the location.

There are certain parole conditions that say where a person can and cannot live. See Chapter 7: Community Supervision (Parole and Probation) for more information.

3. Specific Needs Housing

Some housing programs provide extra support to people with **specific needs**. You can ask whether these programs offer short- or long-term housing options.

Survivors of Domestic Violence

There are more than 100 shelter-based domestic violence programs in California. Many of these offer both emergency housing (usually up to 30 - 60 days) and housing that is more long-term (6 - 18 months). Often these programs offer other services such as 24-hour hotlines, legal assistance, counseling, and referrals. Many programs do not conduct criminal background checks.

- To find a domestic violence shelter or for emergency support, contact the National Domestic Violence Hotline.
 - Phone: 1-800-799-SAFE (7233)
 - Address: National Domestic Violence Hotline, PO Box 90249, Austin, Texas 78709

People in Recovery

Sober living environments (SLEs) can be a good housing option. SLEs are designed for people struggling with past addictions.

CDCR funds transitional housing programs that focus on substance abuse treatment and/or sober living through a program called “STOP Funding.” If you are on state parole, you may be eligible to receive STOP funding for housing assistance. Contact your parole officer or your PSA (if you are currently incarcerated) for more information.

Veterans

If You Are Incarcerated: The VA has a program that helps Veterans find housing and stay out of the system after incarceration. This program is called **Health Care for Re-entry Veterans (HCRV)**. You likely cannot access the HCRV program until you are released from **jail** or prison. You can access HCRV services by calling or visiting a VA Enrollment Office. Call the VA Health Eligibility Center to find out which office you should work with. The phone number is 877-222-8387. This VA call center takes calls Monday - Friday from 5:00 a.m. - 5:00 p.m. PT.

- If you have received care from the VA before, the VA enrollment office you previously received care from will help you.
- If you have not received care from the VA before, the VA enrollment office closest to you will help you.
- You can visit the VA’s website for more information at: <https://www.va.gov/homeless/reentry.asp>.

If You Are in The Community

You can reach out to a VA counselor at the National Call Center for Homeless Veterans.

- Their hotline is available 24/7 at 1-877-AID-VET (424-3838).

You can find your local VA office at: www.cacvso.org/county-contacts/.

You can reach out to nonprofit organizations that receive the VA’s Supportive Services for Veteran Families Grants at www.va.gov/homeless/ssvf.asp.

Senior Citizens

There are very few housing programs specifically for senior citizens in reentry. However, there are some options. Seniors can also find housing based on other factors. These factors could be disability, low income, or veteran status.

You can contact the California Department of Aging to explore these options:

- Phone: 916-419-7500
- Address: California Department of Aging, 2880 Gateway Oaks Drive, Suite 200, Sacramento, CA 95833
- Website: https://aging.ca.gov/Care_Options/Determine_the_Best_Housing_Option_For_Me/.

People on the Registry

If you must register for a sex offense under California Penal Code section 290, you may face restrictions on where you can live. These restrictions depend on:

- The crime you were convicted for;
- Your supervision status; and
- Any related conditions imposed on you.

The following restrictions are applied to everyone on parole:

While on State Parole:

- **You cannot live in a single-family home with someone else who registers.** There is an **exception** if:
 - You are legally related by birth, marriage, or adoption; and
 - You are allowed to in your parole conditions. Remember, parole will have to approve your living conditions.
- **You cannot live within half a mile from any K-12 school or park where children regularly gather if:**
 - You committed a crime against a minor listed under Penal Code sections 288 or 288.5; **and**
 - CDCR has labeled you “high risk” based on a risk assessment.
 - If you committed a crime against a minor, you must register. There are certain places you cannot live. Violation of this law is considered a crime. You cannot live in a:
 - Child day care facility;
 - Residential facility; or
 - Foster family home, unless you are a client.
- Your parole may include other residency restrictions. You must comply with these residency restrictions.
- Check with your parole agent. **You may be temporarily excused from having to follow these restrictions during your treatment if you are mentally ill and living in a licensed mental health facility.**



WARNING

Parole conditions often have additional housing restrictions for people with 290 convictions. You may be able to challenge these restrictions. However, you must follow all parole conditions while you are challenging them. You can call Root & Rebound for support with 290 restrictions. You can also contact **Alliance for Constitutional Sex Offense Laws (ACSOL)**.

ACSOL is an organization that helps people who register. ACSOL's contact information is:

- Website: all4consolaws.org
- Address: Alliance for Constitutional Sex Offense Laws, 2110 K Street, Sacramento CA 95816
- Phone: 818-305-5984



ACTION STEP

If a loved one, service provider, or other supporter is assisting you with reentry, they may be able to research and contact transitional housing programs on your behalf.

Transitional housing programs can be hard to get in touch with. Transitional housing programs are often full or have long wait lists. With your permission, your loved one or a service provider can research and call potential programs and gather the required application documents for you.

Questions that your supporter/loved one can ask a transitional housing provider:

- What are your eligibility requirements?
- What documents are needed to apply?
- Can someone apply and be accepted while incarcerated as they prepare for release?
- Is there a waitlist to get into the program? How long does the housing program last?
- How is the housing funded?
- Does an applicant need a referral? Who can give the referral?
- What programming and support do they offer?

Other steps for more information:

- Ask the parole services associate, your counselor, or jail staff for housing options.
- Ask the parole services associate or jail staff to set up housing for you for your release.
- Call local reentry organizations and ask which housing providers they would recommend.
- Call 2-1-1 for referrals by county.
- Call Root & Rebound's free, weekly **Reentry Legal Hotline**, any Friday, 9 a.m. – 3 p.m. PST at 510-279-4662, for a list of referrals by county.



GET SUPPORT

You can call the Root & Rebound **Reentry Legal Hotline** Fridays, 9 a.m. – 3 p.m. PST, at 510-279-4662. An advocate can share a list of housing providers by county and legal information related to securing housing with a record. We accept collect calls.

LONG-TERM, PERMANENT HOUSING

Some people in reentry may be able to skip short-term and transitional housing. (For example, if they have a shorter period of incarceration in county jail.) Other people may stay in short-term or transitional housing and then look for a permanent place to live. You will eventually need to find long-term housing that is a good fit for you. This section discusses long-term and permanent housing options.

1. Different Types of Long-Term Housing: Public (Government-Assisted) vs. Private Housing

It is important to know the difference between public housing and private housing. Public housing is government-assisted. Your rights will be different depending on which type of housing you live in.

Government-Assisted Housing: A housing program or landlord that gets funding from the federal government or housing owned or operated by a government agency. Government-assisted housing programs are designed to help low-income people find long-term housing. Examples:

- Programs through the Public Housing Authority (PHA); and
- Landlords who accept “Section 8” Housing Choice vouchers.

There are also locally funded housing programs in some cities and counties.

Private Housing: The large category of housing that is owned and run by private landlords. These landlords do not get funding from the federal government.

2. Living with Family or Friends

Many people find it convenient to live with friends or family after release. This may be temporary or permanent. We encourage you to keep the following things in mind:

If the Home is a Rental: Review the home’s rental agreement or lease to know the rules. Pay special attention to any guest or visitor rules and rules about adding someone to the lease. The landlord may have the right to evict the leaseholder if there are additional tenants or long-term visitors. In California, a tenant can ask their landlord for a copy of their lease once every calendar year. The landlord must then provide it within 15 days.

If the Home is Government-Assisted Housing: We recommend reviewing the local Public Housing Authority (PHA)’s rules. The rules may be online on the PHA’s website, or you may need to call the local PHA. You can find your local PHA at this website:

https://www.hud.gov/program_offices/public_indian_housing/pha/contacts.

There are additional steps to join someone else’s government-assisted housing. You will likely need to do a full criminal history background check. There are consequences if the rules are not followed. The leaseholder of a PHA lease or voucher may lose their right to government-assisted housing permanently. This means following the proper rules is extremely important! Continue reading for more information on background checks for public housing.

If You Have Parole or Probation Conditions that Restrict Where You Can Live: Make sure your housing is approved in advance by your parole or probation office. This applies if you must follow rules like living in a specific county or living a certain distance from schools and parks. If the housing is not approved, you may violate your conditions of supervision. This could lead to re-incarceration in some cases.



WARNING

Your loved one could get evicted from their apartment if they break a rule. Before you move in with a loved one who lives in rental housing, review the PHA rules or lease/rental agreement.

CRIMINAL RECORD DENIALS AND HOUSING DISCRIMINATION

This section explains:

- How a criminal record affects your housing eligibility;
- Your housing rights;
- When you are protected against housing discrimination.

1. Criminal Record Denials in Public (Government-Assisted) Housing

Government-assisted housing can be a long-term housing option. You must meet the income and eligibility requirements. Federal law and regulations outline how Public Housing Authorities (PHAs) can use criminal records in deciding eligibility for public housing. Local Public Housing Authorities are required to also have their own administrative plans. These administrative plans describe the PHA's rules for considering criminal records. This section describes how your criminal record can and cannot bar you from public housing. Knowing your rights can help you spot legal issues and address them promptly!

Background Checks for Public (Government-Assisted) Housing

The Public Housing Authority ("PHA") usually requires applicants and residents to complete criminal background checks. Each government-assisted housing program has its own set of rules for acceptance. Laws or program rules might disqualify you based on your record. In some cases, you may be banned from government-assisted housing due to your criminal record. This may seem unfair, but it is not always illegal. Other times, it is up to the PHA if they want to deny or accept you. We recommend checking whether your criminal record affects your ability to live in public housing.

NOTE: Sometimes people receive a "Section 8" voucher. This voucher helps pay for housing from a private landlord. The landlord or housing provider will often require a background check. Keep reading for more information.

Mandatory Denials

There are a few **mandatory denials** for housing that receives federal subsidies. This housing includes the Public Housing and Section 8 programs. People with certain convictions cannot live in government-assisted housing:

- Methamphetamine production on federally-assisted property. This is a mandatory denial;
- Sex offense requiring lifetime 290 registration. This is a mandatory denial;
- Past drug conviction that resulted in eviction from federally-assisted property. This is a mandatory denial for at least three years; and
- Current illegal drug use. It is unclear what is "current." Local PHAs have some discretion in how they define "current." For example, the Housing Authority of the County of Alameda defines "current" as illegal drug use in the last six months. Please check with your local PHA for more information.

Permitted Denials

Some housing denials are not required by law but are allowed. These are called **discretionary denials**. The Public Housing Authority (PHA) may deny you. A private owner who received government funding may also deny you. Many people who are denied housing assistance are denied by these discretionary denials. This is frustrating and possibly unfair, but it means advocacy CAN be effective.

You have the right to:

- Show why you should not be denied;
- A review hearing to challenge the denial decision.

PHAs are allowed to deny people for criminal activity that is:

- “Reasonably recent,” **and**
- Poses a threat to other property residents’ health, safety, or peace.
- **NOTE:** There is no exact definition of what is reasonably recent. The time period that a PHA uses will depend on the nature of the offense.

This discretionary denial can sometimes apply to people who were arrested for (but not convicted of) a crime. The housing owner must prove that the conduct underlying the arrest occurred.



LOOK OUT FOR ILLEGAL DISCRIMINATION

Some denials of people with criminal records may be allowed, but you are protected from certain types of discrimination. Unfortunately, landlords often discriminate against rental applicants with criminal records. It is important to know your rights in case you are discriminated against.

There are legal protections against

- **Blanket bans.** A blanket ban is a ban like “no felons allowed.” A blanket ban may violate the federal Fair Housing Act and other state laws. A violation happens when there is an unfair impact on Black or Latino/a people. This is because Black and Latino/a people are impacted by the system at higher rates than White people.
- **Unfair treatment.** An example is only running background checks on Black applicants.
- **Illegal PHA policies.** You can challenge a PHA’s decision at a review hearing if a PHA denies you:
 - Based on your arrest record alone (without underlying proof that the activity occurred);
 - Based on a very old conviction;
 - Without sufficiently considering your evidence that you have resolved your issues; or
 - Based on another local administrative plan policy that violates federal law.
- **Discrimination based on disabilities that caused the past offense.** These disabilities can be **past addiction or mental health issues**. Federal and state laws prohibit discrimination based on disabilities. You can argue that a past addiction/mental health issue caused the offense. Based on this, argue that the offense cannot be used to deny housing. If you do, ask for a “Reasonable Accommodation.” Say that the accommodation should allow you to live there. This is despite the criminal records policy.
- **Discrimination based on criminal records for survivors of domestic violence where the conviction was tied to their abuse history.** The Violence Against Women Act (VAWA) offers protection for survivors of domestic violence in government-assisted housing.

Challenging Housing Denials and Illegal Discrimination in Public Housing

Knowing how to challenge public-housing discrimination is important. You can learn how to identify and address illegal behavior.

How to File a Legal Claim: You have the right to receive a detailed notice listing the PHA's reasons for denying you.

1. Check if any of the reasons listed on the notice appear to be illegal or discriminatory. The reasons could be based on:
 - Your criminal background;
 - Your disability; or
 - The PHA's reliance on false information.
2. If the reasons seem discriminatory, submit a written request for a review hearing as soon as you receive the denial.
3. Go over the notice carefully. The notice will have instructions for how to challenge a denial. The notice will include important deadlines.



CONSULT A LAWYER

If you believe you will have to request a review hearing, Root & Rebound can refer you to a legal aid provider or consult with you about the process by phone. Call our **Reentry Legal Hotline** any Friday from 9 a.m. to 3 p.m. PST at 510-279-4662 for more information. We accept collect calls.

Review Hearing Advocacy: The goal of the review hearing is to explain why the PHA should not have denied you. If the denial was because of your criminal record, you can show **evidence of rehabilitation**. Evidence of rehabilitation is information about how you have changed since your conviction.

You can be represented at a **review hearing** by someone who is not a lawyer. You may be working with a service provider for reentry assistance. If so, ask the service provider if they are willing to help you at the review hearing. At the very least, the service provider may be willing to help you prepare for the hearing. You may want an attorney to help you. Check with your **local legal aid organization**. A housing attorney may be able to represent you at a review hearing.

You may want to reach out to a local organization before meeting with a hearing officer. **Tenants rights** or **housing rights organizations** can help you understand the process. These organizations will know information about renters' rights in your county, city, or neighborhood. You can contact Root & Rebound for referrals.

2. Background Checks for Private Housing

Most private landlords will run a background check on applicants. Most of these landlords can reject you because of your criminal record. However, there are some limitations. In certain cities, system-impacted tenants have more rights. These cities include Berkeley, Oakland, San Francisco, and Richmond.

In California, you have some protections. Landlords cannot consider certain parts of your criminal record to deny you housing. Landlords cannot deny you housing for:

1. Arrests that did not lead to convictions;
2. Participation in pretrial or post-trial diversion programs;
3. Any record of a conviction that has been sealed, dismissed, or expunged by the court; or
4. Any criminal record that came from the juvenile criminal legal system.

Landlords also cannot have “blanket bans.” This means landlords cannot deny all applicants with criminal histories. Instead, landlords must look at the details of your convictions. Landlords must decide if you can be a good tenant outside of the circumstances of your convictions.

Landlords usually do not have to tell you their reason for refusing to rent to you. However, you have rights if a landlord rejects your application because of a credit check.

If this happens, the landlord must give you written notice. The written notice must state:

1. The landlord’s decision was based on information in the credit report;
2. The name, address, and telephone number of the credit reporting agency they used;
3. A statement that you have the right to obtain a free copy of the report; and
4. A statement that you have the right to challenge any mistakes in the report.

If your criminal record is found through a credit check, you have the right to receive a copy of the report.



LIMITS ON WHAT PRIVATE LANDLORDS CAN SEE ON A BACKGROUND CHECK

Private landlords are allowed to run background checks on rental applicants.

However, there is information that cannot show up on a private background check in California:

1. **Records that are over 7 years old**, including:
 - Lawsuits or judgments;
 - Criminal convictions;
 - Information about arrests or formal charges;
 - Paid tax liens (a lien is a legal claim by the government to take your property when you did not pay your taxes);
 - Accounts placed in collections; and
 - Other negative information. This could be:
 - Repossessions;
 - Foreclosures;
 - Check verification reports;
 - Motor vehicle reports; or
 - Drug test results.
2. **Criminal convictions that have been pardoned, dismissed, expunged, eradicated, or sealed under court order;**
3. **Information about arrests or charges that did not result in a conviction.** An exception is if the judgment is pending;
4. **Information about referrals to or participation in any pre-trial or post-trial diversion programs;**
5. **Bankruptcies from more than 10 years ago; and**
6. **Eviction actions (“unlawful detainers”) that you won or resolved with a settlement agreement.**

If any of this information is reported on a background check, do not admit to anything. Ask to correct errors in the background check report. The correction process happens directly with the company that did the background check. A landlord is only allowed to see certain information about your background. You are not required to provide more information to the landlord. Call Root & Rebound if you need help fixing an **error** in your background check report.

Protections Against Illegal Discrimination in Private Housing

Private landlords are not allowed to discriminate based on things like race, color, national origin, gender, sexual orientation, religion, disability, family status, or source of income. However, private landlords can discriminate based on past criminal convictions. Sometimes their discrimination based on criminal history is illegal. You might have legal protections in these situations:

- **Blanket Bans:** The federal Department of Housing and Urban Development (HUD) says it is illegal to refuse to rent or sell to a person only because of their criminal record. An example is advertising that “felons need not apply.”
- **Arbitrary Discrimination:** Refusing to rent or sell to people with specific types of criminal convictions may violate federal law. This is only if the ban does not serve a legitimate purpose. Housing policies aimed at protecting residents’ safety or property may be okay because they have a legitimate purpose. Housing policies may be illegal if they do not consider:

- How much time has passed since your conviction; or
- The seriousness or nature of the crime.
- **Unfair Treatment (or Discriminatory Treatment):** Private landlords are supposed to treat all applicants the same when they screen them. A private landlord might conduct a background check on an applicant. If they do, the landlord must conduct the same background check on all other applicants. For example, landlords cannot reject a Black applicant based on their criminal record and accept a White applicant when they have a similar criminal record.
- **Unfair Impact (or Disparate Impact or Discriminatory Effect):** The Fair Housing Act is a federal law. The Fair Housing Act prohibits unlawful housing discrimination. If a housing policy affects people of color more than others, it may violate the Fair Housing Act. This is only if the policy is not supported by a legally acceptable reason. This law prevents landlords from using general factors to cover up discrimination.
- **Using Information from the Megan's Law Website:** A landlord cannot use your registration status to deny housing. There is an exception. A landlord can use information from the registry "to protect a person at risk." This can result in a housing denial based on registration status.

Local Policies Prohibiting Discrimination Based on Conviction Record

Some cities and counties in California have passed local laws that help you. These laws prevent landlords from using conviction history to deny someone housing. These laws provide greater protections than state or federal laws. San Francisco, Berkeley, Richmond, and Oakland have these laws. Other cities and counties are adding similar protections. Contact a tenants' rights organization or Root & Rebound to understand if these laws exist where you live.



CONSULT A LAWYER

A housing rights advocate can help you determine whether you have experienced illegal housing discrimination. Root & Rebound can refer you to a legal aid provider or consult with you about the process by phone. Call our **Reentry Legal Hotline** any Friday from 9 a.m. to 3 p.m. PST at 510-279-4662 for more information. We accept collect calls.

3. Disability Protections in Public & Private Housing

Two key laws protect people with disabilities:

1. The Americans with Disabilities Act (ADA); and
2. The California Fair Employment and Housing Act.

Home sellers, landlords, and housing service providers cannot discriminate against you. You have the right to "**reasonable accommodations**" to use and enjoy your housing. Reasonable accommodations can take the form of **changed rules, policies, and practices**.

You are allowed to make reasonable modifications to your housing. These modifications must be to give you equal access and enjoyment. You will need to pay for most of these modifications yourself. However, public housing has to pay for structural changes (for example, changes to the building), and they cannot add charges or deposits based for those accommodations.

Housing providers must follow federal and state fair housing laws. This includes sellers, private landlords, and public housing providers. These laws do not mean that you will receive every accommodation you ask for. Accommodations cannot create an unreasonable financial or administrative burden on the housing provider.

How to Request a Reasonable Accommodation

1. Tell the landlord/housing provider that you have a disability;
2. Describe the accommodation that you are requesting; and
3. Describe how the accommodation will help you.

Disability Based on Past Drug Addiction

Past drug addiction is a disability under state and federal law. However, this only applies if you are:

- No longer engaged in illegal drug use;
- No longer using alcohol in a way that interferes with other people. In legal terms, you cannot interfere with their health, safety, or peaceful enjoyment of property; **and**
- No longer a serious threat to others that cannot be controlled by a reasonable accommodation.

It is difficult to prove that past drug use qualifies as a disability. There is no exact definition of “current” illegal drug use. Proving that you have stopped using illegal drugs may be difficult.

Conclusion

Chapter 4 covered:

- Different housing options for short-term and long-term housing;
- Information about your legal rights when applying for housing with an arrest or conviction record.

The housing search can be a challenging process. The process often requires a lot of support, research, calling around, and time. Try to take it one step at a time. You have a better chance of finding the right housing situation for you if you know your rights and options. The goal is for your housing search to lead to safe and permanent housing!

NEXT STEPS



ACTION STEP

Fill out the questions in the Sample Reentry Plan in Appendix A starting on page 166. The Sample Reentry Plan can help you plan your reentry. Having a housing plan is often the first and most important step in reentry. The goal of the questions for Chapter 4 is to help you understand your needs and create a housing plan. It is okay if you do not know the answers to all of these questions. What is most important is that you understand the many factors that can impact your housing search. **We recommend that you start your planning 6-12 months prior to your release date.**



CONSULT A LAWYER

A lawyer may be able to help you challenge discriminatory housing denials and request reasonable accommodations for a disability. Call Root & Rebound's **Reentry Legal Hotline** any Friday, 9 a.m. – 3 p.m. PST, at 510-279-4662 for support. We accept collect calls.

CHAPTER

5

CREATING AN EMPLOYMENT PLAN

Summary - Chapter 5 provides:

- **Important information about your legal rights** during the job application process;
- **A list of documents** you will need to gather to apply for jobs;
- **Information** about different types of background checks;
- **Tips** and an **employment-ready checklist** to help you prepare for job applications, interviews, and questions about your criminal record; and
- **Illegal discrimination** to look out for in the hiring process—and ways to **challenge** it!

Key Terms

NOTE

These terms are **highlighted** the first time they appear in this Chapter. When you see a highlighted word, you can refer to this section for a definition.

- **Arrest:** Occurs when law enforcement apprehends or restrains the movement of a criminal suspect. An arrest does not necessarily lead to a person being charged with a crime or taken to jail. However, even if they are not prosecuted, an arrest will show up on a person's criminal record.
- **California Department of Corrections and Rehabilitation (CDCR):** The State department responsible for operating California's state prisons and parole systems. Prison staff and parole personnel are employees of CDCR.
- **Charge:** To formally accuse a person of an offense. At this stage, a District Attorney or prosecutor has the choice to drop (or "dismiss") charges or move forward with criminal prosecution in court.
- **Conviction:** A judgment, made in court by a jury or judge, stating that a person is guilty of a crime.
- **Criminal Legal System:** An umbrella term that refers to the laws, procedures, institutions, and policies at play before, during, and after the commission of a crime. This is often also referred to as the "criminal justice system." Although the idea of justice is implied, we acknowledge that a "fair" outcome is rarely achieved by all parties involved in this system and prefer to use the term "criminal legal system" instead.
- **Felony:** A crime usually punishable by imprisonment for more than one year or by death. Examples include burglary, arson, rape, certain drug crimes, and murder. Felonies can be—but are not always—classified as serious or violent. These classifications can be important, as they dictate whether a crime counts as a strike (see below) under California's Three Strikes Law. They also may impact a person's ability to be released early.
- **Incarceration:** Imprisonment of a person convicted of a crime who is serving their court-ordered sentence for that crime. Note that this is different from detention, which is the temporary holding of a person who is charged with a crime but has not been convicted of the crime or found innocent yet.
- **Infraction:** A violation of a rule or local ordinance, usually punishable by a fine rather than by incarceration. Examples include traffic (or "moving") violations, disturbing the peace, and failure to appear.
- **In-house Background Check:** A background check assembled by the employer, which draws from public records, interviews with people who know the applicant, and online searches.
- **Jail:** The county-level government's detention center, which holds people awaiting trial, people convicted of misdemeanors, or people convicted of felonies but sentenced under Realignment (see below).
- **Live Scan:** A comprehensive background check procedure that involves submitting an applicant's fingerprints to either the California Department of Justice or the Federal Bureau of Investigation. An applicant may be required to Live Scan for many government jobs, jobs requiring security clearance, or as an element of an application for an occupational license.
- **Misdemeanor:** A crime usually punishable by a fine and/or confinement in a place other than prison, such as county jail. Examples include driving under the influence (DUI), petty theft, solicitation for an act of prostitution, and shoplifting.

- **Parole:** A condition of release for a person coming out of state prison. People on parole (sometimes called “parolees”) remain under the control of the CDCR and must adhere to a set of rules (called “conditions”) designed to promote public safety. To ensure compliance with these rules, people on parole are required to check in with a Parole Officer (P.O.) or Agent employed by the CDCR Division of Adult Parole Operations (DAPO) at designated intervals.
- **Prison:** A state or federal confinement facility for people convicted of crimes, especially felonies. The California Department of Corrections and Rehabilitation, commonly abbreviated as CDCR, oversees the state prison system.
- **Private Background Check:** A background check done by a private company. The background check will draw from sources like court records, police, correctional, and CDCR records, other public records, internet searches, and communication with people who know the applicant.
- **Probation (county-level):** A criminal sentence served in the community in place of (or following) a jail sentence. People on county probation must follow a set of rules (known as “conditions”) designed to promote a crime-free life. There are different types of probation: some *supervised by the court* (called informal, summary, or court probation), and some *supervised by a probation officer* (called formal probation).
- **Record of Arrests and Prosecution, or “RAP” sheet:** The government’s official version of an individual’s criminal record. It lists every contact an individual has had with the criminal legal system. This includes arrests, convictions, acquittals, dismissals, and sentences. These usually take one of three forms: a county RAP sheet (listing only *in-county* contact with the criminal legal system), a California Department of Justice RAP sheet (listing all contact with the *state* criminal legal system anywhere in California), or an FBI RAP sheet (listing all contact with the *federal* criminal legal system and all contact with *any state’s* criminal legal system across the United States).
- **Sentence:** The punishment imposed by a court on a person convicted of a crime. See other definitions for detailed descriptions of common types of sentences.
- **Strike:** A conviction in California for “violent” or “serious” felonies.

CREATING AN EMPLOYMENT PLAN

Employment provides financial security for you and your family. For many people, employment also provides a strong sense of purpose and the ability to give back to society. It is important to make a plan for employment and long-term career goals early on. You will likely need a job for practical reasons, but sometimes **parole** or **probation** conditions also require you to be employed.

This section will help you understand:

- How to tackle job applications;
- Barriers you might face during the job search process; and
- Illegal discrimination in the hiring process.

Know Your Employment Rights!

The Fair Chance Act protects you from discrimination. This law applies across California. The law is also called “Ban the Box.” Under this law, most private and public (government) employers with 5 or more employees must follow the rules below. Some cities and counties across California also have similar laws with more employment protections.

Employers CANNOT Have “Blanket Bans:”

- Employers CANNOT deny all applicants with criminal records.
 - They cannot say, “People with Criminal Records Need Not Apply.”
- Employers CANNOT deny all applicants with a certain offense.
 - They cannot say, “no people with felonies.”
- This ban on “blanket bans” applies even after a conditional job offer.

Before Giving You a Conditional Job Offer:

- Employers CANNOT ask about your record on their job application.
- Employers CANNOT ask about your record during a job interview.

After Giving You a Conditional Job Offer:

- Employers CAN ask about your record after they have given you a conditional job offer.
 - A conditional job offer is a job offer that depends on you meeting requirements. A requirement could be completing a background check or training.
 - There are some important exceptions to the Fair Chance Act. For example, some employers are not required to follow the Fair Chance Act rules. These include employers who are legally required to conduct background checks. There is more information about these exceptions below.
- Employers CAN request a **conviction** history background check after they have given you a conditional job offer.

What You Can Do If a Potential Employer Asks About Your Record:

- They are likely breaking the laws in the Fair Chance Act if they ask about your record before giving you a conditional job offer. They might do this because:
 - Some employers are not aware of the law and your protections.
 - Not every employer follows the law (although they should be).
 - A gap in employment history might make your past come into question.
- Prepare and be ready to give an answer:
 - Present a positive self-image;
 - Be prepared to respond to the question if an employer asks you about your record; and
 - Tell the employer what you can bring to their organization.

- What does this look like?
 - Question 1: "Have you ever had a **misdemeanor** or **felony**?" "Have you ever been to **jail** or **prison**?"
 - Answer 1: "I appreciate your question, but with the utmost respect, it is my understanding that I shouldn't have to respond to that type of question at this time. If you determine that I'm a good candidate for the job and would like for me to be a part of your company, I'd be more than happy to answer those questions."
 - Question 2: "I notice that you don't have any recent job experience and have been out of the workforce for quite a while. Can you please explain a little?"
 - Answer 2: "No problem. During that time, I had to step away from the workforce because of personal obligations that I had to attend to. However, I was also able to strengthen my skill set and am ready to restart my career. Having the opportunity to work for your company would be amazing."
 - **Important Note**: It is your decision whether or not to tell a potential employer about your conviction. You may decide that openness about your past is the best choice for you. Learning how to communicate about your past and your strengths are valuable in your job search. Many people who are formerly incarcerated avoid telling employers about their convictions when asked and wait until the employer runs a background check. Sharing about your record during the application and interview phase will always be your choice.
 - You can call Root & Rebound for support if:
 - A job application asks about your record;
 - You would like additional sample questions and answers;
 - A job application contains a blanket ban;
 - and more!

