

The ALERT



The Legal Aid Society
of Cleveland
Since 1905

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Damian Calvert: From Inmate to Community Leader

By Erika Anthony,
Oriana House, Inc.

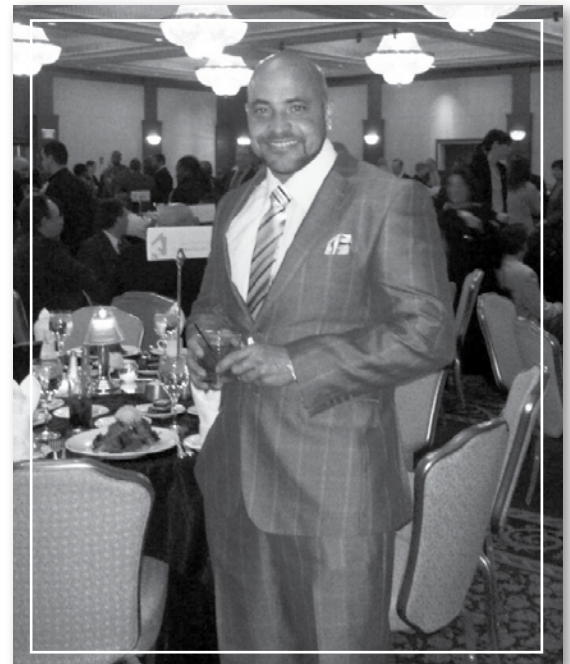
When a person is convicted of a crime, he may spend days, months or years in prison, but the criminal record will affect him for much longer. Formerly incarcerated individuals struggle to find jobs, housing, health care and other necessities. It's much harder to avoid reoffending when these needs are not met. Despite the hurdles, success is possible. Damian Calvert is an inspiring example.

Damian Calvert spent 18 years in prison. As many young adults were graduating from high school, going to college or starting jobs - Calvert was facing a long road through the correction system to achieve a life free from crime. According to Calvert, "my journey of incarceration wasn't just a physical journey it was an interior journey.... I had a lot of self-introspection, facing my own demons and dealing with my own issues - emotionally, spiritually and mentally."

Despite the challenges Calvert faced during and after prison, he returned home and is creating positive change in his community. Much of Calvert's success today is based on the groundwork he laid while still incarcerated. Calvert founded the NAACP chapter at Grafton Correctional Institution (GCI) in 2005. As part of his work with the NAACP, Calvert conducted outreach to many people outside the prison walls. Given that he could not participate in typical networking, he invited key stakeholders into the prison. Many of those people are

now Calvert's friends and coworkers in the community.

Within two days of leaving GCI, Calvert found a job. A short time later he enrolled at Cleveland State University to pursue a Masters in Non-Profit Management. Just over two years after Calvert's release, he has his own apartment and car, and he is the Lead Organizer for Stand Up Ohio (Cleveland Region). Calvert proudly speaks about his life story: "If I cannot accept and be comfortable with myself, how can I expect others to treat me with the respect and dignity I deserve?"



