

The ALERT



The Legal Aid Society
of Cleveland
Since 1905

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Ohio's Expanded Expungement Law Provides New Hope

By Gerry Meader

IN THIS ISSUE:

Ohio's Expanded
Expungement Law
1

Helping Employers Hire
2

Financial Assistance
2

Fair Credit Reporting Act
3

Child Support
Modification Procedures
3

Handling a
Suspended License
4

Healthcare Access
5

Free Advice Clinics
5

Legal Aid Help
6

A criminal conviction can keep you from getting the job you want. It can make it harder to find decent housing and to obtain government and other benefits. And it can follow you forever.

A new Ohio law that expands eligibility for expungements can help with these barriers. Even if you have many criminal convictions, or were previously "ineligible" to seal them, you might now be able to expunge some or all of them. The new law provides certain convictions can be expunged and others cannot.

Most misdemeanor and low-level felony convictions can now be expunged, but there are some important exceptions:

You **CANNOT** expunge the following convictions:

- Traffic and OVI/DUI offenses
- Felony crimes of violence
- Sex offenses while registration is required
- Crimes involving children under the age of 13 years (except failure to pay child support can be expunged / sealed regardless of age of child)
- 1st and 2nd degree felonies
- Three (3) or more 3rd degree felonies in a single case
- Convictions for domestic violence or violating a protection order

Before you are eligible to expunge a criminal conviction, you must wait a certain amount of time after completing your sentence. You have completed your sentence after you paid your fines, served your jail time, and completed any probation. Then, after that, you must wait six months (minor misdemeanor), 1 year (misdemeanor), 11 years (4th or 5th degree felonies), or 13 years (3rd degree felony, if eligible). You cannot expunge a record if you have any open criminal or traffic cases.

You may be able to seal your felony conviction before you are eligible for expungement. Expunging a record permanently erases it from all official databases as though it never existed. Sealing a record leaves it on file, but it can't be seen by most employers and landlords. You may also be able to seal (but not expunge) records of non-convictions like dismissed cases, acquittals, and "no bills."

If you need help expunging or sealing your records, contact The Legal Aid Society of Cleveland at 888.817.3777 or apply for help online laslev.org/apply.

Legal Aid hosts brief legal advice clinics at community centers and libraries throughout Northeast Ohio. Find clinic dates and locations online: laslev.org/events

New Federal Programs Help Employers Hire People Returning from Prison

By Katherine Hollingsworth

In April 2022, the Biden-Harris Administration announced a plan to expand “Incarceration to Employment” opportunities for Americans returning to their communities from federal prison. The federal government is hoping this plan will increase employment, empower formerly incarcerated persons, and strengthen our communities and economy.

The plan includes many programs, such as:

Department of Labor and Department of Justice Partnership: The federal Departments of Justice and Labor launched a new partnership to invest \$145 million in 2022 and 2023 to provide job skills training and individualized employment and reentry plans for people in federal prison, and to provide pathways for transition to employment and reentry support upon release.

Expanding Access to Business Capital: The federal Small Business Administration (SBA) removed barriers to eligibility based on irrelevant criminal history records for several of its microloan and loan programs. For example, the SBA got rid of the criminal record restrictions to access its Community Advantage loans, a program that provides loans to individuals with low-income and those from underserved communities.

Expanding Access to Federal Employment: The federal Office of Personnel Management has proposed a rule to remove barriers to federal employment for formerly incarcerated individuals under the Fair Chance to Compete for Jobs Act. Once this rule goes into effect, it will

expand the jobs covered by the federal government’s “ban the box” policy, which prevents an employer from asking about an applicant’s criminal history until a conditional offer of employment has been made. The new rule will also create a process to make employers and hiring officials accountable for violating the “ban the box” procedures.

Leveraging Historic Investments in Infrastructure to Promote Hiring of Formerly Incarcerated Persons: The federal Department of Transportation has expanded access to jobs for formerly incarcerated persons and historically marginalized populations in the Infrastructure Investment and Jobs Act grant programs.

For more information on these programs, you can review the Biden-Harris Administration Fact Sheet about expanding second chance opportunities for formerly incarcerated persons:



Financial Assistance for Individuals Reentering Society

By Gwen Awoyade

Returning to the community after time in jail or prison can be daunting. While many people appreciate their freedom, some also may feel overwhelmed by how many things they need to do. The first things most people want to do are find work, housing, and transportation, but to do any of that you need a bank account. Financial institutions run a report to see if applicants have a criminal record. If they do, most banks will not allow you to open an account.