Employers Must Make an Individualized Assessment of Your Record:

- Employers must consider:
 - The circumstances of your conviction;
 - The time that has passed since your conviction; and
 - Whether your conviction has any **direct and negative impact on the job duties** for the job you are applying to.
- Some cities and counties have additional legal protections.
 - For example, a Los Angeles City law requires employers to write down and/or share with you their individualized assessments.

If An Employer Decides to Take Back Your Job Offer Based on Your Criminal Record, They Must Tell You In Writing:

- This written notice from the employer is called a "pre-adverse action notice." The pre-adverse action notice must include several things:
 - The pre-adverse action notice must say the specific conviction(s) that informed the employer's decision.
 - The employer must give you a copy of the criminal history information they used. This could be a background check report or a website print-out.
 - **The pre-adverse action notice must say that you have at least 5 business days to respond to:**
 - (1) Notify the employer of any mistakes in the background check report;
 - (2) Send the employer information about how you have changed since your conviction ("rehabilitation evidence"); and/or
 - (3) Send the employer information that puts your conviction in less negative light ("mitigation evidence").

After You Respond to the Pre-Adverse Action Notice:

- The employer **MUST** consider the information you submit.
- The employer **MUST** make another individualized assessment.
 - Through this assessment, the employer can decide whether to hire you or not.
- The employer might take back your conditional job offer.
 - If this happens, the employer **MUST** send you their final decision in writing.
 - This writing must tell you how to file a complaint with the California Civil Rights Department.

You Have Rights When Employers Use Outside Companies to Run Background Checks:

- An employer **MUST**
 - (1) Notify you that a background check will be run on you;
 - (2) Get your permission to run the check;
 - (3) Tell you how to request a copy of the report; and
 - (4) Give you information about your rights.
- A background check company CANNOT report:
 - **Arrests** that never led to a conviction (unless the outcome is pending);
 - Dismissed, expunged, or sealed convictions;
 - Participation in court diversion programs; and
 - Certain minor cannabis convictions.
- If you were arrested as a minor and “adjudicated” (tried or judged) as a warden of juvenile court, this cannot be reported. However, if you were tried and convicted as an adult, this could be reported if none of the other situations above apply.

If you believe your rights have been violated, you can file a complaint with the California Civil Rights Department. You can learn more and file a complaint online at <https://civildrights.ca.gov/ComplaintProcess/>. Call Root & Rebound’s **Reentry Legal Hotline** any Friday, 9 a.m. – 3 p.m. PST, at 510-279-4662 for more information and referrals.



REENTRY PLANNING TIP

One step at a time! It is important to pursue work that you believe will lead to a fulfilling career, but entering employment after a long period of incarceration can be difficult. It is normal for it to take longer than you expected to find employment. In those times, remember that this process is “a marathon and not a sprint.” You may find it helpful to talk with someone who went through the job application process after incarceration.

GATHERING DOCUMENTS BEFORE APPLYING

You will need to gather identification documents to apply for jobs. You will also need to fill out an I-9 authorization to work form when you start a new job. We recommend you request a copy of your RAP Sheet. This could help you and any reentry/clean slate lawyers who help you. Most employers CANNOT ask for or see your full RAP sheet.

1. Identification Documents: Before starting a new job, you need a government-issued photo ID. Most employers will want these documents:

- A California State ID, A California State Driver’s License, or a Valid U.S. Passport
- Either your Social Security Card or Birth Certificate

Learn more about getting an ID in Chapter 2.

2. Authorization to Work: By law, you have to show you are **authorized to work** in the United States. An employer is supposed to give you an I-9 form to fill out at the start of employment.

- If you are not a citizen and do not have a valid U.S. Passport:
 - See a full list of the types of ID that may be used here: www.uscis.gov/i-9-central/acceptable-documents/.
 - Call Root & Rebound for immigration support referrals.

3. RAP Sheet (a government-issued copy of your criminal record): Most employers CANNOT see your RAP sheet. It is illegal for most employers to ask to see your RAP sheet. However, requesting a copy of your RAP sheet from the California Department of Justice (DOJ) can be helpful. Reviewing your RAP sheet can help you and a reentry lawyer:

- Figure out if you can get parts of your record “cleaned up” at a free “clean slate”/expungement clinic;
- Feel prepared to answer questions about your history and address an employer’s potential concerns; and
- Make sure that all information on the RAP Sheet is accurate. If the information is not accurate, you want to have the time to correct any errors before applying to jobs.
- **PLEASE NOTE:** Most employers CANNOT access your RAP sheet but will run a **private background check** on you instead. Continue reading to learn more about private background checks.

For more information about RAP sheets, how to fix errors, and record-cleaning services, see Chapter 9: Understanding and Cleaning Up Your Record.

4. Response to a “Pre-Adverse Action Notice”: An employer may consider taking back a job offer after seeing your record. If so, the employer must provide you with written notice. This notice is called a “Pre-Adverse Action Notice.” You will likely have the opportunity to respond to this notice. In your response, you can provide:

- Information about how you have changed since your conviction (“rehabilitation evidence”); and
- Information that places your conviction in a less negative light (“mitigation evidence”).

Your response can include:

- A personal statement;
- Degrees or training certificates;
- Letters of support; and more.

It is a good idea to gather this information now so that you have it ready for an employer who asks for it.

DIFFERENT TYPES OF BACKGROUND CHECKS

Many jobs require some kind of background check during the hiring process. All employers can run a private background check if they wish. There are key differences between these three main background checks:

- **Private background checks;**
- **In-house background checks;** and
- **RAP Sheets.**

You have different rights depending on which background check an employer uses.

- Some employers must run an FBI or California Department of Justice background check for certain positions. This usually requires the applicant to be fingerprinted through a “**Live Scan**” machine. Live Scan fingerprints produce government-issued RAP sheets. These RAP sheets have more information about your history than any other form of background check.
- A small number of employers may obtain all three.

The definitions and information below will help explain the differences between these background checks.

Private Background Check

Private companies that create background checks are sometimes called "consumer reporting agencies." **A private background check CAN include:**

- Court records;
- Police, correctional, and **CDCR** records;
- Other public records;
- Internet searches; and
- Communication with people who know you.

A private background check report CANNOT include:

- Negative information that is more than 7 years old. This includes records of convictions. For convictions, the 7 years starts on the date of conviction or the date of release from **incarceration**, whichever is later;
- Arrests not leading to conviction (unless the **charge** is pending);
- Expunged/dismissed/sealed convictions;
- Court diversion program participation;
- Certain minor cannabis convictions;
- Credit report (unless clearly allowed by law. For example, Section 1024.5 of the Labor Code); or
- Full "RAP Sheet."

In-House Background Check

An "in-house background check" is done by an employer. The employer draws information about your criminal history from:

- Public records;
- Interviews with people who know you; and
- Online searches.

RAP Sheet

A **RAP Sheet** stands for Record of Arrests and Prosecutions. A RAP Sheet is the government's official record of your interactions with the **criminal legal system**. A RAP Sheet includes:

- Arrests;
- Juvenile adjudications (juvenile crimes that had a finding of guilt);
- Adult convictions (adult crimes that had a finding of guilt);
- Acquittals;
- Dismissals; and
- **Sentences**.

RAP sheets are kept by our county, state, and federal governments.

- A county RAP sheet lists contact with the criminal legal system in that county only.
- A California Department of Justice (DOJ) RAP sheet lists any contact with the criminal legal system within California.
- An FBI RAP sheet lists all contact with the criminal legal system in all 50 states or with the federal criminal legal system.

It is not unusual for these RAP sheets to contain inaccurate information.

If you only have an arrest or conviction history in California, it is usually best to request a copy of your **state DOJ RAP sheet**. At a DOJ-approved Live Scan location, you will be fingerprinted and submit an application for a RAP Sheet. You could also be required to submit a Live Scan fingerprint:

- For certain government jobs;
- For jobs requiring security clearance; or
- As one part of an application for an occupational license.

For more information on how to get your RAP sheet, see Chapter 9: Understanding and Cleaning Up Your Record.



WARNING

If you are required to register for a sex offense, your registration status will likely appear on a private background check. This is even if the underlying conviction does not appear on the report. An employer CANNOT use your registration to deny you employment. There is an exception. They CAN use your registration status to deny you employment to protect “a person at risk.”

PREPARING FOR JOB APPLICATIONS & INTERVIEWS

The following **checklist** gives suggestions for helping you prepare for your job search. Some of these you can do before your release date.



JOB READINESS RESOURCES

Workforce development (“job-readiness”) programs vary by county.

- There are nonprofits that support people in reentry with job readiness.
- The CA Employment Development Department (EDD) runs America’s Job Centers. The job centers are also called One-Stop Career Centers. America’s Job Centers provide free help getting and preparing for a job. To find a job center in your area, visit https://edd.ca.gov/en/jobs_and_training/TCLobby/.

Call Root & Rebound’s free **Reentry Legal Hotline** any Friday, 9 a.m. – 3 p.m. PST, at 510-279-4662, for referrals.

Below you will find more detailed information about job readiness.

Create a Professional Email Address

First impressions are key during the hiring process. Many employers post job applications online. Many employers also communicate with applicants by email. This means having a professional email address is important to communicate with potential employers.

Set Up a Gmail Account

We suggest setting up a free email account with [gmail.com](https://www.gmail.com). Many employers and organizations use Google-based accounts and emails.

Choose an Email Address

Professional email addresses typically include a person’s first and last names. We recommend inserting a period (“.”) between your first and last name so it is clear where your first name ends and last name begins. Some example email addresses are: jane.doe@gmail.com or johndoe2023@gmail.com.

If an email address is already taken, try a different version:

- Insert underscores (“_”);
- Add a middle initial; or
- Add numbers.

For example, if your name is “Darcy Albany” and the email address “darcy.albany@gmail.com” is taken, you can see if “darcy.t.albany@gmail.com” or “darcy.albany.1972@gmail.com” is available.

Create a Password

Once you have created your email account, you will be prompted to create a password to log in and access your email. Save your password in a safe place and **do not share it with anyone.**

Search for Job Opportunities

There are many ways to find out about job opportunities. You can find job opportunities through the Internet, job fairs, your own network, and your personal connections. There are search engine sites, such as [Indeed.com](https://www.indeed.com), [GlassDoor.com](https://www.glassdoor.com), or [LinkedIn.com](https://www.linkedin.com) that list open positions.



REENTRY PLANNING TIP: WORKFORCE DEVELOPMENT PROGRAMS

Nonprofits offer job-readiness programs that help with things like:

- Job training;
- Figuring out what your skills and talents are;
- Finding job opportunities;
- Preparing a resume; and much more.

Job fairs invite employers with current job openings to meet and speak with you. Groups that provide resources to people seeking employment usually attend too.

- The Employment Development Department can help you find job fairs in your area:
 - Website: http://www.edd.ca.gov/jobs_and_training
 - Phone: 916-654-7799
 - Mailing Address: Employment Development Department Branch Support Unit PO Box 826880, MIC 69 Sacramento, CA 94280-0001
- You can also contact your local community college and/or your county's Workforce Development Department about job fairs they are hosting.

Call Root & Rebound's **Reentry Legal Hotline** any Friday, 9 a.m. – 3 p.m. PST at 510-279-4662 for a list of organizations near you. You can also try your nearest America's Job Center. Call Root & Rebound for more information, or search for and attend a job fair in your area. A trusted loved one or supporter may also be able to help you connect with workforce development programs and/or employers.

Keep in Mind the Job Qualifications and Potential Barriers

Many jobs require specific:

- Educational credentials;
- Vocational training; or
- Occupational licenses.

Do your best to meet the requirements before applying to a job. Most job postings will state the educational requirements. The job listing may not tell you if an occupational license is required. If you do not meet the education or credential requirements, explain to the employer why you are applying for the position even though you do not have the listed job qualifications. Make sure you upload your resume if requested. Some job sites also allow other potential employers to see your resume if you allow them to. An employer may invite you for an interview because of your skills and training listed on your resume.



WARNING: OCCUPATIONAL LICENSING BARRIERS

Around 200 jobs require a California state license or certification. These are called occupational or professional licenses.

To get licensed jobs, you must:

- Complete any necessary schooling; and
- Submit an application to the state licensing board.

The licensing board CAN consider an applicant's criminal record. The licensing board CANNOT deny everyone with a criminal record.

Most licensing boards CANNOT deny a license on the basis of:

- Many types of criminal convictions that are 7 years or older;
- Convictions that were dismissed/expunged;
- Convictions for which you received a Certificate of Rehabilitation (COR) or a pardon; or
- Arrests, diversions, deferred entries of judgment, **infractions**, citations, or juvenile adjudications.

An employer can deny you a job based on your record, but there are limits:

- Your conviction must be “substantially related” to the qualifications or duties of the job.
- The licensing board might have a list of disqualifying offenses on its website.

If you are denied a license because of your criminal history, you have rights. The denying licensing board must:

- Notify you in writing of your right to appeal to the administrative court; and
- Notify you how you can appeal.

We recommend that you talk to a reentry lawyer for advice if:

- You are considering a career that requires an occupational license; or
- You are currently going through the licensing application process before a board.

Call Root & Rebound's **Reentry Legal Hotline** any Friday, 9 a.m. - 3 p.m. PST, at 510-279-4662 for more information.

Build a Resume

You can create a resume while you are incarcerated. A service provider or loved one may be able to help you. They can save your resume in a digital format for your future job searches. Saving this information will make it easier to fill out job applications. You can save your information in a Word Document, Google Document, or email draft.

When Building Your Resume, List:

- Past education;
- Work experience;
- Volunteer experience;
- Training and certifications;
- Languages spoken other than English (if relevant);
- Any relevant skills with technology (like Microsoft Office); and
- Professional references.

Include References on Your Resume

It is often a good idea to include references on your resume. New employers can contact your references. They can ask about your work experience or qualifications. References can be:

- Former employers;
- Former coworkers;
- Fellow volunteers.

Make sure you ask permission before you list people as references. You will want to inform your references of your job plans. The reference you list should be able to speak to your ability to perform the duties of the job and your work ethic. It is ideal if they are aware of your criminal history and can talk credibly about how they are confident you will not commit a similar crime.

Include The Work You Did While Incarcerated (recommended)

You can include work and volunteer experiences performed while incarcerated on your resume. These experiences hold value. It is not required, but we recommend that you list key experiences performed while incarcerated because:

- Your record may come up after you get a conditional job offer.
- An employer may discover your history of **incarceration** through a gap in your employment history.
- This may be the only work experience you have, but there are skills and training you can add to your resume.

If you choose to list key experiences, describe them clearly. Employers may not be familiar with terms used inside prison. Below are some examples of what that may look like:

PAST VERSION	UPDATED VERSION
Work History	
I worked as a porter in the building. Cleaned showers, swept and mopped tiers, wiped down the dayroom. Made sure supplies were in stock.	Managed and kept inventory. Maintained a safe work environment. Ensured living quarters were sanitized according to health and safety standards.
I worked scullery, wiped down tables in the chow hall, and also helped serve trays on the line.	Line cook experience, with excellent organizational skill, serving 200+ guests with strict timelines.
Naming Convention	
Building Porter Ironwood State Prison Blythe, CA	Custodian California Department of Corrections Blythe, CA
ABE III Tutor Granite Adult School CSP-Sacramento	Adult Basic Education English Tutor Granite Adult School Represa, California

You may decide not to include work you performed while incarcerated. Some things to consider if you do not list these experiences are:

- Will an employment gap in my resume bring attention to my history of incarceration?
- How will I respond to questions related to my previous work experience?

Prepare for a Job Interview

Practice Interviewing

To prepare for job interviews, you can have a practice or “mock” interview. You can practice answering interview questions with a friend, service provider, or loved one. Make sure you connect your answers to the specific job you are applying to. This means that your answers will and should change from interview to interview.

Prepare Questions to Ask the Employer

We recommend preparing a few questions for your interviewers. Ask about the company/organization and your role. This shows you are interested in the position. This also shows you have researched the company/organization.

Examples of questions you can have prepared:

- In addition to what’s described in the job description, what are some of your expectations for me in this role?
- What are key skills needed to be successful in this role considering some of the projects I’ll be working on?
- How long have you been with this company/organization? What’s your favorite part of working here?

Review Your RAP Sheet Before You Apply

Any difference between what you tell the employer and what the employer sees on your background check reports is potentially a reason for the employer to deny you employment. This is another reason to obtain your own criminal history before you apply for a job—and another reason to always be truthful when answering questions.

Mock Interview Questions You Can Use to Practice

- Tell me about yourself (as it relates to the job).
 - Example Answers:
 - I read about the job opening and was attracted to it because [explain reasoning].
 - Working in this field is important to me because [explain whether you have any past experience. Is this job part of your larger journey in this field in the future? Do they address a cause that is important to you?].
 - I have not worked in a position like this before, but I have [explain previous job or volunteer experiences that are transferable].
- Why are you interested in this job?
 - Example Answer: What stood out to me was reading the stories and responses from some of the customers you served. I’ve also read your mission statement and how you [insert what stood out to you]. Having the opportunity to get this job means so much to me. It will provide stability for me and my family. It will also give me a chance to perform work that is meaningful.
- How would you describe your work ethic?
 - Example Answer: I take my role and duties very seriously. I understand the impact I may have on the organization and those we serve. Because of this, I am very organized and detailed. I am coachable and always willing to learn. I am a team player who is okay with supporting others. I am also comfortable with taking the lead when need be. You can count on me to meet key targets. I will balance working independently with regularly checking in when matters are important. I am always on time and ready to do extra hours if needed.

- What are your strengths or best qualities?
- Give an example of a time you contributed to a team or where you worked on a team project.
- What is your biggest weakness?
- Tell me about a time when you encountered a conflict when working with a team. What was the situation and what did you do to resolve the conflict?
- Where do you see yourself in three years? Five years? Ten years?
- Do you have any questions for us? (See “Prepare Questions to Ask the Employer” on the previous page.)



REENTRY PLANNING TIP

The Fair Chance Act Protects You During the Interviewing Process.
Most employers with 5+ employees CANNOT ask you about your conviction history:

1. On a job application form or
2. During a job interview.

The employers MUST WAIT until they give you a conditional job offer. After that, they CAN ask about your conviction history or run a background check. Because of this law (The Fair Chance Act):

- You do not need to prepare an answer about your conviction history for the interview process.
- However, you may want to practice what you would say. An employer may ask about this, even if they are not supposed to. (See above for more example responses.)

We suggest that you also prepare a response to an employer’s letter stating that they intend to take back a job offer based on a criminal background check. (Continue reading for more information on how to do this.) If you believe your rights have been violated, contact Root & Rebound’s **Reentry Legal Hotline** any Friday, 9 a.m. – 3 p.m. PST, at 510-279-4662.

Respond if an Employer Takes Back a Conditional Job Offer Because of Your Record

Remember, the Fair Chance Act protects you. Until an employer gives you a “conditional job offer,” an employer with 5 or more employees cannot:

1. Ask about your conviction history; or
2. Run a background check.

A conditional job offer is an offer for the job that depends on something, like your criminal background check. There are some important exceptions to this rule, which are discussed below.

An employer may look into your conviction record and try to withdraw your conditional offer of employment. If the employer has 5 or more employees, they must:

1. Make an “individualized assessment.” They must determine whether your record has a “direct and adverse relationship” with the job duties;
2. Notify you in writing of their decision that your record disqualifies you from the job;
3. Allow you to respond. Then, consider your response before making a final decision; and
4. Notify you of their final decision to deny your application and tell you how to appeal the decision.

Be prepared to respond if an employer tells you that they intend to take back the conditional job offer based on your conviction history. Your response should:

1. Acknowledge your history;
2. Focus on how you are well-suited for the job; and
3. Focus on your rehabilitation.

This is an important step. Employers are required to consider your response before making a final decision.

We recommend preparing a packet of documents for your response. Write a personal statement. Gather documents. Include evidence of rehabilitation. Include evidence of mitigating circumstances. Mitigating circumstances explain your conviction and place it in a better light.

Here are examples of what you can include in your packet of documents. Do not worry about gathering all of these documents. These are just examples of what you could include:

- List of accomplishments while incarcerated
- List of accomplishments since you were released
- Educational achievements
 - Proof of enrollment
 - Transcripts
 - Schooling attendance
- Certificates (work related, volunteer services, trainings completed)
- Program attendance/progress report (like a Substance Abuse Program)
- Speaking engagements
- Community service work
- Projects you are working on/have completed
- Church involvement
- Offer for hire(s) of employment
- Hobbies (like recreational sports league)
- Involvement with children's class/school (like volunteer activities, teacher/parent meetings, participation in school events)
- Family support (like photos)
- Therapy attendance/letter of progress
- Military records
- Letters of support & character + fitness references
 - Family members
 - Employers
 - Community members (church, public service)
 - Parole Officer
 - Sponsor letters

If you would like help gathering this information or advice on writing your personal statement, contact Root & Rebound's Reentry Legal Hotline any Friday, 9 a.m. – 3 p.m. PST, at 510-279-4662.



REENTRY PLANNING TIP

If you are unable to work because of a disability, you may qualify for Supplemental Security Income (SSI) benefits. Learn more about SSI and other benefits in Chapter 10.

EMPLOYMENT BANS & DISCRIMINATION

The job application process can be more challenging for people with records. It is important to know what rights you have. This section answers questions like:

- When can an employer see or ask about my record?
- How are they allowed to consider it?
- What can I do if my rights have been violated?

Blanket Bans in Employment

It is Usually Illegal for Employers to Have “Blanket Bans” That:

- Exclude all applicants with criminal records; or
- All applicants with a particular type of conviction.

For example, an employer is likely violating the law if they say:

- “Anyone with a serious felony is banned from employment at my company;” or
- “Felons need not apply.”

Instead, Employers MUST Do an Individual Assessment of Any Candidate With a Criminal Record

This individual assessment must take into account:

1. The nature and seriousness of the conviction;
2. How much time has passed since the conviction; **and**
3. The specific duties and responsibilities of the job.

Some Jobs Cannot Hire People With Conviction Histories

Some jobs have legal restrictions for people with certain **convictions**. These are usually jobs where employees have access to:

- Private or sensitive information (like financial records);
- Vulnerable people (like children or the elderly); or
- High-security places (like airports).

An employer might be legally unable to hire you for a particular position because of your record. There still may be other jobs at that organization that you could be hired for. However, these types of employers are likely not required to go through the steps of the Fair Chance Act. These types of employers may be allowed to ask about your record before giving you a conditional job offer.

Your Rights if an Employer Runs a Background Check

This section applies to a typical job application. This section does not apply if you applied for a job where an employer legally cannot hire someone with your conviction. Keep the following questions in mind if you feel you may have been denied a job because of your record.

If the answer to one of these questions is **no**, the employer **may have violated** your legal rights:

1. If the employer ran a background check, did they first give you a conditional job offer?
2. If the employer ran a background check, did they get your permission to do so? Did the employer offer you a copy of the report or records they obtained?
3. If the employer's background check report included errors, did the background check company correct those errors and notify the employer afterward?
4. Did the employer evaluate your individual circumstances? This includes your age at the time of the offense, employment history, and efforts at rehabilitation?
5. Did the employer follow all statewide and, if applicable, your county or city's "Ban the Box" laws? (See the "Know Your Employment Rights" section at the beginning of this Chapter.)
6. In the employer's letter or notification to you about the job denial, did they include the specific conviction they relied on to deny you the job?
7. Did the background check report leave out negative information (including convictions) that is more than seven years old?

Your Rights if an Employer Denies You a Job Based on Your Background Check

If the answer to one of these questions is **yes**, the employer **may have violated** your legal rights:

1. Did the employer ask about an old arrest that never led to a conviction?
2. Did the employer ask about a conviction that was dismissed, expunged, or sealed? Or about any court-ordered diversion programs?
3. Did the employer ask about your criminal record before giving you a conditional job offer? This could have been on an application or during an interview.
4. In its job notice or application, did the employer mention a complete ban on all people with criminal records (for example, stating "felons need not apply")?
5. Does it seem like the employer gave your criminal history more weight than it otherwise would based on your race, color, religion, sex, or national origin?

A Delay in the Background Check Process

It can take a few days to a few weeks for an employer to get a government-issued RAP sheet. Private background checks usually take only a few days. However, at the time of this publication, the background check industry is having a hard time obtaining court records in California. A background check company may take 3 or 4 months to give your background check report to an employer. The background check company may reach out to you to verify your criminal history. It might speed up the process if you do verify it for them. Some employers may even have you start work while the background check is pending.

Challenging Illegal Employment Discrimination

If you believe that an employer has violated your rights, you can prepare a claim. Gather:

- All of your job application materials; and
- Any other evidence that supports your claim.

Information that can be helpful may include:

- Job postings;
- Application materials;
- Employer written policies; or
- Handbooks that say the employer will not hire people with certain criminal records.

If the employer tells you anything verbally, write those statements down as soon as you can and as best you can remember them.

Exceptions to the Fair Chance Act and Employment Discrimination

A job applicant's criminal history is relevant to certain positions under California law. Very few employers are allowed to ask about your criminal history up front. These are employers hiring for:

1. A position for which an employer must run a background check on you under some other local, state, or federal law;
2. A position with a criminal legal agency; or
3. A position as a farm labor contractor.



IMPORTANT

File A Discrimination Complaint:

There are steps before you can file a lawsuit in court. First, **file a discrimination complaint with the federal U.S. Equal Employment Opportunity Commission (EEOC) or the California Civil Rights Department (CRD).**

There are time limits! In California, you must report employment discrimination within:

- 300 days to the EEOC and/or
- 3 years to the CRD from the violation date.

Conclusion

Chapter 5 covered:

- Your rights in the hiring process;
- Tips to prepare for employment; and
- Tips to prepare for interviews.

Unfortunately, job applicants with records run into a lot of roadblocks. Many employers do not follow the law. It is important to remember that finding a career that is right for you is a process. The most important thing is to not give up! Many service providers, nonprofit and government workforce development agencies, reentry groups, and legal aid attorneys can support you in finding employment. You do not have to do this alone!



ACTION STEP

Fill out the questions in the Sample Reentry Plan in Appendix A starting on page 166. The Sample Reentry Plan can help you plan your reentry. Finding employment can be one of your biggest challenges. The questions for Chapter 5 can help you understand your long-term goals. The questions can also help you plan for your specific employment needs in a manageable, step-by-step way.



ACTION STEP

Ask about benefits at your job.

A job can have many benefits beyond your paycheck. These benefits may include health insurance, paid sick time, paid family leave, paid vacation, and retirement investments like pensions or 401(k)s. Be sure to ask your HR representative at work about any benefits that may apply to you.



CONSULT A LAWYER

Contact an attorney if you think an employer has discriminated against you. You could contact a legal aid organization or a plaintiff's employment attorney. You can also call Root & Rebound's **Reentry Legal Hotline**, any Friday, 9 a.m. – 3 p.m. PST, at 510-279-4662. We can answer your questions about employment discrimination. We can also give you a list of legal aid organizations and employment attorneys.

CHAPTER 6 CONTINUING EDUCATION IN REENTRY

Summary - Chapter 6 provides:

- **Information** on different educational programs;
- **Tips** on going back to school; and
- **Information** on how your criminal record could impact your ability to receive financial aid.

Key Terms

NOTE

These terms are **highlighted** the first time they appear in this Chapter. When you see a highlighted word, you can refer to this section for a definition.

- **California Department of Corrections and Rehabilitation (CDCR):** The State department responsible for operating California's state prisons and parole systems. Prison staff and parole personnel are employees of CDCR.
- **Conviction:** A judgment, made in court by a jury or judge, stating that a person is guilty of a crime.
- **Felony:** A crime usually punishable by imprisonment for more than one year or by death. Examples include burglary, arson, rape, certain drug crimes, and murder. Felonies can be—but are not always—classified as serious or violent. These classifications can be important, as they dictate whether a crime counts as a strike (see below) under California's Three Strikes Law. They also may impact a person's ability to be released early.
- **Financial Aid:** Money that is given or lent to students to help pay for college or career school. Examples of financial aid are scholarships, loans, and grants.
- **Jail:** The county-level government's detention center, which holds people awaiting trial, people convicted of misdemeanors, or people convicted of felonies but sentenced under Realignment (see below).
- **Misdemeanor:** A crime usually punishable by a fine and/or confinement in a place other than prison, such as county jail. Examples include driving under the influence (DUI), petty theft, solicitation for an act of prostitution, and shoplifting.
- **Parole:** A condition of release for a person coming out of state prison. People on parole (sometimes called "parolees") remain under the control of the CDCR and must adhere to a set of rules (called "conditions") designed to promote public safety. To ensure compliance with these rules, people on parole are required to check in with a Parole Officer (P.O.) or Agent employed by the CDCR Division of Adult Parole Operations (DAPO) at designated intervals.
- **Prison:** A state or federal confinement facility for people convicted of crimes, especially felonies. The California Department of Corrections and Rehabilitation, commonly abbreviated as CDCR, oversees the state prison system.
- **Probation (county-level):** A criminal sentence served in the community in place of (or following) a jail sentence. People on county probation must follow a set of rules (known as "conditions") designed to promote a crime-free life. There are different types of probation: some *supervised by the court* (called informal, summary, or court probation), and some *supervised by a probation officer* (called formal probation).
- **Realignment:** In 2011, Governor Jerry Brown signed the Public Safety Realignment Act in an effort to reduce the number of people going into overcrowded state prisons. Realignment allows people with non-violent, non-serious, non-sex offense related convictions to serve their sentences in county jail instead of prison.
- **Strike:** A conviction in California for "violent" or "serious" felonies.

CONTINUING EDUCATION IN REENTRY

Going back to school may open up new opportunities, no matter where you are in your educational journey. You can learn new skills and build a support network. Going back to school can advance your career and future earning potential. This section:

- Summarizes different educational paths
- Provides key know-your-rights information about **financial aid** and other topics.

Know Your Education Rights!

California “Postsecondary” (After High School) Schools

- Usually CANNOT ask applicants about their criminal history on an initial application form.
- **Exception:** Law enforcement basic training and “professional degrees.” It is not yet clear what is included as a “professional degree.”

