WASHINGTON APPLESEED



Washington Reentry Guide



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ABOUT THE AUTHOR

Washington Appleseed works to address social and economic problems in our state by developing new public policy initiatives, challenging unjust laws, and helping people better understand and fully exercise their rights. We believe that by engaging both volunteer lawyers and community partners in these efforts, we better identify systemic problems, outline potential solutions, and achieve effective and lasting social change.

DISCLAIMER

The Washington Reentry Guide provides general legal information, but not legal advice. No attorney-client relationship is created by using any information in this guide. You should always consult your own attorney if you need legal advice specific to your situation. For more help, see the "Need a Lawyer?" section below.

All information in the print version of this publication is current as of December 2017. While we have attempted to provide the most current information possible, laws change frequently and the information in this publication may not always be up to date. It is always your responsibility to be sure that the law has not changed and applies to your particular situation. The most current version of this guide will always be online at www.wareentryguide.org.

A MESSAGE FROM THE EXECUTIVE DIRECTOR

The Washington Appleseed Center for Law in the Public Interest is pleased to offer this guidebook as a tool to help you get back on your feet after a period of incarceration. We know that knowledge is power, and we hope the information in these pages will help you navigate the numerous systems you will encounter in your life post-prison.

This guidebook contains legal information on sixteen different topics related to coming home: from finding employment, to securing housing, continuing your education, figuring out how to get around, and much more. While it is impossible to cover every individual circumstance, we included answers to the most frequently asked questions in each topic and organized the content in a question and answer format.

Our hope is that you will be able to easily locate information related to your most pressing needs and that you will be pointed in the right direction on your next step to take. The guidebook is designed for you to get the information you need, when you need it. In other words, you are free to skip around to the topics that are most relevant to your circumstances and then come back to the guidebook when you need more information.

Washington Appleseed recognizes that the information contained in this guidebook reflects a system that all too often sets returning citizens up for failure rather than success. With one in three people returning to prison in the first three years after getting out, systemic reform must be a priority, and we are supporting efforts to promote new policies that will give people like you a clean slate. While we fight alongside others to make those changes a reality, we hope this guidebook will help you navigate the current system more easily.

We have also included stories of men and women who have gone before you. We hope their wisdom and experience will serve as real-life guides for what you may experience.

You are our most important teacher. We need you to help us improve this publication. Please write to us or call our office to let us know what you liked, to share ideas for additional topics, or to tell us what is missing.

Washington Appleseed and the many, many volunteers who made this guidebook possible believe in your success. Let us be one of the first to welcome you back home.



Warmly,
Angeline Thomas
Executive Director, Washington Appleseed

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Submit feedback electronically on our website: www.wareentryguide.org

Call us:
(415) 95-APPLE / (415) 952-7753
*NOTE: We are unable to accept collect calls at this time.

NEED A LAWYER?

While the Washington Reentry Guide attempts to address many of the common legal issues facing returning citizens, there may come a time when you need an attorney of your own. If you need a lawyer and don't know how to find one, here are a few places to start:

- Low-income people living outside of King County can call the **CLEAR hotline**, which is operated by the Northwest Justice Project. CLEAR is open on weekdays from 9:15 a.m. to 12:15 p.m. If you need it, CLEAR can also provide language interpretation at no cost to you.

  Phone: (888) 201-1014
  Website: https://nwjustice.org/apply-online

- Low-income people living in King County can call the **Washington Information Network** by dialing 2-1-1 on weekdays from 8:00 a.m. to 6:00 p.m. to be referred to an appropriate legal services provider. If you need it, 211 can also provide language interpretation at no cost to you.

- People who are at least 60 years old living anywhere in Washington state, regardless of their income, can call CLEAR*Sr. People who call **CLEAR*Sr** will be asked to leave a voicemail and wait for a call back. Low-income seniors who are eligible may also call the regular CLEAR hotline.

  Phone: (888) 387-7111

If you do not qualify for legal assistance because you are not low-income, you may need to find your own attorney. If you don't know where to find one, you can use one of the lawyer referral services listed below:

King County Bar Association Lawyer Referral

Phone: (206) 267-7010
Email: LRS@KCBA.org
Website: www.kcba.org/For-the-Public/Hire-a-Lawyer. You can also fill out the online form at www.kcba.org/For-the-Public/Hire-a-Lawyer/LRS-Request-Form

Southwest Washington Lawyer Referral

Phone: (360) 695-0599
Email: LRS@ccbawashington.org
Website: www.ccbawashington.org/community-resources/southwest-washington-lawyer-referral

Lewis County Bar Legal Aid

Phone: (360) 748-0430
Website: http://thelcbla.org/

Snohomish County Bar Association Lawyer Referral Service

Phone: (425) 388-3018
Website (with online form): www.snobar.org/LRS/lrsform.html

Spokane County Bar Association

Website (with online form): www.spokanebar.org/online-referral-service/

Tacoma-Pierce County Bar Association

Phone: (253) 383-3432
Website: www.tpcba.com/public/lawyer-referral-service/

- If you still need help, the following publications on how to find a lawyer may be useful:
  - *How to Find a Lawyer and Other Legal Resources in Washington State*, Legal Voice, www.legalvoice.org/how-to-find-a-lawyer
  - *Get Legal Help*, Northwest Justice Project, https://nwjustice.org/get-legal-help
- Finally, Washington LawHelp has information on a wide range of common legal issues. Visit www.washingtonlawhelp.org/ to learn more.



VIEW THIS GUIDE ONLINE!

We recognize that if you are reading a print copy of this Guide, there will be many references to web-based resources that you may not be able to access while you are incarcerated. We have included those references for completeness and so that you know what resources are available in case you want to ask a friend or family member to look something up for you.

When you are released, you can find the entire Washington Reentry Guide online at www.wareentryguide.org. The online version will be updated in real time and will always have the most current version of this information.

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Chapter 1: Criminal Records and Background Checks

The Bottom Line:

- During your reentry, it is likely that potential employers, landlords, and creditors will learn about your criminal history by running a background check on you. While your criminal history will not necessarily disqualify you from employment or housing opportunities, it is important to understand what information is in your background check so that you are prepared to answer questions about it.
- In some cases, you may be able to limit what information is available in your criminal record. Here is a brief overview of your options; see section 7 in this chapter for more information.
    - » **If you have an adult record:** In some limited circumstances, you may be able to have your conviction vacated, which would make it as if you were never convicted of a crime at all (note that this will probably not be an option if you committed a violent offense or a crime that victimized another person). You will also have to wait several years from the completion of your sentence before you can attempt to get your conviction vacated. If your conviction is successfully vacated, you may also be able to have your record sealed, which means that no one will be able to see a record of your conviction.
    - » **If you have a juvenile record:** You may be able to get your juvenile record sealed if you have successfully completed all diversion agreements and you do not have any criminal charges pending against you in juvenile or adult court. You will have to wait several years from the completion of your sentence before you can attempt to get your record sealed. If you are at least 23 years old and your criminal record consists entirely of referrals for juvenile diversion, you may be able to get your criminal record destroyed.
- You may be able to get yourself removed from the sex offender registry. Note that this process is complicated, and you will need to wait at least ten years after completing your sentence before you can petition the court to be removed. If you were convicted of a serious offense, you will probably not be able to get off the registry at all. The process of getting removed from the registry involves making arguments in court against the county's prosecuting attorney, so you should strongly consider hiring an attorney to help you.

CRIMINAL RECORDS & BACKGROUND CHECKS

Introduction

This chapter will provide information on what is contained in a background check, who might check your background, and how to limit the information that is available in background checks.

As you read this chapter, it is important to understand the difference between **vacating**, **sealing**, **expunging**, or **destroying** information on your criminal record.

- **Vacating** a conviction means that the court will withdraw the guilty charge and then dismiss the case against you. If your conviction was vacated, you have the right to say that you were not convicted of a charge.
- **Sealing** court records means that your court records will not be available to the public. The law tends to support keeping court records public, so it can be difficult, but not impossible, to seal them.
- **Expunging** non-conviction information means removing the information about your arrest and charges from the Washington State Patrol records.
- **Destroying** information contained in your juvenile record means that the information is deleted so that it cannot be retrieved and used against you.

This chapter will help explain which of these options are available to you depending on your circumstances and will provide you with resources you can use to limit access to your record.

Understanding Your Criminal Record

1. What is in a background check?

Background checks can contain different types of information, ranging from criminal history information, financial information, or eviction information. This chapter focuses on criminal history information that may be included in a background check.

2. Who might order a background check on me?

Potential employers, landlords and creditors routinely perform background checks on individuals as part of an application process. Understanding what part of your criminal history is accessible is important so that you are prepared to answer questions about it.

3. How does someone get background check information?

Background checks can be performed in a variety of ways. The most common are the following:

- **Washington State Patrol criminal history reports.** A landlord or employer may purchase a criminal history record online. Criminal history record information available to the public is limited to conviction information, arrests less than one year old that have dispositions pending, and information regarding registered sex/kidnapping offenders.
- **Consumer Reporting Agency (CRA) reports.** There are hundreds of companies, called consumer reporting agencies, that produce consumer reports that may include a criminal background report. These agencies



are governed by federal law, which means that if an employer or landlord obtains your background check from one of these agencies, you may be entitled to certain rights. There are different types of consumer reports, such as credit reports, tenant-screening services, and reference-checking services.

- **Fee-based online resources.** These companies may provide employers with access to a variety of background information, including criminal history.
- **Free online court case information search.** An employer or landlord may search the Washington court records for free online at www.courts.wa.gov. The search may be performed by name and provides basic procedural information about cases, including, the party names, case number, date of charges and conviction or dismissal.

4. What is the source of the criminal history information that is found in a background check?

The three primary sources for criminal history information are court records, the Washington State Patrol, and the FBI. The Washington State Patrol and FBI have information about your arrests and convictions. Court clerk's offices have all of the information about your case if you were charged with a crime, including, but not limited to, whether the case ended with a conviction or dismissal.

5. Can a background check include very old criminal history information?

In general, yes, but it depends in part on who is performing the background check. Court record information is public record and is accessible by individuals no matter how old it is.

Some organizations that disseminate criminal history information, however, have limits on disseminating old criminal history information, so it is possible that older convictions will not show up in your background check. For example, the Washington State Patrol does not report **arrest** information that is more than one year old.[1] They do not, however, have any limits on the age of the **conviction** information they may report.[2] Private background checking companies, or consumer reporting agencies, are subject to the Washington Fair Credit Reporting Act (CRA).[3] The CRA prohibits consumer reporting agencies from including convictions that are more than seven years old from the date of disposition, release or parole.[4] Most employers use private agencies, so the seven-year rule will typically apply.

6. Can I obtain my own criminal history report?

Yes. You can obtain information about your criminal history in the following ways:

- You can order a criminal history report from the Washington State Patrol Criminal History Records Section. There is a $12-$38 fee depending on what type of background check you want to order. You can access your record at the following website: www.wsp.wa.gov/Crime/Crimhist.htm. You can also reach the Criminal History Records Section by phone at (360) 534-2000.
- You can request a criminal history report from the Federal Bureau of investigation. The FBI calls the report an "identity history summary." There is an $18 fee to process your request and you make the request at this website: www.fbi.gov/about-us/cjisfidentity-history-summary-checks.
- You can search the case records on the Washington Courts website. The amount of information displayed about each case on the Washington Courts website is not always complete, but seeing the information about your case will give you an idea of how readily the information is available. You can locate this information on the court's website: www.courts.wa.gov.

- You can order a background check through a private company. There are multiple background checking companies online. You can simply search for "background check" online and you will have many choices. Background checks typically cost from $10-$20.
- During business hours, you can go to the clerk's office of the court where your case took place and request to view the copies of your case records. Most case records are public records and can be viewed for free.

Limiting the Information in Your Criminal Record

7. Can I clear my criminal record?

"Clearing your record" is not as straightforward as it may seem. As stated above, there are different sources for criminal history information and it is important to understand where the information in your background check is coming from and whether you have the right to limit access to the information. The two main types of records used in background checks are court records and arrest and conviction information maintained by law enforcement agencies. Court records are maintained by the court system and arrest and conviction information are maintained by the Washington State Patrol and FBI.

The primary way to limit access to your criminal history is by limiting access to court records. Limiting access to your court records will generally limit the information the Washington State Patrol and FBI disseminate about your arrest and conviction history.

The Washington Courts website has a "Guide to Sealing and Destroying Court Records, Vacating Convictions, and Deleting Criminal History Records in Washington State" which contains extensive information about limiting access to court record and arrest record information and the differences between the records. It is an essential starting point for understanding how you might limit your criminal history information. You can access the court's guide to Sealing and Destroying Court Records, Vacating Convictions, and Deleting Criminal History Records in Washington State at the following link: www.courts.wa.gov/newsinfo/content/GuideToCrimHistoryRecords.pdf.

Whether you are eligible to have your record cleared is case-specific because it depends on a variety of individual factors, such as your prior criminal history, the nature of the charge, and much more. The possible avenues for limiting access to adult court records, juvenile court records and law enforcement agency records are described below.

Adult Court Records

There is no way to completely destroy your adult criminal record. Under certain circumstances, however, you can limit access to your criminal history. Whether you are eligible to have access to your criminal record limited will depend on a variety of factors, including whether you were convicted of a felony or misdemeanor, whether you have more than one conviction on your record, the nature of the crime you committed, and how much time has passed since you were convicted of the offense.

If you are an adult with a felony or misdemeanor conviction, your best option for limiting access to your record is to have your conviction vacated. Note that a court will only vacate your conviction in limited circumstances. If you successfully have your conviction vacated, you may also wish to have your record sealed. In most cases, having your conviction vacated is a prerequisite to having your record sealed. More details on both of these processes are provided below.

(i) Vacating adult felony and misdemeanor convictions in court

In limited circumstances, you may petition the Court to have your conviction vacated.[5] If your conviction is vacated, you are legally entitled to state that you have never been convicted of the offense,[6] the Washington State Patrol will not include the conviction in a criminal history report,[7] and only limited information about the case will be displayed on the Washington Courts website.