There are some organizations that can help. In Cuyahoga County, Towards Employment (TE) offers career readiness training, career coaching, and assistance with financial issues. TE’s Financial Opportunity Center (FOC) has a full range of services to assist individuals as they work to get back on their feet financially.

Once enrolled in TE’s Career Readiness Training programs, individuals are eligible to participate in the FOC. Once a person signs up for services, they can participate in one-on-one personal finance coaching, get help resolving current financial situations, and gain information about smart budgeting and banking products.

In the FOC, a financial counselor helps program participants review their credit report. The counselor will identify items that should not be in the report. A lot of people returning to the community have items on their credit reports due to actions of family members, spouses, etc. while the individual was incarcerated. Some individuals may have had credit before they were incarcerated, but since they couldn’t pay their bills due to not working, their credit has been negatively affected.

The financial counselor will also identify banks and credit unions that offer second chance accounts, allowing individuals to open new accounts. Once their credit has improved, these institutions can then offer loans.

Financial counseling can be intensive work – counselors meet with individuals multiple times in order to help them open accounts, address issues on their credit reports, and learn smart budgeting. All this work is worth the investment, as this program really helps people get their lives back on track.

Learn more at towardsemployment.org.

Criminal Background Checks and Protection Under the Fair Credit Reporting Act

By Julie Cortes,
Updated By Katherine Hollingsworth

Most employers use criminal background checks when hiring a person for a job. An employer is allowed to use a criminal background check but must follow certain rules. The Fair Credit Reporting Act (FCRA) tells employers what they can and cannot do when using a background check.

An employer must tell the job applicant that it has plans to do a background check. This notice must be in writing and in a stand-alone format. The notice can't be in an employment application. The employer must give this notice before it does the background check. Also, the employer must get the applicant's written permission to do the background check.

If the employer decides not to hire the applicant based on the background check, it must do two things. First, the employer must give the applicant a copy of the background check. Second, the employer must give the applicant a copy of the Federal Trade Commission's "A Summary of Your Rights Under the Fair Credit Reporting Act." These two documents must be given to the applicant before denying employment. This gives the applicant time to correct any wrong information in the background check.

If the employer moves forward with denying employment, it must tell the applicant (verbally, in writing, or electronically):

- That the applicant was rejected because of information in the background report;

- The name, address and phone number of the company that issued the report;
- That the company selling the report didn't make the hiring decision, and can't give specific reasons for it; and
- That the applicant has the right to dispute the accuracy or completeness of the report and get an additional free report from the background check company within 60 days.

The background check company can report convictions, no matter how old. They should not report convictions that have been sealed or expunged, but they do not always update their records timely. Arrests, generally, cannot be reported if they are more than seven years old.

There are many common mistakes that background check companies report to employers. For example, the information may be wrong, or the information may be about someone else with the same name or birth date. The background check company may also overreport information by stating: "There is a conviction with Mr. X.'s name. This may or may not be your Mr. X."

If you are applying for a job and you learn the employer obtained an incorrect background check report, you should dispute the inaccuracies. More information about your rights is available from the Federal Trade Commission at consumer.ftc.gov.

Child Support Modification Procedures

Child Support Basics

In general, child support orders are payments made from one parent (the obligor) to the other parent (the obligee) to help pay for the child's needs. Child support orders can be drawn up by the appropriate court or the local child support enforcement agency.

Child support orders are based on several factors, including income from both parents, the expenses necessary to care for the child, how much time each parent spends with the child, and any other relevant factors (*Ohio Revised Code Section 3119.23*). However, child support orders are not static and can be modified depending on the circumstances.

Modifying Child Support in Ohio

Under Ohio law, certain rules apply when obligors attempt to modify or reduce their child support payments (*Ohio Revised Code Section 3119.79*). In general, an obligor is eligible to request a modification to the amount of their child support payment every 36 months. However, obligors are also eligible to apply for modifications to their

child support order when they have a change in their circumstances that impacts their ability to pay child support. Examples of changes in circumstances include incarceration, job loss, disability, and a 30% decrease in income or assets.

Child support orders can originate from Domestic Relations Court, Juvenile Court, or your local child support enforcement agency. The route to modify an order depends on where it originates from:

- If the child support order originates from **Domestic Relations Court**, then obligors must file a motion through Domestic Relations Court to modify their order.
- If the child support order originates from **Juvenile Court**, then obligors can ask Juvenile Court or their local child support enforcement agency to modify the order.
- If the child support order originates from the **local child support enforcement agency**, then obligors can ask their local agency to modify the order.