Parole or Probation Support

- You can speak with your parole/probation officer about changing your conditions. Speak with your parole/probation officer if:
 - You are not getting the support you need; and/or
 - Your conditions of supervision are stopping you from going to school.
- You can be paroled to a place with better opportunities:
 - As of January 1, 2024, you typically should be paroled or transferred to the county where your family, education, job, and housing opportunities are. This is instead of the county of your last legal residence. See Chapter 7: Community Supervision (Parole and Probation) for more information.

Federal Financial Aid is Available For Education in Some Prisons

- You may be able to get a Pell Grant. A Pell Grant is a scholarship that does not need to be paid back. Pell Grants pay for your college while in prison.
- Contact the education staff at your specific correctional facility. The education staff can tell you whether the programs where you are currently incarcerated qualify.
- Pell Grants for Prison Educational Programs will only cover:
 - Tuition;
 - Fees;
 - Books;
 - Course materials;
 - Supplies;
 - Equipment; and
 - The cost of obtaining a license, certification, or a first professional credential.

People With Felony Records CAN Get Financial Aid

- It is a common myth that people with felony records cannot get financial aid. This is false! The law used to exclude people with certain **convictions**. However, the law recently changed.
- **Exception:** Financial aid will be restricted where a person both:
 - a. Was convicted of fraud involving federal financial aid; **and**
 - b. Has not yet repaid the money owed.

Get Legal Support if Needed

Call Root & Rebound's **Reentry Legal Hotline** any Friday, 9 a.m. – 3 p.m. PST, at 510-279-4662 for support. We accept collect calls.



WARNING

If you have to register for a sex offense, you must register both with the sheriff's department where you live and the campus police of the school you are attending. You have **five working days** from the date of enrollment to register.

EDUCATIONAL OPTIONS & PATHWAYS

You may want to go back to school. This section discusses your options. Your educational path is specific to you. Your path depends on:

- What education you have already completed;
- Your personal interests; and
- Your career goals.

Different Levels and Types of Education

Adult Basic Education (ABE): ABE is for adults who want to build skills in basic:

- English;
- Reading;
- Writing; and
- Math.

English as a Second Language (ESL): ESL is for students who want to improve their English. ESL is also for students whose first language is not English. There are many free and low-cost ABE and ESL programs in California.

High School Credentials (GED or diploma): Many jobs and college programs require a high school diploma or to pass a test called the General Education Development (GED).

- You can get a high school diploma by going through a traditional high school.
- You can also get high school credentials through a program that gives you a certificate, like a GED. The certificate is treated the same as a high school diploma.

If you are an adult and did not complete high school, you may want to look into preparing for a high school equivalency exam, like the GED. There are many free and low-cost programs to help you prepare. Adult schools, community colleges, and libraries are good places to ask about these programs.

Career Technical Education (CTE): CTE programs are short-term and career-focused. Many CTE programs last one year. Some programs lead to certificates. Some programs lead to applications for professional/occupational licenses. Many public community colleges have CTE programs. Community colleges are more affordable than four-year colleges. You can usually get lower tuition and financial aid at community colleges. CTE is a good option if:

1. You have a specific professional goal in mind;
2. You need technical knowledge/expertise to do the job.

College Degree: A college degree may be required for many non-entry level jobs. You can get:

- An Associate degree: a two year degree from a community college; or
- Bachelor's degree: a four year degree from a college or university.

Graduate/Professional School: You may want more education than a college degree. You can go to graduate or professional school. This advanced education can help you:

- Work in social work;
- Work in law;
- Work in nursing/medicine;
- Become an expert in a field.



REENTRY PLANNING TIP

Many of these careers require an occupational license. Your criminal record may make it hard to get an occupational license. We recommend that you:

1. Find out if the job you want requires a professional license/certificate.
2. Talk with a reentry advocate before going back to school.

An advocate can help you learn your rights and barriers. Education requires time and money. Talking to an advocate can help you make sure you are making the right investment. You can call Root & Rebound's **Reentry Legal Hotline** any Friday, 9 a.m. – 3 p.m., at 510-279-4662 for legal information about professional licensure rules. You can also see Chapter 5: Creating an Employment Plan for more information about professional licenses and certifications.



WARNING

- **Beware of school scams!** Try to figure out the quality of a school program before you enroll.
 1. Research if the school or program has state accreditation through the Western Association of Schools and Colleges (ACS WASC);
 2. Ask about the percentage of graduates with jobs; and
 3. Speak with current and former students about their experiences. If a school is not accredited, you may not be able to get a job with a degree from it.
- **If you are currently incarcerated**, do not trust any program that says you can get a high school diploma just by paying money.

Resources for Currently Incarcerated Students

Your access to education will depend on where you are incarcerated. **If you are in California state prison, CDCR provides:**

- Free access to assessment testing;
- ABE classes (including literacy and ESL);
- GED programs;
- High school diploma programs;
- CTE and job readiness programs;
- Occupational licensing;
- Library services;
- Tutoring support programs; and
- College programs (post-secondary education).

Resources for Formerly Incarcerated Students

There are resources to help you when you go back to school. The groups below help with financial aid and mentoring:

Campus Groups for Formerly Incarcerated Students: Many colleges have groups for system-impacted students. These groups can offer support. You can connect with other students who have left **jail**/prison and understand what you are going through.

- **Rising Scholars:** Has programs at many community colleges in California. These programs help currently and formerly incarcerated students. Visit <https://risingscholarsnetwork.org>.
- **Project Rebound:** Helps formerly incarcerated people enroll in a California State University (CSU) school. Project Rebound provides ongoing support to enrolled students. Visit <http://www.prexpanded.org/> for more information and contact information.
- **Underground Scholars:** An academic support program for incarcerated, formerly-incarcerated, and system-impacted students entering the University of California (UC) system. Programs are currently available at all UC institutions, except for UC San Francisco.
 - **UC Berkeley:**
 - Website: <https://undergroundscholars.berkeley.edu>
 - Phone: 510-841-6010
 - Email: undergroundscholars@berkeley.edu
 - **UC Davis:**
 - Website: <https://linktr.ee/undergrounducd>
 - Email: undergrounducd@gmail.com
 - **UC Irvine:**
 - Website: <https://undergroundscholars.uci.edu>
 - Email: uciundergroundscholars@gmail.com
 - **UCLA:**
 - Website: <https://undergroundscholars.ucla.edu>
 - Phone: 310-825-3945
 - Email: undergroundscholars@saonet.ucla.edu
 - **UC Merced:**
 - Website: <https://linktr.ee/undergroundscholarsucmerced>
 - Email: eramirez226@ucmerced.edu
 - **UC Riverside:**
 - Website: <https://highlanderlink.ucr.edu/organization/usi-ucr>
 - Phone: 323-215-9469
 - Email: undergroundscholarsucr@gmail.com
 - **UC San Diego:**
 - Website: <https://oasis.ucsd.edu/programs/USI-folder/index.html>
 - Email: ucsdscolars@gmail.com
 - **UC Santa Barbara:**
 - Website: <https://gauchoundergrounds.wixsite.com/my-site>
 - Email: undergroundscholars.sb.ucsb@gmail.com
 - **UC Santa Cruz:**
 - Website: <https://undergroundscholars.ucsc.edu>
 - Email: usp@ucsc.edu
 - More programs exist. Find out what is offered at schools you are interested in going to.
- **Five Keys:** Free charter school that aims to close the opportunity gap and fix inequities. Five Keys offers educational assessments, adult basic education (ABE), and GED/High School Equivalency test preparation. Visit <https://www.fivekeyscharter.org/> for a list of areas that they serve.
 - **San Francisco Office:**
 - Phone: 415-734-3310
 - Address: 70 Oak Grove St., San Francisco, CA 94107

- **LA Main Office:**
 - Phone: 323-685-2782
 - Address: 111 S. Walnut Grove Ave., San Gabriel, CA 91776
- **Alameda County Office:**
 - Phone: 510-788-4061
 - Address: 320 13th St., Oakland, CA 94612
- EOPS, EOP, The Puente Project, and More: Provide students from disadvantaged backgrounds:
 - Additional resources;
 - Mentorship;
 - Academic counseling; and
 - Financial assistance.

These programs are offered on some California public college campuses. You can ask your school counselor what support programs exist at your school.

FINANCIAL AID

You can get state and federal financial aid in California. You can apply to:

- **Community College Application Fee Waivers.** Applying to California Community Colleges is free. You can find a California Community College near you here:
 - Website: <https://www.cccco.edu/Students/Find-a-College>
 - Phone: 916-445-8752
 - Address: 1102 Q Street, 6th Floor Sacramento, CA 95811
- **The California College Promise Grant:** A grant is a gift that does not need to be paid back. This grant pays for your enrollment fees at any California community college. Low-income students can qualify for this grant. If you qualify for this grant, your community college tuition is free. For more information and to apply, contact California Community Colleges:
 - Website: <https://home.cccapply.org/money/california-college-promise-grant>
 - Phone: (877) 247-4836
 - Email: support@openccc.net
- **Cal Grants:** Cal Grants are available to people who recently (1) graduated from high school or (2) got their GED. For more information, contact the California Student Aid Commission:
 - Website: <https://mygrantinfo.csac.ca.gov/>
 - Phone: 888-224-7268
 - Mailing Address: Program Administration and Services Division, P.O. Box 419027, Rancho Cordova, CA 95741-9027
- **Chafee Grant:** People who are or were in foster care can apply for this grant. For more information and to apply, contact the California Student Aid Commission:
 - Website: <https://chafee.csac.ca.gov/>
 - Phone: 888-224-7268
 - Email: chafee@csac.ca.gov
 - Mailing Address: Program Administration and Services Division, P.O. Box 419027, Rancho Cordova, CA 95741-9027
- **California Dream Act:** The Dream Act gives scholarships to students who cannot prove residency. For more information and to apply, contact the California Student Aid Commission:
 - Website: dream.csac.ca.gov/
 - Phone: 888-224-7268
 - Mailing Address: Program Administration and Services Division, P.O. Box 419027, Rancho Cordova, CA 95741-9027

Applying for Financial Aid: In most cases, you can apply for both federal and state financial aid with the Free Application for Federal Student Aid (FAFSA) form. If you cannot prove legal residency, you can instead submit a Dream Act application. This will help you get state financial aid, but you will not be able to get federal aid. The financial aid office at colleges where you apply can help answer financial aid questions. The financial aid office may also tell you about additional ways to get money to pay for school. Some colleges and outside organizations offer additional financial aid opportunities.

- FAFSA Form:
 - Website: <https://studentaid.gov/>
 - Phone: 1-800-433-3243
- Dream Act Application:
 - Website: <https://dream.csac.ca.gov/>
 - Phone: 888-224-7268

IMPORTANT: There are deadlines for financial aid! It is important to start early, get the information you need, and get the help you need. Planning ahead will help you meet the deadlines for financial aid.

If you are **currently incarcerated** in an adult institution, you may be eligible for some forms of financial aid:

- **Federal Pell Grants:** You can apply for a Federal Pell Grant if:
 1. You are incarcerated;
 2. You are participating in a “prison education program;” and
 3. Your “prison education program” is approved by the federal government.
- **State Financial Aid:** You may get state aid while incarcerated. The California College Promise Grant could be an option. This grant could pay for distance learning with California community colleges. Ask your program’s instructor and/or financial aid office for more information. You can also contact the California Student Aid Commission at:
California Student Aid Commission
Attn: Student Support
P.O. Box 419027
Rancho Cordova, CA 95741
888-224-7268

Conclusion

Education and financial aid may be more accessible than you may think! The first step is to figure out where you are with your education now and where you want to be. Then, you can learn about the options that make sense for your goals. Contact Root & Rebound if you have questions about your legal rights to education while in reentry.



ACTION STEP

Fill out the questions in the Sample Reentry Plan in Appendix A starting on page 166. The Sample Reentry Plan can help you plan your reentry.

The goal is to develop and assess your education goals. The questions might also help you determine whether continuing education should be part of your reentry plan. It is okay if you do not know the answer to every question. It is more important to think critically about your educational and professional goals.



CONSULT A LAWYER

An advocate may be able to help you:

- Understand what rights you have; and
- Help you if your rights are being violated.

Call Root & Rebound's **Reentry Legal Hotline** any Friday, 9 a.m. – 3 p.m. PST, at 510-279-4662 for support.

7

COMMUNITY SUPERVISION (PAROLE AND PROBATION)

Summary - Chapter 7 provides:

- **Tips** for success on community supervision;
- **Information** on your rights on supervision; and
- **A summary of the process** for challenging conditions of supervision.

Key Terms

NOTE

These terms are **highlighted** the first time they appear in this Chapter. When you see a highlighted word, you can refer to this section for a definition.

- **Arrest:** Occurs when law enforcement apprehends or restrains the movement of a criminal suspect. An arrest does not necessarily lead to a person being charged with a crime or taken to jail. However, even if they are not prosecuted, an arrest will show up on a person's criminal record.
- **Board of Parole Hearings (BPH):** The Board that is responsible for parole suitability hearings and nonviolent offender parole reviews. This Board also assesses parole eligibility for incarcerated people who are elderly, have medical problems, or were "youth offenders" (as determined by California law).
- **California Department of Corrections and Rehabilitation (CDCR):** The State department responsible for operating California's state prisons and parole systems. Prison staff and parole personnel are employees of CDCR.
- **Conviction:** A judgment, made in court by a jury or judge, stating that a person is guilty of a crime.
- **Division of Adult Parole Operations (DAPO):** Supervises adults who have been placed on parole by the California Department of Corrections and Rehabilitation (CDCR). DAPO also helps adults on parole get IDs, jobs, MediCal/MediCare, and drug counseling.
- **Felony:** A crime usually punishable by imprisonment for more than one year or by death. Examples include burglary, arson, rape, certain drug crimes, and murder. Felonies can be—but are not always—classified as serious or violent. These classifications can be important, as they dictate whether a crime counts as a strike (see below) under California's Three Strikes Law. They also may impact a person's ability to be released early.
- **GPS Monitor:** A device that people under house arrest (see below), or on parole, are required to wear that monitors their location.
- **House Arrest:** When a person is confined to a residence as an alternative to jail or prison time. Travel is usually restricted.
- **Jail:** The county-level government's detention center, which holds people awaiting trial, people convicted of misdemeanors, or people convicted of felonies but sentenced under Realignment (see below).
- **Parole:** A condition of release for a person coming out of state prison. People on parole (sometimes called "parolees") remain under the control of the CDCR and must adhere to a set of rules (called "conditions") designed to promote public safety. To ensure compliance with these rules, people on parole are required to check in with a Parole Officer (P.O.) or Agent employed by the CDCR Division of Adult Parole Operations (DAPO) at designated intervals.
- **Petition for Writ of Habeas Corpus:** The way for an individual in prison or on parole to ask a state or federal district court to make a decision about the lawfulness of the individual's detention or supervision.
- **Prison:** A state or federal confinement facility for people convicted of crimes, especially felonies. The California Department of Corrections and Rehabilitation, commonly abbreviated as CDCR, oversees the state prison system.
- **Probation (county-level):** A criminal sentence served in the community in place of (or following) a jail sentence. People on county probation must follow a set of rules (known as "conditions") designed to promote a crime-free life. There are different types of probation: some *supervised by the court* (called informal, summary, or court probation), and some *supervised by a probation officer* (called formal probation).

- **Realignment:** In 2011, Governor Jerry Brown signed the Public Safety Realignment Act in an effort to reduce the number of people going into overcrowded state prisons. Realignment allows people with non-violent, non-serious, non-sex offense related convictions to serve their sentences in county jail instead of prison.
- **Sentence:** The punishment imposed by a court on a person convicted of a crime. See other definitions for detailed descriptions of common types of sentences.
- **Strike:** A conviction in California for “violent” or “serious” felonies.

ADJUSTING TO LIFE ON COMMUNITY SUPERVISION

There are many types of community supervision in California:

- State **parole**;
- County **probation**;
- Post release community supervision (PRCS);
- Mandatory supervision;
- Federal probation; and
- Federal supervised release.

People are usually on supervision in the county where they lived at the time of their offense. Transfers are possible, but transfers depend on the supervision agent's approval and your reason for requesting a transfer.

While on supervision, rules will apply to you. These rules are called “**terms and conditions**.” You will be on supervision for a set period of time. The good news is that you may be able to get off supervision early if you follow all your conditions, but this will depend on the court and/or your supervisor.

The length of supervision can be extended for violations of the “terms and conditions.” You can improve your time on supervision by:

- Knowing your conditions very well;
- Having plans for following your conditions; and
- Building strong relationships with your supervising officers.

Following these tips can affect the length and the amount of challenges you face during your time on supervision.

Know Your Rights on Community Supervision!

If you are being released from state prison on to parole or PRCS: You should receive a written document of your supervision conditions (Form 1515) at least 45 days before release.

If you are on probation or mandatory supervision:

- You should have received a written document of your conditions after sentencing.
- If not, you can request your conditions from your supervising agent, your attorney, or the court that **sentenced** you.

You might have conditions of parole or probation that are unlawful.

- If so, you have the right to challenge them.
- **Important:** There might be time limits!

You can request a transfer to another county or state while you are incarcerated or after you are released.

You usually must:

1. Prove a strong reason; and
2. Show evidence supporting that strong reason for transfer. Examples of strong reasons are that you want to transfer for:
 - A job offer;
 - An education program;
 - Stable housing;
 - An outpatient program that does not exist in the other location; or
 - To live closer to family members and other reentry support.

The length of your supervision is set by the law at the time of your offense.

- An exception is if the length of your supervision would be shorter now under the current law than it was at the time of your offense. You often can get off early if you do not violate your conditions. Sometimes, you have to be let off early if you do not violate your conditions.

You have the right to receive “reasonable accommodations” for physical and/or developmental disabilities that impact your community supervision.

Disclaimer Reminder

This Toolkit does its best to offer helpful and accurate information for individuals in reentry and individuals with **conviction** records. However, this Toolkit cannot be updated every time there is a change in law or policy. It is your responsibility to make sure the law has not changed and applies to your individual situation. Remember to rely on your documents and conditions over the information in this Chapter.

This Toolkit is not intended to give legal advice but rather general legal information about people's rights in reentry. If you need legal advice, we suggest consulting an attorney. Root & Rebound does not make any representations or warranties that the Toolkit, or any information in the Toolkit, is accurate, complete, or up-to-date or that it will apply to your circumstances.

THE BASICS OF SUPERVISION

What Type of Supervision Will You Be On?

Most people are told at sentencing what type of supervision they will be on.

Most People Who Did Not Go to Prison Are On:

- **County probation;** or
- **Mandatory supervision.**
 - Under mandatory supervision, you serve part of your sentence in county **jail** and part on probation. You are supervised by the probation office.

Most People Who Went to Prison Are On:

- Parole; or
- Post release community supervision (PRCS) after prison.

You Probably Will Be on Parole If:

- You were sentenced to state prison and did not complete your full term
- Your current offense is a serious or violent offense
- You have been found to have a “high risk” sex offense (based on a Static-99 score (men) or FSORA score (women))
- Your current sentence was a life sentence under the Three Strikes Law
- You were found to be a “Mentally Disordered Offender” (MDO)

NOTE: Parole is supervised by the **Division of Adult Parole Operations (DAPO)**, which is part of **CDCR**.

If the reasons above do not apply to you, you will probably be on PRCS. PRCS is supervised by the county probation department, rather than the CDCR parole department.

What Conditions to Expect

Reporting to Your Supervising Officer

Plan to report right after release. Your conditions will tell you when you must report. Laws and rules change. Always follow the time limit in your conditions. As of 2023:

- **If you are on parole:** You must report to your officer within one business day after release.
- **If you are on PRCS:** You must check in with your supervising officer within two business days of your release.

After your first meeting, you will have regular meetings and/or check-ins with your agent that they will set up with you. It is a good idea to create a system for remembering and being on time for meetings with your agent.

- You can create cell phone alerts.
- Missing meetings with your assigned agent can result in a parole violation.
- Your agent may decrease how often you meet if you show your agent you are following the rules.

Conditions

You should receive a list of conditions of supervision before you are paroled and when meeting your parole officer. You will be required to sign your parole conditions. Signing your conditions will be evidence that you understand your conditions. That is why it is very important to ask questions if you do not understand any part of your conditions.

Conditions Frequently Include:

- When and where you are allowed to go;
- Who you can be around or contact;
- What things you can own and use;
- Certain activities and things you must get approved by your supervising officer before doing;
- Classes/programs you must complete;
- Requirement that you follow instructions from your supervising officer; and more.

You can get into trouble for not following your conditions, whether or not you understand them. You can get reincarcerated for not following your conditions. A good rule is to always ask when in doubt.

How to Follow Your Conditions

1. Have a copy of your conditions. If you do not have a copy of your conditions, ask your supervising officer for a copy.
2. Review your conditions.
3. Ask for help if you do not understand your conditions or think you may be unable to follow your conditions.

If you do not understand any condition(s), think any condition(s) is/are unlawful, or worry you cannot follow any condition(s), feel free to call Root & Rebound.



NOTE ON TRAVEL PASSES

A travel pass is written approval from your parole agent to travel.

You Will Need a Travel Pass if you are on Parole and:

- Want to travel more than 50 miles from your residence;
- Leave the county for more than 2 days; or
- Leave the state for any amount of time.



NOTE ON TRAVEL PASSES

TIPS:

- Tell your agent as far in advance as possible about your request.
- When you are traveling, keep the pass on you at all times.
- If your request is denied, you can file a grievance, also known as a 602.
- Some places require you to report to the police when you first arrive on a travel pass. Please check the local rules.

Beginning January 1, 2024:

- Travel passes should be granted for opportunities related to:
 - Education and training,
 - Employment, and
 - Inpatient or outpatient treatment,
- UNLESS there is “evidence travel . . . would present a threat to public safety.”

Agents Must Respond Promptly:

- Agents must respond in writing to travel pass requests within 14 days.
- If the pass is denied, agents must put in writing why travel raised a public safety threat.
- **NOTE:** This goes into effect as of January 1, 2024.

Search Condition

People on supervision usually have a search condition. A “search condition” allows law enforcement to search you at any time. Law enforcement can search your:

- Home;
- Belongings; and
- Body.

NOTE: This also means that the people you live with can have their home searched because you are on supervision.

Special Conditions if You are on the Registry

People required to register for a sex offense have a number of special conditions.

Some Conditions Apply to Everyone on the Registry on Parole:

- You must wear a **GPS monitor**;
- You must attend a “sex offender management program”:
 - You must give up your psychotherapist-patient privilege for this program.
 - This also applies to people on formal probation and commonly is ordered for people on PRCS.
- You must do polygraph exams and waive your right against self-incrimination for the polygraphs;
 - Although polygraphs cannot be used for a new criminal case, they are not risk-free. They might be used for parole violations and Sexually Violent Predator (SVP) proceedings.
- You cannot live in a single-family home with another person on the registry.
 - **Exceptions:**
 - The person you want to live with on the registry is family related by blood, marriage, or adoption (and living with them otherwise is allowed);
 - You are living in a residential treatment facility.

Some Conditions Are Only Given to Some People on the Registry on Parole:

If you are found to be “high risk” and have a section 288 and 288.5 conviction, you cannot live within a half mile of a school.

- Parole labels you as “high risk” based on a Static-99 risk assessment score (men) or FSORA risk assessment score (women). You can get copies of the score calculation by:
 - Doing an Olsen review while in prison;
 - Request copies of the paperwork by asking your agent; or
 - Request the documents from your c-file with a form your agent can give to you on parole.

Examples of other conditions are:

- Additional residency restrictions;
- Limits on computer, Internet, and social media use;
- Limits on where you can go and things you can own or use; and
- Limits on categories of people you can contact or associate with in different ways.



TIPS

Get all instructions and permissions in writing from your supervising agent. This will protect you. (The 1515 form with parole conditions instructs that exceptions to special conditions must be approved by the Unit Supervisor in writing.)

- Ask for instructions and permissions to be written into your conditions.
- Getting instructions and permissions in a text message or email might protect you.

There are rules agents must follow. Your conditions must be in writing.

- Agents should give you a new Notice of Conditions to sign each time they change or remove a condition.
 - You can reference Department Operations Manual (DOM) section 81010.16.
- Agents should put instructions “requiring or prohibiting behavior” in writing within 5 days if they will last more than 5 days. This means permanent instructions should be added to conditions within 5 days.
 - You can reference Department Operations Manual (DOM) section 81010.18.

If not in writing, you could receive a violation for breaking a rule in a written condition. We have seen this happen when agents change or are on vacation and when a supervisor gets involved.

Note for People on the Registry for Sex Offenses

There are some requirements that apply to you on and off of supervision:

Registration with Local Police/Sheriff: You must register with the local police or sheriff’s department:

- Within 5 days of release; and
- After that, within 5 days of changing your residence or name; and
- Within 5 days of every birthday.

There are additional reasons why some people must register more often, including if you are unhoused. Not registering on time is a new crime, so it is important to be very careful to register as often as required.

Registration with Campus Police:

College students, volunteers, and employees, and people living on a college campus must register with campus police.

“Megan’s Law” Website:

Most people who must register have their personal information on the Internet. This includes your:

- Name;
- Photo;
- Address;
- Sex offense conviction and year; and
- Other personal information on the Internet.

It is illegal to look up your own information if you are on the website.

Schools:

It is illegal for a person who must register to:

- Be on K-12 school grounds; or
- In school buildings.

There may be an exception if you have a:

1. “Lawful purpose” **and**
2. Written permission from the “chief school official.”

Jobs:

People on the registry face barriers working with minor children.

- It is illegal for people on the registry to have some jobs that include work with minor children.
- Some jobs that include work with minor children require you to tell the employer about your offense.

You may be thinking about applying for a job working with minors. If so, check the law, so you do not violate it. You can also contact Root & Rebound.

**RESOURCES****Alliance for Constitutional Sex Offense Laws (ACSOL)**

provides information and does advocacy for people with sex offense convictions. They offer online support and discussion groups.

- **Phone:** 818-305-5984
- **Website:** www.all4consolaws.org
- **Mail:** ACSOL, 2110 K Street, Sacramento, CA 95816

WORKING WITH YOUR PAROLE, PRCS, OR PROBATION OFFICER

Building a Good Relationship with Your Agent

When you are under supervision, your relationship with the person supervising you becomes one of the most important relationships in your life. Why is this relationship so important? It can be the difference between:

- More or fewer conditions;
- Getting permission to do things like visit family more than 50 miles away;
- Having a longer or shorter period of supervision; and
- Even ending up back in custody.

Tips for Building a Good Relationship with Your Agent

- Know and follow all the terms and conditions of your supervision. Remember: Your agent does not know you on day one. Agents have a lot of people on their caseload. Agents have seen a lot of people on supervision before you (some following their conditions and not breaking the law and some having a harder time). Therefore, some agents may not presume the best from you and will expect you to prove yourself. Some people have told us their strategy for following all rules is carrying a copy of their conditions at all times. Others have said they ask tons of questions. You will figure out what works best for you.
- Be on time or early for all appointments.
- Ask you agent your questions about:
 - What you are allowed to do; and
 - What you are not allowed to do.
- Some people find it helpful to take notes during check-ins with their agent to remember instructions. There also will be times when you are not sure if you are allowed to go somewhere. If in doubt, get permission. It is usually safest to ask and get permission, rather than assume something is okay.
- Raise concerns politely. A rule or instruction might be unfair and reasonably make you angry. At the same time, your agent has a lot of power. The reality is that they can lead you back inside if they believe you are not following their instructions or your conditions. Therefore, the way you approach conversations about your concerns matters.

Tips for Raising Concerns with Your Agent

- **Do** try to be calm when raising your concern. This might mean setting up a later meeting or phone call.
- **Do** reach out to Root & Rebound or other service providers to discuss ideas for the conversation. If you are having issues with your agent, call us for support before continuing to confront an agent.
- **Do** explain your concern cordially and try to tie your concern to your reentry success. Do note that you know your agent and you both want your reentry success.
- **Do** offer a solution if you are comfortable with a compromise.
 - Example: Your agent says you have to do a treatment class from 1 - 2 p.m. on weekdays, when you work. Rather than refuse,
 - Explain you are committed to completing the treatment, **but**
 - Request it be at a different time that does not stop you from working at a job you need for money. Explain that this job was hard to get and you do not want to risk losing your job.
- You may still have the concern at the end of the discussion. **Do** consider asking how to set up a meeting with their supervisor. Tell them:
 - You heard them mention their supervisor made the decision or
 - You understand supervisors sometimes need to make the change.
- **Do not** tell your agent/supervisor you will get them in trouble, bring them to court, or anything else they could consider a threat. Remember, you can contact Root & Rebound for support.

If You Are on Parole:

- There is a 60 day time limit to file a 602 starting when you learn of a concern. Do consider filing a 602 if:
 - You are on parole **and**
 - You still have the concern after talking to both your agent and supervisor. Many agents seem to encourage people on parole to file 602s when they disagree.
- **Do** consider following the formal grievance process.
 - It is always your choice whether to file a 602 grievance. Root & Rebound has not had many clients say they were retaliated against for filing a 602 on parole, but it is possible you will be retaliated against.



CHALLENGING SUPERVISION CONDITIONS

Some conditions are required under the law for everyone. Others conditions (called special conditions) are given to you based on:

- Your offense(s) and
- Other factors believed to increase your risk of breaking the law.

A special condition is not allowed and should be removed or changed if it:

1. Is not related to your offense; **and**
2. Says you can or cannot do something that is not criminal; **and**
3. Is not reasonably related to you committing crimes in the future.

A special condition is unconstitutional and should be removed or changed if it:

1. Gets in the way of one of your constitutional rights (like freedom of speech or religion);
2. Is not reasonably related to you committing crimes in the future; or
3. Is broader than necessary to meet your individual needs or is not clear enough to give you notice of what is required or forbidden.

Some of your conditions may be not allowed or are unconstitutional. You may want to challenge some of your conditions. How to challenge those conditions will depend on what type of supervision you are on. Below is a general summary of options. Feel free to reach out to Root & Rebound for support with challenging conditions.

Important Note: It is important to follow the condition until it is changed in writing. Otherwise, you could get a violation.