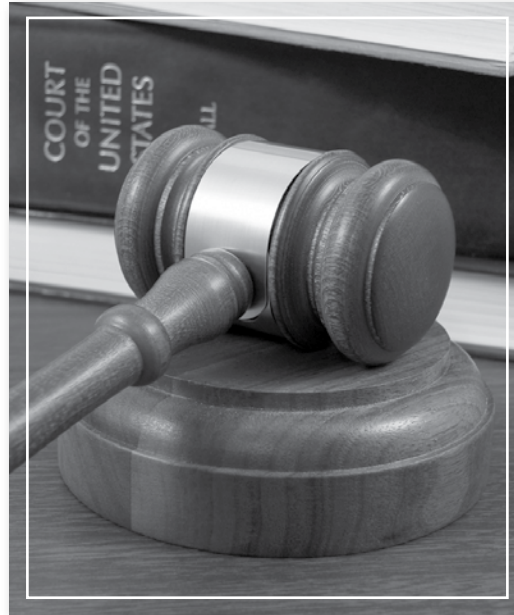
Damian Calvert

Changes to Juvenile Law from Senate Bill 337

By Brant DiChiera, Cuyahoga County
Public Defender - Juvenile Division

In 2012, Ohio passed Senate Bill 337. This law changed some of the rules affecting juveniles involved in the criminal justice system. First, more offenses are eligible to be sealed. All juvenile offenses except for Aggravated Murder, Murder, and Rape may be sealed under the new law. "Sealing a record" means that Juvenile Court will separate the record of all delinquency proceedings and place them in a file only the Court can see. After a court seals a record, a person can request the Court expunge it. Expungement permanently destroys the record.

Another change in the law is that juveniles now only have to wait six months after completing their sentence to request that their record be sealed. You can locate the forms to apply for sealing/expungement at the Juvenile Clerk of Courts on the 2nd Floor of the Juvenile Justice Center, 9300 Quincy Avenue, Cleveland, Ohio 44106. You do not have to pay a filing fee for a sealing/expungement application.



Juvenile records are not public records and therefore cannot be viewed by the general public. Additionally, the Bureau of Criminal Investigation ("BCI") cannot release juvenile adjudications (convictions) as part of a criminal background check. This means that BCI cannot provide a person's juvenile record to a potential employer. The only exceptions are for cases involving murder and sexually oriented offenses.

Lastly, under the new law, youth charged with delinquencies must stay in the juvenile detention center instead of being moved to the adult county jail. A youth can remain in juvenile detention until they are 21, even if the juvenile judge transfers their case to adult court. Only upon the request of the prosecutor or Juvenile Court can a youth be transferred to adult jail. If transferred to adult jail, a youth is entitled to a review hearing after 30 days and may be returned to the juvenile detention center.

What to Do When a Landlord Denies Public Housing Based on a Criminal Record

By Maria Smith

When you apply for Section 8 or public housing, you may be asked whether you or a family member have ever been arrested or convicted of a crime.

If the answer is yes, then the landlord may deny your application. But you may still qualify for the housing. If you want to challenge the denial, you need to ask for an informal appeal right away. The number of days you are given will be stated in the rejection letter. You count the number of days from the date in the letter.

You will need to write a short letter to ask for a meeting about the denial. Take your letter to the landlord's office and ask the receptionist to date-stamp a copy of your request for a meeting. Keep the stamped copy.

In the letter, you should ask for:

1. a copy of your application;
2. the information used to deny your application; and
3. a copy of the Tenant Selection Plan (TSP).

The TSP will tell you how long the criminal conviction will count against you. Federal law requires the time to be reasonable. The time may count either from the date you were convicted or from when you completed your sentence. Different landlords will look at criminal convictions for different lengths of time.

At the meeting with the landlord, you need to show that you will be a good tenant. You could show that your conviction should not count against you because it is from a long time ago. Also, you could show that your behavior has improved since you were convicted. Bring letters from teachers, mentors, pastors or others that say how you have changed. Certificates showing you completed courses or programs can also be helpful.

You may want to consult with an attorney before the meeting. To find out if you are eligible for Legal Aid, please contact intake at 216.687.1900 or attend a free Brief Advice Clinic.

Certificate of Qualification for Employment: New Help with Jobs for People with a Criminal Record

By Stephanie Jackson

A major problem for people with criminal convictions is finding or keeping jobs. Until recently, the only help available was to seal the criminal record. Ohio's new law allows more people to seal a criminal record. (More information about sealing criminal records can be found at <http://laslev.org/can-i-get-my-criminal-record-sealed/>.)

Still, not everyone with a criminal conviction can seal that record. They often have a hard time finding a job. Now, people with convictions can apply for a Certificate of Qualification for Employment (CQE). A CQE potentially allows people with convictions to overcome barriers to getting jobs and certain job-related licenses.

In general, a CQE changes the rules so people with certain convictions can be considered for jobs that they would otherwise not be allowed to do. The CQE gives a potential employer or licensing agency the option to consider the applicant for a job or license. The CQE does not guarantee employment or a license; it

merely opens the door so that people with criminal records have the opportunity to apply.