The eligibility requirements are different for felony and misdemeanor convictions. Note that if you committed a violent offense or a crime that victimized another person, you will likely not be able to get your conviction vacated. The chart below describes the wait period before you are eligible to go through the process:

Classification	Wait Period Before Vacating
Felony – Class A	Can't be vacated
Felony – Class B	10 years from end of sentence (including probation or community custody)
Felony – Class C	5 years from end of sentence
Gross Misdemeanor	3 years from end of sentence
Simple Misdemeanor	2 years from end of sentence

The Washington Courts website provides an instruction guide for vacating convictions, which is available at www.courts.wa.gov/newsinfo/content/GuideToCrimHistoryRecords.pdf. This guide will help you determine whether you are eligible to have your conviction vacated based on your specific circumstances. The Resources section of this chapter provides links to guides for vacating felonies and misdemeanors, which may also be useful in determining if you are eligible.

If you determine that you are eligible to have your conviction vacated, you may petition the court without the assistance of a lawyer. The Washington Courts website provides blank pleadings that you can fill out and file with the court clerk's office where you were convicted. See the Resources section at the end of the chapter.

Once your conviction is vacated, it is technically no longer considered a conviction. However, the court record will still show the original conviction and the vacation, and both are accessible to the public. Therefore, if you file a motion to have your conviction vacated, you should also consider making a motion to seal the record. (For information about making a motion, talk to the clerk of the court where you were convicted; more information is also provided in the resources linked in the list at the end of this chapter.) If your conviction is vacated and sealed, the only information the court will keep open to the public is your name, the notation "case sealed," and the cause of action or charge.

(ii) Sealing your adult record in court

If you were successful in getting your conviction vacated, you may also wish to file a motion to seal your entire record. There is a presumption that adult court records should remain open to the public, so it can be difficult to show that you have a compelling privacy or safety concern to overcome that presumption. Also, note that if the court was unwilling to vacate your conviction, it is unlikely that you can get your record sealed.

An entire court record or parts of a record may be sealed. The process is the same, regardless of whether you are trying to seal all or only part of a court record. You may request a hearing to seal or redact your court records before the Court that presided over your case (for more information on this process, talk to the clerk of the court

where you were convicted or see the Washington Law Help publications in the resource list at the end of this chapter). Reasonable notice of the hearing must be given to all parties in the case, including the victim and any probationary agency supervising you. Although "reasonable notice" is not defined by court rule, you want to make sure that the other interested parties have enough time to be heard.

In order to get your record sealed, you must be able to show that there are compelling privacy or safety concerns that outweigh the public interest in accessing Court records. The fact that a conviction has been vacated is an important factor for the court to consider in your request to seal a criminal record, but it is not the only factor. Other factors the court must consider include:

- Whether there is a serious and imminent threat to an important interest;
- Whether anyone present in court objects to the sealing;
- Whether there is any way to protect the defendant's interest that is less severe than sealing;
- Whether the public's interest in the file is outweighed by the defendant's need for sealing; and
- The period of time the order shall be in effect.

One of the most important factors to think about is whether you can show that there will be a serious and imminent threat to an important interest if your record is not sealed. For instance, if you have been told that you will be fired from your job in the near future if your record is not sealed, a court might find that this is a serious and imminent threat to an important interest. If you think it might be harder to get a job if the record is not sealed, but have not actually been denied a job offer yet, a court might find that the threat is not "imminent." Every case is different, and different courts might weigh these factors differently. Regardless, you need to think about all of these factors in your request to seal a criminal record and be ready to explain why they favor your request.

Even if your court record is sealed, your case information is not completely hidden from public view. Evidence of the existence of a sealed file, unless protected by statute, is available for viewing by the public, but is limited to the case number, names of the parties, the notation "case sealed," the case type in civil cases, and the cause of action or charge in criminal cases.[12]

(iii) Help from pro bono legal clinics

Determining whether you are eligible to have your conviction vacated or your record sealed can be challenging even after reviewing all the material provided by the courts. Fortunately, there are several legal clinics providing free consultation on matters like criminal records and employment.

The Public Law Library operates a free legal help center and hosts free legal clinics. Both the legal help center and the law clinics are held in the Seattle Law Library's conference rooms on the sixth floor of the King County Courthouse and are staffed by volunteer attorneys who provide free legal advice but do not represent clinic visitors. The lawyers at these clinics may be able to assist you with understanding the requirements for vacating or sealing your record. To learn about the legal clinics online, see the Resources section at the end of this guide.

The Center for Justice in Spokane will help you vacate, expunge, and seal your records for $200. They only assist with adult convictions in Spokane county court. Find out more by following this link: https://cforjustice.org/legal-services/clearing-my-record/.

If none of these resources are available to you, call the ACLU of Washington at 206-624-2180. They cannot provide you with representation but they can provide you with information and referrals. You can also try calling the Northwest Justice Project's CLEAR Hotline at 1-888-201-1014 (M-F 9:15am to 12:15pm).

Juvenile Records

Washington law provides greater privacy protections for juvenile records than it does for adult records. This guide will describe two processes that are applicable to juvenile records, namely, "destroying" and "sealing."

(i) Sealing a juvenile record

Having your juvenile record sealed means that your record is no longer public and access to it is limited. As mentioned above, it is generally easier to have a juvenile record sealed than an adult record, but you must meet certain conditions.[13] If the court seals your record, the record is not available to the public.[14] The records are not, however, destroyed, and they may be unsealed if you are convicted of a new crime or are charged with a felony offense.[15]

In order to seal your juvenile record, you must meet ALL of the following conditions:

- You do not have any criminal charges pending in juvenile or adult court;
- You are not currently completing a diversion agreement;
- The charge you are trying to seal is not classified as a sex offense(for information on sex offenses see Section 9 below related to getting off the sex and kidnapping offenses registry for a juvenile offense);
- You do not owe restitution to the victim for the case you are trying to seal;
- If you are trying to seal the record of a Class A felony as a juvenile:
    - » Five years have passed since the end of your sentence, and
    - » The felony is not Rape or Indecent Liberties by Forcible Compulsion (this means using force to make another person have sexual contact with you or someone else);
- If you are trying to seal the record for any other juvenile case (not including sex offenses):
    - » Two years have passed since the end of your sentence.

The eligibility requirements for having your record sealed are described extensively in Team Child's "Sealing Juvenile Court Records in Washington State" Guide. See the Resources section at the end of this chapter.

(ii) Destroying a juvenile record

Having your juvenile record destroyed means that the information contained in your record will be destroyed by any public officials and offices that hold it in a way that makes it permanently irretrievable. There is one circumstance in which you may have a juvenile record destroyed. Juvenile records, including those maintained by any court, the prosecutor's office, or law enforcement agency are eligible for destruction when the person who is the subject of the record:

- is at least 18 years old,
- has only one diversion agreement, or counsel and release agreement on their record,
- two years have passed since completion of the diversion agreement,
- has no criminal case pending, and
- has paid all restitution in the case.[16]

If you are at least 23 years old and your criminal history consists only of referrals for juvenile diversion, you may request that the court order destruction of your records. Your request will be granted if the court finds that all diversion agreements have been successfully completed and there are no pending criminal charges against you.[17]

(iii) TeamChild's pro bono juvenile record sealing clinic

TeamChild is a youth advocacy organization. Among other things, they have an entire project devoted to sealing juvenile records in Washington. The project is intended to increase access to information about sealing juvenile records and to help individuals in sealing their juvenile criminal history. You can learn more about the program or find a clinic by visiting http://teamchild.org/record-sealing/. TeamChild holds record sealing clinics in King, Spokane, and Pierce counties, and also provides an online tool to help you complete the required forms yourself.

Removing arrest and conviction information through the Washington State Patrol

(i) Adult Records

If your conviction is vacated or sealed, the Washington State Patrol will not disseminate the conviction information.[18] It is still a good idea to order your own criminal history report from the Washington State Patrol after your conviction is vacated or sealed to make sure they are not reporting the conviction information. For information on how to obtain your criminal history report from the Washington State Patrol, see section 6 ("Can I obtain my own criminal history report?").

In some cases, you may request that the Washington State Patrol delete your criminal record altogether. You are eligible to make this request if:

- At least two years have passed since your case was dismissed;
- The case was not a diversion or deferred disposition;
- Your Washington State Patrol record only contains non-conviction data;
- You have no prior convictions; and
- You have no charges pending against you.[19]

If you meet these criteria, you should fill out the "Request for Expungement/Deletion of Non-Conviction Records" form provided in the Resources section of this chapter. After you fill out the form, mail it to the Criminal History Section of the Washington State Patrol. Processing time may vary from 14-28 days but you will be notified of any action taken by the WSP on the request.

(ii) Juvenile Records

If a juvenile court record is destroyed or sealed, the Washington State Patrol will not disseminate any information they have about the case.[20] If your juvenile court record is destroyed or sealed, it is a good idea to order a background check with your name to ensure that information about your case is not reported.

If information is included that shouldn't be, you can submit a "Request for Modification of Record" form provided in the Resources section of this chapter. If the Identification and Criminal History Section of the WSP refuses to modify your record, you may request a review of the refusal within twenty business days of the date you receive

notice of their refusal. The request must be made in writing, and you must complete the "Request for Review of Refusal to Modify Record" form found in the Resources section of this chapter. Denial of the request by the WSP Chief is a final decision.

8. How do I remove an out-of-state conviction from my criminal history?

The laws regarding criminal records vary from state to state, so the specific processes for removal of an out-of-state conviction from your criminal record are beyond the scope of this guide. For each state where you have a conviction, you need to contact the clerk's office for the court in which you were convicted and ask whether there is a process for limiting access to your record.

9. How do I get off the sex offender registry?

This section will explain the circumstances under which you can petition the court to relieve you of your duty to register after committing a sex or kidnapping offense. Whether you can petition the court depends on whether you were charged as a juvenile or an adult, the severity of the offense, how much time has passed since you completed your sentence, and whether you have remained out of trouble since then. Note that getting removed from the sex offender registry is complicated, and you will likely need to consult with an attorney before proceeding.

Adult Offenders

If you were charged as an adult, you will have to wait 10 to 15 years after completing your sentence before you can petition the court to relieve you of your duty to register.

If you were convicted of a Class A Felony that was committed with forcible compulsion on or after June 8, 2000, you will not be able to get off the registry. However, after 15 years without a disqualifying offense you can petition the court to be exempted from the community notification requirements. This means that, while you will still be registered for your sex or kidnapping offense, you will not be required to notify those in your community.

If you were convicted by the State of Washington for a sex or kidnapping offense that is less severe than a Class A Felony, then you will have to spend 10 consecutive years in the community without being convicted of a disqualifying offense before you can petition the court to relieve you of your duty to register. You must petition the court that convicted you for the sex or kidnapping offense.

If you were convicted by a Federal, Tribal, or out-of-state court for a sex or kidnapping offense, you will have to wait 15 years without being convicted of a disqualifying offense before you can petition the court for relief. You must petition the Washington Superior Court in the county in which you are registered.

When you petition the court for relief, the prosecuting attorney for the county will be notified, and will be allowed to argue against your petition for relief. The prosecuting attorney is required to make "reasonable efforts" to notify the victim of your sexual or kidnapping offense so that he or she can testify.

In order for the court to grant you relief from your duty to register or exempt you of your community notification requirements, you must provide **clear and convincing** evidence that you have been sufficiently rehabilitated. The court may look at the following factors in determining whether that is the case:

- The nature of the offense, including the number of victims and the length of the offense history;
- Any subsequent criminal history;

- Your compliance with supervision requirements;
- The length of time since the incident occurred;
- Input from community corrections officers, law enforcement, or treatment providers;
- Participation in sex offender treatment;
- Participation in other treatment and rehabilitative programs;
- Your stability in employment and housing;
- Your community and personal support system;
- Any risk assessments or evaluations prepared by a qualified professional;
- Any updated polygraph examination;
- Any input from the victim; and
- Any other factors the court may consider relevant.

The petition form provided on the Washington Court's website (available at www.courts.wa.gov/forms/?fa=forms.contribute&formID=84) allows you to select the issues on which you will submit evidence. You should then attach any paperwork you have that can be used to show that you have been rehabilitated (e.g. certificates for completion of treatment programs, letters or reports from your case manager or therapist, etc.).

Because you will be arguing against the county's prosecuting attorney, it is recommended that you get a lawyer to argue your side. Unlike in criminal cases, an attorney will not be provided if you cannot afford one. This means you will likely have to pay for an attorney. Calling your county's Bar Association may be a good place to start looking for a lawyer who can help you.

Juvenile Offenders

If you were charged as a juvenile you will have to wait significantly less time before you can petition the court for relief, and you can seek relief for Class A sex and kidnapping offenses.

For Class A sex and kidnapping offenses committed as a juvenile, you will have to wait 60 months (or 5 years) since the completion of your sentence (assuming that you have not been convicted of any other sex or kidnapping offenses within that time period). For all other sex or kidnapping offenses (those less serious than a Class A Felony), you may petition the court after only 24 months (or 2 years) since the completion of your sentence.

As is the case for adult offenders described above, the county prosecutor will be arguing against your petition for relief and the victim of your crime will be notified of your petition so that he or she can testify.

In order for the court to grant you relief from the duty to register, you are only required to prove by a "preponderance of the evidence" that you have been sufficiently rehabilitated to warrant removal from the registry. That means that you just have to show that it is more likely than not that you are rehabilitated. This is a lower burden than the "clear and convincing" standard for adult offenders. The court may look at the following factors in determining whether that is the case:

- The nature of the offense, including the number of victims and the length of the offense history;

- Any subsequent criminal history;
- Your compliance with supervision requirements;
- The length of time since the incident occurred;
- Input from community corrections officers, law enforcement, or treatment providers;
- Participation in sex offender treatment;
- Participation in other treatment and rehabilitative programs;
- Your stability in employment and housing;
- Your community and personal support system;
- Any risk assessments or evaluations prepared by a qualified professional;
- Any updated polygraph examination;
- Any input from the victim; and
- Any other factors the court may consider relevant.