TIME LIMITS

A strict 60 day time limit exists for challenging issues on parole, and a time limit could exist for challenges regarding other supervision.

- It is important to review your conditions in detail as soon as you get them.
- If there are issues with any of the conditions, contact Root & Rebound immediately. You may lose the option of challenging a condition if you miss the time limit.

TIPS:

- It typically is more important to meet the time limit than to use the correct form. The correct form may not be required.
- Reach out to Root & Rebound to learn about your options if:
 - You are worried you have missed the time limit; or
 - You are concerned about a condition or decision.

Challenging State Parole Conditions

How to challenge a parole condition depends on which agency imposed it:

- The Department of Adult Parole Operations (DAPO) or
- The **Board of Parole Hearings (BPH)**.

First, follow these three steps for conditions set by either agency:

1. **Review Your Conditions:** You will be given a copy of your Notice & Conditions of Parole form (CDCR Form 1515). This form lists all your parole conditions. Review all conditions carefully and note any you think may not be allowed or may be unconstitutional. A condition might be unconstitutionally vague if it does not explain clearly enough what you can or cannot do. It might be unconstitutionally overbroad, if it affects one of your constitutional rights (like free speech) more than necessary to achieve its purpose. If you lose the form, you can ask your agent for a new copy. **Important:** Even if you disagree with the conditions, you are expected to sign them. Signing them does not take away your right to challenge them.
2. **Consider Talking to Your Agent/Supervisor:** You may want to change your conditions because you think they are not allowed, they are unconstitutional, or you cannot realistically follow them. Consider talking to your agent first. If that does not work, talk to their supervisor to ask if they will change your conditions, making sure to provide a reasonable explanation along with options.
3. **Challenge the Condition:** The process for challenging a condition will be based on which agency set the condition. Continue reading for more information.

If DAPO Set the Condition You Wish to Challenge

We have explained the process of challenging a condition into three stages, with five main steps. The formal way to challenge a condition is a “602.” **You must begin the 602 process within 60 days of learning of a problem.** Call Root & Rebound if you have any questions or want support.

STAGE 1: 602-1 FORM

1. **Send a 602-1:** Your agent can give you a 602 form. First, complete section 602-1 for the first level grievance. Clearly explain the problem on the form (who, what, where, when and why) and attach any evidence you have to support your argument. It usually is a good idea to note the decision you are appealing and the date you learned of it within 60 days. Keep a copy for yourself. Send in the original form to the Northern or Southern Region Parole Headquarters, depending on where you are on parole (if possible, send it through mail you can track):
 - Northern Region Parole Headquarters
 - 9825 Goethe Road, Suite 200
 - Sacramento, California 95827
 - Phone: 916-255-2758
 - Southern Region Parole Headquarters
 - 21015 Pathfinder Road, Suite 200
 - Diamond Bar, California 91765
 - Phone: 909-468-2300
2. **Receive a Response to 602-1** within 60 days.
 - If granted, most remedies (legal term for fixes or solutions) must happen within 30 days.
 - **Send 602-3 Request to Implement Remedies** if the 602 was granted but you did not get the remedy by the expected time limit.

STAGE 2: 602-2 FORM

1. **If denied, send a 602-2** for the same argument with supporting documents. It is a good idea to respond to the reasoning given to deny your 602-1. Keep a copy for yourself. Send it to (if possible, by mail you can track):
 - Office of Appeals, CDCR
 - P.O. Box 942883
 - Sacramento, CA 95811
 - Phone: 916-358-1124
2. **Receive a Response to 602-2** within 60 days.
 - If granted, most remedies must happen within 30 days.
 - **Send 602-3 Request to Implement Remedies** if the 602 was granted but you did not get the remedy by the expected time limit.

STAGE 3: HABEAS CORPUS PETITION

Habeas Corpus Petition: If the 602-1 and 602-2 are denied, you may file a **petition for a writ of habeas corpus**. **Important:** You usually must go through the 602 process first. You can contact Root & Rebound for more information.

Where You Can Bring a Habeas Petition:

- Bring a habeas corpus petition in the superior court in the county of your parole;
- If unsuccessful, bring a habeas corpus petition in higher courts;
- If unsuccessful, bring a habeas corpus petition in federal courts.

Information on how to file habeas corpus petitions is available on Prison Law Office's website at www.prisonlaw.com or from Prison Law Office, General Delivery, San Quentin, CA 94964, 510-280-2621.

If the BPH Set the Condition You Wish to Challenge

(BPH oversees people granted parole after a life sentence)

The BPH, not DAPO, must be the one who changes or removes the condition. This means a 602 will not fix the problem.

1. There is no formal grievance process. You may try asking the BPH to remove or modify the condition by email to bph.correspondenceunit@cdcr.ca.gov or mail to:

Board of Parole Hearings
P.O. Box 4036
Sacramento, CA 95812-4036

2. You may file a petition for writ of habeas corpus with the superior court in the county of your parole. You can do this before asking BPH to remove or modify the condition, because there is no set administrative appeal process. If that does not work, you can then file with the higher courts and possibly the federal courts. Look to the last section for more information on filing a writ of habeas corpus.

Challenging PKCS Conditions

How to challenge your condition(s) depends on who set your condition. Your condition could be set by the probation department (“Probation”) or the court.

If The Condition Was Set by Probation: You can challenge the condition through your county’s grievance process. Ask your officer what the process is. In some counties, you must talk with supervisors until you have talked with the highest supervisor. If you go through all levels of the grievance process in your county, you then may file a state petition for writ of habeas corpus in court.

If The Condition Was Set by The Court: You may challenge the condition with an appeal. You must file a notice of appeal with the court within 60 days of your sentencing to have an appeal.

Challenging County Probation or Mandatory Supervision Conditions

Option 1: File a notice of appeal.

You can challenge your probation conditions in this appeal.

- You must do this within 60 days of your sentencing.
- Your sentencing must include **felony** probation or mandatory supervision.

Option 2: Ask the sentencing court to change your probation.

Throughout probation, you can ask the sentencing court to change terms of your probation.

- To do so, you must show a change in circumstance.
- Your trial attorney (including the Public Defender’s office) may be able to help.



TIP

This section focuses on “conditions.” You can follow similar approaches to challenge other decisions made by your supervising officer/agency. The 60 day time limit for a parole 602 also applies to parole decisions and instructions.

TRANSFERRING LOCATIONS ON SUPERVISION

If You Will Be Released on to Parole or PRCS:

You will probably be assigned to the county of your last legal residence. This is where you were living at the time of your offense.

If You Will Be on Probation or Mandatory Supervision:

You probably will be assigned to the county of your court case.

If You Do Not Want to Be in the Location Assigned, You Can Apply for a Transfer:

A transfer is not guaranteed. You typically need evidence supporting a good reason for you to transfer. This could be evidence of:

- Family support;
- Housing;
- Treatment;
- Education; or
- Work in another county.

Transferring Counties on State Parole

You can request transfer to another county on parole before or after release. Starting January 1, 2024, it will be easier to get a transfer.

Beginning January 1, 2024, Parole is Supposed to Grant You a Transfer if You Show:

- Housing, which could be:
 - Acceptance into a transitional housing program of choice or
 - Proof of other housing opportunity, including with a relative, in the new county; OR
- A verified vocational or educational program in the new county; OR
- A verified work opportunity in new county; OR
- A lack of outpatient treatment opportunities in your last county of legal residence; OR
- The existence of:
 - Family with whom you have strong ties and
 - Family who will help you complete parole successfully.

Exception: If parole finds a transfer would threaten public safety.

If You Are Incarcerated

You can tell the parole service associate (PSA) at your prison you would like to transfer counties. You can ask them to begin the Transfer Investigation Request (TIR) process.

1. Explain why transferring counties would benefit:
 - Your rehabilitation; and
 - The community.
2. If possible, give the PSA documents that support your claim, including letters from:
 - Potential employers;
 - Housing providers; and
 - Family or friends who commit to supporting you in the new county.



TIP

The PSA likely will want to wait until 210 days before your release to meet with you. That is when they begin to start your parole planning. The PSA might not meet with you. If the PSA does not, you can send in a 22 request to meet with the PSA to request a transfer to your requested county.

If You Are Back In The Community:

You can ask your parole agent to start a Transfer Investigation Request (TIR).

1. Explain why transferring counties will benefit your rehabilitation and the community.
2. If possible, give your agent documents that support your claim, including letters from:
 - Potential employers;
 - Housing providers; and
 - Family or friends who commit to supporting you in the new county.

Your agent should give you a written answer within 14 days. If your request is denied, the letter should include the reason(s) your transfer would present a threat to public safety.

NOTE: Parole can send you to another county without your request. Parole can do this if:

- Transferring you would protect someone's life or safety; or
- Being in your last county of legal residence would reduce your chance of successfully completing parole.

If your transfer request is denied, you can submit a 602.

Transferring Counties on PRCS

Transfers of PRCS Typically Only Happen After Release.

- You can call and/or write to the probation office to ask for a transfer before release, but plan to begin PRCS in the county assigned.
- When you meet with your agent, you can ask how you can transfer to the county of your choice.

The Law Allows For PRCS Transfers If:

- You permanently live in another county; and
- Living there does not violate your conditions; or
- Your transfer was approved by your agent.

Get a Transfer Approved Before Setting Up Permanent Housing.

This will help you avoid:

- Losing money put into housing; or
- An unexpected violation.

It Is Helpful To Offer Evidence Supporting a Transfer. You can show evidence of:

- A job;
- An educational opportunity;
- Housing;
- Family; or
- Treatment in another county.

Transferring Counties on County Probation

The California Superior Court of the county where you were convicted of a crime has jurisdiction over your county-to-county probation transfer. A judge will decide whether your transfer is appropriate and will look at:

- Whether the county you would like to transfer to is your permanent residence;
- Whether local programs are available for you in the new county; and
- Whether there are open restitution orders or issues related to a person(s) found to be a victim in your case that might be affected by a transfer.

Transferring States While Under Any Type of Community Supervision

It is up to your supervising agent/office whether to let you transfer states. If California says yes, the state you want to go to must accept you. The Interstate Compact for Adult Offender Supervision (ICAOS) applies in all 50 states, Puerto Rico and the U.S. Virgin Islands. The ICAOS sets out:

- The procedure for California requesting your transfer to another state; and
- The requirements or considerations other states will use in deciding whether to approve a transfer.

According to ICAOS, Another State Must Approve Your Transfer If:

- At the time your application is submitted, you have at least 90 days left to serve on supervision;
- You have a valid supervision plan;
- You have never had your supervision revoked nor any pending revocation charges; and
- You either are a resident of the receiving state or have family there who is willing to assist you and a way to support yourself there (such as an employment offer).

According to ICAOS, Another State May Approve Your Transfer If You Provide Evidence a Transfer Will Help:

- You complete supervision successfully;
- Rehabilitate you;
- Promote public safety; and
- Protect the rights of a person(s) found to be a victim in your case.

Learn more about the ICAOS rules online at: <https://www.interstatecompact.org/step-by-step>.

If You Are Currently Incarcerated:

You can ask the PSA for an interstate transfer in the same way you can ask for an intercounty transfer (see above).

The earliest California can send SUBMIT an interstate transfer request is 120 days before your expected release date (ERD). However, you can start talking to the PSA about it earlier. If you want a transfer before release, start gathering evidence supporting your request. Helpful evidence to gather is:

- Proof of residency;
- Letters showing family support;
- A job;
- Housing; and/or
- An educational opportunity.

We recommend that you share this evidence with the PSA early. The receiving state should respond within 45 days of receiving the transfer request.

If You Are Formerly Incarcerated:

You can ask your supervising agent to start the interstate transfer process. You will want to offer your agent evidence supporting your request. Examples of this evidence are:

- Proof of residency;
- Letters showing:
 - Family support;
 - Job;
 - Housing; and/or
 - An educational opportunity.

The receiving state should respond within 45 days of receiving the transfer request.

Supervision After Transfer Of State Jurisdiction

You may get more conditions after a transfer. This is because the new state can give you more conditions. The sending state decides:

- The conditions;
- Length of your supervision;
- Whether you violate; and
- When you end supervision.

This means that the sending state must agree to any changes in conditions they gave to you and tell your new state that your supervision has ended for it to end. Also, if you are accused of a violation, you may be forced back to the sending state.

LENGTH OF SUPERVISION

Parole

Determinate (Non-life) Sentence:

- If your sentence was for a certain number of years, you probably will be on parole for 2 years.
- You can be on parole for a maximum of 3 years.
- If you have no violation for a year, DAPO must release you at the 1-year mark, but early release is not required if you are receiving treatment after being found a “Mentally Disordered Offender.”
- **Exceptions:** These lengths do not apply to you if:
 - Your current case requires sex offense registration; or
 - A shorter length existed at the time of your offense.

Life Sentence:

- If you had a life sentence, you probably will be on parole for 3 years.
- You can be on parole for a maximum of 4 years.
- It is up to the Board of Parole Hearings (BPH) when to “discharge” or end your parole.
- The BPH will review your discharge at:
 - 1 year; and
 - Again at 2 years if you are still on parole.
- **Exceptions:** These lengths do not apply to you if:
 - Your current case requires sex offense registration or
 - A shorter length existed at the time of your offense.

Current Case is for Conviction Requiring Sex Offense Registration:

- Parole lengths vary. Your parole length will be the length that was the law at the time of your offense. (**NOTE:** This is the date of your offense, not your conviction.)
- Based on the length, the law also sets times for the BPH to decide whether to discharge you from parole (end your parole) earlier.
- **NOTE:** You could be labeled “high risk” based on a Static-99 score at the time of release from prison. In this case, the law says you cannot be discharged early. This is even if your score improves.

**TIP****What to Know About the BPH Discharge Review Procedure:****1. Discharge Review Report**

- Parole will create a “Discharge Review Report.” Parole will do this before the “Discharge Review” time limit.
- In the report, your agent, their supervisor, and the unit supervisor will summarize how you have been doing on parole.
- They will then recommend keeping you on parole or discharging you.
- You can challenge any factual errors with a 602.

2. Discharge Review Decision

- The BPH reviews the Discharge Review Report and creates a written “Discharge Review Decision.” The decision says whether you will be discharged.
- The BPH might be willing to review its decision if you send a letter or email explaining:
 - Factual or legal error(s) and
 - Why you should be discharged without the error(s).
- You can try to bring a habeas petition to challenge the denial of your discharge. Information on how to file habeas corpus petitions is available through the Prison Law Office:
 - Website: www.prisonlaw.com
 - Address: Prison Law Office, General Delivery, San Quentin, CA 94964.

PRCS

You can be on PRCS for up to 3 years. If you have no violation that was punished with jail time in the first year, your PRCS term must end within 30 days. The earliest your PRCS can end is 6 months.

Probation

Most of the time, you will have a probation length of two years or less. There are **exceptions:**

- People with convictions labeled as violent in Penal Code section 667.5(c) may have probation terms up to the longest sentence allowed.
- People with certain theft convictions with losses of more than \$25,000 may have probation terms of up to three years.
- People with convictions for offenses that specify a certain length of probation may have probation terms up to that length.

Mandatory Supervision

Mandatory supervision length varies. It is the choice of the judge at sentencing.



TIP

“Early Termination” of probation/mandatory supervision might be possible. You can submit a motion to the court that granted you probation. Courts usually require you complete at least half of your probation/mandatory supervision.

You may have been represented by a public defender. If so, ask your trial attorney if they will file a motion for you.

DISABILITY RIGHTS ON SUPERVISION

State and federal law protect you from discrimination. You cannot be discriminated against based on a disability. If you are on community supervision, you likely have the right to these disability accommodations:

1. **Accommodations to help you communicate and understand information given to you.** This, includes:
 - Sign language;
 - Reading written materials out loud; and
 - Making information easier for you to understand.
2. **Accessible locations** for meetings and mandatory programming.
3. **Use of medical appliances**, such as:
 - Wheelchairs;
 - Canes; and
 - Prosthetics.
4. **Accessible transportation** in the event that parole or probation must transport you somewhere.
5. **In the event of an arrest**, consideration of disability when putting on physical restraints, such as handcuffs.

If one of these rights is violated, you can advocate for yourself. To advocate for yourself, talk with your agent. You can also file a complaint through the grievance process that applies to your supervision.

Note for People on Parole: Parole has a special form for this situation. The form is an 1824: “Request for Reasonable Modification or Reasonable Accommodation.” Call Root & Rebound for:

- More information about your disability-related rights;
- Support; and
- A list of legal referrals.

Conclusion

It is common for people to go back to prison or jail because of parole or probation violations. Knowledge is power!

- When you are on probation or parole, your first step is to review your conditions carefully.
- Conditions are the rules you must follow.
 - Make sure you know what your conditions say and that you understand them.
 - If you do not understand them, you can reach out to Root & Rebound to ask what they mean.

Remember, you might be on more than one type of supervision. This will add to the conditions you need to know. A second step is to know how you will be able to follow each condition and whether any conditions might be unlawful. With lawful conditions you know and understand, you will be in the best position to complete your supervision with as few obstacles as possible.

Following all the rules and requirements of your supervision is an important part of your reentry process. Knowing your rights can prevent a misunderstanding from turning into a crisis. Feel free to reach out to Root & Rebound with supervision-related concerns before they become problems.

NEXT STEPS



ACTION STEP

Fill out the questions in the Sample Reentry Plan. The Sample Reentry Plan is in Appendix A starting on page 166. The Sample Reentry Plan can help you plan your reentry. If you do not know some of the answers, consider requesting court documents. If applicable, you can contact your parole agent or probation officer.



CONTACT AN ADVOCATE

An advocate may be able to help you:

- Challenge your probation/parole conditions;
- Request that you are transferred to another county or state while you are:
 - Incarcerated or on probation/parole; or
 - Help you receive reasonable accommodations for your disabilities while you are on probation/parole.

Call Root & Rebound's **Reentry Legal Hotline**, Friday, 9 a.m. – 3 p.m. PST, at 510-279-4662 for support. We accept collect calls.

8

MANAGING COURT- ORDERED DEBT (RESTITUTION, FINES, AND FEES)

Summary - Chapter 8 provides:

- **Information** on your rights around court-ordered debt;
- **Definitions** of the various types of court-ordered debt;
- **Instructions** on how to determine the debt you owe; and
- **Tips if you are struggling to pay your court-ordered debt.**

Key Terms

NOTE

These terms are **highlighted** the first time they appear in this Chapter. When you see a highlighted word, you can refer to this section for a definition.

- **California Department of Corrections and Rehabilitation (CDCR):** The State department responsible for operating California's state prisons and parole systems. Prison staff and parole personnel are employees of CDCR.
- **Criminal Legal System:** An umbrella term that refers to the laws, procedures, institutions, and policies at play before, during, and after the commission of a crime. This is often also referred to as the "criminal justice system." Although the idea of justice is implied, we acknowledge that a "fair" outcome is rarely achieved by all parties involved in this system and prefer to use the term "criminal legal system" instead.
- **Jail:** The county-level government's detention center, which holds people awaiting trial, people convicted of misdemeanors, or people convicted of felonies but sentenced under Realignment (see below).
- **Parole:** A condition of release for a person coming out of state prison. People on parole (sometimes called "parolees") remain under the control of the CDCR and must adhere to a set of rules (called "conditions") designed to promote public safety. To ensure compliance with these rules, people on parole are required to check in with a Parole Officer (P.O.) or Agent employed by the CDCR Division of Adult Parole Operations (DAPO) at designated intervals.
- **Prison:** A state or federal confinement facility for people convicted of crimes, especially felonies. The California Department of Corrections and Rehabilitation, commonly abbreviated as CDCR, oversees the state prison system.
- **Probation (county-level):** A criminal sentence served in the community in place of (or following) a jail sentence. People on county probation must follow a set of rules (known as "conditions") designed to promote a crime-free life. There are different types of probation: some *supervised by the court* (called informal, summary, or court probation), and some *supervised by a probation officer* (called formal probation).
- **Realignment:** In 2011, Governor Jerry Brown signed the Public Safety Realignment Act in an effort to reduce the number of people going into overcrowded state prisons. Realignment allows people with non-violent, non-serious, non-sex offense related convictions to serve their sentences in county jail instead of prison.
- **Sentence:** The punishment imposed by a court on a person convicted of a crime. See other definitions for detailed descriptions of common types of sentences.

KEY INFORMATION ABOUT COURT-ORDERED FINES & FEES

If you have interacted with the **criminal legal system**, the court probably ordered you to pay money to one or more agencies. This could be the court itself, a government agency, or the person(s) found to be a victim(s) in your case. It is important to pay what you owe on time to avoid more challenges. Please know that this does not mean you must pay everything at once. You can set up payment plans. This section provides an overview of the different types of debt and repayment options.

Know Your Rights Regarding Court-Ordered Debt!

Manage Your Debt:

- You can usually **set up a monthly payment plan** to pay debt owed over time.
- You can ask a judge to **reduce or waive most fines and fees** due to financial hardship/inability to pay. An exception is restitution.
- You can **request community service** in exchange for reduced fines and fees.
- Depending on the county, traffic court debt can sometimes be **exchanged for traffic school** or paid through **fee waivers**.
- **Many fees and fines ordered before July 2021 can no longer be ordered or collected.**

Your Driver's License is Protected:

- Driver's licenses cannot be suspended for traffic debt. This only applies as of June 2017.
- Starting January 1, 2025, licenses cannot be suspended for child support debt if your income is below a certain amount.
- If you have questions about getting your driver's license, see Chapter 2: Getting an Official ID.

Know Your Restitution Rights:

- Owing restitution no longer bars an interstate transfer on **parole**.
- The court can no longer consider outstanding restitution when deciding whether to grant record-cleaning relief.

FINDING OUT HOW MUCH COURT-ORDERED DEBT YOU OWE

You can make sure your debt does not get out of control by:

- Knowing how much debt you owe; and
- Knowing what agencies you owe the debt to.

Court-ordered debt generally falls into four categories:

1. **Direct or Victim Restitution:** Restitution is money that goes to the person(s) found to be a victim in a case to pay them back for harm caused. This money is called "victim's restitution" or "direct restitution." Restitution might be owed to:
 - An individual who was harmed;
 - Their family;
 - An insurance company which insured the person or family; or
 - A business or government agency that suffered losses.
2. **Restitution Fines:** Money paid to the state's restitution fund as a symbolic way to fix harm to the community.
3. **Other Fines and Penalties:** Money paid as punishment.
4. **Administrative Fees:** Money paid to cover costs of running the court and related agencies.



TIP

If you were ordered to pay a restitution fine, you were probably also ordered to pay:

- A suspended **probation**; or
- Parole revocation restitution fine.

You are only required to pay this suspended fine if you violate probation or parole.

The court usually orders these fines and fees at sentencing hearings. The minute order from your sentencing hearing should list what the court ordered you to pay.

While in prison:

- **CDCR** will take your money to pay your direct restitution and restitution fine.
- For these payments, CDCR will take 50% of most deposits into your trust account. These deposits include most wages.

NOTE: Under California law, CDCR is no longer allowed to take out an administrative fee for collecting this restitution. If this happens, you can contact Root & Rebound for support.

Restitution and some other fines/fees will begin having interest added to them while you are in custody. Interest is extra money you owe for not paying debt right away. The more time debt is not paid, the more interest you are charged.

While in the community: Find out what debt you owe and to whom by contacting:

- **CDCR Restitution Services Unit** (for direct restitution and restitution fines):
 - Phone: 877-256-6877
 - Email: CDCRRestitution@cdcr.ca.gov
 - CDCR eventually sends this debt to the **Franchise Tax Board** for collection:
 - Phone: 916-845-4064
 - Website: <https://www.ftb.ca.gov/pay/collections/court-ordered-debt/pay-your-court-ordered-debt.asp>
- **Central Collections Office** in your sentencing county:
 - Sometimes this is part of the superior court, and sometimes it is not
- All other agencies and debt collectors that sent you letters saying you owe debt

Ask each agency that says you owe debt for a **balance sheet** that lists each amount of debt you owe under each law.

MANAGING AND REDUCING PAYMENTS

It is important to pay your debt:

- To follow any payment-related conditions of supervision; and
- So you do not get into financial trouble.

If you do not pay what you owe, money can be garnished (taken) from your wages. You can also be forced to give up your property and money in your bank account. **Important: You will not be expected to pay everything you owe the minute you return home. You will be expected to pay what you owe on time. If you set up a payment plan, the amount you owe hopefully will be affordable.**

Check to Be Sure Your Balance Sheets are Correct:

- Make sure your balance sheets are accurate.
- Compare your balance sheets to the debt ordered by the court on your sentencing minute order.
- If the balance sheets are not accurate, ask your trial attorney to help you get them fixed.
- You may believe you owe fees and fines that were removed under the law. Ask the agency that gave you the balance sheet to remove them. If that does not work, feel free to reach out to Root & Rebound.
- Some fees and fines were removed by state and local laws. Check your balance sheets. You can make sure they do not list any of the fees and fines that were removed. Contact Root & Rebound for more information.

Set Up Payment Plans: You can lower the amount you owe each month by setting up a payment plan(s). You will set up these plans with each agency that has your debt. Your payment plan(s) are based on the amount of money you can afford. A payment plan will not reduce the total amount of restitution owed. Rather, a payment plan lets you pay off the debt in smaller amounts over time.

Ask Courts to Reduce Some Fees and Fines: Some fees and fines can be:

- Lowered;
- Waived; or
- Traded for community service, if a court finds you cannot afford to pay them.

This does not apply to direct restitution or restitution fines.

If you over-served prison time, the additional time might be credited as payment for fines and fees.

Some counties have alternative courts that help people pay or get rid of their debt. These alternative courts are sometimes called “homeless courts.” Your county’s public defender or superior court can give you more information.

Traffic Fines/Fees: If you went to **prison/jail** while you had a traffic ticket pending, you might be able to get that debt removed under Vehicle Code section 41500.

Starting June 2017, your license cannot be suspended for traffic fines and fees. If your license was suspended after June of 2017, you may be in luck. See Chapter 2: Getting an ID for more information.

Child Support: For information about your rights and options related to child support debt, see Chapter 11: Family Law Issues & Child Reunification.



TIPS FOR PAYING OFF RESTITUTION AND OTHER DEBTS

- Always know what you owe.
- Ask the court to reduce or remove any fines/fees that can be.
- Set up payment plans for all of your debt. This way you can afford to pay what you owe.
- If you pay what you owe each month, you can avoid:
 - Your wages being garnished (taken); and
 - Court orders taking control over your property and bank account with “liens.”
- Check your conditions of supervision to see if any debt is included. If so, consider paying that debt first. **Important Note:** For debt that is a condition for supervision, not paying can potentially lead to extension of supervision or a violation (if the court finds that you “willfully” did not pay.)
- Prepare a monthly budget that includes all your debts. Stick to this monthly budget as much as possible.
- Keep paperwork showing all of your payments.
- Stay in contact with the agency you owe and pay what you can, even if it is not the full amount you owe every month.
- Sign up for all the government benefits you are eligible for (at least that are not loans). Then you can get some of the support you need while you work to pay off your court-ordered debt.

Conclusion

Chapter 8 covered:

- Main categories of debt ordered by criminal courts; and
- Options for managing or reducing these debts.

The first step to taking control of your debt is to know what and how much you owe. After you know the status and amount of debts owed, you can begin to take the steps to manage or possibly reduce your payments. Even small reductions or smaller monthly payments could help your financial situation today and in the future.

NEXT STEPS



ACTION STEP

Fill out the questions in the Sample Reentry Plan in Appendix A starting on page 166. The questions for Chapter 8 are meant to help you write down the types and amount of court-ordered debt you owe before figuring out how to best address it.



CONSULT A LAWYER

A lawyer may be able to help you reduce or waive your court fines and fees. Call Root & Rebound's **Reentry Legal Hotline** any Friday, 9 a.m. – 3 p.m. PST, at 510-279-4662 for support. We accept collect calls.

9

UNDERSTANDING AND CLEANING UP YOUR RECORD

Summary - Chapter 9 provides:

- **Information** on requesting and understanding the information on your RAP sheet and other forms of background checks;
- **Summaries** of different record-cleaning options; and
- **Criteria** you must meet to be eligible for various record-cleaning options.

Key Terms

NOTE

These terms are **highlighted** the first time they appear in this Chapter. When you see a highlighted word, you can refer to this section for a definition.

- **Arrest:** Occurs when law enforcement apprehends or restrains the movement of a criminal suspect. An arrest does not necessarily lead to a person being charged with a crime or taken to jail. However, even if they are not prosecuted, an arrest will show up on a person's criminal record.
- **California Department of Corrections and Rehabilitation (CDCR):** The State department responsible for operating California's state prisons and parole systems. Prison staff and parole personnel are employees of CDCR.
- **Conviction:** A judgment, made in court by a jury or judge, stating that a person is guilty of a crime.
- **Felony:** A crime usually punishable by imprisonment for more than one year or by death. Examples include burglary, arson, rape, certain drug crimes, and murder. Felonies can be—but are not always—classified as serious or violent. These classifications can be important, as they dictate whether a crime counts as a strike (see below) under California's Three Strikes Law. They also may impact a person's ability to be released early.
- **Incarceration:** Imprisonment of a person convicted of a crime who is serving their court-ordered sentence for that crime. Note that this is different from detention, which is the temporary holding of a person who is charged with a crime but has not been convicted of the crime or found innocent yet.
- **Infraction:** A violation of a rule or local ordinance, usually punishable by a fine rather than by incarceration. Examples include traffic (or "moving") violations, disturbing the peace, and failure to appear.
- **Jail:** The county-level government's detention center, which holds people awaiting trial, people convicted of misdemeanors, or people convicted of felonies but sentenced under Realignment (see below).
- **Live Scan:** A comprehensive background check procedure that involves submitting an applicant's fingerprints to either the California Department of Justice or to the Federal Bureau of Investigation. An applicant may be required to Live Scan for many government jobs, jobs requiring security clearance, or as an element of an application for an occupational license.
- **Misdemeanor:** A crime usually punishable by a fine and/or confinement in a place other than prison, such as county jail. Examples include driving under the influence (DUI), petty theft, solicitation for an act of prostitution, and shoplifting.
- **Parole:** A condition of release for a person coming out of state prison. People on parole (sometimes called "parolees") remain under the control of the CDCR and must adhere to a set of rules (called "conditions") designed to promote public safety. To ensure compliance with these rules, people on parole are required to check in with a Parole Officer (P.O.) or Agent employed by the CDCR Division of Adult Parole Operations (DAPO) at designated intervals.
- **Prison:** A state or federal confinement facility for people convicted of crimes, especially felonies. The California Department of Corrections and Rehabilitation, commonly abbreviated as CDCR, oversees the state prison system.
- **Private Background Check:** A background check done by a private company. The background check will draw from sources like court records, police, correctional, and CDCR records, other public records, internet searches, and communication with people who know the applicant.