CQEs are granted by local common pleas courts. The court must decide three things in order to award a person a CQE:

1. that the CQE will materially help the person in getting a job or license;
2. that the person has a great need for the help it would bring; and
3. that giving the CQE will not pose an unfair risk to the safety of the public.

Interested people can apply for a CQE online at the Department of Rehabilitation and Correction's website, www.drccqe.com. A person with misdemeanor convictions must wait six months before applying. Persons with felonies must wait one year. The courts just recently started accepting applications for CQEs. We will learn more about how CQEs are treated by courts and employers over the next several months.

Criminal Background Checks and Protection Under the Fair Credit Reporting Act

By Julie Cortes

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 in writing that it plans to do a background check. The employer must give this notice before it actually does the background check. Also, the employer must get the applicant's permission, in writing, to do the background check.

If the employer decides not to hire the applicant, 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 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.

After the employer denies employment, it must give the applicant the contact information for the background check company. It must also give the applicant information about his or her right to dispute the information in the background check. The background check company can report convictions, no matter how old. 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 over-report 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, you should dispute the inaccuracies. More information about your rights can be found at www.consumer.ftc.gov.

New Rules Could Help People Who Owe Child Support

By Susan Stauffer and
Emma Knoth

Until recently, an incarcerated obligor (a person who owes child support) was required to pay the same amount while in jail or prison that he or she paid prior to incarceration. Now, obligors who will be incarcerated for 12 months or more can ask the Office of Child Support Services (OCSS) to change the amount of support they owe. OCSS will recalculate the obligor's support obligation based on actual earning potential while incarcerated. As a result, many incarcerated obligors might have to pay less than \$5 per month.

Unfortunately, there is no process for the courts or the prisons to let OCSS know about obligors in this situation. Individuals may tell OCSS if they are sent to prison for 12 months or more and request a change. Also, defense attorneys should make their clients and the agency aware. This chance to lower the amount of child support owed while incarcerated can greatly reduce the amount of support owed by a person when released. If an obligor does not owe back support when released, they will get to actually take home their full paycheck.

Obligor now also may have the chance to get limited driving privileges. An obligor cannot ask for these privileges until actually in contempt for failure to pay support. Currently, an obligor can have his or her driver's license suspended for failure to pay. This suspension lasts until support payments are made. The obligor also has to work with OCSS to pay the back amount owed. If the obligor still fails to pay child support, then he or she may be charged with contempt.

In order to get driving privileges, an obligor must have a copy of his driver's abstract from the Registrar of Motor Vehicles. He or she must also have a letter from his OCSS caseworker explaining the need for driving privileges. An OCSS caseworker, or other representative from OCSS, can also appear in person instead. OCSS will consider these requests for driving privileges on a case-by-case basis. Only obligors charged with contempt can request driving privileges.



The
Legal Aid Society
of Cleveland
Since 1905



Volunteer Lawyers Program
[vlp]

free
LEGAL ADVICE

**2013 Brief Advice and Referral Clinics
Civil Matters Only (Not Criminal)**

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.

First-come, first-served. Bring important papers with you!

Questions? Call 216-687-1900 or visit www.lasclev.org for updated clinic listing.

AUGUST 10, 2013

9:30 – 11:30 AM

Cleveland Public Library -
Fulton Branch
3545 Fulton Road
Cleveland

SEPTEMBER 21, 2013

9:30 – 11:30 AM

Cleveland Public Library -
Glenville Branch
11900 St. Clair Avenue
Cleveland

SEPTEMBER 28, 2013

10:00 AM - 12:00 PM

West Side Catholic Center
3135 Lorain Avenue
Cleveland

*Attorneys available for brief advice and referral only. Clinic attorneys do NOT represent you.
If you need legal representation you may be referred to The Legal Aid Society of Cleveland or another service provider.