The petition form provided on the Washington Court's website (available at www.courts.wa.gov/forms/?fa=forms.contribute&formID=84) allows you to select the issues on which you will submit evidence. You should then attach any paperwork that can be used to show that you have been rehabilitated. Because you will be arguing against the county's prosecuting attorney, it is recommended that you get a lawyer to argue your side. Unfortunately, this means you will likely have to pay for an attorney. Unlike in criminal cases, an attorney will not be provided to you if you cannot afford one. Calling your county's Bar Association may be a good place to start looking for a lawyer who can help you.

Resources

Documents:

- *Getting and Reading Criminal History Reports in Washington*, ACLU of Washington, www.aclu-wa.org/docs/getting-and-reading-criminal-history-reports-washington
- *Guide to Criminal Records and Employment in Washington State*, ACLU of Washington, www.aclu-wa.org/docs/guide-criminal-records-and-employment-washington-state
- *A Guide to Sealing and Destroying Court Records, Vacating Convictions, and Deleting Criminal History Records in Washington State, Washington Courts*, www.courts.wa.gov/newsinfo/content/GuideToCrimHistoryRecords.pdf
- *Instructions for Vacating Misdemeanor and Gross Misdemeanor Convictions*, Washington Law Help, www.washingtonlawhelp.org/files/C9D2EA3F-0350-D9AF-ACAE-BF37E9BC9FFA/attachments/8EB4DA82-C3E4-4694-B6B7-591B36299A0A/9911en_vacating-misdemeanor-convictions_aoc.pdf
- *Sealing Juvenile Court Records in Washington State: Forms and Instructions,* http://teamchild.org/wp-content/uploads/2017/07/Sealing-Juvenile-Court-Records-in-Washington-State-2015.pdf

Forms and instructions for vacating, sealing, or destroying criminal records:

- *Vacating/Sealing Records,* Washington Courts, www.courts.wa.gov/forms/?fa=forms.contribute&formID=38
- *Vacation of Record of Felony Conviction,* Washington Courts, www.courts.wa.gov (Use the search bar in the top right-hand corner to find the document entitled "Vacation of Record of Felony Conviction" and download the Word Document provided)
- *Vacating Non-Violent Class B or C Felony Convictions,* Washington Courts, www.washingtonlawhelp.org/files/C9D2EA3F-0350-D9AF-ACAE-BF37E9BC9FFA/attachments/3925EC9F-99AB-0422-84A9-89BEE8BCE79F/9910en_criminalhistory_felonyco.pdf
- *Request for Expungement/Deletion of Non-Conviction Records,* Washington State Patrol, www.wsp.wa.gov/crime/docs/misc/request_expungement-deletion_non-conviction_records.pdf
- *Request for Modification of Record,* Washington State Patrol, www.wsp.wa.gov/crime/docs/misc/modification_record_request.pdf
- *Request for Review of Refusal to Modify Record,* Washington State Patrol, www.wsp.wa.gov/crime/docs/misc/modification_record_request.pdf

Clinics and other resources to help you with your criminal record:

- The **Public Law Library of King County Legal Clinics** provide free, limited legal advice and help with filling out court forms. Visit http://pllkc2.org/legal-clinics/ for a clinic schedule and more information.
- The **Center for Justice** provides record clearing assistance for individuals with adult convictions in the Spokane County court system. Visit https://cforjustice.org/legal-services/clearing-my-record/ for more information or call (509) 835-5211 and ask for "Conviction Clearing Intake."
- **TeamChild** operates Juvenile Record Sealing Clinics in King, Pierce, and Spokane Counties; visit http://teamchild.org/record-sealing/ for more information. They also have an interactive online tool that you can use to help you determine whether you are eligible to have your juvenile record sealed; the tool is available at https://lawhelpinteractive.org/Interview/GenerateInterview/1411/engine.

Glossary

Conviction Record: Criminal history record information relating to an incident that has led to a conviction or other disposition adverse to the defendant; i.e., a result other than a decision not to prosecute, a dismissal, or an acquittal.

Criminal History Record Information: Data contained in records collected by criminal justice agencies other than courts, consisting of descriptions and notations of arrests, detentions, indictments, or other formal criminal charges, and any dispositions, including sentences, correctional supervision, and release.

Deferred Sentence: A sentence that will not be carried out if the defendant meets certain requirements such as complying with conditions of probation. A deferred sentence is considered adverse to the defendant.

Delete/destroy criminal record: To eliminate existing information.

Dismissal: The court-ordered termination of a case.

Disposition: The formal conclusion of a criminal proceeding.

Expunge: To physically destroy information.

Felony: The offense classification for serious crimes. Felonies are designated class A, class B, and class C, with class A felonies subject to the longest terms of confinement.

Gross Misdemeanor: An offense punishable by no more than 365 days in jail and $5,000. Gross misdemeanors may be filed in either courts of limited jurisdiction (district or municipal courts) or superior court.

Juvenile Offender: A person under the age of 18 years who has not been transferred to adult court and who has been found to have committed an offense by the juvenile court. Individuals 18 years of age or older over whom jurisdiction has been extended are also juvenile offenders.

Misdemeanor: An offense punishable by no more than 90 days in jail and $1,000. May be filed in either courts of limited jurisdiction (district or municipal courts) or superior court.

Motion: A written request or proposal to the court to obtain an asked-for order, ruling, or direction.

Non-conviction data: Criminal history record information relating to an incident that has not led to a conviction or other disposition adverse to the individual, and for which proceedings are no longer actively pending.

Pleading: A formal statement filed with the court that states your cause of action, or what brings you to court.

Presumption: A rule of law which allows a court to assume a fact is true until there is enough evidence to prove that the assumption is more than likely false.

Seal: To prevent access to a record.

Vacate: To set aside a conviction. If a conviction is vacated, it is as though the conviction did not happen.

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1 *RCW 10.97.050,* www.wsp.wa.gov/crime/chrequests.htm#privacy
2 *RCW 10.97.050(1)*
3 *RCW 19.182*
4 *RCW 19.182.040(1)(g)*
5 *RCW 9.96.060,* RCW 9.94A.640
6 *RCW 9.96.060(5),* RCW 9.94A.640(3)
7 *RCW 9.96.060(7),* RCW 10.97.050
8 *See GR 15*
9 *GR 15*
10 *GR 15*
11 *GR 15(c)(2)(C)w12* *GR 15(c)(4)*
13 *RCW 13.50.260*
14 *RCW 13.50.260(6)(a)*
15 *RCW 13.50.260(8)(a)*
16 *RCW 13.50.270*
17 *A Guide to Sealing and Destroying Court Records,* Vacating Convictions, and Deleting Criminal History Records in Washington State, Washington Courts, www.courts.wa.gov/newsinfo/content/GuideToCrimHistoryRecords.pdf (July 2017).
18 *RCW 9.96.060,* RCW 9.94A.640, RCW 10.97.050
19 *RCW 10.97.060*
20 *RCW 13.50.260(6)(a)*

Voices of Reentry: Sherry



Sherry left prison for the last time eight years ago.

On life after release: The first week that I got to Oxford House, I was really shaky. Nothing was like I'd expected it in my mind, and I wanted to leave but my DOC officer wouldn't let me. I wasn't locked up that long that time, just 29 months, and just going to the grocery store was huge, all the choices that you had to make. It's just really all about reaching out and finding support and having support being there.

On life after eight years: I bought a house, I have a car, I have credit cards. A lot of my crimes were property crimes, so there's a lot of things I never imagined being able to have again. My daughter and my grandkids and I are the ones who got the house together. My daughter has had her daughter Destiny back since about six years ago also.

On what she'd tell someone just about to leave prison: Grab all the support you can. Don't be so hard on yourself, just do the next great thing and things will be okay. It's really just one step at a time, because you get out and you do want all these things to happen, you want it all now because that's what you're used to. Being a drug addict, which I believe 90% of incarcerated people are, we want everything NOW, that's how our minds work. We want quick results. But life isn't that way, you do have to work hard for what you get. If you keep doing that, you will get things, things will end up how they are supposed to be. And even more important, you will be in the position to restore family and friend relationships in your life and finally have some peace.

Chapter 2: Debt

The Bottom Line

- Except for child support, taxes, and legal financial obligations (LFOs), you will not be jailed for failing to pay your debt. However, getting behind on your debts can have other consequences, such as lowering your credit score and making it more difficult to get a loan.
- Your borrowing history is reflected in your credit score, a number between 300 and 850 (higher is better) that indicates how good a job you have done at paying back your debts. When you apply for a job or an apartment, or try to get a credit card or a loan, the person processing your application may look at your credit score. If your score is too low, you may be rejected or you may have to pay more when you take out a loan. You can improve your credit score by making regular payments on your debts. Visit www.consumer.ftc.gov/articles/0152-credit-scores for more information on your credit score and how you can improve it.
- If you have so many bills that you cannot pay them all, think about which are the most important to pay off first. In general, you should prioritize paying your LFOs, child support, and debts related to basic necessities like food, utilities (e.g. heat, water, and electricity), essential medical expenses, and housing. See section 6 for more information on prioritizing your debts.
- If you have debt, you may be contacted by collection agencies. There are rules about what a collection agency may and may not do when they are trying to collect a debt; for more details about what a debt collector may and may not do, see sections 15-18.
- Debt that you have not made payments on in more than six years is called time-barred, or stale debt. This means that while collection agencies or creditors may still contact you about it, if they attempt to sue you, you have a defense that the debt is time-barred. Note that making a payment on the debt will reset the six-year clock, so debt collectors will often try to get you to make a small payment on an old debt. If you think you have stale debt that someone is trying to collect, it is a good idea to talk to an attorney.

DEBT

Introduction

This document contains information relating to your debt and debt-related issues that you may face while incarcerated and post-release. We have also provided you with important information about how to get a copy of your credit report, how to dispute incorrect information on your credit report, and how credit will affect your everyday life. At the end of this chapter, we have also included a glossary of common debt-related terms, a list of resources that you may find useful, and copies of forms that will help you along the way.

Understanding Your Debt

1. What types of debt and financial obligations might I have?

Examples of the types of debt[1] you may have include legal financial obligations (LFOs)[2], civil penalties (such as traffic tickets), child support, medical bills, rent or mortgage payments, utility bills and other living expenses, auto loans, credit cards, payday loans[3], student loans and taxes.

2. Can falling behind on my debt or financial obligations send me back to jail or prison?

If you fail to make child support payments[4] or pay your taxes,[5] you can be subject to criminal prosecution and sent back to prison. If you do not pay the required child support, you may also face jail time because of a civil proceeding. It is common that the person to whom you owe child support will take you to court and obtain a show cause order, which is an order that says you owe the money and that you may be jailed for not paying. Then if you are pulled over by the police for a minor traffic infraction, for example, you will be taken directly to jail until you pay the child support.[6] Additionally, failing to pay LFOs is a crime for which you could be sent back to prison.[7] It is not a crime to fall behind on other types of debt, and failing to pay other debts would not subject you to imprisonment.

3. What types of debt might I have? How do I find out how much I owe?

There are a number of common types of debt that you may have accumulated, and you can always find out how much you owe, though the process will be different depending on the type of debt and to the kind of creditor.

You may have **legal financial obligations** (LFOs) related to your conviction. To check if you have any LFOs, you can contact the County Clerk's office for the county in which you were sentenced.[8] For more information on LFOs, see the LFOs chapter in this Guide.

Civil penalties, like LFOs, are imposed by legal processes, but are the result of civil infractions rather than crimes. Some examples of civil infractions that may result in fines or other financial penalties include failure to pay traffic tickets, parking tickets, Good to Go tolls, or court-ordered sanctions.[9] These fines are paid to district or municipal courts, depending on which police agency issued the ticket and where it was issued.[10] If you have received a ticket or citation, it will include the name, address and contact information for the court to which you need to pay the fine. You can also find out how much you owe directly from the court.[11] If you were issued a citation by the State Patrol, you can contact the district court in the county where you received it.[12] If you need information about any civil penalties related to traffic violations, you can request a driving record from the Department of Licensing (DOL) (fee $13), which will include information on your driving convictions, violations, collisions, and license suspensions.[13] You can also have a family member or friend print out a driving record request form: www.dol.wa.gov/driverslicense/drivingrecord.html.[14]

Child support obligations are generally owed on a monthly basis. The amount of child support is determined by a court based on the number and ages of the children and the parents' respective incomes. The court ordering child support payments can also make adjustments if you are unable to pay.[15] You can only adjust the amount of child support once every two years and you must show a change of circumstances.[16] To find out how much child support you owe, see the Child Support chapter of this Guide.

If you have any **unpaid medical bills**, you can determine the amount owed by contacting the particular doctors or medical providers. The relevant contact information can usually be found on the Internet or on a bill from your provider's office.

In order to determine the amount of **housing payments owed**, you should request a statement of obligations from your landlord or property manager (if you rent) or the bank or mortgage lender (if you own your home and are making mortgage payments). Upon your request,[17] landlords are required by law to provide at least one replacement copy of a written lease during the term of the lease and written receipts for any payments you have made.

For **other loans**, like auto loans, credit card balances, payday loans and student loans, you should contact the lender directly to find out your remaining balance. There are also loan calculators online (for example, at www.calculator.net/loan-calculator.html) that can help you get a rough estimate of the remaining balance. Most lenders will also have websites where you can check your loan balances and related information, or have a trusted family member or friend do that for you. The first time you use such a website, you will need to create an online account, which will require identifying information such as your loan number, Social Security number, and contact information. After that, you will need to log in with the user name and/or account number, password, and possibly additional personal information that you provided when you created the online account.

For **payday loans,** you should contact the lender directly and request a written statement of your debt. Do not give a payday lender your bank account information or a post-dated check, because this gives the lender the power to automatically withdraw funds from your bank account, which could cause an overdraft and fees if you don't have enough money in your account, or remove money that you need for essential living expenses like rent or groceries.[18] Additionally, some payday lenders will attempt to make withdrawals in excess of what you have authorized if you provide them bank account access information.