- **Probation (county-level):** A criminal sentence served in the community in place of (or following) a jail sentence. People on county probation must follow a set of rules (known as “conditions”) designed to promote a crime-free life. There are different types of probation: some *supervised by the court* (called informal, summary, or court probation), and some *supervised by a probation officer* (called formal probation).
- **Realignment:** In 2011, Governor Jerry Brown signed the Public Safety Realignment Act in an effort to reduce the number of people going into overcrowded state prisons. Realignment allows people with non-violent, non-serious, non-sex offense related convictions to serve their sentences in county jail instead of prison.
- **Record of Arrests and Prosecution, or “RAP” sheet:** The government’s official version of an individual’s criminal record. It lists every contact an individual has had with the criminal legal system. This includes arrests, convictions, acquittals, dismissals, and sentences. These usually take one of three forms: a county RAP sheet (listing only *in-county* contact with the criminal legal system), a California Department of Justice RAP sheet (listing all contact with the *state* criminal legal system anywhere in California), or an FBI RAP sheet (listing all contact with the *federal* criminal legal system and all contact with *any state’s* criminal legal system across the United States).
- **Sentence:** The punishment imposed by a court on a person convicted of a crime. See other definitions for detailed descriptions of common types of sentences.
- **Strike:** A conviction in California for “violent” or “serious” felonies.

RECORD-CLEANING OPTIONS IN CALIFORNIA

There are many ways people can clean up their criminal records.

Your Record-Cleaning Options Depend On:

- Your conviction history; and
- Your individual situation.

Record Cleaning Includes:

- Reducing a **felony** to a **misdemeanor** or a misdemeanor to an infraction;
- Having a conviction dismissed;
- Getting a certificate of rehabilitation and pardon; and
- Sealing a juvenile adjudication or adult **arrest**.



DID YOU KNOW?

People often use the word “expungement.” In California, record cleaning is NOT a true expungement. **In California, what people call an “expungement” is really a “dismissal.”**

A dismissal does not fully erase the conviction from your record, but it can help with many opportunities! Dismissals can help with housing, job applications, and more.

You can contact R&R’s hotline. We can help you learn more about your record-cleaning and dismissal options. You can call Root & Rebound’s **Reentry Legal Hotline**, any Friday, 9 a.m. – 3 p.m. PST, at 510-279-4662. We accept collect calls.

If You Want to Clean Up Your Record, Talk to a Reentry Lawyer.

- You can go to a free “clean slate” legal clinic.
- You can talk with your local public defender’s office.

In Some Cases, Record Cleaning Can:

- Hide your conviction from certain people (like private employers or landlords); and
- Restore certain legal rights.

Record cleaning can be time consuming, but it could improve your job and housing options. Record cleaning sometimes gives you the chance to prove your rehabilitation to a court. As one woman said upon having her felonies dismissed, “now the court sees *me* instead of my criminal record.”

Know Your Record-Cleaning Rights!

You have the right to see your own RAP sheet.

- Seeing your RAP sheet can help you understand your options to clean your record.

You may find errors on your RAP sheet.

- You have the right to challenge those errors with the Department of Justice (DOJ).
- If the DOJ disagrees with your claim, you have the right to request an administrative hearing.

You have the right to have a lawyer help you with a Certificate of Rehabilitation.

- If you cannot afford a lawyer, the court is required to assign a public defender or other lawyer to help.
- A public defender or legal aid office may also be able to help with other forms of record cleaning.



CONSULT A LAWYER

Record-cleaning laws change almost every year in California.

For this reason, we recommend talking to a lawyer. This could be:

- A reentry lawyer;
- Your local public defender.

NOTE: Some public defenders offices will help you. Some will not.

You can call Root & Rebound's **Reentry Legal Hotline**, any Friday, 9 a.m. – 3 p.m. PST, at 510-279-4662 to learn more. We accept collect calls.

UNDERSTANDING & ORDERING YOUR RAP SHEET

A RAP sheet stands for a “Record of Arrests and Prosecutions.” A RAP sheet is a government document that covers every encounter you have had with law enforcement. A RAP sheet is the most complete criminal record you have. A RAP sheet contains all **arrests** and **convictions**. Your RAP sheet even includes convictions that have been dismissed and/or reduced to **infractions** or misdemeanors; arrests that did not result in a conviction; **parole** and **probation** violations; juvenile records; and diversion programs.

A RAP sheet is a confidential document. Most government agencies, some licensing boards, and judges can see your RAP sheet. Most private employers and landlords cannot see your RAP sheet.

To clean up your record, it is important to know exactly what is on it. You can request a RAP sheet from the California Department of Justice (DOJ). Below are steps you can take to get and read your California state DOJ RAP sheet.

NOTE: Many public defenders can access the court records. Because public defenders can access your court records, they will not need a RAP sheet. For this reason, it is best to first talk with your attorney before spending the time, money, and effort to get a RAP sheet.

When you request a copy of your RAP sheet, you will be charged two fees.

1. There is a \$25 fee paid to the CA DOJ. You can request that this fee be waived.
2. There is a **Live Scan** rolling fee. The Live Scan fee ranges from \$15 - \$50 depending on the Live Scan Provider.

Step 1—The Form: Print out a copy of the DOJ's **Request for Live Scan Service form** (Form BCIA 8016).

- It is available for download on the DOJ website at:
https://oag.ca.gov/sites/all/files/agweb/pdfs/fingerprints/forms/BCIA_8016.pdf.
- You need to provide a reliable mailing address to provide to the Department of Justice.
 - If you are unhoused, you might use:
 - A P.O. Box,
 - A case manager's address, or
 - Another service provider who will accept mail for you.



REENTRY PLANNING TIP

California Department of Justice RAP Sheet Fee Waiver:

The DOJ charges \$25 to request your RAP sheet.

If you live in California you will qualify for a RAP Sheet request fee waiver if:

1. You receive public benefits; or
2. Your income is low for your area and household size.

You can use this fee waiver to get a copy of your RAP Sheet at no cost. **To get a fee waiver**, fill out the online application on the DOJ website at: <https://oag.ca.gov/fingerprints/record-review/fee-waiver>.

If your Fee Waiver is approved, print the Application for Live Scan Fingerprinting Services and continue on to Step 2.

- If you are unhoused, you will need to find a reliable mailing address to provide to the Department of Justice.
 - This could be a P.O. Box, a case manager's address, or another service provider who will accept mail for you.
 - **NOTE:** Many people and organizations also use the term "homeless" instead of "unhoused." At R&R we aim to use "people-first" language, or language that centers the person instead of their experience.

NOTE: This fee waiver does not cover the fingerprinting-rolling fee paid to a Live Scan provider.

Step 2—The Fingerprints: The DOJ website lists Live Scan operators and their fees. The list on the website is organized by county. Visit <https://oag.ca.gov/fingerprints/locations> to find a provider near you. If you are having trouble locating a Live Scan provider, Root & Rebound can help you find a provider.

Remember, Live Scan providers can set their own fingerprint-rolling fees, which can range from \$15 to \$50. Contact the provider for more information about scheduling a fingerprint rolling and to confirm their fee. Next, take these items to the Live Scan provider:

1. Completed fee waiver form or Live Scan form (Form BCIA 8016);
2. A valid picture ID; and
3. The Live Scan fee.

Step 3—The Document: You should receive a copy of your RAP sheet in the mail within 2 to 8 weeks. An attorney can review your RAP sheet and provide you with information about record remedies you may be eligible for. You can get help from:

- A reentry attorney;
- A clean slate attorney.

Many public defender offices have Clean Slate departments that handle record-cleaning/expungement cases. You may want to call your county's public defender for more information. You can also call Root & Rebound for help understanding your RAP sheet and record cleaning eligibility.

Be aware most record-cleaning remedies require a **court order**. The court process can take several weeks or months. The court process may require you to appear in person at the courthouse.



TIP

Your Conviction May Have Been Automatically Dismissed

The Department of Justice (DOJ) must automatically dismiss some convictions. Your case may have been dismissed. To find out:

1. Request a copy of your RAP sheet from the DOJ.
2. See if “PC 1203.425” language was added. This will be at the end of the conviction information. If this is included, some convictions could be eligible for automatic dismissal.

Non-conviction information is sometimes automatically sealed. This includes arrests and juvenile adjudications.

STEPS TO TAKE TO FILE FOR RECORD CLEANING

Root & Rebound can help you:

- Clean your record
- Find local support to clean your record.

You may want to apply for record cleaning on your own. The steps you can take are below:

Step 1: Determine Your Eligibility

Determine whether you are eligible for dismissal. Different code sections apply to different convictions and dismissals. Keep track of which code sections apply to your dismissal. See the section below for more information.

Step 2: Gather Your Evidence

1. Write a “declaration.” The declaration is a letter to the court. In the declaration, explain why you qualify for the dismissal.
2. Gather evidence of rehabilitation. You will include this evidence with your dismissal petition.

Declaration:

Examples:

- “I worked as a firefighter while incarcerated and am no longer incarcerated.”
- “I deserve the dismissal because I have changed.”

The types of things we have seen the court consider include:

- Education you have received since your conviction;
- Any programming or treatment you have taken related to the conviction;
- How you have grown and changed since the conviction; and
- Your current work.

You can also explain how this conviction is impacting you and why dismissing it would help you to rebuild your life and care for your family. The goal of this letter is to show the judge that you are a full person, not a stereotype or a statistic.

Evidence:

You can also attach documents and letters from others to show why the court should dismiss your conviction. Documents might include: certificates of completion, letters of recommendation, transcripts, photos, or other things that strengthen your case. The evidence of rehabilitation can be the same for all of your petitions for dismissals. Sign the letter “under penalty of perjury.” “Under penalty of perjury” means you swear that the documents are telling the truth. You are also agreeing that you could get in trouble for lying.

Step 3: File Your Petition With the Court

Each county processes its paperwork differently. You can call the court or Root & Rebound if you have specific questions.

These Are Usually The Correct Steps:

1. **Find Forms.**
 - Find your forms on the California Courts’ website at: <https://www.courts.ca.gov/forms.htm>.
 - If you are working with an attorney, the attorney will fill out the forms for you.
2. **Prepare Your Evidence of Rehabilitation.**
 - Include evidence of rehabilitation with each petition.
3. **File Your Petition.**
 - File a petition for each case that you are asking the court to dismiss.
4. **File in Court.**
 - File in the court and courthouse where the conviction happened. This is unless you transferred your probation to another county. In that case, you will need to file in the county where you transferred to. **NOTE:** Filing fees were abolished as of July 1, 2023, so you will no longer need to pay anything to file in court.
5. **Turn in Extra Copies.**
 - When you turn in the court petitions to the court, you should turn in at least two extra copies. The court should stamp each copy of the petition and assign a court date for the dismissal hearing.

Step 4: Serve the District Attorney and/or the Probation

1. Serve the District Attorney (DA) and/or the probation for each petition. This will notify the prosecutor and the probation department (in some cases) of your dismissal petition. Give the prosecutor (and probation, if required) a full copy of the stamped petition. Include your evidence of rehabilitation.
2. Fill-out and turn in to the court a “proof of service form.” You can find this form on the California Courts website at: <https://www.courts.ca.gov/forms.htm>.

Step 5: Attend the Court Hearing

Go to court at the time of the hearing.

- These hearings can be short.
- The DA or probation may oppose your petition. You may be asked to speak about why it should be granted.
 - Be prepared to talk about your accomplishments and reentry journey, much as you would in preparing for a job interview.
 - **Important Note:** Being asked to speak in court could feel a bit heavy. Your last experience in court may have been one that changed your life forever. It can be helpful to practice ahead of time. It can also help to talk with someone you trust about the emotions you are experiencing. If possible, it might also be helpful to have a supportive individual accompany you to your hearing.

OPTIONS FOR RECORD-CLEANING RELIEF IN CALIFORNIA

This chart goes over your record-cleaning options in California. You can use this chart to:

- Learn whether you are eligible to clean your record;
- How record cleaning can benefit you.

We did our best to summarize legal options in this chart, but please keep in mind that record-cleaning laws can be very complex (even for lawyers!). We recommend getting in touch with a “clean slate” or “expungement” clinic and speaking with reentry lawyers for more information. You can also contact Root & Rebound.

SUMMARY OF LEGAL OPTIONS FOR CLEANING UP CRIMINAL RECORDS IN CALIFORNIA				
LEGAL REMEDY	ELIGIBILITY CRITERIA	WHEN YOU CAN APPLY	WHAT THE REMEDY DOES	WHAT THE REMEDY DOES NOT DO
Fix errors on RAP sheet	None. You have the right to request your RAP sheet and challenge any errors at any time.	Anytime. You can request your RAP sheet and fix errors at any time.	Makes sure that your RAP sheet correctly lists your: <ul style="list-style-type: none"> • Arrests; • Convictions; and • Dismissals or sealing history. 	This is not “cleaning up” anything that accurately shows up on your RAP sheet.
Fix errors on private background checks	None. You may request a copy of your private background check report and challenge any errors at any time.	Anytime. You may request a private background check or copy of one run by an employer or landlord and fix errors at any time.	Makes sure that your private background check report: <ul style="list-style-type: none"> • Correctly lists your arrests and convictions history; • Does not list any information that the law does not allow to be shared on private background checks. 	This is not “cleaning up” anything that accurately shows up on your private background check. For more information about what may and may not appear on a private background check, see: <ul style="list-style-type: none"> • Chapter 4: Creating a Housing Plan; and • Chapter 5: Creating an Employment Plan.
Dismissal Under Cal. Penal Code sections: <ul style="list-style-type: none"> • 1203.4, • 1203.4a, • 1203.41, or • 1203.42, • 1203.4b, or • 1203.43 	The court may not automatically dismiss your conviction. You may be eligible for a dismissal if: <ul style="list-style-type: none"> • You have a misdemeanor (regardless of the sentence); • You have a felony that was sentenced to probation as part of the sentence; 	You cannot be: <ul style="list-style-type: none"> • Serving a sentence for any case or • On probation or parole 	Certain people cannot see a dismissed conviction if they run a private background check on you: <ul style="list-style-type: none"> • Most private employers; • Most private landlords; • Most insurance companies; 	Does not: <ul style="list-style-type: none"> • Delete the conviction from your official RAP sheet; • Prevent the offense from being considered a prior if you are convicted of a new offense; or • Remove the information from internet searches.

LEGAL REMEDY	ELIGIBILITY CRITERIA	WHEN YOU CAN APPLY	WHAT THE REMEDY DOES	WHAT THE REMEDY DOES NOT DO
(continued) Dismissal Under Cal. Penal Code sections: <ul style="list-style-type: none"> 1203.4, 1203.4a, 1203.41, or 1203.42, 1203.4b, or 1203.43 	<ul style="list-style-type: none"> You have a felony that was sentenced to jail under Realignment (AB 109 / PC 1170(h)); You have a felony that was sentenced to prison and does not require registering under PC 290 (sex offense registry); You fought fires in a firecamp or firehouse for the case; or The court dismissed the arrest charges after you completed a deferred entry of judgment program after January 1, 1997. 	<p>Exception: if fought fires in firecamp or firehouse.</p> <p>Certain types of dismissals require you to wait one or two years after completing the sentence (including parole or probation) before applying.</p>	<ul style="list-style-type: none"> Most creditors; and more! <p>Most private employers <u>CANNOT</u> ask about or consider a dismissed conviction.</p> <p>Dismissals stop courts from giving the information to background check companies or showing it on their public website.</p> <p>A dismissal can also help with getting certain professional licenses or jobs with certain employers, even if they can request your RAP sheet and see the dismissed conviction.</p> <p>RAP sheet will be updated to include that the case was dismissed.</p>	<ul style="list-style-type: none"> Remove all of the legal burdens that come with certain convictions. For example, record cleaning does not remove: <ul style="list-style-type: none"> Registration requirements; Restriction of gun rights; Restitution ordered to be paid directly to the person(s) found to be a victim in a case; or Criminal or civil protective orders related to the case. <p>Your conviction may still be considered by the federal government for immigration purposes. Speak to an immigration attorney about your specific situation. They can explain whether record cleaning will be helpful for you.</p>
Reduce felony to a misdemeanor Under Cal. Penal Code section 17(b)	You may be eligible if: <ol style="list-style-type: none"> 1. Your conviction was for a felony “wobbler.” This is a felony that can be charged as either a misdemeanor or felony; <u>AND</u> 2. You were NOT sentenced to state prison or county jail under Realignment (AB109 / PC 1170(h)). 	Anytime.	<p>Allows you to lawfully say you were never convicted of a felony.</p> <p>May restore state gun rights.</p> <p>Removes some barriers to employment. For example, some employers ask about felonies but not misdemeanors.</p> <p>Requests for reductions can be combined with a dismissal (see the row above this one).</p>	<p>If your conviction was for a serious or violent felony:</p> <ul style="list-style-type: none"> The conviction still counts as a “strike.” This will impact you if you are prosecuted for another crime in the future. Does not remove sex offense registration requirements. May not restore gun rights. <p>Your conviction may still be considered a felony for:</p> <ul style="list-style-type: none"> Certain state licensing purposes and Immigration purposes.

LEGAL REMEDY	ELIGIBILITY CRITERIA	WHEN YOU CAN APPLY	WHAT THE REMEDY DOES	WHAT THE REMEDY DOES NOT DO
Reduce felony to a misdemeanor Under Prop. 47	<p><u>These felonies can be reduced to a misdemeanor:</u></p> <ul style="list-style-type: none"> Simple drug possession. This does not include possession for sales. Theft cases under \$950 with convictions including: <ul style="list-style-type: none"> Second degree burglary Forgery Grand Theft Receiving stolen property Petty theft with prior <p><u>You must also meet this criteria:</u></p> <ul style="list-style-type: none"> The conviction happened before November 5, 2014; No prior conviction for a “super strike” felony; and No prior conviction requiring sex offense registration. 	<p>Must have requested before November 5, 2022.</p> <p>The relief is not currently available. Unless one can show “good cause” for the delay. Prop. 47 does not define what “good cause” can be.</p>	<p>Changes your felony to a misdemeanor.</p> <p>Removes legal barriers.</p> <p>Restores most of the rights lost due to your felony conviction.</p>	<p>Does not:</p> <ul style="list-style-type: none"> Restore gun rights. Remove your conviction from the criminal record. This just reduces it to a lower offense. Give you the right to be compensated for time served in excess of what you would have served for a misdemeanor. <p>Your conviction may still be considered a felony by the federal government for immigration purposes.</p>
Reduce felony to a misdemeanor AND/OR dismiss conviction Under Prop. 64	<p>Most cannabis related convictions are eligible.</p>	<p>Anytime.</p> <p>This should be automatically applied to your records. Get your RAP sheet to confirm.</p>	<p>For cannabis offenses:</p> <ul style="list-style-type: none"> Automatically seals and destroys some records; Reduces some cannabis felonies to wobblers or misdemeanors; Reduces some cannabis misdemeanors to infractions. <p>Sometimes restores all the civil rights you lost from having a felony conviction.</p>	<p>Does not allow you to seek compensation for time spent in custody under outdated laws.</p> <p>Your conviction may still be considered by the federal government for immigration purposes.</p>
Reduce misdemeanor to an infraction Under Cal. Penal Code section 17(d)(2)	<p>You may be eligible if: Your conviction is listed under Penal Code 19.8.</p>	<p>Anytime.</p>	<p>Allows you to lawfully say you were never convicted of a misdemeanor.</p> <p>Removes some barriers to employment. For example, some employers ask about felonies and misdemeanors but not infractions. Requests for reductions can be combined with a dismissal.</p>	<p>Your conviction may still count as a misdemeanor for certain state licensing and immigration purposes.</p>

LEGAL REMEDY	ELIGIBILITY CRITERIA	WHEN YOU CAN APPLY	WHAT THE REMEDY DOES	WHAT THE REMEDY DOES NOT DO
Certificate of Rehabilitation	<p>You may be eligible if you:</p> <ul style="list-style-type: none"> Were convicted of a felony OR misdemeanor sex offense that was later dismissed; Have no recent history of incarceration Are not on probation; and Resided in California for the last 5 years. <p>You may NOT be eligible if:</p> <ul style="list-style-type: none"> Convicted of certain serious sex offenses; Sentenced to the death penalty; On mandatory lifetime probation; In the military; or No longer a California resident. <p>If you are not eligible, see "Pardon" below.</p>	<p>You must wait 7 to 10 years from the date of your release from incarceration. This depends on your conviction offense.</p> <p>You can request a Certificate of Rehabilitation (COR) before the end of your required waiting period.</p> <p>For a judge to grant it early, the COR:</p> <ul style="list-style-type: none"> Must be "in the interests of justice" and Cannot be for a registerable offense. <p>You must be off of parole or probation.</p>	<p>Serves as:</p> <ul style="list-style-type: none"> An automatic application for a governor's pardon. Official government proof that you have been rehabilitated. <p>Can be shown to landlords, employers and government agencies as evidence of rehabilitation but double check what can appear on a private background check.</p> <p>You can be denied an occupational license based on your criminal record. A Certificate of Rehabilitation may protect you.</p>	<p>Does not:</p> <ul style="list-style-type: none"> Erase or seal a record of conviction. Prevent the offense from being considered a prior if you are convicted of a new offense. Restore gun rights. <p>If you were convicted of a felony, does not enable you to tell employers you have no felony record.</p> <p>NOTE: Make sure to check in case you are eligible for dismissal. The laws have greatly expanded to include more felonies.</p>
California Governor's Pardon	<p>You are eligible if you were convicted in California of:</p> <ul style="list-style-type: none"> A sex related misdemeanor; OR Any felony. 	<p>If you were granted a Certificate of Rehabilitation, you are automatically considered for a pardon.</p>	<p>May restore your gun rights <u>only if explicitly stated</u> in the pardon from the Governor.</p> <p>Allows you to work as a parole agent or probation officer.</p> <p>Restores the right to hold public office.</p>	<p>Does not:</p> <ul style="list-style-type: none"> Seal or erase the record of conviction. Prevent the offense from being considered a prior if you are convicted of a new offense. Enable you to tell employers you have no felony record. <p>May not:</p> <ul style="list-style-type: none"> Prevent deportation. <p>See Chapter 12 to learn more about the immigration consequences of having a criminal record.</p>
Sealing adult arrest records due to actual innocence Under PC 851.8	<p>An arrest is eligible for sealing if:</p> <ul style="list-style-type: none"> The charges did not result in a conviction; AND <p>(see next page)</p>	<p>Most cases require filing within 2 years of either:</p> <ul style="list-style-type: none"> The arrest date or 	<p>The arrest is considered to never have occurred.</p> <p>You do not have to list the arrest on applications. It will be removed from your RAP sheet.</p>	<p>The relief:</p> <ul style="list-style-type: none"> Is not automatic AND Needs to be granted by a judge. <p>First you must be found "factually innocent of the allegations."</p>

LEGAL REMEDY	ELIGIBILITY CRITERIA	WHEN YOU CAN APPLY	WHAT THE REMEDY DOES	WHAT THE REMEDY DOES NOT DO
(continued) Sealing adult arrest records due to actual innocence Under PC 851.8	<ul style="list-style-type: none"> There is evidence of actual innocence. 	<ul style="list-style-type: none"> The date the prosecutor filed initial papers in court. 	<p>All records related to arrest and criminal proceedings are sealed and destroyed.</p> <p>If a civil action was filed against the police or agency that made the arrest, then the record will be sealed but not destroyed.</p>	
Partial sealing of arrest records Under PC 851.91	<p>If the court has not automatically partially sealed your arrest record, you may be eligible if <u>any</u> of the following conditions are met (with certain exceptions):</p> <ul style="list-style-type: none"> No criminal charges were filed; There was no conviction because the criminal charges were filed but later dismissed; There was no conviction because you were found “not guilty” in a jury trial; There was a conviction but it was vacated or overturned on appeal. 	<p>You may apply as soon as the statute of limitations has run on the case.</p>	<p>Your arrest will not show up on most background checks and applications. It will be as if the arrest never happened.</p>	<p>The arrest is not removed from your RAP sheet.</p> <p>You may still need to list the arrest in certain situations like:</p> <ul style="list-style-type: none"> Job application in law enforcement; Licensing for child or elder care; Applications for public office; and Certain occupational licensing. <p>Does not prevent the offense from being considered in the same ways as it would have had it not been sealed, in the event of a new arrest.</p> <p>Does not restore gun rights if those were impacted by the underlying arrest. The Federal government and Federal agencies like Homeland Security and the Military may still have access to arrest records even if they have been partially sealed.</p>
Sealing juvenile records	<p>If the court has not automatically sealed your juvenile record, you may be eligible if <u>all</u> of the following conditions are met:</p> <ul style="list-style-type: none"> Case started and ended in juvenile court; No adult conviction for felony or misdemeanor involving “moral turpitude,” such as a sex or serious drug crime, murder, or forgery, welfare fraud, or other crime of dishonesty; No open civil lawsuit stemming from juvenile offense. 	<p>If not automatically sealed, you can apply as soon as you turn 18 years old <u>OR</u> after five years have passed since your last arrest or discharge from probation.</p>	<p>Some departments will treat your convictions as if they never occurred:</p> <ul style="list-style-type: none"> Police department; Probation department; and Any other departments involved in the case. <p>Eventually these departments and the court will seal and destroy any records about the case.</p>	<p>The Federal government and Federal agencies may still have access to your sealed juvenile case records. This includes Homeland Security and the Military.</p> <p>The Department of Motor Vehicles (DMV) and other agencies may have limited access to sealed records for specific reasons.</p>

LEGAL REMEDY	ELIGIBILITY CRITERIA	WHEN YOU CAN APPLY	WHAT THE REMEDY DOES	WHAT THE REMEDY DOES NOT DO
(continued) Sealing juvenile records	You are NOT eligible if: <ul style="list-style-type: none"> The court found you committed a violent sex offense at the age of 14 or older; and The court ordered you to register under PC § 290.008. 		Once sealed, the offense does not have to be reported on job, school, or other applications. If you are required to register for a sex offense that is eligible for sealing, you may be allowed to stop registering after the case is sealed.	The court and prosecutor may see your sealed records in certain cases.
Juvenile discharge	You are eligible if: <ul style="list-style-type: none"> You have a juvenile case that required you to be committed to the Division of Juvenile Facilities. This is commonly known as the “Division of Juvenile Justice” or DJJ. 	Must have requested before July 2023. This relief is no longer available.	May help you apply for: <ul style="list-style-type: none"> Education; Employment; or Occupational licenses. Can be used as evidence of rehabilitation when asking the court to seal their juvenile record.	If you were convicted of a sex offense: <ul style="list-style-type: none"> Does not remove the requirement that you must register.
Federal expungement or dismissal	You may be eligible if: <ul style="list-style-type: none"> You were convicted of “simple” possession of certain drugs under federal law; AND You do not have more than one drug-related conviction (state or federal); AND You successfully completed probation without a violation. 	You can file as soon as you complete probation.	If you were less than 21 years at time of offense: <ul style="list-style-type: none"> All records of conviction, arrest, and criminal proceedings are <u>destroyed</u>. If you were 21 years or older at time of offense: <ul style="list-style-type: none"> All records of conviction, arrest, and criminal proceedings are <u>sealed</u> but not <u>destroyed</u>. 	
Presidential pardon	You may be eligible if: <ul style="list-style-type: none"> You were convicted of a federal offense; AND Your sentence (including parole or probation) is complete. 	You must wait at least five years from the date of your release. If you were never incarcerated, you must wait five years from the date you were sentenced.	Restores the civil rights you lost from a federal conviction. This includes gun rights.	Does not restore rights lost due to state convictions.



REENTRY PLANNING TIP

You may need to submit letters of support along with your petition. This depends on what type of relief you are seeking. The ideal letter will be:

- Detailed;
- From someone who knows you intimately;
- From someone who can speak to your growth and rehabilitation in the time since you were convicted.

It may also help to include certificates from programs and classes you have completed.

NAVIGATING OUTSTANDING WARRANTS

You may discover you have an outstanding warrant for a traffic ticket or criminal violation. If you do not take care of your warrant, you risk being taken into custody the next time you come in contact with the police. This could even happen during a routine traffic stop.

The steps you take to handle the warrant will depend on what type of warrant it is and what a lawyer advises. Here is some general information.

Outstanding Warrant for Traffic Ticket

Check if You Have a Warrant for a Traffic Ticket

Option 1: Contact the courthouse that is listed on your traffic ticket.

You must contact BOTH:

1. The traffic clerk and
2. The criminal clerk.

The clerks can run your name and date of birth through a warrant search on the court computer. You may be able to ask the clerk of the court over the phone if you can take care of the ticket by paying the fine. In some cases, you may need to get the case on the calendar and go to court.

Option 2: Search the court website.

You may also search on the court website by doing a traffic ticket search. Search by driver's license to get the most accurate results. You may still have a warrant even if the court website does not show one for you. Do not rely completely on the website.

NOTE: The outstanding warrant may be for a traffic ticket or failure to appear that was pending when you went to jail/prison. If so, you may be able to ask the court and DMV to remove:

- Fines,
- Driver license suspension, and
- Any warrants under Vehicle Code 41500.

See Chapter 2: Getting Official ID for more information on how to do this. Some counties have special courts that help people resolve traffic tickets when they cannot afford to pay.