How to Handle a Suspended Driver's License in Ohio

By Kristen Simpson and
Nat Ziegler

Ohio suspends driver's licenses for many reasons, including unpaid debt. Ohioans with a debt-related driver's license suspension can't drive to work, so they can't earn money to pay to fix the problem. Without their licenses, Ohioans face difficulty accessing school, groceries, family, healthcare, and recreation. Why does this happen, and what can someone in this predicament do?

Wait, why would my license be suspended?

Licenses are suspended for failure to pay fines, fees, and other costs associated with operating a vehicle. These include failure to pay a security deposit after an accident and failure to provide proof of insurance. You might also have outstanding traffic violations that trigger a suspension. Failure to pay child support and court debt can also cause suspension. The Ohio Bureau of Motor Vehicles (BMV) and the courts can suspend your license for failure to pay fines, fees, and costs. At Legal Aid, we refer to these as "debt-related suspensions."

So, it's suspended, what's the next step?

The first step is to find out why your license is suspended. You can do this by obtaining an unofficial copy of your driving record by visiting the BMV's website at bmv.ohio.gov or by calling 844.644.6268 to get more information.

The next step depends on what is causing the suspension. For example, if there is money owed, you may have to make the full payment, request a payment plan, or request community service through the court to restore your license. Your driving record will usually provide you with contact information like the name of the court and a case number, an agency (like child support), or third parties (like an insurance company) you may have to contact to resolve the debt.

Depending on the type of suspension, you may be able to request limited driving privileges through the court. If you owe reinstatement fees to the BMV, you may be able to apply for the amnesty program or request a payment plan with the BMV. If you agree to a payment plan to restore your license, you must continue to make your payments on time and keep valid insurance or you may risk your license becoming suspended again.

In some cases, Legal Aid may be able to assist with resolving debt-related driver's license suspensions. Legal Aid cannot help with traffic, OVI, or other criminal matters.

Contact The Legal Aid Society of Cleveland at 888.817.3777 or apply for help online laslev.org/apply.

By Russell Hauser

In order to begin the modification process, obligors should contact their local child support office and request a modification when their circumstances have changed. After first contact, the child support office will send paperwork to the obligor that must be completed and returned to the child support office. It is important to complete all paperwork and meet all submission deadlines. Obligor should make copies of everything that is returned to the child support office in case it gets lost or misplaced. **The obligor is responsible for requesting a modification and following through to meet all deadlines.**

An obligor facing incarceration in jail or prison for more than 180 days (about six months) should immediately request and complete a modification of their child support order. Ohio law generally allows for a minimum child support orders of \$80 per month, but payments can be reduced further during a period of incarceration if the obligor has no other income. The defense attorney that represented an obligor in their criminal case should be able to provide information about the child support modification process to the appropriate court or agency.

The Cuyahoga County Office of Child Support Services (OCSS) also assists in the modification process by issuing the appropriate forms for modification to obligors facing incarceration for more than 180 days. OCSS also verifies an obligor's wages during incarceration to determine if a reduced child support order is available. More information is available from Cuyahoga County OCSS here: hhs.cuyahogacounty.us/programs/detail/modifying-child-support-orders.

More information is available from the
Ohio Department of Job and Family Services,
Office of Child Support:
jfs.ohio.gov/ocs/

Access to Healthcare for People Returning to the Community after Incarceration

By Jennifer Kinsley Smith and Elizabeth Lattner

A dedicated group of staff and volunteers at The Legal Aid Society of Cleveland have been hard at work addressing barriers faced by individuals returning to their communities from incarceration. For these individuals, coming home is an overwhelming process with barriers at every turn. Lack of access to safe and stable housing, overwhelming debt, troubled family relationships, and limited or non-existent job opportunities are some of the most common concerns that individuals identify when preparing to leave incarceration. Perhaps one of the most dangerous barriers to successful reentry is lack of access to affordable healthcare.

When someone is incarcerated for more than 30 days, the law allows for that individual's Medicaid benefits to be suspended. When this process works as it was meant to, Medicaid benefits are un-suspended before individuals leave incarceration and return to the community. Unfortunately, through many client stories, we have learned that Medicaid benefits are not being restored. Further, individuals who entered incarceration without healthcare coverage are not being assisted with Medicaid enrollment before release, denying them access to medical care that they had been receiving during incarceration. This is especially harmful to people who have substance use disorder diagnoses, mental illness, or other behavioral health concerns.

We know that there is an increased risk for worse health outcomes including death in the two weeks immediately following release from incarceration. These risks, combined with client reports of difficulty accessing healthcare, prompted Legal Aid staff to create the Health Equity for Reentering Ohioans (HERO) Project. The HERO team is a group of Legal Aid staff who work together with medical professionals, community care providers, and other volunteers to identify and problem solve healthcare related barriers to successful reentry.