For **federal student loans**, you can check your loan and balance through the National Student Loan Data System at www.nslds.ed.gov. You will need your social security number, personal information, and Federal Student Aid (FSA) ID. You can create an FSA ID on any federal student loan website (including nslds.ed.gov). If you have private student loans, you should contact the lender directly or check their website.

You can check your **federal tax obligations** with the IRS by calling 1-800-829-1040 or visiting www.irs.gov. They will be able to give you information gathered from the forms they have received, such as tax returns you filed or wage and income statements they have received. Their reports are called transcripts and you will need to have your identifying information available in order to access it.

4. What is a credit report? What is the impact of my credit rating?

When assessing your finances, you should obtain a credit report from one of the main credit reporting agencies (CRAs): Equifax (www.equifax.com), Experian (www.experian.com) and TransUnion (www.transunion.com). Your credit report is a record of all the debts you have taken out and your progress towards paying them back. The three major CRAs are required by federal law to give you a free report once per year.[19] Additional credit reports from these major CRAs range from $10–$40, depending on the package you purchase. Your credit history will also be reflected in your credit score, a number ranging from 300-850 (higher is better) that indicates how good a job you have done at paying back your debts. Note that your credit score may not

be included in a free credit report from a CRA, but you can approximate your score for free on websites like creditkarma.com.

Businesses use your credit report to decide if they want to lend you money or give you a credit card. Sometimes, employers look at your credit report when you apply for a job. Cell phone companies and insurance companies look at your credit report, too. If your credit score is low, you may be rejected, or you may have to pay more when you take out a loan. You can improve your credit score by making regular payments on your debts. Visit www.consumer.ftc.gov/articles/0152-credit-scores for more information on your credit score and how to improve it.

Because your credit has such a significant impact on your finances, it is important to know what your credit report says about you and to make sure all the information is correct. Though each agency organizes the information differently, all credit reports contain the same basic categories of information including:

- **Identifying information:** Your name, address, Social Security number, date of birth and employment information are used to identify you.
- **Credit Accounts:** Lenders report on each account you have established with them. They report the type of account (bankcard, auto loan, mortgage, etc.) the date you opened the account, your credit limit or loan amount, the account balance and your payment history.
- **Credit Inquiries:** When you apply for a loan, you authorize your lender to ask for a copy of your credit report and these inquiries will appear on your credit report. The inquiries section contains a list of everyone who accessed your credit report within the last two years. The report you see lists both "voluntary" inquiries, prompted by your own requests for credit, and "involuntary" inquires, such as when lenders order your report so as to make you a pre-approved credit offer in the mail.
- **Public Records and Collections:** Credit reporting agencies also collect information from public records like state and county courts and information on overdue debt from collection agencies. Public record information includes bankruptcies, foreclosures, lawsuits, , liens and judgments.[20] People can also see if a creditor has received a court order to garnish your wages.[21]

As you can see, your credit report has a lot of information. Check to see if the information is correct. Is it your name and address? Do you recognize the accounts listed?

If there is wrong information in your report, try to fix it. You can write to the credit reporting company. Ask them to change the information that is wrong. You might need to send proof that the information is wrong – for example, a copy of a bill that shows the correct information. The credit reporting company must check it out and write back to you. However, your credit report will not contain information about every debt that you owe, so you should check the other sources listed below to get a full picture of your circumstances.

5. How can being incarcerated affect my credit rating?

A good credit rating can help you get a loan more easily, get better interest rates, obtain an apartment and job, or pay less for deposits on utilities and auto insurance. Businesses use your credit score, which is contained on your credit report, to learn about you before they lend you money. A high credit score means you have good credit. A low credit score means you have bad credit. Different companies have different scores. Low scores are around 300. High scores are around 700-850.[22]

Your credit rating may suffer during incarceration because you may be unable to manage your finances or pay your existing debts and bills. Additionally, some credit providers may close your account because of your incarceration. This may reflect negatively on your credit score.

Different companies have different policies on imprisoned credit holders. You can learn about these policies by calling the company and requesting general policy information without identifying yourself.

6. Are there some debts which I should pay before other ones? Which ones?

The Northwest Justice Project has a useful guide for helping you determine which debts to prioritize paying off. The following is largely derived from "Prioritizing Debt: Which Bills do I Pay First?" by the Northwest Justice Project, listed in the Resources section below.

First, it is important to understand the difference between secured and unsecured debt. Car loans or mortgages are examples of **secured** debts. This means that your promise to pay the debt back is **secured** by a piece of property known as collateral (in this case, your car or your house). If you don't pay secured debts, your car or house or other collateral could be repossessed or foreclosed, so it is important to keep your payments on these debts current. Sometimes you will still owe the creditor some remaining balance even after they've repossessed the collateral and sold it. This is called a deficiency, and most times it will also include the amount that the creditor had to spend to repossess and sell the collateral.[23]

Credit card or medical debts are examples of **unsecured** debts. This means that initial extension of credit was based solely on your promise to pay it back. If you don't pay unsecured debts, you may be contacted by a collection agency. Since there is no collateral, there is nothing that can be repossessed; however, it is still important to pay your unsecured debts because not paying them can damage your credit score and result in your being sued and your wages possibly being garnished to pay a judgment.

In general, secured debts are a higher priority because if you don't pay you could lose the collateral. However, there are some exceptions. Here is a priority list of the types of debts that you may have and the best order to pay them:

- **LFOs.** As discussed above, failure to pay your LFOs could result in wage garnishment or an order sending you back to prison.
- **Family necessities like food, essential medical expenses, housing, and essential utilities.** Housing bills, including rent, mortgage payments, real estate taxes, and insurance are important because failure to pay these items can result in you or your family losing your residence. Essential utilities are things like heat, water, and electricity, which your family needs to survive.
- **Car loans or leases, IF you absolutely need your car to get to and from work.** Car loan or lease payments are particularly important when the car is necessary to get to work or other essential transportation. If your car is extremely important, then you should be sure to make all of your car payments on time. Even one missed payment can result in your car being repossessed. If you use a car, remember to also make sure you have car insurance, as required by Washington state law. If you do not absolutely need a car for your job or some other essential purpose, this can move down the priority list significantly.
- **Child support.** You absolutely must pay child support debts, which will not go away and can have serious consequences, including prison time for nonpayment. For more information on child support payments, see the Child Support chapter of this Guide.
- **Student loans.** If you are in default on your federal student loan debt, the Department of Education may be able to garnish your wages or Social Security benefits. They may also be able to take your tax refund, if you have one. Therefore, it is important to make payments on your federal student loans if you can. Note that if you have private student loan debt, your repayment options are different. Contact a lawyer or visit www.studentloanborrowerassistance.org for more information.

- **Income tax debts.** It is very important to pay any income taxes not automatically deducted from your wages. You must file your federal income tax return even when you cannot afford to pay what is due to the IRS.[24]

The following debts should be a lower priority: unsecured loans like credit cards, hospital bills or open accounts with merchants, and secured loans with only household goods as collateral. For example, it is likely easier to live without a piece of furniture or an appliance than it would be to deal with the legal ramifications of failing to pay LFOs or child support.

Most credit card debts and medical bills are low priority when you have no pledged collateral for these loans. There is little that creditors can do to hurt you in the short-term.[25]

Do not move a debt up in priority when a creditor threatens suit. Many creditors do not follow through with their threats of lawsuits. Even if they sue, it will take a while for them to be able to reach your property, bank account or wages. And even if the court issues a judgment in favor of the creditor (known as a court judgment), many of your assets will be protected. In particular, the creditor will not be able to take from you:

- Most forms of government assistance;
- A certain portion of your wages;
- Clothing;
- Household goods;
- Equity in a motor vehicle or a home
- Work tools; or
- Other miscellaneous property, all up to specified limits.[26]

In contrast, non-payment of rent, mortgage, and car debts may result in immediate loss of your home or car.[27]

Do not pay any amount for goods that were defective when purchased, or any amount requested by creditors whom you do not owe. If you think these situations apply to you or you have another legal defense, seek legal advice, such as from the National Consumer Law Center or the National Association of Consumer Advocates (see link in the resources below). Remember that it is dangerous to stop making mortgage or rent payments without legal advice, as it could result in you losing your residence.[28]

Take court judgements very seriously. If a creditor or collection agency obtains a court judgment against you, that debt should move up the priority list because the creditor can then enforce the judgment by asking the court to seize your property, or garnish a portion of your wages or bank account.[29] It is better to communicate with the creditor or its attorney and voluntarily set up a payment plan than to ignore the judgment and force the creditor to seek alternate collection methods, such as wage garnishment.[30]

The Northwest Justice Project suggests that you should be polite to collectors but make your own decisions about which debts to pay based on what is best for you and your family. Debt collectors will not give you good advice, and may be most aggressive about the debts you should pay last, so their efforts should not affect your debt priorities.[31]

7. Can collection agencies collect debt from me while I am incarcerated?

There is nothing about being incarcerated that prohibits a collection agency from attempting to collect a debt from you. However, you can often negotiate repayment terms for a valid debt with a collector. Notifying your creditors that you are incarcerated and requesting that they freeze interest or give you a more flexible payment plan can be a good idea. Note that creditors are not obligated to give you any special treatment with payment plans and negotiations simply because you are incarcerated.

Additionally, there are no restrictions on a creditor's ability to contact you or your family members while you are in prison. However, unless your family members are co-borrowers on the debt, it will not be their responsibility to repay or otherwise address it.

8. What are the first things I should do about debt while incarcerated?

It is important to figure out whom and how much you owe, and then verify that the amounts are correct. That being said, it will be difficult, if not impossible, to do this while you are in prison.

It can be extremely helpful to give a trusted family member or friend a Power of Attorney (POA) for financial matters.[32] The POA allows you to name an attorney-in-fact (the trusted family member or friend) to act on your behalf while you are incarcerated. They can legally make decisions for you and have access to your bank accounts, which can make it easier to access finances. Most creditors will not discuss your accounts or debts with someone other than you or your attorney-in-fact.[33] If you do decide to grant POA to someone, make sure you can trust them. You are legally bound for the actions of someone employing a valid POA on your behalf. If they make an agreement, you must honor the agreement. If they break the law, you can be punished.[34]

Whether you do it yourself or through an attorney-in-fact, you should contact all of your creditors (or collection agencies, if they are attempting to collect from you). Let them know that you are incarcerated and try to negotiate a manageable payment plan for your time in prison. Ask if they will at least freeze the interest on your debt while you are incarcerated. Be especially sure to notify the Division of Child Support (DCS) at (800) 457-6202 that you are incarcerated. This will show you are doing your best to keep up with payments, and they may allow you to work out a more reasonable payment plan. We should emphasize that keeping debt from growing is the best strategy. There are fewer forms of relief once debt has accumulated.

Once you have negotiated or attempted to negotiate modified payment arrangements, figure out which debts are most important and make sure to pay those first, as explained in Section 6 above. For the most important debts and bills, you may want to consider asking a family member or friend to help you stay current while incarcerated.

Since you likely won't have access to external bank accounts while in prison, you will need to authorize a family member or friend to access your external bank account(s), or transfer money into your inmate account before your sentence begins, in order to make payments while incarcerated. You may also want to cancel any services, such as cell phones or television that are not essential to you or your family.

9. What can I do while in custody to minimize the negative effects of my debt?

Keep thorough records of communications with collection agencies. Your success in a later unfair debt collection claim often depends on the amount and strength of the proof you have. The Northwest Justice Project suggests you keep all correspondence and materials (including envelopes) from collection agencies in a safe place, and keep notes of every phone call from a collection agency to you or anyone else (including date, time, content and names of all persons involved in the conversations).[35]

Depending on your circumstances, you may want to file for bankruptcy. Bankruptcy allows a person to start fresh by forgiving most debts. Some debts such as certain taxes, money owed to government entities and child support cannot be forgiven in bankruptcy.[36,37] Bankruptcy is a lot of work and can be done with or without the assistance of an attorney. A bankruptcy filing will stay on your credit report for ten years. If your credit score is below 600 when you file, your credit score will likely increase after you file because most of your debts are forgiven. After bankruptcy, you have to work to continue increasing your credit score. For several years after you file, you may have to pay a higher interest rate on any secured debt, like car loans.[38]

Consult with an attorney to see if bankruptcy is right for you. You could also have a family member or friend visit the U.S. Courts "Bankruptcy Basics" guide (www.uscourts.gov/FederalCourts/Bankruptcy/BankruptcyBasics.aspx) and Washington Law Help bankruptcy section (www.washingtonlawhelp.org/issues/consumer-debt/bankruptcy) and print out resources and guides. Keep in mind that LFOs are generally not discharged in bankruptcy.[39]

10. What can I do about traffic tickets or other non-criminal fines that accumulate while I am in custody?

Washington traffic ticket fines vary by jurisdiction.[40] If you have the money, obligations like traffic tickets and civil penalties should be a priority and should not be ignored. If you cannot pay the tickets, you should contact the court to arrange a payment plan. This can keep the court from suspending your driver's license[41] or sending your fine to a collection agency. Calling the court before the payment deadline and explaining why you will miss a payment will likely result in the court being more lenient with you. Courts can extend the deadline for payment if you have a good reason.[42] Once a fine is sent to a collection agency, the agency will charge additional fees and interest. These can add up to much more debt than you anticipated. Additionally, the fines for tickets will grow over time, so immediate payment is the most cost-effective approach. If your driver's license is suspended as a result of unpaid tickets or other debts like child support, you will encounter additional challenges. See the Identification chapter for more information.

You also can request that the court allow you to do community service instead of paying the fine. However, a court does not have to do this.[43]

If the case for your infraction is pending when your sentence begins, contact the court using the information on its website or the correspondence related to the case and inform court staff that you will be unable to attend any hearings.

11. What happens to the funds I earn while incarcerated or on work release?

Funds that you earn while incarcerated are deposited into an inmate trust account for you. Funds that you earn while participating in a work release program, minus payroll deductions required by law, are held by the Department of Corrections and released to you upon discharge or put in your inmate trust account if you return to prison.[44] Any funds that remain in your inmate trust account when you are released must be made available to you.[45]

12. What happens to my bank account while I am incarcerated?

Your bank account will be unaffected by your incarceration unless you do something to change it, like authorize another trusted user or transfer the funds and close the account. Being incarcerated does not stop any automatic payments that you previously arranged. If you do not have enough money in the account, your account can become overdrawn.[46] If you have no bank account, you will want to open an account to process your debt

payments. Be careful that you do not write checks that are not covered by the amount in your account, because that will subject you to overdraft fees, which can be very significant.