Outstanding Warrant for Criminal Violation

You may have an outstanding warrant for a violation. If so, we recommend contacting an attorney. This could be a public defender or private defense attorney.

- Let the attorney know you have an outstanding warrant.
- The attorney can tell you if you might be taken into custody if you go to court to remove the warrant.
- The attorney may be able to take care of the warrant for you. This way, you will not need to go to court.
- If you do need to go to court, they can get you on the court's calendar.

If you are not able to find an attorney to help you, you can call the clerk of the criminal court.

- Ask the clerk if they can remove the warrant over the phone.
- If they say that you must go to the court to take care of the warrant, ask the clerk to put you on the court's calendar.

WARNING: By contacting them, you could alert them where you are located. This could lead to your arrest.

Out of State Warrants

Contact an Attorney

You may have an outstanding warrant from another state. Contact the public defender's office for the county and state in which the warrant was issued. A California attorney cannot assist with out of state warrants.

You May Be Taken to the State with the Warrant

If an arrest warrant has been issued in another state, that state may issue a warrant to extradite you.

- An extradition is a warrant to take you to the other state to face criminal charges.
- Extradition is possible ONLY IF you have been charged with a crime in the other state.
- You are entitled to a hearing before being moved. If there are facts to support the extradition request, you will be transported to the other state to face charges.

We recommend contacting an attorney in the other state as soon as possible. It is better that you deal with your out of state warrant before charges have been filed. This can help you avoid extradition.

Know the Risk of an Outstanding Warrant

Extradition is expensive. States usually do not extradite people for minor offenses. However, once an arrest warrant is issued, a person can be taken into custody if they come into contact with a law enforcement officer for any reason. So, if a driver is stopped in Arizona and a computer check reveals an Oregon warrant in the person's name, the driver could be taken into custody. In this case, the original reason for the stop does not matter.

For People Who Are Currently Incarcerated

Holds, Warrants, and Detainers Can Get in the Way of You Preparing for Reentry

You could have a hold, warrant, or detainer (HWD) if you have another case that has not yet been resolved or because you were on parole or probation at the time of the case that led to your incarceration. A prison official should tell you if you have a HWD. Unfortunately, you may not learn about these until you are told you cannot do something because of one. Sometimes, **CDCR** also decides you have a “potential” HWD. These are not actual HWDs. Instead, they are what CDCR thinks you might have a HWD for.

Resolving HWDs quickly is usually a good idea because HWDs can prevent you from doing certain things. Here is a list of examples:

- HWDs may stop you from being released on your release date. CDCR can hold you for up to 5 court days past your release date for the agency that issues the HWD to pick you up.
- HWDs can get in the way of you being allowed to do CDCR pre-release programs like ACP and CCTRP.
- HWDs can prevent you from being assigned CDCR-funded transitional housing for after release.
- HWDs can prevent you from going to fire camp.
- HWDs can prevent you from being in minimum security.

However, every situation is different. There might be some downsides in your situation that the public defender or defense attorney can tell you about.

Once you are told you have a HWD, you can request a printout from the HWD office at your prison of your HWDs. That printout will tell you what agency has that HWD. If there is a related court case, the printout will also list the case number.

Important: If you have not been told you have a HWD, asking could lead to suspicion and research to find one. For example, it could lead to a prison official contacting law enforcement or ICE.

If HWD is with a Court or District Attorney

It is a good idea to reach out to the public defender’s office in the county of the HWD.

- Ask if they can help you clear your HWD.
- It may be helpful to send a copy of your Legal Status Summary or Abstract of Judgment from your current case.
 - This will help the public defender’s office know your convictions and sentence in the current case.
 - This might also help the public defender’s office resolve your case with the HWD.

You can try to get your HWD removed on your own. This may be a good idea if you cannot get help from an attorney.

To remove your HWD on your own, file your own "Speedy Trial Penal Code section 1381 demand."

- The HWDs office (part of Records) at your prison should help you.
- This motion must be sent to the District Attorney and requires they bring you to trial within 90 days.
 - If they do not bring you to trial within 90 days, you can ask the court to dismiss the case.
- A similar motion sometimes can be filed for an out-of-state case and with different time limits.
- A probation hold can be resolved with either a Penal Code section 1381 demand or a section 1203.2a demand.

Again, it is typically safest to first get advice and help from the public defender's office or a criminal defense attorney. "The California Prison and Parole Law Handbook" by Prison Law Office has more information. For more information, visit: <https://prisonlaw.com/resources/prison-handbook/> or write to: Prison Law Office, General Delivery, San Quentin, CA 94964.

If a HWD is with a Police or Sheriff's Office

- You cannot file a 1381 speedy trial motion if no charges have been filed.
- A public defender likely will not help you if charges have not yet been filed.
- If a public defender will not help you, you can try contacting the agency with the HWD directly.
 - **WARNING:** By contacting them, you are telling them where you are located and bringing attention to the HWD.

Again, it typically is safest to first get advice and help from the public defender's office or a criminal defense attorney.

Clearing the HWD in CDCR Records

The prison will only remove a HWD from your record if they receive paperwork showing the HWD was removed.

- This paperwork must come from the agency that had the HWD.
- The prison will probably not accept paperwork from you or your attorney.
- This sometimes means that HWDs do not get cleared properly.

Sometimes, the prison will not clear a HWD once you have cleared the HWD.

- If this happens, ask the HWD office if they received the paperwork from the agency they said had the HWD.
- You can ask the HWD office to request the paperwork from that agency.
 - You can use a 22 form and attach any copy you have of the paperwork.
- An attorney may have helped you clear the HWD. If so, they can ask the court to send the paperwork to the prison's record office.

Potential HWDs often are not HWDs at all. In these cases, potential HWDs can be cleared if the agency CDCR thinks has a HWD sends the required paperwork to the HWD's office showing there is no HWD. Making this happen can be tricky.

Again, you can ask the HWD's office to request the paperwork from that agency. You can use a 22 form and attach any copy you have of the paperwork. A 602 grievance is also an option.

Conclusion

Chapter 9 covered different options for record cleaning. Record cleaning is a legal tool. Cleaning your record is one way to prove that you have been successful in reentry. Record cleaning can help you obtain employment and housing. A record in California never disappears, but cleaning your record can remove some barriers that a conviction creates.

NEXT STEPS



ACTION STEP

Fill out the question in the Sample Reentry Plan in Appendix A starting on page 166. The section for Chapter 9 may help you think of any questions you have about your record. You may also want to take notes about which record-cleaning options might be available to you.



CONSULT A LAWYER

A lawyer may be able to help you clean your record. A lawyer may be able to help:

- Reduce a felony to a misdemeanor;
- Get your conviction dismissed;
- Seal a juvenile adjudication or adult arrest;
- Fix errors on your rap sheet or on private background checks, and more.

Call Root & Rebound's **Reentry Legal Hotline** any Friday, 9 a.m. – 3 p.m. PST, at 510-279-4662 for support. We accept collect calls.

10

SETTING UP PUBLIC BENEFITS AND HEALTH CARE

Summary - Chapter 10 provides:

Chapter 10 provides:

- **A list** of key public benefits programs and application processes;
- **Tips** for ensuring you have access to health care after release;
- **Suggestions** for planning for your immediate medical needs; and
- **A summary of your rights** when applying for public benefits.

Key Terms

NOTE

These terms are **highlighted** the first time they appear in this Chapter. When you see a highlighted word, you can refer to this section for a definition.

- **California Department of Corrections and Rehabilitation (CDCR):** The State department responsible for operating California's state prisons and parole systems. Prison staff and parole personnel are employees of CDCR.
- **Charge:** To formally accuse a person of an offense. At this stage, a District Attorney or prosecutor has the choice to drop (or "dismiss") charges, or move forward with criminal prosecution in court.
- **Conviction:** A judgment, made in court by a jury or judge, stating that a person is guilty of a crime.
- **Felony:** A crime usually punishable by imprisonment for more than one year or by death. Examples include burglary, arson, rape, certain drug crimes, and murder. Felonies can be—but are not always—classified as serious or violent. These classifications can be important, as they dictate whether a crime counts as a strike (see below) under California's Three Strikes Law. They also may impact a person's ability to be released early.
- **Incarceration:** Imprisonment of a person convicted of a crime who is serving their court-ordered sentence for that crime. Note that this is different from detention, which is the temporary holding of a person who is charged with a crime but has not been convicted of the crime or found innocent yet.
- **Jail:** The county-level government's detention center, which holds people awaiting trial, people convicted of misdemeanors, or people convicted of felonies but sentenced under Realignment (see below).
- **Misdemeanor:** A crime usually punishable by a fine and/or confinement in a place other than prison, such as county jail. Examples include driving under the influence (DUI), petty theft, solicitation for an act of prostitution, and shoplifting.
- **Parole:** A condition of release for a person coming out of state prison. People on parole (sometimes called "parolees") remain under the control of the CDCR and must adhere to a set of rules (called "conditions") designed to promote public safety. To ensure compliance with these rules, people on parole are required to check in with a Parole Officer (P.O.) or Agent employed by the CDCR Division of Adult Parole Operations (DAPO) at designated intervals.
- **Prison:** A state or federal confinement facility for people convicted of crimes, especially felonies. The California Department of Corrections and Rehabilitation, commonly abbreviated as CDCR, oversees the state prison system.
- **Probation (county-level):** A criminal sentence served in the community in place of (or following) a jail sentence. People on county probation must follow a set of rules (known as "conditions") designed to promote a crime-free life. There are different types of probation: some *supervised by the court* (called informal, summary, or court probation), and some *supervised by a probation officer* (called formal probation).
- **Realignment:** In 2011, Governor Jerry Brown signed the Public Safety Realignment Act in an effort to reduce the number of people going into overcrowded state prisons. Realignment allows people with non-violent, non-serious, non-sex offense related convictions to serve their sentences in county jail instead of prison.
- **Sentence:** The punishment imposed by a court on a person convicted of a crime. See other definitions for detailed descriptions of common types of sentences.
- **Strike:** A conviction in California for "violent" or "serious" felonies.

SETTING UP PUBLIC BENEFITS AND HEALTH CARE

This section describes:

- How a criminal record can affect access to public benefits;
- How a criminal record can affect access health care; and
- Whether you can apply for public benefits while incarcerated.

Know Your Public Benefits Rights!

You Will Not Be Automatically Denied

- Your criminal record will usually not automatically prevent you from receiving public benefits.
- California no longer bans people with past drug-related **felony convictions** from receiving CalWORKS and CalFresh.
 - If you were denied before 2015, consider re-applying under the new rules!

You Can Apply for Some Benefits Before You Are Released

- See the chart on the next page.

You Can Appeal a Denial of Public Benefits

- It is usually better to appeal a denial rather than reapply.
 - You can lose out on some benefits if you start a new application.
 - If you win an appeal, you can get the benefits you were previously denied.
 - If you start a new application, those benefits are lost.
- There are strict time limits. You may be denied benefits. Talk to a legal aid attorney or case manager as soon as possible.

You Have Rights When You Leave California State Prison

- You are entitled to 60 days of medication if you are leaving CA state prison.



HELPFUL RESOURCE: CALL 2-1-1

2-1-1

In most California counties, you can call 2-1-1 for referrals and emergency help. These referrals are for organizations that provide:

- Food;
- Housing;
- Employment;
- Health care;
- Counseling; and more.

The referrals are county specific. The help you receive from 2-1-1 is free and confidential.

TYPES OF PUBLIC BENEFITS IN CALIFORNIA

Below is a **chart** on how your public benefits may be impacted by your record. Use this chart as a reference guide. Call Root & Rebound's **Reentry Legal Hotline** any Friday, 9 a.m. – 3 p.m. PST, at 510-279-4662 for support. We accept collect calls.



ACTION STEP

Make a plan to apply to public benefits.

The chart below will help you determine which programs you are eligible for and which programs you can apply for before your release.

IMPACT OF A CRIMINAL RECORD ON PUBLIC BENEFITS

Benefit Type	What is it?	Can I apply while incarcerated?	Will my criminal record affect my benefits?
Medi-Cal	Healthcare Coverage For: Low-income California residents. Cost: Free or low-cost	Yes.	No.
Medicare	Federal Healthcare Program For: <ul style="list-style-type: none"> • People who are elderly and • People who have disabilities. Cost: Varies by plan. Some plans can be free. Most people pay the standard cost of \$164.90 each month. This may be higher and depends on your income. The amount can change each year.	Yes.	No.
General Assistance (GA) or General Relief (GR)	Cash Assistance For Adults Who: <ul style="list-style-type: none"> • Have little to no income; • Have no sources of support; and • Are not currently receiving any other public benefits. Each County is Different: Each county in California runs its own version of the program. In many counties, GA/GR is a loan. Different counties have different rules about how many months in a year a person can get GA/GR if they are able to work.	No. The County Social Services Agency can help you when you are released. Visit or call them. (The County Social Services Agency is sometimes called the "Human Services Agency.")	Maybe. Your county may have rules restricting who can get this benefit. Contact Your Local Welfare Agency to Ask About its Policy If: <ul style="list-style-type: none"> • You have an outstanding warrant. • You violated parole or probation. • You have a drug conviction.

Benefit Type	What is it?	Can I apply while incarcerated?	Will my criminal record affect my benefits?
CalWORKS California Work Opportunity and Responsibility to Kids	Services For Low-Income Families With Children: Monthly cash assistance; Access to food and healthcare benefits; and more.	No. You can only apply for CalWORKS once you have been: <ul style="list-style-type: none"> Released from prison or jail AND Have active custody of a child as a parent or caretaker. 	Maybe. Your county may have rules restricting who can get this benefit. Contact Your Local Welfare Agency to Ask About its Policy If: <ul style="list-style-type: none"> You have a conviction for intentional program violation (“welfare fraud”). You have an outstanding warrant. You violated parole or probation. NOTE: As of 2015, drug felonies are no longer a bar to receiving CalWORKS.
CalFresh (also called food stamps)	Money to Buy Food For: Low-income adults and their families.	Yes.	Maybe. Your county may have rules restricting who can get this benefit. Contact Your Local Welfare Agency to Ask About its Policy If: <ul style="list-style-type: none"> You have a conviction for intentional program violation (“welfare fraud”). You have an outstanding warrant. You violated parole or probation. NOTE: As of 2015, drug felonies are no longer a bar to receiving CalFresh.
Social Security Retirement Benefits	Cash Assistance For: Retired people.	Yes.	Maybe. Your Social Security May Be Affected If: <ul style="list-style-type: none"> You have an outstanding warrant on a felony charge for: <ul style="list-style-type: none"> Escape from custody or Fleeing to avoid prosecution or conviction. You have an outstanding warrant for violating probation or parole. You are/were incarcerated for at least 30 days in a row. If Any of The Above Apply: <ul style="list-style-type: none"> Your monthly benefits may be temporarily suspended or Your application may be denied.

Benefit Type	What is it?	Can I apply while incarcerated?	Will my criminal record affect my benefits?
Social Security Disability Income (SSDI)	Cash Assistance For People Who: <ul style="list-style-type: none"> • Worked in the past BUT • <u>CANNOT</u> work for a year or more • Due to a disability. 	Yes.	<p>Maybe.</p> <p>Your SSDI May Be Affected If:</p> <ul style="list-style-type: none"> • You have an outstanding warrant on a felony charge for: <ul style="list-style-type: none"> ◦ Escape from custody; or ◦ Fleeing to avoid prosecution or conviction. • You have an outstanding warrant for violating probation or parole. • You are/were incarcerated for at least 30 days in a row. <p>If Any of The Above Apply:</p> <ul style="list-style-type: none"> • Your monthly benefits may be temporarily suspended. <p>NOTE: If you are incarcerated for a year or more and had SSDI benefits in the past, you will have to reapply for SSDI benefits.</p>
Supplemental Security Income (SSI)	Cash Assistance For People Who: <ul style="list-style-type: none"> • Are Low Income • AND are: <ul style="list-style-type: none"> ◦ 65 years or older and/or ◦ Unable to work for a year or more due to a disability. 	Yes.	<p>Maybe.</p> <p>Your SSI May Be Affected If:</p> <ul style="list-style-type: none"> • You have an outstanding warrant on a felony charge that is for: <ul style="list-style-type: none"> ◦ Escape from custody; or ◦ Fleeing to avoid prosecution or conviction. • You have an outstanding warrant for violating probation or parole. • You are/were incarcerated for at least 30 days in a row. <p>If Any of The Above Apply:</p> <ul style="list-style-type: none"> • Your monthly benefits may be temporarily suspended or • Your application may be denied. <p>NOTE: If you are incarcerated for a year or more and had SSI benefits in the past, then you will have to reapply for SSI benefits.</p>

Benefit Type	What is it?	Can I apply while incarcerated?	Will my criminal record affect my benefits?
Veteran's Benefits	<p>Programs & Services For: People honorably discharged from the military.</p> <p>Provided by the Department of Veterans Affairs.</p>	Yes.	<p>Maybe.</p> <p>Your Veteran's Benefits Will Be Affected If:</p> <ul style="list-style-type: none"> You have an outstanding warrant on a felony charge for: <ul style="list-style-type: none"> Fleeing prosecution or confinement after your conviction. Violating parole or probation. You were discharged from the military due to a felony conviction. You are/were incarcerated for 60 days or more for a felony conviction. <p>If Any of The Above Apply:</p> <ul style="list-style-type: none"> Your monthly benefits will be suspended. <p>If You Receive Disability Compensation Benefits:</p> <ul style="list-style-type: none"> The benefits will be reduced during your period of incarceration. The reduction is based on the percentage of your disability. You may be required to receive a medical evaluation. The evaluation is to check if your disability has improved. <p>If You Receive Disability Pension Benefits:</p> <ul style="list-style-type: none"> Your benefits will be discontinued while you are incarcerated. You may be required to receive a medical evaluation. The evaluation is to check if your disability has improved.
WIC	<p>Support For:</p> <ul style="list-style-type: none"> Low-income women who are: <ul style="list-style-type: none"> Pregnant, Postpartum, or Breastfeeding; and Infants and children under age 5. <p>WIC Offers:</p> <ul style="list-style-type: none"> Nutritious food; Nutrition education; Breastfeeding support; and Health service referrals 	No.	No.

Benefit Type	What is it?	Can I apply while incarcerated?	Will my criminal record affect my benefits?
Tribal TANF (Temporary Assistance for Needy Families)	Benefits For: <ul style="list-style-type: none"> • Tribal Members with children Benefits Include: <ul style="list-style-type: none"> • Cash assistance; • Educational services; and • Employment services. <p>Benefits are through Native American/American Indian Tribes.</p>	No. You must have a minor child currently residing with you.	<p>Maybe.</p> <p>Tribal TANF benefits are distributed and regulated by your tribe. You will need to check with your Tribal Office for any restrictions.</p>
Food Banks Funded By The Emergency Food Assistance Program	Emergency Food For: Low-Income People. Cost: Free This is a federal program.	No.	<p>Probably not.</p> <p>Food assistance through this program appears to be based solely on income. Confirm your income eligibility. Then, visit your local food bank for resources. A list of the qualifying food banks in California can be found here: https://www.cdss.ca.gov/food-banks.</p>



WARNING

None of these benefits will reach you while you are incarcerated. You will begin to receive these benefits once released. For some benefits, the time between release and the start of the benefits can take 30 days or more.

The exception is Veteran's Benefits. Some Veteran's Benefits can reach you while you are incarcerated.

TIPS FOR ACCESSING AND GETTING ASSISTANCE WITH PUBLIC BENEFITS APPLICATIONS

The application process for public benefits can:

- Take time; and
- Require assistance from other people in your life or from legal aid.

Here are some tips to make the application process easier so that you have a better chance to receive your benefits as soon as possible.

If You Are Currently Incarcerated

Get Help While in a California State Prison:

You should receive assistance from a pre-release benefits counselor. This person is called a “TCMP counselor.”

- 4-6 months prior to your release, the TCMP counselor should help you sign up for:
 - Medi-Cal;
 - Medicare; or
 - CalFresh.

The TCMP counselor may also help you apply for:

- Social Security benefits; and
- Veteran’s benefits (see below for more information.)

A Loved One Can Help You Apply for Medi-Cal, Medicare, or CalFresh:

You can select any adult to serve as an “**Authorized Representative.**”

- Your Authorized Representative can help you apply for:
 - Medi-Cal;
 - Medicare; or
 - CalFresh.
- Your Authorized Representative can have the interview on your behalf.
- You will have to sign a form giving that person the right to do this.
 - Please be sure that this is someone you trust.
 - They will need to have access to all of your personal identifying information in order to complete the interview.
- Your authorized representative can go in person or contact the local county social services agency. The California Department of Social Services has a list of county Social Services/Human Services offices on its website at www.cdss.ca.gov/.

If You Are Not Incarcerated

Contact or go to a county Social Services/Human Services office for assistance applying to:

- Medi-Cal;
- Medicare; or
- CalFresh.

Medi-Cal

Contact the Social Services office in your county:

- You can find the address and phone number for your county's office here: <https://www.dhcs.ca.gov/services/medi-cal/Pages/CountyOffices.aspx>.

You can also find answers to frequently asked questions online here:

https://www.dhcs.ca.gov/services/medi-cal/eligibility/Pages/Medi-Cal_CovCA_FAQ.aspx.

You can apply for Medi-Cal:

- **Online:** Visit <https://www.coveredca.com/>.
- **In person:**
 - Visit your local Social Services Office.
 - Find your county's office here: <https://www.dhcs.ca.gov/services/medi-cal/Pages/CountyOffices.aspx>.
- **By mail:**
 - Download an application here: <https://www.dhcs.ca.gov/services/medi-cal/eligibility/Pages/SingleStreamApps.aspx>.
 - Mail your completed application to: Covered California, P.O. Box 989725, West Sacramento, CA 95798-9725.
- If you have questions, call 888-452-8609 or email MMCDOmbudsmanOffice@dhcs.ca.gov.

Medicare

You May Be Required to Enroll in Medicare. You are not required to enroll while you are incarcerated.

If You Are Not Incarcerated When You Turn 65:

- You are required to enroll in Medicare within 3 months of your 65th birthday.
- If you do not, you must pay a late enrollment penalty.

If You Are Incarcerated When You Turn 65:

- You must enroll in Medicare within 12 months of release.
- If you do not, you may face increased charges because of late penalties.

If You Are Applying in the First 12 Months After Your Release:

You must show that:

- You are eligible for Medicare;
- You did not enroll or re-enroll in Medicare because you were incarcerated; and
- You were officially released from custody on or after January 1, 2023. You must provide proof of your release date.

Contact the Social Security Administration to Apply:

You (or a friend or family member) can locate the Social Security Office nearest to you by entering your local zip code on this website: <https://secure.ssa.gov/ICON/main.jsp#officeResults>.

Social Security Benefits

Apply For Social Security Benefits:

Social Security benefits include:

- Social Security retirement benefits;
- SSDI; and
- SSI.

Send in Your Application a Few Months Before Your Release:

- Ask for help signing up from the pre-release benefits or “TCMP” counselor. These are available at California State prisons.
- The Social Security Administration requires medical evidence before they will approve SSI or SSDI. This evidence should prove you have a disability. This evidence includes letters or forms filled out by your doctor(s).

The Process to Get Benefits is Lengthy:

- Claims are often denied at the first and second levels of review.
 - These levels of review usually each take several months to process.
 - It may be possible to start the application before you are released.
 - It is unlikely that your claim will be approved before you are released.

Do Not Rely on Disability Benefits Immediately Upon Release:

- Your benefits will not start immediately when you are released.

When You Are Released, You Can Turn on Your Benefits:

- Make an appointment at the Social Security office nearest to where you are living.
- Your benefits will start about a month after your appointment.
- You, a friend, or a family member can locate the Social Security Office nearest to you. Enter your zip code on this website: <https://secure.ssa.gov/ICON/main.jsp#officeResults>.

APPEALING PUBLIC BENEFITS DENIALS

Talk to a lawyer as soon as possible for advice if:

- You are denied public benefits; or
- Owe money for a previous “overpayment.” An overpayment is when a government agency sends you benefits that you did not qualify for.

You have the right to appeal the denial or termination of public benefits.

- It is important to appeal if possible!
- Some benefits (like SSI) will go back to the month that you first applied. You can lose benefits by starting a new application.
- The appeals process is different for each benefit program.
- There is always **a set time period in which you MUST file a “notice of appeal”** if you want to challenge the denial of benefits. This time period to file is usually less than 30 days.

We recommend that you file a notice of appeal as soon as possible if you believe that your public benefits were wrongfully denied or ended. Then seek advice from a legal aid or other benefits attorney.

ACCESSING YOUR PRISON OR JAIL HEALTH CARE RECORDS

Medical Privacy:

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) protects your medical privacy. This means you have control over who sees your medical history.

Get Your Medical Records:

You may have a medical or mental health condition. If so, it is important to get a copy of your healthcare records. Having your healthcare records can help you:

- Receive medication;
- Receive ongoing treatment; and
- Prove if you are disabled for the purposes of Social Security benefits.

Important healthcare records to have are your:

- Medical conditions;
- Diagnoses;
- Surgical procedures; and
- Prescriptions.

To get your healthcare record, request copies from the institution or hospital where you received care.

You Are Entitled to Your Medical Records:

You must be given your records if you request them from:

- Your correctional institution; or
- The healthcare provider acting under the direction of your correctional institution.

There is an exception. Your correctional institutional or healthcare provider does not need to give you your records if giving you those records will risk the health, safety, security, custody, or rehabilitation of:

1. You;
2. Other people in your jail or prison;
3. Anyone at your correctional institution; or
4. Anyone responsible for transporting you.

If You Are Incarcerated in a California State Prison

To request a copy of your medical records from a **CDCR** facility, you will need to submit a request for your records. This request must include your name, date of birth, CDCR number and the “scope of request.” The “scope of request” is a fairly detailed description of what records you want.

- You can do this by requesting a CDCR 7385 form from the medical department.
- Fill out the CDCR 7385 form.
- Next, submit the form back to the medical department where you are incarcerated.

If You Are No Longer Incarcerated

- Send a request by **mail** to:
California Correctional Health Care Services
Health Care Correspondence and Appeals Branch
P.O. Box 588500
Elk Grove, CA 95758
- Send an **email** request to: CPHCSCCUWeb@cdcr.ca.gov.
- Send a **fax** request to: 916-691-2406.

If you are unable to send the request yourself, someone else can send one on your behalf. The person requesting information on your behalf will need to include the CDCR 7385 form authorizing them to receive the information.

Conclusion

Chapter 10 covered:

- Health care;
- Retirement benefits;
- Public benefits for people who are low income or have a disability.

It is never too early to begin:

- Gathering your healthcare records;
- Learning about which benefits you can apply for; and
- Getting the application forms you need.

Having a plan for your benefits and health care can go a long way in providing a sense of security and early access to life-sustaining resources in reentry. If you believe your rights to public benefits have been violated, contact your local legal aid office or call Root & Rebound at 510-279-4662 for a referral.

NEXT STEPS



ACTION STEP

See the **Sample Reentry Plan** in Appendix A starting on page 166.

Fill out the questions in the plan. These questions can help you keep track of:

- What benefits you have received in the past; and
- How your record may impact your ability to receive certain public benefits.

We recommend you complete this checklist while incarcerated (at least six months before your release) or immediately after release.



CONSULT AN ADVOCATE

An advocate may be able to help you appeal a denial or termination of public benefits. Call Root & Rebound's **Reentry Legal Hotline** any Friday, 9 a.m. – 3 p.m. PST, at 510-279-4662 to get a referral or find out more information. We accept collect calls.

11

FAMILY LAW ISSUES & CHILD REUNIFICATION

Summary - Chapter 11 provides:

- **Tips** on staying connected with your family or loved ones while incarcerated;
- **Steps** you can take to reconnect with family or loved ones after release;
- **Information** that can help you find out if you or your child are involved in any court orders or ongoing court cases; and
- **Basic information** on dealing with child support debt.

Key Terms

NOTE

These terms are **highlighted** the first time they appear in this Chapter. When you see a highlighted word, you can refer to this section for a definition.

- **Criminal Legal System:** An umbrella term that refers to the laws, procedures, institutions, and policies at play before, during, and after the commission of a crime. This is often also referred to as the “criminal justice system.” Although the idea of justice is implied, we acknowledge that a “fair” outcome is rarely achieved by all parties involved in this system and prefer to use the term “criminal legal system” instead.
- **Incarceration:** Imprisonment of a person convicted of a crime who is serving their court-ordered sentence for that crime. Note that this is different from detention, which is the temporary holding of a person who is charged with a crime but has not been convicted of the crime or found innocent yet.
- **Jail:** The county-level government’s detention center, which holds people awaiting trial, people convicted of misdemeanors, or people convicted of felonies but sentenced under Realignment (see below).
- **Parole:** A condition of release for a person coming out of state prison. People on parole (sometimes called “parolees”) remain under the control of the CDCR and must adhere to a set of rules (called “conditions”) designed to promote public safety. To ensure compliance with these rules, people on parole are required to check in with a Parole Officer (P.O.) or Agent employed by the CDCR Division of Adult Parole Operations (DAPO) at designated intervals.
- **Prison:** A state or federal confinement facility for people convicted of crimes, especially felonies. The California Department of Corrections and Rehabilitation, commonly abbreviated as CDCR, oversees the state prison system.
- **Probation (county-level):** A criminal sentence served in the community in place of (or following) a jail sentence. People on county probation must follow a set of rules (known as “conditions”) designed to promote a crime-free life. There are different types of probation: some *supervised by the court* (called informal, summary, or court probation), and some *supervised by a probation officer* (called formal probation).
- **Realignment:** In 2011, Governor Jerry Brown signed the Public Safety Realignment Act in an effort to reduce the number of people going into overcrowded state prisons. Realignment allows people with non-violent, non-serious, non-sex offense related convictions to serve their sentences in county jail instead of prison.
- **Sentence:** The punishment imposed by a court on a person convicted of a crime. See other definitions for detailed descriptions of common types of sentences.