New Ohio Law and Federal Programs Help Employers Hire People Returning from Prison

By Bishara Addison,
Towards Employment

In Ohio there were many laws preventing people with criminal records from working in certain kinds of jobs. In 2012, however, Ohio passed a new law that helps people returning from prison get jobs. Also, there are two federal programs that encourage employers to hire people with criminal backgrounds.

Under the new law people who committed nonviolent offenses can now work as optical dispensers, salvage dealers, hearing aid dealers and fitters, and can obtain licenses in cosmetology and construction. The new law also created Certificates of Qualification for Employment, which can help people get jobs they could not have had before. (More information about CQEs can be found in the article "Certificate of Qualification for Employment: New Help with Jobs for People with a Criminal Record," in this issue of The Alert.)

The CQE allows employers to hire people whose criminal record would have not allowed them to do the job before. Licensing boards can also grant a license to someone with a CQE who could not have obtained the license before. The CQE protects employers from any negligent hiring claim. There are some limits to using a CQE when applying for jobs in law enforcement, a pain clinic, and health care settings.

Employers can also benefit from programs that support hiring people with criminal backgrounds. First, the Workforce Opportunity Tax Credit (WOTC) can reduce an employer's federal income tax liability by as much as \$2,400 per qualified

new worker. There is no limit on the number of new hires claimed and the credit applies to wages paid to full-time, part-time and temporary employees. The employer must complete a one-page form before offering the job and another form within 28 days of hiring an eligible employee.

For more information on how to apply for the WOTC, contact the Ohio Department of Jobs and Families services at 1.888.296.7541, Option 9.

The second program, called Federal Bonding, protects employers financially who hire a job applicant who has a criminal history. Federal bonding reimburses employers for loss of money or property in the event that an employee covered by the bond is dishonest, commits theft, forgery, larceny, embezzlement of property or money. The bond coverage ranges from about \$5,000 up to \$25,000. The bond insurance is free to the employer. Coverage begins the first day of the applicant's employment and ends after six months.

For more information on how to access this coverage, contact Ohio's State Bureau of Quality and Community Partnerships at 614.728.1534.

¹<http://www.hirenetwork.org/content/work-opportunity-tax-credit>

²<http://www.bonds4jobs.com/highlights.html>

³<http://www.hirenetwork.org/content/federal-bonding-program>

Reentry Resources

Cuyahoga County Office of Reentry

216.698.3437

<http://reentry.cuyahogacounty.us/>

Ashtabula County Local Reentry Partner

440.576.3570

<http://www.reentrycoalition.ohio.gov/pages/coalitions/ashtabula/ashtabula.html>

Geauga County Local Reentry Partner

440.357.5040

<http://www.reentrycoalition.ohio.gov/pages/coalitions/geauga/geauga.html>

Lake County Reentry Coalition

440.343.7136

<http://www.reentrycoalition.ohio.gov/pages/coalitions/lake/lake.html>

Lorain County Reentry Coalition

<http://www.loraincountyreentry.com/>

You can also access the Ohio Reentry Resource Center for information about programs and services available in each county at http://www.drc.ohio.gov/web/reentry_resource.htm.



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Since 1905

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RETURN SERVICE REQUESTED

Legal Aid has improved its intake system to better serve the Northeast Ohio community.
Please share this information with your constituents:

**If you need legal assistance,
you can contact Legal Aid any weekday for help.**

New intakes are processed via phone:
888-817-3777 (toll-free)

Monday, Wednesday, Friday: 9 a.m. – 4 p.m.

Tuesday, Thursday: 9 a.m. – 2 p.m.

If you prefer an in-person intake application, those are handled:

Tuesday, Thursday: 9 a.m. – 1 p.m.

at any of our four Northeast Ohio offices (Cleveland, Elyria, Jefferson & Painesville).

Visit www.lasclev.org for more information!



Legal Aid sometimes invites community members to give their opinion on different topics during a focus group. If you might like to participate in a focus group in the future, please send an email with your name and contact information to focusgroup@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.

If you have a communications limitation, contact us through the Ohio Relay Service. Interpretation services are available so that anyone can communicate with us in his or her dominant and/or preferable language.

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