13. How do I use my bank account while incarcerated?

While you are incarcerated you are not allowed to open a bank account or make any withdrawals or deposits to any bank accounts, investments, certificates of deposit, or credit accounts outside of your inmate trust account. You are also not allowed to bank through the mail or conduct any monetary transactions except through your inmate trust account.[47] Your inmate trust account is a non-interest bearing trust account where funds that you earn or receive from family or friends are deposited, subject to certain mandatory deductions, and available for limited use upon request.[48] The mandatory deductions are made for LFOs, contributions to the public safety and education account for the purpose of crime victims' compensation, contributions to your personal inmate savings account, child support, and contributions to the Washington Department of Corrections to offset part of the cost of your incarceration.[49] The percentage of each deduction varies depending on the source of the deposits.[50]

LFO payments are forwarded to the county of your conviction twice a month.[51] Crime Victims' Compensation (CVC) is sent to the Department of Labor and Industries to assist victims of crime.[52] The amount deducted for savings is held in your personal inmate account, which you may not access until you are released from incarceration, unless the Department of Corrections determines that you have an emergency.[53] Child support is forwarded monthly to the Department of Social and Health Services (DCS). Cost of Incarceration (COI) payments are used to support the work programs designed to assist people with job opportunities while incarcerated. CVC and COI payments are essentially taxes on your incarceration, but are not associated with your judgment and sentence, and therefore the amounts are calculated automatically and are not otherwise a debt. This means that when money is deposited into your inmate trust account, a percentage can be taken by DOC to cover CVC and COI. Aside from that, you will not owe them any money, and you do not owe any money for CVC and COI after you are released. Additional deductions may also be charged against your inmate trust account depending on your individual obligations and the balance remaining after the mandatory deductions described above are withheld.

There are two ways that family, friends and other individuals can transfer you funds while you are incarcerated. First, they can send you money using a private service such as JPAY (www.jpay.com or 800-574-5729), MoneyGram, or Western Union. For Western Union, they will need your State (WA) and account number (a 6-digit Department of Corrections number + your last name, such as 123456Doe). The last name must match the DOC database exactly, even if the database does not spell your name correctly, so the sender should check the Offender Info page for your DOC number and last name spelling.

Second, they can mail a cashier's check or money order, which is the least expensive option. A cashier's check or money order can be specifically deposited into one of four types of sub-accounts for you: spendable (unrestricted and available for your use, but subject to mandatory deductions), postage (use restricted to postage charges, exempt from mandatory deductions), medical (use restricted to payment of outside medical services, exempt from mandatory deductions) or education (use restricted to tuition or educational fees, exempt from mandatory deductions). The sender must have written the applicable sub-account on the cashier's check or money order, or the funds will default to the spendable sub-account. Personal checks and cash are not accepted. Each cashier's check or money order must be mailed using an outside envelope with your full name and DOC number, the correct facility location, and a legitimate return address.[54]

If a family member or friend sends you a cashier's check or money order through the mail, funds are typically posted to your inmate trust account within three working days of the date on the mailroom receipt. If the person uses one of the money transfer services, funds are typically posted to your inmate trust account within

one day of receipt by the transfer service, although faster processing may be available during business hours. The mandatory deductions are taken at the time of posting, and the remainder is available for your use.

Managing your Debt After You Are Released

14. What can I do when I am first released to best manage my debt?

Obtain a copy of your credit report and contact all lenders as described above in Section 3 to determine the balance owed. Prioritize payment of those debts as described in Section 6. And, of course, you'll have to seek employment opportunities to pay those debts.

15. When a collection agency contacts me, what are they required to say?

When the collection agency contacts you for the first time regarding a certain debt, it must provide certain information, including the following:

- The name and address of the agency;
- The amount of the debt, including the original amount and specific amounts of other costs or interest;
- The name of the creditor;
- A statement informing you that unless you dispute the debt within 30 days after the notice, the agency will assume the debt is valid and correct;
- A statement informing you that, if requested within 30 days, the collector will provide you the name of the original creditor (if different from the collector); and
- A statement that, if you notify the debt collector in writing within 30 days of receiving the notice that you dispute the debt, the collection agency will get verification of the debt and mail it to you.

Every other communication from a collector must clearly disclose that the purpose of the communication is to collect a debt and that any information obtained from you will be used for that purpose.[55]

16. Can I stop collection agencies from contacting me? How do I do that?

Under the Fair Debt Collection Practices Act (FDCPA),[56] you may stop collection agencies from contacting you if you notify them in writing to stop contacting you. When you write such a letter to the collection agency, make sure to include the following information:

- Your name and address;
- The account number on the statement received from the collection agency (if you have it);
- The date;
- A statement that you are exercising your rights under FDCPA; and
- A statement that you would like the collection agency to stop calling or writing you, or both.[57]

After sending the collection agencies written notice, an agency may only contact you to (i) advise you that it will stop its efforts to collect and (ii) advise you if they intend to take any further action, such as a filing a lawsuit against you.[58] Note that writing and mailing this letter does not discharge or eliminate your debt and will not

stop the collection agency from suing you if you fail to pay. It will only stop the agency from calling you and sending you letters; you are still responsible for paying off the debt they were trying to collect. If the collection agency violates this law, you have the right to sue them for money damages and attorney's fees.[59]

17. Can a collection agency contact other people about my debt?

Generally, a collection agency may not contact anyone other than you, your spouse, or your attorney to discuss your debt.[60] They may, however, contact a credit reporting bureau to inform them of the existence of a claim against you. If they do, and if you notify the collection agency in writing that you dispute all or part of the debt, they must notify the credit reporting bureau of that dispute as well.

The collection agency may contact your employer about your debt if it has received a court judgment enforcing the debt.[61] Even without a judgement, an agency may contact your employer to find out your address, your home phone number, and where you work. Collectors usually are prohibited from contacting third parties more than once unless they give them permission. Other than to obtain this location information about you, a debt collector generally is not permitted to discuss your debt with anyone other than you, your spouse, or your attorney.[62]

If a collection agency contacted your employer and the debt has not been enforced by a court judgment, consult with an attorney to see if the communication was illegal.

Furthermore, a collection agency may not:

- Tell your employer or neighbors about your debt or threaten to do so[63];
- Communicate with you or anyone else in your household in any way that is harassing, intimidating, threatening, or embarrassing[64]; or
- Publish or post (or threaten to publish) any list of debtors (often known as "bad debt lists").[65]

18. Can a collection agency contact me at any time of the day?

No. Federal law prohibits collection agencies from contacting you or anybody else about your debt between 9:00pm and 8:00am.[66]

19. What if I think I do not owe the debt the collection agency is claiming I do?

If you do not agree with the debt they are claiming you owe, you must notify the collection agency in writing within 30 days of receiving their initial notice. Once they receive your dispute, they must stop collection of the debt until they send you proof that you owe the debt. Such a letter should be sent by certified mail and a copy should be kept in your records.[67] For more information, see Debtors' Rights: Dealing with Collection Agencies by the Northwest Justice Project, which is linked in the Resources list at the end of this chapter.

20. Are there any debts that cannot be collected?

"Stale debt" is debt that you have not made any payments on in at least six years.[68] This debt still exists, and collections agencies or creditors can still try to collect it, but if they attempt to sue you to collect it, you have a defense that the debt is time-barred and that you cannot be compelled to pay it.[69]

Note that if you make any payments on stale debt, the six-year time limit starts over and you will no longer have any defense against having to make payments. For this reason, collection agencies may try to get you to make small payments on stale debt.[70] If you believe you have stale debt and someone is trying to collect on it, it is a good idea to talk to an attorney.

21. Are there types of property or income which are protected from collection agencies? Which ones?

There are certain kinds of income and property which cannot be taken by an agency to collect a consumer debt. These are called Exempt Assets, and include:

- Social security income
- Supplemental Security Income
- Temporary Assistance for Needy Families (TANF)
- All pensions: private, federal and civil service (once deposited into your bank account or cashed)
- Labor & Industries (LNI) disability payments; and
- Unemployment compensation[71]

Note that if you took out a payday loan, you likely provided the lender with a post-dated check authorizing the lender to cash it on the date payment is due. This would allow the lender to take funds directly from your bank account.[72] Forms of income such as Social Security that are deposited into your bank account are not protected from debt collection if you have authorized a payday lender to collect in this manner.

22. What are some examples of things collection agencies cannot do to collect a debt from me?

Under Washington and federal law, harassment, false or misleading statements, and unfair practices by collection agencies are illegal. If you believe you are being unreasonably harassed or misled by a collector, you may be able to sue them. If you win, the law allows you to collect damages and lawyer fees.[73] The following are examples of violations:

- A collection agency threatens to tell your employer or neighbors about the debt, or actually does tell them about the debt.
- The collection agency calls at hours the law has called "unreasonable" (i.e. 9:00pm - 8:00am under federal law or 9:00pm – 7:30am under state law).
- The collection agency threatens you with illegal action, such as threatening to take money out of your Social Security check, taking other exempt property, or threatening arrest or jail time.
- The debt collector communicates with you or somebody else in your household in a harassing, intimidating, threatening or embarrassing way.
- The debt collector communicates with you or your spouse more than three times in a week.
- The debt collector sends you notices that intentionally look like government documents or an emergency message.[74]

23. What should I do if I think a collection agency is violating the law?

If you believe your rights under the Washington Collection Agency Act, Consumer Protection Act, or Fair Debt Collection Practices Act have been violated, or you are being sued for a debt that you believe is not valid, contact an attorney to see if the agency's action is actually illegal. If the agency is violating the law, you may be entitled to money damages in a lawsuit. There are also a number of free resources available, including:

- **Crisis Clinic**: Call 2-1-1 in King County;
- **Coordinated Legal Education, Advice and Referral (CLEAR)** - Call 1-888-201-1014 weekdays 9:10am –12:25pm for areas outside King County.

You can apply online with CLEAR* Online at http://nwjustice.org/get-legal-help.

You may also wish to make a complaint to a state or local government agency. A government agency will not provide you with legal representation, but may penalize the collection agency so they cannot continue violating the law. Agencies which take such complaints are:

- **Department of Licensing**
  Collection Agency Board
  PO Box 9034
  Olympia, WA 98507-9034
- **Federal Trade Commission**
  915 2nd Avenue, Room 2806
  Seattle, WA 98174

See "Debtor's Rights: Dealing with Collection Agencies" by the Northwest Justice Project for a listing of local agencies that take consumer complaints (www.washingtonlawhelp.org/resource/debtors-rights-dealing-with-collection-agenci?ref=FtboC).

24. What do I do if I am being sued for debt collection?

If someone is suing you, you will be personally served with a summons and complaint. The complaint is the initial document in the lawsuit that lets you know that someone is suing you and why. When you receive the complaint, it is very important to respond; if you do not answer the complaint within 20 days, you will be in "default," which means that the plaintiff (the person who is suing you) will get a judgement for the amount they asked for without further notice to you.[75] The Northwest Justice Project has created a useful guide outlining your rights and how to answer a debt lawsuit. To access this guide, visit www.washingtonlawhelp.org/resource/how-to-answer-a-lawsuit-for-debt-collection?ref=q6oFc. If you are incarcerated or cannot access the internet, you can have a family or friend print out this guide for you. The Northwest Justice Project has also developed an online tool to help you draft your answer, which is available at www.washingtonlawhelp.org/resource/answering-a-lawsuit-for-debt-collection-self-help-forms?ref=q6oFc.

Resources

Documents:

- *Bankruptcy Basics,* United States Courts, www.uscourts.gov/FederalCourts/Bankruptcy/BankruptcyBasics.aspx
- *Consumer Information: Debt Collection,* Federal Trade Commission, www.consumer.ftc.gov/articles/0149-debt-collection
- *Debtors' Rights: Dealing with Collection Agencies,* Northwest Justice Project, www.washingtonlawhelp.org/resource/debtors-rights-dealing-with-collection-agenci?ref=spz3k#d
- *Debtor's Rights in a Lawsuit,* Northwest Justice Project, www.washingtonlawhelp.org/resource/debtors-rights-in-a-lawsuit?ref=F23QP
- *How do I Answer a Lawsuit for Debt Collection?,* Northwest Justice Project, www.washingtonlawhelp.org/resource/how-to-answer-a-lawsuit-for-debt-collection?ref=F23QP
- *Answering a Lawsuit for Debt Collection: Interactive Forms,* Northwest Justice Project, www.washingtonlawhelp.org/resource/answering-a-lawsuit-for-debt-collection-self-help-forms?ref=q6oFc
- *Money That Cannot Be Taken From You ("Garnished") to Pay Off a Debt,* Northwest Justice Project, www.washingtonlawhelp.org/resource/money-that-cannot-be-taken-from-you-garnished?ref=F23QP
- *Payday Loans: What to do if You Get Caught in the Debt Trap,* Northwest Justice Project, www.washingtonlawhelp.org/resource/payday-loans-what-to-do-if-you-get-caught-in?ref=F23QP
- *Prioritizing Debt: Which Bills do I Pay First?,* Northwest Justice Project, www.washingtonlawhelp.org/resource/prioritizing-debt-which-bills-do-i-pay-first?ref=F23QP
- *For Consumers: How to Get Legal Assistance,* National Consumer Law Center, www.nclc.org/for-consumers/how-to-get-legal-assistance.html

Glossary

Annual Percentage Rate (APR): The yearly interest rate charged for borrowing a loan.

Attorney-in-fact: A person to whom you have given power of attorney.

Bankruptcy: When you are unable to pay your loans or claims against you, you are "insolvent" and can file for bankruptcy. The process is started by filing a petition with the federal Bankruptcy Court for the District in which you reside. A court then divides their non-exempt property among creditors.