INTRODUCTION TO FAMILY & CHILD REUNIFICATION

Families are impacted when a person becomes involved in the **criminal legal system** in any way. If you have children, you may be thinking through questions like:

- Where your child(ren) will stay;
- What your legal rights are during custody; and
- What your legal rights are after any time spent in custody.

This section provides an overview of ways to reunify with your family after **incarceration**.

Parents & Caregivers: Know Your Rights!

Automatic Parental Rights:

- **Mothers:** If you gave birth to a child, you have the automatic right to care for that child. You lose that automatic right if:
 - You voluntarily gave up your parental rights through adoption **OR**
 - The state limited or took away your parental rights.
- **Fathers:** Fathers have the exact same rights as mothers in the care and custody of their children if:
 - They have established paternity **OR**
 - Were married to the child's mother when the child was born.

In those situations, fathers have the automatic right to care for that child.

- You lose that automatic right if:
 - You voluntarily gave up your parental rights through adoption **OR**
 - The state limited or took away your parental rights.

If you have not established paternity, you may do so by:

- Filing a petition with the court and
- Taking a court-ordered DNA test.

Both parents have the right to be involved in every important aspect of their child's life. This includes the right to have frequent, regular contact with the child. The court can take away these rights. You can file petitions for legal custody, physical custody, and visitation ("parenting time"). File these petitions in the family court of the county in which your child lives to protect your rights. For more information, visit <http://www.courts.ca.gov/selfhelp-family.htm>. You can also contact a lawyer who practices family law.

Grandparents, Stepparents, and Former Legal Guardians: Loved ones who are not parents do not have an automatic legal right to see or care for children, but a family court can order that you have time with a child. The court will order visitation time if they believe it is in the child's best interest. You may be interested in establishing this type of visitation. If so, begin by trying to make informal agreements with a child's primary caregivers. Try making informal agreements before going to court.

The Rights of Incarcerated Parents:

- **If there is an open legal case relating to your child(ren), you have the right to:**
 - Be notified about the case (even while incarcerated);
 - Be sent copies of the court documents (even while incarcerated);
 - Be notified if your parental rights might be ended ("terminated"); and
 - Have the right to respond in court if your parental rights could be ended at that court hearing.
- **As an incarcerated parent, you have the right to request transportation or a virtual appearance in:**
 - A court hearing in a dependency case; and
 - Any hearings that might affect their parental rights like hearings about:
 - Custody;
 - Visitation;
 - Divorce;
 - Paternity;
 - Guardianship; or
 - Child support.
- **As an incarcerated parent, you have the right to request visitation.** Try to reach a visitation agreement with the child's other parent. Do this before pursuing a court order. You cannot do this if protective orders prevent contact.



IMPORTANT NOTE

Important information for people who are:

- **Concerned about their immigration status or**
- **Detained by Immigration and Customs Enforcement (ICE):**

You may be concerned about your immigration status or be detained by ICE. If you want to develop a plan for your family and children, see Chapter 12: Reentry Resources for Immigrants. Root & Rebound also accepts calls from immigration detention facilities. Call our weekly **Reentry Legal Hotline**, every Friday, 9 a.m. – 3 p.m. PST at 510-279-4662. We accept collect calls.

TIPS FOR MAINTAINING FAMILY RELATIONSHIPS WHILE INCARCERATED

Communication between parents and children is important for strong family relationships. Family communication is also very important when a court becomes involved with your family.

Incarceration creates barriers to family contact. These barriers are often out of your control.

Strong communication can help you:

- Keep your relationships strong and
- Protect your parental rights.

Plan ahead so that your phone calls and visits are as meaningful as possible. Below are some ideas for maintaining communication.

Tips for Currently Incarcerated Parents

- **Make a Record.** You can keep records of:
 - All communication with your children and
 - All communication about your children.

Once released, you can show these records to the judge at any court hearings about child custody and visitation. It is very important as a parent in reentry to show the effort you have made.

- Here are steps you can take to make a record:
 - **Get a notebook or journal. Use it only to keep track of communication about your child.**
In this notebook, write the date and time of:
 - Any calls with your children (or attempted calls to them);
 - Each time your children visit **prison** or **jail**;
 - Any calls with your children's caregiver (and what the call was about);
 - Any calls with social workers (and what the call was about);
 - Any calls with your loved one's attorney; and
 - Each meeting you have with your family law attorney (if you have one).
- **Write letters to your children (or draw pictures).** Whenever you write a letter to your children, save a copy for your own records too. If your children are too young to read, you can draw them pictures. Hold onto letters you receive from them or their caregiver.
- **Ask to see your children's report cards. Ask about school assignments and projects.** Keep copies and notes of this information.

- Attend parenting classes and other meetings, programs, and support groups offered at the prison or jail. These programs can show the judge that you are taking steps to better yourself. These programs can also prepare you for an active role in your children's lives. We suggest you keep a folder of any certificates received from classes or programs.
- Keep in mind important timelines for your parental rights if your child(ren) are in foster care. Ask your appointed lawyer so that you understand the timelines that are at play. If your child(ren) are in a guardianship, attempt to stay in contact with them as best you can to protect your parental rights.

Tips for Phone Calls Between You and Your Children

- Ask your child(ren)'s caregiver the best times to reach the child by phone.
- Before the phone call, prepare a list of things you would like to ask your child.
- Be patient. Try to go at your child(ren)'s pace. It may take time for the phone calls to feel more natural for both of you.

Tips for Your Child's Caregiver

- You can be a crucial resource in maintaining the relationship between parent and child. This will benefit both of them for the rest of their lives.
- Send pictures, school assignments, and updates whenever possible.
- Encourage the child to maintain contact with their parent. Be available to talk through complicated feelings that come up for them.
- You may want to give ideas for what to write to their parent in a letter. If the child cannot write, the child can tell you what they want you to write in a letter to their parent.

The above list provides **general tips** for maintaining communication with children while incarcerated. No two families are the same. Each family has its own unique goals, needs, and issues. Figuring out how to stay in communication and planning to reunify can be hard. Many people in a family will need to communicate and make tough decisions. Do what is best for you and your family.

A SUMMARY OF KEY LEGAL STEPS TO CHILD REUNIFICATION

A judge can make decisions about your child custody and visitation. They will decide what is in the "best interest of the child." You can share things with the judge when you are asking for custody or visitation for your children. Focus on presenting arguments and supporting documents that show:

1. Personal accountability and growth;
2. Why you are able to be the parent that your child needs you to be; and
3. Why your involvement in the child's life is in the child's best interest.

This is true whether you are dealing with a family, dependency, or probate court.

Key Legal Steps to Reuniting with Your Child(ren)

Step 1: Find out if there are any court orders that could limit or stop you from contacting your children or their caregiver. Do this before making any efforts to find or contact family members.

Court orders that could limit you are:

- No-contact order;
- Civil restraining order;
- Criminal protective order; or
- **Parole/probation** conditions.

Find out if any orders exist. Contact the court house where you believe they might be filed. You can also ask your supervision officer.



IMPORTANT

Do not violate criminal or civil court orders. Violations can cause serious legal issues. Violations can prevent you from visiting your child in the future.

Step 2: Locate your child if you do not know where they are living. You can learn more by:
1) Contacting Child Protective Services (CPS) (only if CPS is involved in the child's case) **OR**
2) Contacting family members or friends who may know of the child and/or the child's caregiver's location.

Step 3: Try to make a plan for more time with your child without going to court. Informal agreements are likely easier to navigate. Informal agreements are more likely to be followed. This process can be hard, but an agreed plan with your child(ren)'s caregiver for contact with your child(ren) is often the best option. You will hopefully be able to communicate directly about your goals and all the progress you have made. You will also get the chance to understand the caregiver's situation and any concerns they have. Court should be considered a **backup plan**.

Step 4: Find out if there are any court cases involving your child. You may not be able to reach an informal agreement. If not, figure out whether there are any existing court cases impacting your parental rights or your child(ren). Do this before initiating your own case. Here are some tips:

- Try accessing limited family law case information on the county court's website. (This depends on the county where your child is located.)
- The records may not be available online. You may have to search for family law records in person at the courthouse. The county court's website will have information about where and how to do this.
- Request all records from any ongoing cases. This can help you understand what has happened and what the judge is thinking about.
- Fill out a **fee waiver** if you qualify so that you do not have to pay for the paper copies of records.

Step 5: What if there is no court case involving your child? **Open a new case to ask the judge for more rights and responsibilities.** This process is called filing a "petition" in family court. File a petition to gain custody or visitation rights. For help with this process, you can ask:

- The family law facilitator;
- The court clerk; or
- A family law attorney.

You can also visit this website for more information: <https://selfhelp.courts.ca.gov/child-custody/filing-options>.



TIPS FOR THE COURT PROCESS

Visitation Before Custody: After incarceration, it is easier to get visitation rights first. Being first to ask for visitation rights gives you some time to show a judge that the visits are going well. You can then try to get custody of your children later in the court process. Successful visits can serve as the first step towards getting custody rights. "Custody rights" are the legal rights to live with and make decisions for a child. Visitation allows you to show the judge that you are responsible. Visitation also allows you to show the judge you have a healthy relationship with your children.



HELPFUL FAMILY LAW RESOURCE:

Every family court in California has a Family Law or Self-Help Facilitator. The Facilitator can:

- Help you with filling out court forms; and
- Provide general information about family law issues if you do not have a lawyer.

To find your local Family Law Facilitator, go to <http://www.courts.ca.gov/selfhelp-facilitators.htm>. You can also contact Root & Rebound. Our hotline is available Fridays, 9 a.m. – 3 p.m. PST, at 510-279-4662. We accept collect calls.

COURT-ORDERED CHILD SUPPORT

A judge may have ordered you to pay child support. If you did not pay while you were incarcerated, you may need to pay the balance when you are released. Having child support debt can impact your reentry. Child support can be taken out of your wages or public benefits. Paying child support can be a condition of your community supervision. Whether you are incarcerated or not, it is best to figure out the status of your child support payments. We recommend that you then make a plan to pay or reduce your payment amount as soon as possible!

Your child support payments should have stopped while you were incarcerated if:

- Your child support order was issued on or after July 1, 2011; **AND**
- You were incarcerated for at least 90 days.
- This does not apply if you:
 - Had the means to pay,
 - Were incarcerated for domestic violence, or
 - Were incarcerated for failure to pay child support.

If your payments did not stop while you were incarcerated, the court can reduce the child support money you owe. In this case, you will no longer owe child support from the time you were incarcerated. Download Form FL-676 from <http://www.courts.ca.gov/documents/fl676.pdf>. File the form with the family court that issued the order.

It is important to find out whether you owe money to the state or to the other parent. This will determine whether you may have debt or interest forgiven or reduced by the state, or whether it must be done by an agreement ("stipulation") with the parent to whom you owed support.

Ask your Local Child Support Agency (LCSA) for a detailed list of your payments owed (or "arrear"):

- [If you owe money to the state](#): You can apply for the Compromise of Arrears Program (COAP). This program can reduce your debt, but this program will not get rid of your debt. Make sure you understand COAP's strict penalties for missing payments.
- [If you owe money to the other parent](#): You can try to reach a settlement with the other parent. The settlement could be to forgive some or all of the overdue child support. Make sure you put this agreement in writing. The LCSA or family court may need the written agreement.

CHALLENGING PARENTAGE

You can generally challenge paternity/parentage, but the laws on parentage can be confusing. The rules to challenge parentage depend on your situation. Keep reading for more information.

Challenging Parentage Where...

Parentage has not been established

If you have been served with:

- **A Summons and Complaint Regarding Parental Obligations or**
- **A Supplemental Complaint by the local child support agency** (LCSA or Department of Child Support Services (DCSS))

You have 30 days from the date you were served to respond and challenge that you are the parent. If you do not respond within the 30 days, the court can find you as the legal parent without a paternity test.

To respond, follow these steps:

1. Fill out “Answer to Complaint or Supplemental Complaint Regarding Parental Obligations” ([Form FL-610](#)). Check the box that says you are NOT the parent if you believe you are not the child’s parent.
2. The complaint may ask for child support. If so, fill out “Income and Expense Declaration” ([Form FL-150](#)) OR “Financial Statement (Simplified)” ([Form FL-155](#)). For more information, visit: <https://www.courts.ca.gov/documents/dv570.pdf>.
3. Make two copies of the completed forms.
4. Have another person serve the LCSA with a copy of your papers. You cannot serve the papers. They can serve the copy of papers by mail or in person. Make sure to serve a copy of your papers, NOT the original.
5. Have your server fill out the “Proof of Service portion of the original Answer” ([Form FL-610](#)).
6. Turn in:
 - Your original Answer (with the Proof of Service portion filled out);
 - Your copy; and
 - Any other forms to the court clerk.

The clerk will keep the original and return the copy to you. It will be stamped “Filed.” You might have to pay a filing fee. If you cannot afford the fee, you can ask for a fee waiver. Visit <https://www.courts.ca.gov/selfhelp-feewaiver.htm> for more information.

7. LCSA will then likely set up a paternity test for you, the child, and the other parent.
8. If the paternity test results say that you are likely not the child’s parent, the case will likely be dismissed. If the paternity test results say that you are likely the child’s parent, you can:
 - Accept the results or
 - Ask for another test.
 - You may have to pay for the next test.
 - You may want to talk to an attorney to decide which option is best for you.

All of the forms listed above can be found at this website: <https://www.courts.ca.gov/>.

If you have been served with a “Petition to Establish Parental Relationship” (Form FL-220) by the other parent:

- You have **30 days** from the date you were served to respond.
- If you do not respond within the **30 days**, the court can find you as the legal parent. This could happen without a paternity test.

To respond, follow the following steps:

1. Fill out “Response to Petition to Establish Parental Relationship” ([Form FL-220](#)).
 - Check box 5c if you are not sure if you are the child’s parent.
 - Check box 5d if you are sure you are NOT the child’s parent.
 - Check box 2c if:
 - You are the mother;
 - The petitioner claims to be the father; **and**
 - You want the petitioner to get a paternity test.
2. If you agree to paternity, also fill out “Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)” ([Form FL-105/GC-120](#)).
3. Make two copies of the completed forms.
4. Turn in your forms to the court clerk. The court clerk will keep the original. They will return the copies to you and have a stamp that says, “Filed.” One copy is for you and the other is for the petitioner (the other parent). You will have to pay a filing fee. If you cannot afford the fee, you can ask for a fee waiver. Visit <https://www.courts.ca.gov/selfhelp-feewaiver.htm> for more information on fee waivers.
5. Have a third person (not you) serve a copy of the “Response to Petition to Establish Parental Relationship” ([FL-220](#)), and any other papers you attached, to the other parent.
6. Have the server (person who served your papers) fill out a proof of service form (“Proof of Personal Service” ([Form FL-330](#)) if he or she served the other parent in person or “Proof of Service by Mail” ([Form FL-335](#)) if he or she served the other parent by mail).
7. File the proof of service with the clerk.

Both parents signed a voluntary declaration of paternity:

You can fill out and file a “Declaration of Paternity Rescission” ([Form CS 915](#)) to try to cancel a signed “Declaration of Paternity” within 60 days of signing the declaration and there are no court cases using that declaration.

If you cannot file Form CS 915 (either because it has been over 60 days since you signed the Declaration of Paternity or a case using the Declaration of Paternity has been started), you may still go to court to try to cancel the voluntary Declaration of Paternity. Below is some information on how you can go about doing so, but **we recommend that you contact a lawyer**.

1. Read the “Information Sheet for Completing Request for Hearing and Application to Set Aside Voluntary Declaration of Paternity” ([Form FL-281](#)).
2. Fill out a “Request for Hearing and Application to Set Aside Voluntary Declaration of Paternity” ([Form FL-280](#)).
3. Make three copies of your forms.

4. Turn in all copies to the court clerk. The clerk will keep the original and return the copies to you, stamped "Filed." The clerk will write the date, time, and place for your court hearing on your copies. You may have to pay a filing fee. If you cannot afford the fee, you can ask for a fee waiver. Visit <https://www.courts.ca.gov/selfhelp-feewaiver.htm> for more information on fee waivers.
5. Have a third person (not you) serve a copy of your papers on the other parent in the case at least 16 days (or 21 days if serving by mail) before the court hearing. When you serve the other parent also include a blank "Responsive Declaration to Application to Set Aside Voluntary Declaration of Paternity" ([Form FL-285](#)).
6. Have another person serve the local child support agency with a copy of your papers. They must serve the papers at least 16 days (or 21 days if serving by mail) before the court hearing. This is if the local child support is involved in this case. Remember, you cannot serve the papers yourself.
7. File the proof of service with the court.
8. Go to your court hearing on the date. The hearing time is shown on line 2 of the form FL-280 the court clerk gave you. Be sure to bring the "Order After Hearing on Motion to Set Aside Voluntary Declaration of Paternity" ([Form FL-290](#)) with you.
9. Complete the paternity test if the judge approves your application.

Parentage is presumed because of marriage

A child is presumed to be the child of a married couple. This is if the spouses (or domestic partners after January 2005) are the legal parents. There are a few exceptions to this rule. The exceptions are very complicated. We recommend you contact a lawyer if:

- You are or were married **and**
- You have a child that you are not sure is your biological child.

Parentage has already been established by a court order

You can try to have a parentage judgment canceled, but doing so can be very complicated. You may want to challenge parentage after a court has determined that you are the legal parent of a child. If so, we recommend that you contact a lawyer.

Conclusion

Reconnecting with and rebuilding your family can be very meaningful work after incarceration. It can also be frustrating, complicated, and challenging. Logistics and finances can make things even harder. Relationships change over time. Court processes are confusing by design. Also, no judge knows your family as well as you do. Your persistence and desire to show up for your family will go a long way. Seek support from loved ones, community members, and legal resources wherever you can.



ACTION STEP

Fill out the questions in the Sample Reentry Plan in Appendix A starting on page 166. The questions may help you figure out your plan for reconnecting with your family during reentry. They can also help any advocates you are working with.



CONSULT AN ADVOCATE

An advocate may be able to help you reduce or eliminate your child support debt. An advocate may also help you understand your rights to see your children:

- While you are incarcerated and
- When you are released.

Call Root & Rebound's **Reentry Legal Hotline** any Friday, 9 a.m. – 3 p.m. PST, at 510-279-4662 for support. We accept collect calls.

12

IMMIGRATION AND REENTRY

Summary - Chapter 12 provides:

- **Important information** about the relationship between having a criminal record and immigration concerns; and
- **Tips** for safe family planning if you are a Californian who is undocumented.

Key Terms

NOTE

These terms are **highlighted** the first time they appear in this Chapter. When you see a highlighted word, you can refer to this section for a definition.

- **Arrest:** Occurs when law enforcement apprehends or restrains the movement of a criminal suspect. An arrest does not necessarily lead to a person being charged with a crime or taken to jail. However, even if they are not prosecuted, an arrest will show up on a person's criminal record.
- **Charge:** To formally accuse a person of an offense. At this stage, a District Attorney or prosecutor has the choice to drop (or "dismiss") charges, or move forward with criminal prosecution in court.
- **Conviction:** A judgment, made in court by a jury or judge, stating that a person is guilty of a crime.
- **Criminal Legal System:** An umbrella term that refers to the laws, procedures, institutions, and policies at play before, during, and after the commission of a crime. This is often also referred to as the "criminal justice system." Although the idea of justice is implied, we acknowledge that a "fair" outcome is rarely achieved by all parties involved in this system and prefer to use the term "criminal legal system" instead.
- **Felony:** A crime usually punishable by imprisonment for more than one year or by death. Examples include burglary, arson, rape, certain drug crimes, and murder. Felonies can be—but are not always—classified as serious or violent. These classifications can be important, as they dictate whether a crime counts as a strike (see below) under California's Three Strikes Law. They also may impact a person's ability to be released early.
- **Incarceration:** Imprisonment of a person convicted of a crime who is serving their court-ordered sentence for that crime. Note that this is different from detention, which is the temporary holding of a person who is charged with a crime but has not been convicted of the crime or found innocent yet.
- **Jail:** The county-level government's detention center, which holds people awaiting trial, people convicted of misdemeanors, or people convicted of felonies but sentenced under Realignment (see below).
- **Misdemeanor:** A crime usually punishable by a fine and/or confinement in a place other than prison, such as county jail. Examples include driving under the influence (DUI), petty theft, solicitation for an act of prostitution, and shoplifting.
- **Plea:** An accused person's formal response to a criminal charge, limited to a plea of guilty, not guilty, or no contest. A plea of no contest is treated exactly like a guilty plea for criminal purposes.
- **Prison:** A state or federal confinement facility for people convicted of crimes, especially felonies. The California Department of Corrections and Rehabilitation, commonly abbreviated as CDCR, oversees the state prison system.
- **Realignment:** In 2011, Governor Jerry Brown signed the Public Safety Realignment Act in an effort to reduce the number of people going into overcrowded state prisons. Realignment allows people with non-violent, non-serious, non-sex offense related convictions to serve their sentences in county jail instead of prison.
- **Sentence:** The punishment imposed by a court on a person convicted of a crime. See other definitions for detailed descriptions of common types of sentences.
- **Strike:** A conviction in California for "violent" or "serious" felonies.

IMMIGRATION AND CRIMINAL RECORDS

Contact with the **criminal legal system** can have serious effects. These effects could be more serious for people who are not United States citizens. You may be in the United States lawfully, but certain **convictions** can lead to deportation. Certain convictions can also lead to other negative immigration issues. These issues can devastate people, families, and communities. **Arrests** not leading to conviction can also have serious immigration effects. The information below can help people who are not U.S. citizens prepare for reentry.

Important Note: Root & Rebound does not practice in immigration court. This Chapter has limited information about immigration and reentry. Contact an immigration attorney if you have questions about your situation. Root & Rebound may be able to connect you to free or low-cost immigration legal support. Contact Root & Rebound for more information.



IMPORTANT

You may have contact with the criminal legal system and not be a U.S. citizen. If so, seek legal help as soon as possible. An immigration attorney who specializes in criminal law may be able to help you. Criminal defense attorneys must tell you the potential effects of a criminal conviction. Public defenders must also tell you the potential effects of a criminal conviction. Contact Root & Rebound for referrals or resources.

OPTIONS FOR CHANGING A CRIMINAL RECORD TO REDUCE NEGATIVE IMMIGRATION CONSEQUENCES

Interactions with the criminal legal system can have serious effects on a person's immigration status. Even minor interactions like an arrest that do not lead to a conviction can affect immigration status. For example, a criminal conviction could result in:

- **Deportation/removal** (being removed from the United States and sent back to your birth country),
- **Incarceration** (in **prison, jail**, or an ICE detention facility), or
- **Ineligibility to stay in the U.S. through things like asylum can delay or prevent your eligibility** for U.S. citizenship or a Green Card.

There are some limited protections and legal options. These options are for people with criminal records looking to avoid negative immigration issues. Continue reading to learn more about these options.

1. Removing a “Guilty” or “No Contest” Plea and Possibly Reopening the Criminal Case:

State and federal law require criminal defense lawyers (and public defenders) to:

- Advise clients of immigration consequences of a criminal conviction **and**
- Defend against the immigration consequences of a criminal conviction.

The law requires defense lawyers to do the following:

1. Ask about their clients’ citizenship status;
2. Investigate potential immigration consequences;
3. Advise their clients about those immigration consequences; and
4. Plea-bargain with an eye toward avoiding them.

If these things did not happen in your case, you have options. Were you advised on the immigration effects of your plea deal? If not, you may be able to **challenge your plea agreement**. Contact a criminal and immigration lawyer to find out your options in your situation. Call Root & Rebound for referrals to immigration rights legal organizations.

2. Record-Cleaning Options for Non-Citizens:

Some of California’s “record-cleaning” laws may help you. Record cleaning could **reduce certain felonies to misdemeanors**. The laws might help you **dismiss certain convictions**. In a few cases, record cleaning makes you a less likely target for deportation. Record cleaning might reduce other negative immigration issues.

Below is a summary of California’s record-cleaning laws. These are laws that may help people with their immigration status:

- **Dismissals (also known as “expungements”):** Lawyers might refer to “expungements” in California. These lawyers usually mean “dismissals.” “Expungements” do not exist in California. Dismissals allow people to dismiss a **felony** or misdemeanor conviction after completing their **sentence**. Dismissals can help with applying to some jobs and housing, but dismissals usually do not help for immigration purposes. There are some exceptions where a dismissal may help prevent negative immigration effects. Contact an immigration attorney for more information.
- **Completing a Drug Diversion Program:** In immigration, you have a conviction if you entered a guilty plea. This is true even if the **charges** were later dismissed through a diversion program, but you could receive a “deferred entry of judgment” (DEOJ) for a drug offense. A successful DEOJ can help with immigration issues. Follow these steps:
 - Complete the court-ordered DEOJ program,
 - File papers with the court proving you completed the program, and
 - Ask the court to withdraw the guilty or no contest plea and dismiss the charges.
 - **NOTE:** You then need to take an extra step and ask the court to dismiss the whole case under California Penal Code section 1203.43.
- **Reducing Felonies to Misdemeanors:** There are laws that help people reduce felonies to misdemeanors. These laws can sometimes help for immigration purposes, but this is not common. See Chapter 9: Understanding and Cleaning Up Your Record for more information.
- **Retroactively Changing the Length of a Misdemeanor Sentence:** State law can reduce the maximum possible sentence for any California misdemeanor. The sentence reduces from 365 to 364 days. This is important. Under federal law, certain offenses can lead to deportation. Offenses that carry a potential sentence of one year or more can lead to deportation. You may have a **misdemeanor conviction before January 1, 2015**. If so, the conviction might be considered to have a sentence of one year for immigration purposes.



WARNING

A warning about “legalized cannabis” under Prop. 64 in California: California state law permits some use and cultivation of cannabis. **Federal law does NOT allow this.** Immigration law is also run by the federal government! So, here are some warnings:

- **Do not use cannabis. Do not carry anything that may indicate your use of cannabis.** You may have a real medical need. If there is no good substitute for medical cannabis, get legal counsel.
- **Never admit to any immigration or border official that you ever have used or possessed cannabis.** Only admit to cannabis use or possession if you have expert legal advice that this is OK. A federal official might ask you about cannabis. Say that you do not want to talk to them and you want to speak to a lawyer. You have the right to remain silent.

IMMIGRANT FAMILY PREPAREDNESS PLANS

Many families include members who are not United States citizens. You or your loved one may be undocumented. It can be helpful to create a plan. You can return to this plan in the unfortunate event of Immigration and Customs Enforcement (“ICE”) involvement. This section provides a brief overview of things to know and consider as you create this plan. For more information, please review ILRC’s resources, linked below.



HELPFUL RESOURCES

- The **Immigrant Legal Resource Center (ILRC)** has resources to support immigrants. ILRC’s resources include a Family Preparedness Plan. Visit <https://www.ilrc.org/family-preparedness-plan>. The Family Preparedness Plan is available in multiple languages.
- **A New Path: Guide to the Challenges and Opportunities After Deportation** is the first national comprehensive guide for people who live in the U.S. with the threat of deportation. It includes information on how to get help to fight your removal, how to plan for possible deportation, and what to expect with the detention and deportation process. It connects readers to employment, education, and other resources in Mexico and Central America. It is available in English and Spanish. Download a copy here: <https://reentryiltemp.web.illinois.edu/reentry-guides/#new-path>. Request a free hard copy here: <https://hipaa.jotform.com/222332910685050>. You can also ask a family member or friend to request a copy for you.

Know Your Rights

1. **Unless they have a warrant, you do not have to answer the door** if an immigration agent is knocking. You have the right to decline to speak with the agent or answer any questions. This right is under the 5th Amendment of the United States Constitution.
 - **Important Note:** If a warrant is presented, **try to ensure it is a real warrant**. You can ask them to slide the warrant under the door or hold it up to the window. You can then inspect the warrant and make sure it is signed by a judge.
2. **You do not have to answer any questions** from an immigration agent. You have the right to remain silent.
3. **You do not have to sign anything** without speaking to an immigration attorney first. You have the right to speak with a lawyer.
4. If you are outside your home, ask the agent if you are **free to leave**. If they say yes, leave.
5. **You do not have to give an ICE agent permission to search your home. You do not have to give permission to search your belongings.** You have a right to privacy under the 4th Amendment of the United States Constitution.

Prepare for the Worst Case Scenario

You may be the primary caregiver of someone. You may want to think through their care in the event of ICE involvement or detention.

1. **Make a child care plan.** You can keep this plan written or printed out. Then the plan is accessible if you are absent. This plan should include:
 - Phone numbers for emergency contacts;
 - Important documents for your children; and
 - Important information about the care and needs of your children (medications, allergies, etc.).ILRC has a template for a child care plan on their website at:
https://www.ilrc.org/sites/default/files/resources/family_preparedness_plan.pdf.
2. **Choose a trusted adult who could care for your children in your absence.** There are different ways in which you can give a relative or friend permission to care for your children:
 - An informal arrangement **without** legal papers. (No court is involved.)
 - Agree with the trusted adult that they will care for your child(ren) if you cannot.
 - This agreement can be in conversation or in writing.
 - This type of arrangement may work well if you expect to be detained for only a short time.
 - Make sure:
 - The **caregiver you choose is someone you trust**;
 - There is no reason why anyone would object to you choosing this caregiver; **and**
 - The caregiver does not need public benefits in order to care for your children (like Medicaid or food stamps).
 - **NOTE:** This type of arrangement has risks. The agreement is not formalized. This means the person could try to change it while you are detained.
 - An informal arrangement **with** legal papers. (No court is involved.)
 - You can use a form called a **Caregiver's Authorization Affidavit (CAA)**. Give the completed CAA to your child's school or healthcare provider.
 - The form allows a non-parent relative to:
 - Enroll your child in public school;
 - Make school-related medical decisions; and
 - Make other important decisions on your child's behalf if you are unable.
 - The CAA also allows:
 - Non-relatives to enroll your child in school; and
 - Non-relatives to receive school-related medical treatment.