In June of 2022, the HERO project team published an issue brief summarizing their year of research on the extent of this problem. In the year since that publication, the team has focused on outreach to the community to reach those impacted by these issues.

Individuals who have had issues accessing healthcare following incarceration due to Medicaid suspension or termination, or lack of connection to Medicaid or Medicare prior to release should contact Legal Aid by calling 888.817.3777.

The HERO issue brief - Eliminating Barriers to Healthy Reentry for Ohioans - is available on Legal Aid's website: laslev.org/BarriersToReentryReport.



Volunteer Lawyers Program
[vlp]

} **free**
LEGAL ADVICE

Legal Aid provides services in the areas of consumer rights, disability, domestic violence, education, employment, family law, health, housing, foreclosure, immigration, public benefits, utilities, and tax.

**2023 Brief Advice and Referral Clinics
Civil Matters Only (Not Criminal)**

Some clinics are by appointment only. Please bring all important paperwork with you. **Masks are recommended.** Questions? Call 888.817.3777 or visit laslev.org/events for updated clinic listings.

THURSDAY, JUNE 1, 4:30 – 5:30 PM

Lakeland Community College
Holden University Center
4242 OH-306, Kirtland

SATURDAY, JUNE 10, 10:00 – 11:00 AM

Cleveland Public Library, Langston Hughes Branch
10200 Superior Avenue, Cleveland

TUESDAY, JUNE 13

Oberlin Community Services
500 East Lorain Street, Oberlin
Call 440.774.6579 for an appointment.

TUESDAY, JUNE 13, 1:30 – 2:30 PM

Spanish American Committee
4407 Lorain Avenue, Cleveland

SATURDAY, JUNE 17, 10:00 – 11:00 AM

West Side Catholic Center
3135 Lorain Avenue, Cleveland

TUESDAY, JUNE 20

Catholic Charities Ashtabula
4200 Park Avenue, 3rd Floor, Ashtabula
Call 440.992.2121 for an appointment.

TUESDAY, JULY 11

Oberlin Community Services
500 East Lorain Street, Oberlin
Call 440.774.6579 for an appointment.

SATURDAY, JULY 15, 10:00 – 11:00 AM

Cleveland Public Library, South Branch
3096 Scranton Road, Cleveland

TUESDAY, JULY 18

Ashtabula Public Library
4335 Park Avenue, Ashtabula
Call 440.992.2121 for an appointment.

SATURDAY, AUGUST 5, 10:00 – 11:00 AM

Cuyahoga County Public Library
Parma-Powers Branch
6996 Powers Boulevard, Parma



The Legal Aid Society
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Since 1905

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Acceso a la Justicia

contact Legal Aid for **FREE** assistance! / ...comúníquese con Legal Aid para obtener asistencia GRATUITA

Legal Aid serves people and groups with low-income in Ashtabula, Cuyahoga, Geauga, Lake, and Lorain Counties.
Legal Aid atiende a personas de bajos ingresos en los condados de Ashtabula, Cuyahoga, Geauga, Lake y Lorain en el noreste de Ohio.

 **Information and Intake online 24/7**
Información y admisión 24 horas al día, 7 días a la semana en línea
lasclev.org

 **Apply by phone during most business hours**
Solicite por teléfono durante la mayoría del horario comercial
888.817.3777

Have a quick question? ¿Tienes una pregunta rápida?

Tenant Info Line 440.210.4533 or 216.861.5955
for questions related to tenant's rights and rental housing
para preguntas relacionadas con los derechos del inquilino y la vivienda de alquiler

Economic Justice Info Line 440.210.4532 or 216.861.5899
for questions related to employment, benefits, and student loans
para preguntas relacionadas con empleo, beneficios y préstamos estudiantiles

Legal Aid provides interpreters and translation. Legal Aid proporciona intérpretes y traducción. 

Legal Aid uses Ohio Relay Service (800.750.0750) to support people who have a communication limitation.
Legal Aid utilizó el servicio de retransmisión de Ohio (800.750.0750) para ayudar a las personas que tienen una limitación de comunicación.

Request an outreach/education event or materials for your community group by email: outreach@lasclev.org.
Solicite un evento o materiales de divulgación / educación para su grupo comunitario por correo electrónico: outreach@lasclev.org.

This newsletter is meant to give you general information and not to give you specific legal advice. This information cannot take the place of advice from a lawyer. Each case is different and needs individual legal advice. You should contact a lawyer if you need representation or if you have questions.

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