Collateral: Something of yours that you pledge as security for repayment of a loan. If you fail to meet the conditions of your loan agreement, you may lose your collateral. Collateral can be real estate, furniture, a television, a vehicle, or other valuable property.

Collection agency: Businesses that have the primary business of collecting debt. Whether a business is a "collection agency" is important because such businesses are regulated by the federal Fair Debt Collection Practices Act (FDCPA) and Washington Collection Agency Act.

Creditor: A person or company to whom money is owed.

Default: Default occurs when you have not met your legal obligations according to the debt contract.

Exempt assets: Dollar values of categories of assets that creditors cannot take away from you. See RCW 6.15.010 to see a complete list of these assets.

Fair Debt Collection Practices Act (FDCPA): A federal law which regulates collection agencies. It prohibits collection agencies from communicating with you in certain ways, and requires them to disclose certain information when collecting a debt from you.

Garnishment: One way that debt collectors can collect debt from you if they received a court order enforcing the debt. The most common type of garnishment is wage garnishment, which is the process of automatically deducting money from your paycheck.

Insolvency: The state of being "insolvent," which means your debts exceed the value of your assets or you cannot pay your debts as they become due.

Payday loan: Also known as a paycheck advance, this is a small, short-term loan intended to cover necessary expenses until you receive your next paycheck. These loans carry very high interest rates.

Power of Attorney: A type of authority that you can give to a trusted friend or family member that allows them to make legal and financial decisions on your behalf.

Principal: The amount borrowed or still owed on a loan, separate from the interest.

Secured debt: Debt that is backed by collateral to reduce the risk of lending money. If you default on repayment of secured debt, the creditor can come and take the collateral back; however, they cannot breach the peace or break and enter to get the collateral. Rather, they can get a court to order you to surrender the collateral.

Unsecured debt: Any debt where collateral is not involved.

Washington Collection Agency Act: Washington State's law regulating the way collection agencies can collect debt.[76]

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1 *See Prioritizing Debt: Which Bills Do I Pay First,* Washington Law Help (June 2015), www.washingtonlawhelp.org/files/C9D2EA3F-0350-D9AF-ACAE-BF37E9BC9FFA/attachments/392FB168-9076-C988-0426-65A2D4DF3B2B/0110en_prioritizing-debt.pdf.

2 *Legal Financial Obligations (LFOs),* Washington Law Help (October 2016), www.washingtonlawhelp.org/files/C9D2EA3F-0350-D9AF-ACAE-BF37E9BC9FFA/attachments/7611EDF5-5678-4C70-A5EF-1BFC9DAA2611/9915en_legal-financial-obligations.pdf.

3 *Payday Loans: What to Do If You get Caught in the Debt Trap,* Washington Law Help (June 2013), www.washingtonlawhelp.org/files/C9D2EA3F-0350-D9AF-ACAE-BF37E9BC9FFA/attachments/3920C41B-EFB7-FB94-0A54-422A39C7DA5A/0600en.pdf.

4 *RCW 26.18.050*

5 *26 U.S. C. §7201.*

6 *Michelle Kaplan,* SME (Aug. 16, 2017)

7 *Bearden v. Georgia,* 461 U.S. 660 (1983).

8 *See Legal Financial Obligations (LFOs: Understanding How LFOs Work),* Washington Law Help, www.washingtonlawhelp.org/files/C9D2EA3F-0350-D9AF-ACAE-BF37E9BC9FFA/attachments/391CF18C-CE76-A252-E7CA-E57F02225472/472551SULFOBrochure.pdf (last visited March 6, 2017); Legal Financial Obligations (LFOs), Washington Law Help (October 2016), www.washingtonlawhelp.org/files/C9D2EA3F-0350-D9AF-ACAE-BF37E9BC9FFA/attachments/7611EDF5-5678-4C70-A5EF-1BFC9DAA2611/9915en_legal-financial-obligations.pdf.

9 *Michelle Kaplan,* supra

10 *Information – Frequently Asked Questions,* Washington State Patrol, www.wsp.wa.gov/information/faqs.htm (last visited March 6, 2017).

11 *See How to Pay a Traffic Ticket in Washington,* Department of Motor Vehicle, www.dmv.com/wa/washington/pay-traffic-ticket (last visited March 6, 2017); Washington State Court Directory: www.courts.wa.gov/court_dir/.

12 *Information – Agency Offices & E-Mail Directory,* Washington State Patrol, (last visited March 6, 2017) www.wsp.wa.gov/information/directory.htm.

13 *Driving Record,* Washington State Department of Licensing, www.dol.wa.gov/driverslicense/drivingrecord.html (last visited March 6, 2017).

14 *Id.*

15 *www.washingtonlawhelp.org/files/C9D2EA3F-0350-D9AF-ACAE-BF37E9BC9FFA/attachments/392E3CD0-E24B-4AAF-235C-3DE96A11FE23/3816en.pdf/*

16 *Michelle Kaplan,* supra

17 *RCW 59.18.063,* 59.18.065.

18 *See Payday Loans: What to Do If You get Caught in the Debt Trap,* Washington Law Help (June 2013), www.washingtonlawhelp.org/files/C9D2EA3F-0350-D9AF-ACAE-BF37E9BC9FFA/attachments/3920C41B-EFB7-FB94-0A54-422A39C7DA5A/0600en.pdf.

19 *See Free Credit Reports,* Federal Trade Commission (March 2013), www.consumer.ftc.gov/articles/0155-free-credit-reports.

20 *www.myfico.com/crediteducation/in-your-credit-report.aspx*

21 *Michelle Kaplan,* supra

22 *www.consumer.gov/articles/1009-your-credit-history*

23 *Michelle Kaplan,* supra

24 *See What If You Can't Pay Your Taxes,* NOLO.com, www.nolo.com/legal-encyclopedia/what-if-you-cant-pay-your-taxes.html (last visited March 6, 2017); If you owe taxes to the IRS, you have payment options, USA Today (April 9, 2010) www.nolo.com/legal-encyclopedia/what-if-you-cant-pay-your-taxes.html (both noting that the penalties for not filing a return are severe).

25 *See Prioritizing Debt: Which Bills Do I Pay First,* Washington Law Help. 5 (June 2015), www.washingtonlawhelp.org/files/C9D2EA3F-0350-D9AF-ACAE-BF37E9BC9FFA/attachments/392FB168-9076-C988-0426-65A2D4DF3B2B/0110en_prioritizing-debt.pdf (Noting that certain property cannot be taken to collect a debt, including $125,000 in equity in your home, your car (up to some value), and certain personal belongings).

26 *Debtors' Rights in a Lawsuit,* Washington Law Help, 4 (January 2017), www.washingtonlawhelp.org/resource/debtors-rights-in-a-lawsuit?ref=F23QP.

27 *See Debtors' Rights: Dealing with Collection Agencies,* Washington Law Help, 3 (January 2017), www.washingtonlawhelp.org/resource/debtors-rights-in-a-lawsuit?ref=F23QP.

28 *Prioritizing Debt: Which Bills Do I Pay First,* Washington Law Help, 4 (June 2015), www.washingtonlawhelp.org/files/C9D2EA3F-0350-D9AF-ACAE-BF37E9BC9FFA/attachments/392FB168-9076-C988-0426-65A2D4DF3B2B/0110en_prioritizing-debt.pdf (noting that it is dangerous to stop mortgage or rent payments).

29 *RCW 6.*

30 *Michelle Kaplan,* supra

31 *See Prioritizing Debt: Which Bills Do I Pay First,* Washington Law Help, 3 (June 2015), www.washingtonlawhelp.org/files/C9D2EA3F-0350-D9AF-ACAE-BF37E9BC9FFA/attachments/392FB168-9076-C988-0426-65A2D4DF3B2B/0110en_prioritizing-debt.pdf.

32 *See What Happens to My Money if I go to Jail or Prison,* Dennis Dwyer Law (December 2016), www.dennisdwyerlaw.com/what-happens-to-my-money-if-i-go-to-jail-or-prison; What Happens to Your Funds after You Get Arrested, Southern California Defense Blog (April 15, 2015), www.southerncaliforniadefenseblog.com/2015/04/what-happens-to-your-funds-after-you-get-arrested.html.

33 *Michelle Kaplan,* supra

34 *See What is POWER OF ATTORNEY,* The Law Dictionary, http://thelawdictionary.org/power-of-attorney/ www.dmv.org/wa-washington/traffic-tickets.php (last visited March 6, 2017).

35 *Debtors' Rights in a Lawsuit,* Washington Law Help, 3 (January 2017), www.washingtonlawhelp.org/resource/debtors-rights-in-a-lawsuit?ref=F23QP.

36 *Michelle Kaplan,* supra

37 *Process – Bankruptcy Basics,* United States Courts, www.uscourts.gov/services-forms/bankruptcy/bankruptcy-basics/process-bankruptcy-basics (last visited March 6, 2017).

38 *Michelle Kaplan,* supra

39 *1 U.S.C. 523(a)(7); Kelly v. Robinson 479 U.S. 36 (1986).*

40 *Traffic Tickets in Washington,* Department of Motor Vehicles, www.dmv.org/wa-washington/traffic-tickets.php (last visited March 6, 2017).

41 *See "Got Unpaid Traffic Tickets? How to Avoid Getting Your Driver License Suspended" by The Defender Association's Racial Disparity Project,* www.washingtonlawhelp.org/resource/got-unpaid-traffic-tickets-how-to-avoid-getti (last visited March 6, 2017).

42 *See,* for example, Traffic Tickets in Washington, King County, http://kingcounty.gov/courts/district-court/citations-or-tickets/payment-options.aspx www.dmv.org/wa-washington/traffic-tickets.php (last visited March 6, 2017) (outlining the process for setting up a payment plan for a citation or ticket).

43 *See Got Unpaid Traffic Tickets? How to Avoid Getting Your Driver License Suspended,* Washington Law Help (March 2014), www.washingtonlawhelp.org/files/C9D2EA3F-0350-D9AF-ACAE-BF37E9BC9FFA/attachments/A4F08E58-9AA1-4459-A6F6-F5E2E4026896/9354en.pdf.

44 *RCW 72.65.050.*

45 *RCW 72.09.111(3)(c).*

46 *Michelle Kaplan,* supra

47 *Trust Accounts for Offenders,* Department of Corrections, 3 (July 2015), www.doc.wa.gov/information/policies/files/200000.pdf.

48 *Id.*

49 *RCW 72.09.111.*

50 *See id.; Trust Accounts for Offenders,* Department of Corrections, Attachment 2 (July 2015), www.doc.wa.gov/information/policies/files/200000a2.pdf.

51 *Legal Financial Obligations (LFOs: Understanding How LFOs Work),* Washington Law Help 6, www.washingtonlawhelp.org/files/C9D2EA3F-0350-D9AF-ACAE-BF37E9BC9FFA/attachments/391CF18C-CE76-A252-E7CA-E57F02225472/472551SULFOBrochure.pdf (last visited March 8, 2017).

52 *About Crime Victims Compensation,* Washington State Department of Labor & Industries, www.lni.wa.gov/claimsins/crimevictims/about/ (last visited March 8, 2017).

53 *RCW 72.09.111(3)(a)(iii).*

54 *Send Money,* Department of Corrections, www.doc.wa.gov/corrections/incarceration/send/money.htm (last visited March 6, 2017).

55 *See Debtor's Rights: Dealing with Collection Agencies,* Washington Law Help (June 2015), www.washingtonlawhelp.org/resource/debtors-rights-dealing-with-collection-agenci?ref=FtboC.

56 *15 USC § 805(c).*

57 *See Debtor's Rights: Dealing with Collection Agencies,* Washington Law Help, 2 (June 2015), www.washingtonlawhelp.org/resource/debtors-rights-dealing-with-collection-agenci?ref=FtboC.

58 *See Debtor's Rights: Dealing with Collection Agencies,* Washington Law Help, 2 (June 2015), www.washingtonlawhelp.org/resource/debtors-rights-dealing-with-collection-agenci?ref=FtboC.

59 *See Debtor's Rights: Dealing with Collection Agencies,* Washington Law Help, 3 (June 2015), www.washingtonlawhelp.org/resource/debtors-rights-dealing-with-collection-agenci?ref=FtboC.

60 *See Consumer Information – Debt Collection,* Federal Trade Commission, www.consumer.ftc.gov/articles/0149-debt-collection (last visited March, 10, 2017).

61 *RCW 19.16.250(10)(b).*

62 *www.consumer.ftc.gov/articles/0149-debt-collection*

63 *See Debtor's Rights: Dealing with Collection Agencies,* Washington Law Help, 4 (June 2015), www.washingtonlawhelp.org/resource/debtors-rights-dealing-with-collection-agenci?ref=FtboC.

64 *See Debtor's Rights: Dealing with Collection Agencies,* Washington Law Help, 4 (June 2015), www.washingtonlawhelp.org/resource/debtors-rights-dealing-with-collection-agenci?ref=FtboC.

65 *RCW 19.16.250(3).*

66 *See Debtor's Rights: Dealing with Collection Agencies,* Washington Law Help, 4 (June 2015), www.washingtonlawhelp.org/resource/debtors-rights-dealing-with-collection-agenci?ref=FtboC.

67 *See Debtor's Rights: Dealing with Collection Agencies,* Washington Law Help, 1-2 (June 2015), www.washingtonlawhelp.org/resource/debtors-rights-dealing-with-collection-agenci?ref=FtboC.

68 *Michelle Kaplan,* supra

69 *Id.; April Kuehnhoff & Margot Saunders,* Nat. Consumer Law Center, Zombie Debt: What the CFFB Should Do about Attempts to Collect Old Debt 4 (2015) www.nclc.org/images/pdf/debt_collection/report-zombie-debt-2015.pdf; Time-Barred Debts, Federal Trade Commission, www.consumer.ftc.gov/articles/0117-time-barred-debts (last visited Oct. 23, 2017).

70 *Michelle Kaplan,* supra

71 *See Debtor's Rights: Dealing with Collection Agencies,* Washington Law Help, 3 (June 2015), www.washingtonlawhelp.org/resource/debtors-rights-dealing-with-collection-agenci?ref=FtboC.