- A CAA likely will not allow non-relatives to get public benefits like Medicaid or food stamps for your children.
 - A CAA does not affect your rights as your child's parent. You still have custody and control of your child.
 - A court-appointed guardianship (the court is involved). Probate controls guardianships. Guardianship allows a trusted adult to be your child's legal caretaker. Guardianship does not terminate your parental rights. Family court approves these custody arrangements. These arrangements provide greater stability for your children. Guardianship gives the caregiver the right to make decisions for your children. Be aware that guardianship is more difficult to end. Get advice from a lawyer to decide if guardianship is the right choice for you.
3. **Talk to your children about your plan.**
- Make sure your children know they will be taken care of if for some reason you are not able to care for them. Let them know who will step in if you cannot.
 - Make sure your children or another trusted adult knows they can find you. They can use the ICE detainee locator at <https://locator.ice.gov/odls/homePage.do> if you are detained.
 - Be sure your family and emergency contacts have a copy of your A-Number. Your A-Number is your alien registration number. If you have an A-Number, it is on your immigration documents from ICE.
4. **Make sure your child(ren) have passports.**
- If your child was born in the United States, visit www.travel.state.gov for more information on obtaining a U.S. passport.
 - If your child was born in your home country, check with your embassy or consulate for more information on obtaining a passport. Also, consider registering your children with the consulate of your home country.

If you are detained by ICE:

1. **Request a phone call with an attorney right away.** Call a family member. Ask them to give you the number for a free immigration legal resource if you do not have one. Make sure to tell the attorney you speak to about your concerns and goals related to your family.
2. **If you do not know where your children are, try to find out where they are as soon as you can.**
 - Next, ask relatives or friends outside to put money into your detainee account. Use this money to call your children and the person taking care of them.
 - If you cannot call your children, tell ICE you need to make arrangements for your children. Ask if you can make free calls to deal with child custody issues.
3. You may think your children are not with a friend or family member. If you think **they might be in the custody of a Child Family Service Agency (CFSA, often called "CPS")**, talk to your Deportation Officer. Ask to contact the CFSA right away. CFSA has a 24-hour, toll-free Hotline here: 202-671-7233.
4. **Ask to talk to a dependency lawyer** if your child is in CFSA custody. Communicate with your child's lawyer or the Law Guardian if you cannot reach your lawyer.
5. **Maintain contact with your children.** Stay as involved with your children as much as you can:
 - Try to write letters to them often. You are allowed to receive letters and pictures from them even in detention.
 - Take notes on everything you send to your children and receive from them. Save everything you receive.
 - Maintaining contact and involvement in your child's care will be an important factor in any CFSA and/or immigration case.
6. **Ask for visitation.** ICE will also facilitate parent-child visitation:
 - When it is practical to do so;
 - When required by a family, dependency, or child welfare authority; **AND**
 - When documentation is provided of this requirement.
 Examples of documentation can include:
 - A reunification plan;
 - A scheduling letter; or
 - Other documentation issued stating the visitation requirement.

It may be helpful to mention the ICE directive called “Facilitating Parental Interests in the Course of Civil Immigration Enforcement Activities” when making the visitation request.

7. **Participate in all hearings related to the custody of your children in any way possible.** You could request to go in person. You are more likely to be allowed to attend by video or phone. You may not be able to appear by video, phone, or in person. You may want to ask a relative or friend to attend hearings. Alert Family Court or CFSA that your detention is civil, not criminal.
8. **You have the right to an interpreter in family court proceedings.** ICE should provide you with access to interpretation. Interpretation will help you communicate with people in the immigration detention system. If you do not speak English or cannot read or write, ask:
 - The family court;
 - The child welfare caseworker;
 - Your lawyer(s); or
 - ICE and detention center staff.

Ask them to provide you with an interpreter. **Do not sign any documents related to your immigration or child welfare case if you do not understand them.**

9. If your children are in the child welfare system, you may be **assigned a case plan**. A case plan is also called a service plan or a reunification plan. Try to do what you are asked in the case plan. Following your case plan will impact the outcome of your case. Make sure everyone involved in the child welfare case knows if you cannot do certain things that the plan requires because:
 - You are detained or
 - You have been deported.

Conclusion

Chapter 12 covered important information if you have a criminal record and have immigration concerns. This Chapter also included tips for making plans with your family if you are detained by ICE. Immigration issues are very complex. It is important to talk to an immigration lawyer who specializes in criminal law if you can. You can start by calling Root & Rebound’s **Reentry Legal Hotline**, any Friday, 9 a.m. – 3 p.m. PST, at 510-279-4662, for:

- A referral to a deportation defense organization; or
- Advice about any options to clean up an old criminal record. This can reduce negative immigration consequences.



ACTION STEP

Fill out the questions in the Sample Reentry Plan in Appendix A starting on page 166. These questions can help you plan for your reentry. If you would like help understanding your legal rights, it may help to talk to a lawyer to get support. Call Root & Rebound for a list of immigration rights organizations you can contact.



CONSULT A LAWYER

An advocate may be able to help you understand how your record affects your immigration status. Call Root & Rebound's **Reentry Legal Hotline** any Friday, 9 a.m. – 3 p.m. PST, at 510-279-4662 for support. We accept collect calls, including from immigration detention facilities.

~ Conclusion ~

We hope the Reentry Planning Toolkit has provided helpful information, resources, and steps for your reentry plan. Navigating life with an arrest or conviction record can be challenging. We hope the information in this Toolkit can empower you. You can be your own best advocate!

Remember: reentry looks different to different people. What matters when planning for reentry are your:

- Individual circumstances;
- Strengths;
- Needs;
- Dreams;
- Expectations; and
- Concerns.

This Toolkit does not cover everything that could (and will) come up in reentry. The goal is to provide useful tools you can use to create a strong plan for reentry and to prepare for many of the things to come. Always remember that Root & Rebound is here to support you however we can. We will do our best to point you to other resources when we do not have the answers.

About Root & Rebound's Programs, Services, and Other Resources

Root & Rebound is a non-profit **reentry legal resource and advocacy center**. Our mission is to support people navigating reentry and reduce the harms perpetuated by mass incarceration. We offer **statewide** resources and programs. These resources and programs are summarized below. Visit our website at rootandrebound.org or call **510-279-4662** to learn more.

HOTLINE

Root & Rebound runs a statewide **Reentry Legal Hotline**. Currently and formerly incarcerated people and people with conviction histories, their families and loved ones, and service providers can call and speak to a reentry advocate for free. We also accept collect calls. Call the Hotline any Friday, 9 a.m. - 3 p.m. PST, at **510-279-4662**. You can also write to us at: **Root & Rebound, 1610 Harrison St., Suite E-East, Oakland, CA 94612**. If you would like to send us confidential legal mail, please call us for more information.

CLINICS

Root & Rebound offers in-person legal clinics. At the clinics, people with records can talk individually with a member of our legal team. We focus our clinics on issues and regions that are the most underserved. These regions include rural communities, our tribal partners, and in collaboration with reentry social service organizations.

RESOURCES

Visit Root & Rebound's website for more resources. We have fact sheets, other Toolkits, and many other resources available online at <https://www.rootandrebound.org/get-support/resources/>. You can also call or write to us to request other resources. Call the Hotline any Friday, 9 a.m. - 3 p.m. PST, at 510-279-4662. Write to us at: Root & Rebound, 1610 Harrison St., Suite E-East, Oakland, CA 94612.

TRAININGS

We offer community-based and prison- and jail-based “know-your-rights” trainings. As a small team of attorneys, our trainings allow us to share important reentry legal knowledge statewide with directly impacted people and service providers. Through these training sessions, we also learn directly from people on the ground about the most pressing needs for people with records in their community. We also partner with community organizations and government agencies to bring Root & Rebound’s legal trainings, direct services, and curriculum into our partners’ services, improving the outcomes for their clients.



CONTACT US

If you have any questions, please call us at **510-279-4662**, email us at info@rootandrebound.org, or write to us at **1610 Harrison Street, Suite E-East, Oakland, CA 94612**.

DONATE

If you find value in this *California Reentry Planning Toolkit* and Root & Rebound’s work, please consider donating by going to rootandrebound.org and clicking on “donate” on the top right of the screen. Your donations help us to continue offering our free resources and trainings to currently and formerly incarcerated people and their loved ones.

APPENDIX



SAMPLE REENTRY PLAN

What is a reentry plan?

A reentry plan is a step-by-step plan designed to help you prepare for life after incarceration. It includes everything from your **“big picture” goals** to **very specific information** about your plans for housing, employment, education, family reunification, healthcare, and more. A strong reentry plan will include **specific strategies, action steps, and information about where to go for help if you need it.**

The **“Sample Reentry Plan”** below includes questions and checklists meant to help you think through and write down your plans for the transition process from incarceration to community.

It may help you to keep track of all your plans in one place—plans related to getting an ID, securing housing and employment, continuing education, preparing for community supervision (parole or probation), managing court-ordered debt, pursuing record-cleaning options, and dealing with immigration issues. Feel free to use the sections that are useful and skip or cross out the sections that are not useful. Much of the plan came from the sections in the Toolkit, and we have added some additional questions that might be helpful.

If you have legal issues related to any of the questions, call Root & Rebound’s **Reentry Legal Hotline** any Friday, 9 a.m. – 3 p.m. PST, at 510-279-4662 for support. We accept collect calls. You can also write to us at 1610 Harrison Street, Suite E-East, Oakland, CA 94612. More resources are available on our website at: rootandrebounce.org/get-support/resources.

REMEMBER that there is no such thing as a “perfect” reentry plan. All plans will be different because all people have unique situations, goals, and considerations. Use this Sample Reentry Plan however it helps you!

GENERAL INFORMATION

Full Name: _____

CDCR #: _____

Grade level in school completed: _____

County of last legal residence prior to prison: _____

(**NOTE:** this is where CDCR will send me if I don’t request a transfer)

If returned to this county after prison, I plan to live in this city: _____

If the city of Los Angeles, please specify the neighborhood: _____

County and city (if I know)
where I would like to be released to: _____
(**please only include one**)

GENERAL INFORMATION (Cont.)

I plan to request to transfer my parole/PRCS: Yes / No

County where I was convicted of current offense: _____

(**NOTE:** This is where I will need to go to figure out any court-ordered debt related to my current conviction.)

How long have I been in custody? _____

Expected Release Date, if I have one: _____

Expected Consultation Hearing, if I have one: _____

Do I have a parole board hearing? _____

If yes, when? _____

If I have been to the Board before, how many times have I been denied? _____

Do I have a detainer, warrant, or hold? Yes / No / I don't know

Do I have family members who have Native American tribal ancestry?

INSTRUCTIONS:

Please answer all of the following questions as best as you can. If you are not sure of an answer, you can write "I don't know" or explain the possibilities.

Chapter 1: INTRODUCTION TO REENTRY PLANNING: STARTING OVER STRONG

What are my highest priorities for my reentry?

What do I think will be my biggest challenges for reentry?

Do I think it is important for me to change my environment when I am released (where I live, where I hang out, who I spend time with, etc.)? Why or why not?

MAKING COMMITMENTS

From my perspective, what are the top 5 most important commitments for me to stick to in my reentry?

- COMMITMENT 1: _____
- COMMITMENT 2: _____
- COMMITMENT 3: _____
- COMMITMENT 4: _____
- COMMITMENT 5: _____

Ways I will take care of myself:

(This could include things like spending time with family, doing something relaxing, or participating in therapy.)

- _____
- _____
- _____

Steps I will take to live a crime-free life when I get out:

- _____
- _____
- _____

Do I need AA meeting locations in my city/county of release? Yes / No

If yes, this is the contact information: _____

(**NOTE:** I can contact Root & Rebound to ask for listings for AA in my city or county of release.)

Do I need NA meeting locations in my city/county of release? Yes / No

If yes, this is the contact information: _____

(**NOTE:** I can contact Root & Rebound to ask for listings for NA in my city or county of release.)

People I can ask to help me with my reentry challenges:

(This could include family, friends, and loved ones as well as professionals.)

- _____
- _____
- _____

Consider referring back to these **commitments** as daily motivations in your reentry. When I reach certain goals, I can check off old commitments and add new ones.

Chapter 2: GETTING OFFICIAL ID

Checklist For Getting Identification Documents:

I already have the following forms of ID:

- ☐ Birth Certificate
- ☐ California State ID
- ☐ Social Security Number/Card
- ☐ Driver's License
- ☐ U.S. Passport
- ☐ Tribal ID Card

Other: _____

I still need the following forms of ID:

- ☐ Birth Certificate
- ☐ California State ID
- ☐ Social Security Number/Card
- ☐ Driver's License
- ☐ U.S. Passport
- ☐ Tribal ID Card

Other: _____

Do I need a birth certificate? Yes / No

- If yes, what county and state or country was I born or adopted in?

Did I have a CA driver's license or CA photo ID issued by the DMV within the past 10 years? Yes / No

Is my driver's license suspended or revoked? Yes / No, revoked / Yes, suspended / I don't know

- If yes, when was it suspended or revoked? _____
- What county ordered it suspended or revoked? _____
- Why was the suspension or revocation ordered? _____

I will apply to get the identification documents I need in this order (please circle before release or after release. (Reminder: Generally, birth certificates, Social Security cards, and CA ID cards can be applied for before release. Driver's licenses and passports usually have to wait until after release.)

1. _____ before release / after release
2. _____ before release / after release
3. _____ before release / after release
4. _____ before release / after release

Chapter 3:

VOTING RIGHTS

I have the right to vote as soon as I am released.

I will take these steps to register to vote:

- Step 1: _____
- Step 2: _____
- Step 3: _____
- Step 4: _____
- Step 5: _____

Chapter 4:

CREATING A HOUSING PLAN

MY SHORT-TERM HOUSING PLAN

When I first get out of prison, I will live at: _____

I will live in this city or county: (This is my Plan A: This might be a shelter or transitional housing. I also may be required to live in transitional housing, especially if I am on state parole after a life term.) _____

(Reminder: If I don't request a transfer, CDCR will most likely send me back to the county I was last living in before prison.)

- I can live here for _____ months.
- If I will be living with family, do they have a housing agreement (for example, a lease or other form of agreement)? If so, does it have a time limit on how long a guest may stay?

If this short-term or transitional housing plan falls through, my back-up plan is: (This is my Plan B) _____

Upon release, I will have this much income or monthly budget lined up to pay for housing: _____

I would like emergency shelter options, just in case, in _____ county.

MY LONG-TERM HOUSING PLAN

My long-term/permanent housing plan (meaning my housing plan after living in a shelter or in transitional housing) includes: _____

I want information about transitional housing: Yes____ No____

If yes, I have the following special housing requirements: _____

Check the options below that apply. Feel free to write down notes.

☐ I have one or more disabilities that I need my housing provider to accommodate, including: _____

☐ I need to find a place that will allow me to live with my children.

☐ I need LGBTQIA-safe housing.

☐ I would like housing to help me address a specific issue or addiction.

☐ I have no-contact orders that affect where I can live. I cannot live:

☐ Other notes or restrictions about where I can live:

I can call Root & Rebound's **Reentry Legal Hotline** any Friday, 9 a.m. – 3 p.m. PST, at 510-279-4662 for support and for transitional housing referrals in the county I expect to be released to. I can also write to Root & Rebound at 1610 Harrison Street, Suite E-East, Oakland, CA 94612.

Chapter 5: **CREATING AN EMPLOYMENT PLAN**

What type of jobs have I had in the past?

Do I still have a good relationship with any of my past employers?

In prison, what vocational training have I completed and what work-related skills have I learned? What were my key responsibilities?

Do I have good relationships with any bosses in prison who could write me a letter of recommendation/act as a reference?

What job(s) would I ideally like to have after release? Do any of these jobs require specific occupational licenses, education, training, or other requirements?

What job(s) would I be willing to take while looking to get my ideal job?

Do any of the jobs I am interested in have restrictions because of my criminal record? (I can also see Chapter 9 to learn more about my record-cleaning options.)

What questions or concerns do I have about getting a job upon release?

List of employers I can contact for work include:

Name of potential employer: _____

Address: _____

Phone number: _____

Contact person: _____

Type of employment: _____

Name of potential employer: _____

Address: _____

Phone number: _____

Contact person: _____

Type of employment: _____

People I can ask to help me with my employment plan include:

- _____
- _____
- _____

Chapter 6: CONTINUING EDUCATION IN REENTRY

What level of education/schooling have I completed?

What training have I completed that could help me in future jobs?

Do my career goals require special training, degrees, or licenses?

- If so, what training, degrees, and licensing?

- Do I have the training, degrees, or licenses I need?

What barriers might I face in this career because of my record?

Am I interested in furthering my education? If yes, what type of education do I want to pursue?

What am I doing or will I do in prison to further my education?

What do I plan to do after prison to further my education?

When do I plan to start furthering my education after release?

Will I need financial aid or scholarships to help pay for school?

Do I have conditions of supervision that limit when or where I can go to school, my free time, or whether I can access computers and the Internet for school? (If so, I may want to talk to my probation or parole officer and reach out to Root & Rebound.)

People I can ask to help me with my education and financial aid applications are:

(This could include family, friends, and loved ones as well as professionals.)

- ---
- ---
- ---

Chapter 1:
**COMMUNITY SUPERVISION
(PAROLE AND PROBATION)**

I WILL BE ON THE FOLLOWING TYPE OF SUPERVISION AFTER RELEASE:

- ☐ State Parole (supervised by a state parole agent)
- ☐ Formal Probation (supervised by a county probation officer)
- ☐ Informal Probation (required to check in with court if your address changes, if you are arrested, or to submit proof of completion of assigned classes or programs)
- ☐ Post Release Community Supervision (PRCS) (supervised by a county probation officer)
- ☐ Mandatory Supervision (supervised by county probation officer)
- ☐ Federal Probation (supervised by federal probation officer)
- ☐ Federal Parole (very rare) (supervised by federal probation officer)
- ☐ I am not sure.

LENGTH OF SUPERVISION

- The length of time that I will be under supervision is: _____
- My maximum time I will be on supervision is: _____
- The earliest I will be released from supervision is: _____

CONDITIONS OF SUPERVISION:

My general conditions that will impact me most or will be the hardest for me to follow are:

and I will be careful to follow them by: _____

I will take these steps to make sure I always report to my parole/PRCS officer on time:

1. _____
2. _____
3. _____

If I disagree with my parole/PRCS officer, to not get myself into trouble, I will:

1. _____
2. _____
3. _____

The search and seizure rules that apply to me include:

The search rules could also affect the people I live with in the following ways:

Do I have a “no contact” or “stay away” order with/from the victim in my case? Yes / No

- If yes, what will I do to make sure I comply?

NOTE: A no-contact order means I cannot communicate with the person directly, and I also cannot communicate with the person by giving or getting a message from a third person. If I believe I should not have a no contact or stay away order for some reason, I can reach out to a Root & Rebound attorney. Because of time limits, it is important to do this right away.

Do I have registration requirements for arson and/or a sex offense? Yes / No

- If yes, what will I do to make sure I comply? (For example: register right away after release and every time I move; register with campus police if I am a student, volunteer, employee, or resident of a college or if I live on a college campus.)

Do I have to stay away from a certain area, or stay a certain distance away from a certain area?

Yes / No

- If yes, what will I do to make sure I comply?

If I plan to transfer my parole, I will state these as my reasons why:

NOTE: If I disagree with a condition or decision by my officer and/or think a condition or decision is unlawful, it is important to follow it until it is changed. Otherwise, I could get a violation. If I have a condition(s) I do not think should be there, I do not understand, or I worry I cannot follow, I can reach out to a Root & Rebound attorney. Because of time limits, it is important to do this right away. Root & Rebound is here to offer support, and I can call the Friday hotline from 9 a.m. – 3 p.m. PST at 510-279-4662. If truly urgent, I can call Root & Rebound Monday-Thursday and request support.

Chapter 8:

MANAGING COURT-ORDERED DEBT (RESTITUTION, FINES, AND FEES)

Do I owe restitution, court fines, and fees? Circle: Yes / No

If yes, how much?

- Victim Restitution: \$ _____
- Restitution Fine: \$ _____
- Court facility fees and criminal conviction assessments (as of 2023, \$70 total for the two per conviction): \$ _____
- Other fines/fees (e.g., drug program fine, alcohol education fine, domestic violence fine, jail booking fee, public defender fee): \$ _____

Which agency or company is collecting the debt from me?

- Restitution: _____
- Restitution Fine: _____
- Court facility fees and criminal conviction assessments: _____
- Other fines/fees (for example, drug program fine, alcohol education fine, domestic violence fine, jail booking fee, public defender fee): _____

Do I currently owe any traffic ticket fees? Circle: Yes / No

If yes, what are the fees for? _____

Has any of my debt gone to “collections” (meaning it is being demanded by a private collections company and not a government agency)? Yes / No

If yes, write down below any details about the: name of the agency; reason for the debt (if given); amount owed; case or account numbers; phone number and address of the agency, and any other related information here:

Chapter 9:
**UNDERSTANDING AND
CLEANING UP YOUR RECORD**

I have these questions about my record or how it will affect me:

Chapter 10 :

SETTING UP PUBLIC BENEFITS AND HEALTH CARE

Which public benefits have I received in the past and which ones do I plan to apply for? Fill out the checklist below.

» Benefits I received in the PAST:

- ☐ CalWORKS
- ☐ CalFresh
- ☐ General Assistance or General Relief (GA/GR)
- ☐ Medi-Cal
- ☐ Medicare
- ☐ Native benefits/“settlement checks”
- ☐ Tribal Temporary Assistance for Needy Families (TANF)
- ☐ Social Security Income (SSI)
- ☐ Supplemental Security Disability Income (SSDI)
- ☐ Social Security (SS) retirement benefits
- ☐ Veteran’s benefits (VA)
- ☐ LifeLine Phone
- ☐ Benefits from the local city government (fill in program name here): _____

» Benefits that I need to apply for:

- ☐ CalWORKS
- ☐ CalFresh
- ☐ General Assistance or General Relief (GA/GR)
- ☐ Medi-Cal
- ☐ Medicare
- ☐ Native benefits/ “settlement checks”
- ☐ Tribal Temporary Assistance for Needy Families (TANF)
- ☐ Social Security Income (SSI)
- ☐ Supplemental Security Disability Income (SSDI)
- ☐ Social Security (SS) retirement benefits
- ☐ Veteran’s benefits (VA)
- ☐ LifeLine Phone
- ☐ Benefits from the local city government (fill in program name here): _____

Did I serve in the US Military? Circle one:

Yes / No

If Yes: Honorably discharged / Other than honorably discharged / Not sure of my status

Am I currently taking medications that I will need on my release? Yes / No

If yes, the prison should give me a 60-day supply of any medication I am taking at the time of my release. It is a good idea to speak with my pre-parole agent or counselor to make sure this will happen. (This is stated in CDCR California Correctional Health Care Services California Correctional Health Care Services Health Care Department Operations Manual (DOM) section 3.5.28(d)(2)(B)(2).) Once I am released, it will be important to see a doctor quickly so I can continue my prescriptions.

I also will need help getting the following upon my reentry:

- ☐ Food
- ☐ Medical care
- ☐ Mobility devices like a cane, wheelchair, etc.
- ☐ Immediate housing/shelter
- ☐ Clothing & toiletries
- ☐ Transportation plan/public transit pass
- ☐ Cell phone
- ☐ Email account
- ☐ Therapy or counseling
- ☐ Parenting classes
- ☐ Computer classes
- ☐ Job counseling
- ☐ Other: _____

NOTE: The answers to these next questions could affect my eligibility for benefits. If I answer “yes” to any of the questions, I can look at the chart at the beginning of Chapter 10. The chart will give more information about my eligibility.

Was your conviction drug-related? Yes / No

Have you been convicted for a parole or probation violation in the past? Yes / No

Do you (or might you) have an outstanding warrant? Yes / No

If I have any outstanding warrants when I come home from prison or jail, it can affect my eligibility for public benefits. If I do not know if I have a warrant and am currently incarcerated, I can request a legal status summary from my corrections counselor. Additionally, after release I can contact the county court where the warrant may have been issued. I must remember to be aware that if I go in person, it may result in my immediate arrest. It may also be possible to have the local public defender’s office run a search for me.

Do you owe any court-ordered debt? Yes / No

If yes, the court may order a “garnishment.” This means money will be taken out of certain benefits, including Social Security checks (except SSI). The government agency providing the benefit can garnish a maximum of 25 percent of my monthly benefit amount. For more information about court-ordered debt, I can look at Chapter 8: Managing Court-Ordered Debt.

Chapter 11:

FAMILY LAW ISSUES AND CHILD REUNIFICATION

What is the status of my parental rights?

Am I ready to and planning to reunify with my family?

Do I know where my children are, or will I need to find them?

What custody and visitation arrangements do I want with my children?

Are there other people who it will take some time for me to have a relationship with again, but with whom I hope to rebuild a relationship?

Court cases and orders involving family and children:

Are there any court orders or supervision conditions that may affect my ability to be involved with my children or other family members? (Circle all that apply)

- Criminal court orders: _____
 - Who is protected? _____
 - When does the order begin and end (any dates listed)? _____

- Which court made the order (name and county of the court)?

- Look at Item # 12 or 16 on the CPO. Is there a box checked that says peaceful contact is allowed for compliance with “any Family, Juvenile, or Probate court order issued *after* the date this order is signed”? _____

- Any other information about the order I want to write down can go here:

- **Civil or DV (domestic violence) restraining orders:**

- Who is protected? (Names and relationship to me)

- Which court made the order? (name and county of the court)

- When does the order begin and end?

- Any other information about the order I want to write down can go here:

- **Orders related to visitation or custody with my child(ren):**

- Which court made the order? (name and county of the court)

- When was the order entered? _____

- Write down the rules of the custody and/or visitation order here:

- Conditions of supervision that prevent/limit contact:

- When will my parole or probation term end? _____

Are there any court cases involving my children or other family members?

- What type? _____

- **Dependency Court Case** (when there is CPS/Child & Family Services involvement):

- County case is in: _____

- Case number(s): _____

- Last hearing date: _____

- Where was my child placed? (Check one)

- ☐ With a family member
- ☐ In foster care
- ☐ With a long-term guardian
- ☐ Adopted
- ☐ I don't know

- **Probate Court Guardianship Case:**

- County case is in: _____
- Case number(s): _____
- Last hearing date: _____
- Information about my child(ren)'s current guardian: _____
- Do I support this guardianship placement? Yes / No (Circle one.)

- **Family Court Case:**

- County case is in: _____
- Case number(s): _____
- Last hearing date: _____
- Information about my child(ren)'s current guardian: _____
- Do I support this guardianship placement? Yes / No (Circle one.)

*If I was in **family court**, I can request my records from the court clerk to see the most recent orders made in my case.*

*If I was in **probate court**, I can ask the guardian if they will agree to voluntarily terminate the guardianship and return my child(ren) to me. If not, I can file in probate court to terminate the guardianship.*

*If I was in **juvenile dependency court**, I can immediately contact the lawyer who represented me to learn about the status of my parental rights. If my parental rights were terminated before or during my incarceration, my options for building a relationship with my children are limited until they turn 18.*

Here are important details about any custody/visitation court orders:

The next steps I plan to take to be with my family again are to (check all that apply):

- ☐ Locate my children
- ☐ Find out if there is a court case involving my children
- ☐ Get copies of case records related to my children
- ☐ Establish paternity
- ☐ Ask a court for visitation or custody
- ☐ Other _____
- ☐ Other _____
- ☐ Other _____

Child Support Debt:

Do I owe ongoing child support payments? Yes / No

If yes, how much do I owe each month? _____

Has it stopped while I am incarcerated? _____

Out of what county is my child support? _____

Do I have child support arrears (meaning back-payments and interest that are overdue)?

If yes, how much do I owe in child support arrears? _____

Out of what county are my child support arrears? _____

Spousal Support Debt:

Do I owe ongoing spousal support payments? Yes / No

If yes, how much do I owe in spousal support arrears? _____

If yes, out of what county? _____

Chapter 12: IMMIGRATION AND REENTRY

Have I been told I have an immigration (ICE) detainer on me (also called a “hold”)?

Am I at risk of being detained by ICE? If so, what is my plan for care of any children I have while I am in custody?

Do I have record-cleaning options that could reduce some of the immigration consequences of my conviction?

Do I have any other immigration-related questions?

People I can ask to help me with my immigration issues:

(This could include family, friends, loved ones and professionals.)

- ---
- ---
- ---

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APPENDIX B

**RESOURCE REQUEST FOR PEOPLE
WHO ARE CURRENTLY
INCARCERATED**

We support people overcoming legal barriers that arise because of a criminal record. We do not run our own housing programs, employment services, etc.

Due to the volume of requests, please give us 6 weeks to respond, and we ask that you make your resource request no more than 18 months out from your release date, or board of parole hearing.

Please limit your request to your county of release. Most of the time, you will be assigned to go to the county where you were last living at the time of your offense (this is called your “county of last legal residence”). If you have the option to be released to multiple counties, please only request resources for up to 2 counties.

Mail this form to: Root & Rebound, 1610 Harrison St.; Suite E-East; Oakland, CA 94612
You can also request these materials by phone: 510-279-4662, Fridays 9-3 PST

1. Is this resource request for an upcoming (circle one): release date or board of parole hearing

2. Personal Information

- Name (First, Last): _____
- CDCR# or BK#: _____
- Address: _____
- Institution's name: _____
- Housing Unit: _____
- Street Address or PO Box: _____
- City, State, Zip Code: _____
- County of release: _____
- Release date or Board of Parole Hearing: ____ / ____ / ____
- If your official release date is not correct, please explain: _____

3. List the resources you are requesting and include any eligibility requirements you have for these resources especially for transitional housing (for example, ADA accessibility, 290 registry, arson convictions, LGBTQIA2S+ friendly, veteran, senior, survivor of DV/trafficking, substance abuse)

4. Demographics: It is not mandatory that you answer these demographic questions, but having this information helps us because we use it when we write grants so we can continue getting funded.

- How did you hear about Root & Rebound?: _____
- DOB: ____ / ____ / ____
- Race: _____
- Pronouns: _____
- Sex/Gender Identity: _____
- Education Level: _____
- # of children under 18 at home: _____
- Veteran (circle one) : Yes / No / other than honorably discharged