72 *See Payday Loans: What to Do If You get Caught in the Debt Trap,* Washington Law Help, 1 (June 2013), www.washingtonlawhelp.org/files/C9D2EA3F-0350-D9AF-ACAE-BF37E9BC9FFA/attachments/3920C41B-EFB7-FB94-0A54-422A39C7DA5A/0600en.pdf.

73 *See Debtor's Rights: Dealing with Collection Agencies,* Washington Law Help, 3-4 (June 2015), www.washingtonlawhelp.org/resource/debtors-rights-dealing-with-collection-agenci?ref=FtboC.

74 *See Debtor's Rights: Dealing with Collection Agencies,* Washington Law Help, 4 (June 2015), www.washingtonlawhelp.org/resource/debtors-rights-dealing-with-collection-agenci?ref=FtboC.

75 *Debtors' Rights in a Lawsuit,* Washington Law Help, 3 (January 2017), www.washingtonlawhelp.org/resource/debtors-rights-in-a-lawsuit?ref=F23QP.

76 *RCW 19.16.*

Voices of Reentry: Durrell



Durell went to prison when he was eighteen. Though he tried to plan for life after release, it did not turn out like he expected.

On being released: My mom, my little brother and my little sister came and picked me up. We got in the car and they were playing Outkast. In the car, listening to music, one of my favorite things to do, my family here...I've never really had that amount of happiness flowing through me. I'm out of here, I finally made it.

On adjusting to life outside prison: I just walked to the store and I'd be happy walking to the store. I went through that moment of being able to walk anywhere I wanted. I'm very introverted but I found myself talking to strangers. It's just that state of euphoria for a while, I loved it. At some point reality sinks in and that goes away. I was paranoid...I still haven't lost it, I'm paranoid to this day. I have to know what's going on around me, who's around me, every person who walks past me, you do a threat assessment.

On his difficulty finding a job: Being a young black guy in Bremerton with cornrows and a violent felony on your record... I applied to every McDonalds in Bremerton and I couldn't get an interview. I started thinking I just wasn't going to be able to get a job. And I always knew that if I could ever get an interview, I can talk, present myself a certain way, forget this piece of paper, give me a shot! But I never ended up getting any interviews on my own.

On finding his place: I went to the church where my mom and sister went. They took me under their wing and I started working with the maintenance man at the church. Got a little money in my pocket; he was a good mentor and he talked to me. I saw people doing different things and I ended up getting mentored by another guy there who was a minister. They started developing different things with me, they had youth nights and they'd ask me to do a clean rap. So, I'd write clean stuff and perform it and the kids started to gravitate toward me, and next thing you know I'm teaching a Bible school class. I do a play with the kids for Christmas, and through that, it opened up the door of people saying, "Man, you're really good with kids!" I don't even like kids!

On what he'd change about the reentry process: I believe a lot of reentry needs to start in prison. Obviously, there's the punishment, because you don't want to make it a happy, fun place to go, but I think the actual environment in prison has to be addressed. If you're sending broken people into that type of environment and you expect them to be better when they get out, you're already putting the odds drastically against that individual. I know that I dealt with anger issues and depression before I went to prison and none of those things are going to be addressed in that environment. You come to accept being dehumanized. It should be mandatory to get treatment or something while you're in there so you don't lose that piece of humanity because some people lose it and they don't get it back.

On probation: We have to address the way they manage people with probation officers. That's the most important person in your life because they have the power to decide what happens with you. They're supposed to be helping you transition, not just handing you a list of places that hire felons. That person is critical at helping you transition. Your probation officer should be your friend, and I don't see that dynamic in that relationship.

Durell now works with children as a mentor and serves on the Governor's Statewide Reentry Council. He is also active in gang reduction efforts.

Chapter 3: Education and Loans

The Bottom Line:

- All DOC facilities in Washington have a range of educational programs that are available to inmates, including basic education classes for GED preparation, vocational training, and reentry programs. You may also be able to participate in correspondence courses, which are college or university courses you can take remotely. Talk to your classification counselor to learn about what educational programs exist at your facility and how you can enroll. Note that courses offered through a college or university may have fees attached; see section 2 for more information. Make sure you keep documentation of any education you complete while you are incarcerated.
- If you have student loan debt when you enter prison, contact your student loan servicer as soon as possible to explain your situation. While it is difficult to get relief from your student loans while you are incarcerated, you may be able to get a deferment or forbearance or move to an income-based repayment plan. Talk to your loan servicer for more information about these options. It is very important to keep making payments on your student loans if you can; missing payments can negatively impact your credit and may result in fines and fees. See section 4 for more information, and see the Debt chapter for more information on managing loans while you are incarcerated.
- After you are released, your criminal record will not bar you from enrolling in college or other educational programs. However, some convictions may prevent you from obtaining certain professional certifications. You may be asked about your criminal record when you apply for educational programs, and it is important to be honest about your history. Lying about your criminal record can result in your application being denied, and if a school finds out that you were dishonest on your application after you have already been admitted, you could be expelled. See section 7 for more information on applying for college or university after you are released.
- If you go to school after you are released, you may need help financing your education. Depending on your circumstances, you may be able to get loans, scholarships, or work-study programs to help you pay for school. You can apply for student aid by filling out the Free Application for Federal Student Aid (FAFSA). Lying on your FAFSA is a federal crime and carries heavy penalties, so be sure that you are being honest. In most cases, your criminal record will not bar you from receiving federal student aid, but there are some restrictions for individuals convicted of drug-related crimes or sexual offenses. See section 8 for information on applying for financial aid, and section 9 for information on eligibility for student aid programs based on your criminal history.

EDUCATION & LOANS

Introduction

Education is sometimes thought of as a luxury, but for those returning after incarceration, it can be a vital and important part of the reentry process. Getting a job can be a challenge with a felony conviction on your record, and obtaining a degree or a new skill can help your reentry journey in several ways: it can provide tangible skills and knowledge, build self-esteem and a sense of confidence, increase communication skills, and give you access to networks and potential employers. Earning a credential or degree can also be used to demonstrate rehabilitation. Although education isn't always free, there are a number of resources available to help you pay for schooling, both in prison and after you are released. In this chapter, we will discuss some of the basic pre- and post-release options for accessing and paying for educational opportunities. The most important thing to remember is that regardless of your educational background or your conviction history, you have many options and opportunities available to you. The earlier you start and the more options you explore, the better!

Education and Loans, Pre-Release

1. What educational opportunities are available while I am incarcerated?

Taking advantage of educational opportunities and programs while you are in prison is important for a number of reasons. They can help you build skills and qualifications you will need to succeed, decide what type of field you want to pursue after you are released, and earn the necessary qualifications or degrees required in order to make those goals a reality.

There are different types of educational programs that are available to you regardless of which prison you are in. These include: Basic Skills Programs (i.e., Adult Basic Education and GED, English as a Second Language and HS21+), Vocational Skills Training (a series of courses or classes necessary to achieve a proficiency standard or obtain a certificate), Associate Degrees (a series of courses necessary to achieve a two-year degree in Business, Welding, etc.) and Offender Change Programs (i.e., Job Search and College Readiness). Your Classification Counselor and Education staff can help you determine which of these tracks may be right for you, but here's a bit more about each:

- Basic Education programs can help you learn new skills and earn your GED. A GED certificate is a substitute for a high school diploma and is a powerful tool in earning employment after release. At some facilities you may have the option of enrolling in HS21+ to work toward obtaining a high school diploma. To be eligible for this you must be 21 or older. When you enter prison, you will be given an education assessment and depending on the result you may be assigned to Basic Education classes. The priority placement order for Basic Education programs is listed below, from highest priority to lowest priority:
    - » Inmates under the age of 22 who have not obtained a high school diploma or GED and have less than four years to release.
    - » Those 22 or over without a GED or high school diploma and less than four years to release.
    - » Inmates without a verified GED or high school diploma who have a low need in Education and more than four years to release.
    - » Inmates who do have a diploma or GED but score below the ninth grade level during initial assessment.
    - » If you are a citizen of a country other than the United States, you will be given the lowest priority for Basic Education programs.[1]

- Vocational Skills programs (sometimes called Workforce programs, i.e., welding, horticulture, drafting, business, etc.) help you learn a specific skill or trade. Vocational skills can help you prepare for a career post-incarceration. Your Counselor must refer you to a program based on your job skills, education and how long you will remain in prison. If you are a citizen of a country other than the United States, you will be given the lowest priority for Vocational Skills programs. Depending on their popularity, some programs may have a waiting list.

  No fee will be charged for any vocational program that is less than 45 credits, or for the first one-year state certified program that you complete through the Department's vocational program. If you participate in a subsequent program, and your counselor has documented that it is associated with your work plan or community employment, you may not be charged a fee. Otherwise, your ability to pay is determined by your monthly income or the balance of funds in your account. It is the Department of Correction's policy to not allow you to go into debt while paying for your education in this way. It is also possible for your family or third parties to pay for you by making deposits into your account. Monthly income will be determined by taking the average of your most recent three months' wages, gratuities and deposits, regardless of the source. The portion paid by you is determined using the per credit hour fee set by the Washington State Board for Community and Technical Colleges.

- There are several workforce degrees offered by community colleges in the prisons. Associate of Applied Science (AAS), Associate of Applied Arts and Science (AAAS) and Associate of Technical Arts (ATA) are all degrees that build on technical courses required for job preparation by including college-level general education components. Priority enrollment for these courses will be given to incarcerated individuals within five years of release who do not already possess a postsecondary education degree and whose individual reentry plan includes participation in a postsecondary education degree program.

- Offender change programs prepare the students for release, whether they are planning on finding a job or enrolling in college. The Job Skills course is focused on reentry to help prepare you for successful integration into your community. The focus of the course is on helping you find a job after you are released. The College Readiness course is designed to help you enroll in college and to submit financial aid forms so that when you are released you are ready to attend college.

- In addition to the programs above, other educational opportunities may be available to you depending on your facility. Coyote Ridge Corrections Center, Washington State Penitentiary, Monroe and Washington Corrections Center for Women have private funding to provide Academic Transfer Degrees (AA).

  A number of colleges and universities offer Correspondence classes to inmates as well. A correspondence class is a college class that you can take remotely. DOC has a process for inmates to participate in self-paid post-secondary academic, vocational and theology programs through correspondence education involving an educational course or series of classes necessary to obtain or achieve a proficiency standard. Courses are completed through the mail with an accredited educational institution. You must have a verified GED or high school diploma to be eligible for participation in a correspondence study. You must apply for a correspondence program under the supervision of your assigned Counselor, in cooperation with the facility Education Department. Before you begin any correspondence class you must first fill out appropriate forms that you may obtain though your counselor, and you must be approved. To find correspondence programs, visit PrisonEducation.com.

There are different opportunities at each facility and your Classification Counselor and Education staff can help you develop an education plan and answer questions regarding the programs available at your facility.[2] Your classification Counselor can also help you manage your work schedule so that you can take full advantage of

educational opportunities during incarceration or help you secure a job within your facility that uses your new skills and builds job experience for your resume.

2. How can I pay for educational opportunities while I am incarcerated?

Higher education programs often have fees attached. Your Classification Counselor can provide additional information on the available programs and costs associated with such programs.

Unfortunately, inmates at federal and state institutions are generally not eligible for federal student loans while incarcerated (see Section 8 below to learn more about financial aid after your release).[3] The Second Chance Pell Program is an important exception, though it is not available to everyone. In July 2015, the Department of Education announced a pilot Second Chance program, which allows incarcerated US citizens participating in the program to obtain Pell Grants.[4] A limited number of colleges participated during the 2016-2017 school year, and they served a limited number of prisons. Cedar Creek Correctional Facility was served by Centralia College, Monroe Correctional Facility was served by Seattle Central Community College and Mission Creek Corrections Centers for Women was served by Tacoma Community College. If the program is expanded, more or different facilities may allow the use of the Second Chance Pell Program.[5]

Your College Readiness instructor or Education Navigator can discuss whether there are local grants, scholarships or other programs which may be available to fund higher education programs. For example, a reentry navigator at the community college, college or university in which you are enrolling can provide information on school-specific funding opportunities for which you would be eligible.

3. What documentation do I need of education completed while incarcerated?

It is important to keep documentation of any education you may have completed while incarcerated to prove that you completed the program or to receive credit at other educational institutions.

In order to transfer any credits obtained while incarcerated to another educational institution, you will need to obtain an official transcript. An official transcript is a document that has information about what classes you have taken and how many credits you have earned. It is possible that not all of your credits earned while you are incarcerated will transfer; it is up to the educational institution to decide what credits they will accept (although if you earned a degree while incarcerated, all of your credits towards that degree will be transferred). Additionally, the costs of transcripts vary. If the educational credits were obtained through a college or university, you can find out more about getting your transcript and how much it will cost by speaking to the education department at your facility. Each facility has a College Readiness instructor and/or a Reentry Navigator who may be able to help get transcript fees waived. If your course was taken within the prison facility or offered by the prison facility, you can get your transcript from your prison's education staff.

If you have completed your GED, you can request an official GED transcript by contacting the state GED Testing Administrator where the test was taken (contact information is included below). Additionally, in Washington and several other states, an official GED transcript may be requested online by visiting www.gedtestingservice.com/testers/gedrequest-a-transcript.

The current GED Administrator for Federal Prisons is:

Federal Prisons
Elizabeth Tutwyler
GED Administrator
Federal Bureau of Prisons
320 First Street, NW

Washington, DC 20534
(202) 305-3800

And, the current GED Administrator for Washington is:

Washington
Lou Sager
GED Administrator
State Board for Community and Technical Colleges
1300 Quince Street SE
P.O. Box 42495
Olympia, WA 98504-2495
(360) 704-4321

Contact information for administrators of other states may be found at:
www.gedtestingservice.com/testers/ged-testing-administrator.

4. What if I was previously enrolled in higher education and owe student loans while I am in prison or jail?

If you already have student loan debt when you enter prison, it is important to contact your student loan provider immediately to explain your situation. Unfortunately, it is very difficult to reduce or stop your loan payments while incarcerated. The best thing to do is to work to prevent interest and fines that may accumulate for failing to make payments while you are incarcerated. Once these fines and fees accrue, it can be difficult to reduce or remove them, so it's best to work to prevent them. If you need information about your loans, you can get a statement of your loan balances and status by writing to:

U.S. Department of Education
Default Resolution Group
P.O. Box 5609
Greenville, TX 75403-5609

Although stopping or reducing loan payments while incarcerated is difficult, it is not impossible. Depending on your circumstances, you may be able to do so using deferment, forbearance, or Income Based Repayment Programs. If you are incarcerated, you should request an "Incarceration Verification" form from the agency servicing your loan. This form should be completed by the Warden or other appropriate official at your institution, and then returned to the servicing agency.

Deferments. In some cases, you may be able to defer your loans before you go to prison, meaning you will stop your student loan payments and the interest on your loans will not accrue for one year due to your lack of income.[6] Depending on what type of loan you have, the federal government may pay the interest on your loan during the period of deferment. The federal government will pay your interest if you have any of the following types of loans:

- Federal Perkins Loan
- Direct Subsidized Loan
- Subsidized Federal Stafford Loan
- The subsidized portion of a Direct Consolidation Loan
- The subsidized portion of an FFEL Consolidation Loan[7]

If you have a different type of loan, you can still get a deferment, but you will have to pay interest.[8]

Deferments are not automatically granted, so you will need to work with your loan servicer. A loan servicer is the company that manages your student loans and handles billing and other services, including deferments. There should be contact information for someone who can help you on your loan documents. Different loans have different procedures for requesting deferments. You can find information about these procedures here: https://studentaid.ed.gov/sa/repay-loans/deferment-forbearance#deferment-eligibility.

Forbearance. If you don't qualify for a deferment, you should request forbearance. Forbearance means you can stop making or reduce your monthly payments for up to 12 months, but interest will accrue on your loans during that time.[9] There are two types of forbearance:

- **Discretionary Forbearance:** Some types of forbearance are discretionary, meaning your lender will decide whether or not to grant the forbearance. You can request a discretionary forbearance for financial hardship.[10]
- **Mandatory Forbearance:** In some circumstances, forbearance is mandatory. For example, if the total amount you owe each month for all of your student loans is 20% or more of your total monthly gross income (and you meet certain other criteria) you would qualify for a mandatory forbearance.[11]

To request forbearance, you should work with your loan servicer. Keep in mind that forbearance does not stop interest from accruing on your loans, so you will have to pay that additional interest once your payments resume.

Income Based Repayment Program (IBR). IBR is a program that can help you reduce your monthly payments on federal student loans and make your federal student loan debt manageable. To qualify, you must show partial financial hardship, which generally means that your income is low in comparison to your student loan debt.[12] Before you apply for IBR, contact your loan servicer – it will be able to answer your questions about the IBR plan and help you to decide whether IBR is the right plan for your situation. You can also find more information about eligibility and different payment options here: https://studentaid.ed.gov/sa/repay-loans/understand/plans/income-driven.

If you are not eligible any of these three options, but you cannot make your student loan payments, you may still be able to rework your repayment plan so that it better suits your needs. Contact your loan servicer immediately to find out if this is possible.

It is very important that you keep making payments on your student loan debt. If you miss a loan payment, your loan becomes delinquent, and it will stay delinquent until you make the missed payment or get a deferment or forbearance. If the loan is delinquent for 90 days, your credit rating will go down. This can make it harder for you to get a credit card, rent a home or get a cell phone plan.

Depending on the type of loan you have, it may go into default if you don't make payments for a certain amount of time. A defaulted loan means that you will be immediately required to pay the entire balance to the lender. Considering that this will almost certainly be impossible, you will also have to deal with collection agencies and may be taken to court. Defaulting on your student loans could have far reaching consequences for you, so make sure that you keep up with payments and that you take advantage of as many ways to slow down and reduce those payments as possible.

The Debt chapter has more information on how to handle loans while incarcerated.

5. What can I do while incarcerated to prepare for schooling and financial aid after release?

Although restrictions exist that prevent people from receiving student loans while in prison, you can still apply for financial assistance that will take effect upon your release so that you can enroll in school immediately. The benefit of starting this process early is that you can speed up the enrollment process so that you don't have to wait before you start taking classes.

The application process for almost all student aid (including all federal and most state and institutional aid) begins with the Free Application for Federal Student Aid (FAFSA), which may be completed online (www.fafsa.gov) or on paper. Your facility's College Readiness instructor or Reentry Navigator will be able to provide more information on applying before your release date.[13] It is very important that the information you provide on the FAFSA is correct, so if you are unsure of how to answer something, make sure you talk to the education department. Please note: If you are applying while incarcerated, use your current correction institution's mailing address, but once you are released, you must update your permanent mailing address, which you can do at www.fafsa.gov. For more information on the FAFSA, see Section 8.

In addition to the FAFSA, male inmates between the ages of 18 and 25 applying for financial aid must also register for the Selective Service to be eligible for aid.[14] Selective Service registration is another way of saying that you are required to register for the draft. Even if there is not a wartime draft, all males between the ages of 18 and 25 living in the United States are required to register. While you are in prison, you do not need to register, but you must do so within 30 days of release if you are 18 or older and have not turned 26 yet. You still can register in prison if you wish.[15] Registration is available online (www.sss.gov) and by mail (forms are available at your local post office)[16] but you can also talk to your Classification Counselor about the availability of forms. Note that if you were continuously imprisoned between the ages of 18 and 26 you should request a Status Information Letter from Selective Service. This letter will show that you were not required to register due to being in prison, and you should not be penalized due to not being registered.[17] You can find the application form for a Status Information Letter by talking to your College Readiness instructor or by visiting www.sss.gov/Registration/Status-Information-Letter. You will need to provide information about your incarceration as well as supporting documents (a list of acceptable supporting documents is available at www.sss.gov/Portals/0/PDFs/DocumentationList.pdf), and everything needs to be printed out and mailed to the following address:

Selective Service System
ATTN: SIL, PO Box 94638
Palatine, IL 60094-4638.

If you have served in the military, your Classification Counselor may also be able to provide you with specific student loan support available for veterans through the GI bill.

Education and Loans, Post-Release

6. What are my education options when I am released? Are there programs or schools are aimed at people who are exiting jail or prison?

Regardless of whether you participated in educational programs while you were incarcerated, there are a variety of educational opportunities that are available to you after your release, including GED programs, technical colleges, community colleges, and four-year universities. Ideally, you will have worked with your Classification Counselor and Education staff during your incarceration to develop an educational plan to meet your goals and have a sense of what type of program will meet your needs.

7. How will my incarceration affect my ability to go to school post-release?

In many cases, your conviction history should not affect your educational prospects after jail or prison. That said, you should be aware that many college and universities will collect criminal justice information during the admission process, although not all consider it in their admissions process.[18] An applicant with a criminal record may be asked to provide further information, such as a letter of explanation, a letter from a corrections officer or a personal interview.[19] However, research shows that, for the most part, disclosure of a criminal record is more likely to trigger additional screening rather than automatic disqualification.[20]

You should never lie about your criminal record on an application. Withholding information during the application process can result in your application being delayed or denied. If you withhold information and are admitted into school, it is possible you can be expelled later if the school finds out about your criminal history. If you received scholarship dollars from the school and you are expelled for lying on your application, you may be expected to repay the money.

Some educational institutions have direct relationships with the Department of Corrections and have special programs to enroll individuals leaving jail or prison. In Washington, there are eight community colleges with these special relationships. For information on these colleges, see Section 2 ("How can I pay for educational opportunities while I am incarcerated?").

Licensed vocational programs are a different matter. Licensed professions like child care, social work, medicine and finance are regulated by state and federal laws that prevent people with certain criminal convictions from entering those fields. For example, someone with a delivery or manufacturing of drugs conviction is categorically barred from working in a Department of Social and Health Services-licensed facility to provide child or elder care. Some training programs for these jobs will not admit you if you will be prevented from taking the job because of your criminal history, but some will admit you anyway. If you are not careful, you can wind up wasting time and money training for a job you cannot have.

If you are put in a position where you are barred from getting a vocational license, you may be able to receive a Certificate of Restoration of Opportunity, or CROP. This certificate prevents most licensing bodies from denying your application for a license just because of your criminal history. You still need to meet all other requirements for the license, and there are some special exceptions for people who would be working with vulnerable groups of people like children. The convictions also remain on your record.

For more information about a CROP, including how to get one, see "Certificate of Restoration of Opportunity (CROP)" by the Northwest Justice Project at www.washingtonlawhelp.org/resource/certificate-of-restoration-of-opportunity-crop. NJP has also put together a packet to help you file for a CROP, available at www.washingtonlawhelp.org/resource/filing-a-petition-for-certificate-of-restoration-of-opportunity-crop. Both of these publications are listed in the Resources section of this chapter.

8. How can I pay for educational opportunities after I am released?

As stated above, the application process for almost all student aid (including all federal and most state and institutional aid) begins with the Free Application for Federal Student Aid (FAFSA), which may be completed online (www.fafsa.gov) or on paper. It is **very important** that you are truthful when filling out your FAFSA. Lying on the FAFSA is a federal crime; you can be fined up to $20,000 and/or imprisoned for up to 5 years. You might also be charged with other federal and state crimes of fraud. You will also have to pay back any financial aid that you obtained through lying, and might be expelled from your school.[21] In addition to the FAFSA, all males ages 18 to 25 applying for financial aid must also register for the Selective Service to be eligible for aid, as detailed in "What can I do while incarcerated to prepare for schooling and financial aid after release?".

There are several different programs available to you to help pay for education once you've been released, including student loans (that must be repaid), educational grants and scholarships (that do not have to be repaid), and work-study programs (where you work in exchange for aid). In fact, some types of financial aid, such as Federal Pell Grants, can be used to pay for both educational expenses and living expenses while you are enrolled.

Below you'll find basic information for each of these.

Student Loans. Like any other kind of loan, student loans are funds that you borrow and will eventually need to pay back. However, student loans can differ widely depending on whether you get a Federal student loan or a private student loan. While there are many more details and differences between these loans, here is some basic information:

- **Federal Student Loans** are loans funded by the federal government and come with many benefits that aren't typically offered with private loans. For example, you will not need a credit check or a co-signer to qualify. You will not have to start repaying your federal student loans until you graduate, leave school, or change your enrollment status to part-time. Interest rates for federal student loans are fixed at a low rate, and you may qualify for a subsidized loan where the government pays the interest while you are in school on at least a half-time basis. When you finish school, you will have several repayment plan options and if you are having trouble repaying your loan, you may be able to temporarily postpone or lower your payments.
- **Private student loans** are nonfederal loans, made by a lender such as a bank, credit union, state agency or a school. Unlike federal student loans, the amount of your loan may depend on your credit score and you may need a co-signer. Many private student loans require payments while you are still in school and private student loans are not subsidized, which means that no one else pays the interest on your loan. Private loans are generally more expensive than federal student loans and often have variable interest rates, meaning the interest rate will rise and fall over the term of the loan in line with market rates. Repayment options vary by lender and some private loans do not offer forbearance or deferment options if you are having trouble repaying your loan.[22]

The chart below explains some of the key difference between federal and private student loans. It's important to understand the benefits and risks of taking out either type of loan. You can use the information in this chart to help guide your decision on what is right for you:

Federal Student Loans	Private Student Loans
You will not have to start repaying your federal student loans until you graduate, leave school, or change your enrollment status to part-time.	Many private student loans require payments while you are still in school.
The interest rate on federal loans is fixed, meaning it will not change, and is often lower than private loans – and much lower than some credit card interest rates.	Private student loans can have variable interest rates which may rise to greater than 18%. A variable rate may substantially increase the amount you pay in the end, so this makes taking out private student loans more expensive.
Undergraduate students with financial need will likely qualify for a subsidized loan where the government pays the interest while you are in school on at least a half-time basis.	Private student loans are not subsidized. No one pays the interest on your loan but you.

You don't need to get a credit check for most federal loans (with some exceptions). Federal student loans can help you establish your credit record.	Private student loans may require an established credit record. The cost of a private student loan will depend on your credit score and other factors.
You won't need a cosigner to get a federal student loan in most cases.	You may need a cosigner.
Interest may be tax deductible.	Interest may not be tax deductible.
If you are having trouble repaying your loan, you may be able to temporarily postpone or lower your payments.	Some private loans do not offer forbearance or deferment options, so if you fall behind in payments, you will have less options to avoid default.
There are repayment plans, including an option to tie your monthly payment to your income.	Repayment options vary by lender.
There is no prepayment penalty fee.	Whether there are prepayment fees depends on the lender and the terms of your loan.

The bottom line is that student loans are expensive no matter whom you borrow from, so you should think carefully about how much you can afford to borrow and what your plan is for re-paying. For example, in 2016, the average university graduate had $37,172 worth of student loan debt, and the average monthly debt payment for a person between 20 and 30 years old was $351.[23] While some student loans may be necessary, there are other forms of financial aid that offer money that does not need to be paid back, and you should take advantage of as many of these forms of aid as possible before turning to loans.

Grants & Scholarships. Unlike student loans, which need to be repaid, educational grants and scholarships are considered "gift aid" because you do not need to pay them back. There are a number of different options for both types:

- Scholarships are usually "merit-based" aid, which means that regardless of how much money you have, your eligibility will be determined by your academic achievements, special talents, or unique demographic traits. Unlike most loans or grants, where your past convictions might make you ineligible, most scholarship applications do not ask about criminal history[24]. Scholarships are available from a number of different sources, including faith-based organizations and churches, tribal governments, and more. Additionally, individual educational institutions will have unique scholarship opportunities, so you should contact them directly to learn more. Scholarship search websites are also good resources. Put in information about who you are, how much money you have and your academic interests, and the website can show you potential scholarship opportunities. The College Board runs one such website that you can find here: https://bigfuture.collegeboard.org/scholarship-search.

- Grants are often "need-based" aid, meaning that the amount that you get is determined by your financial situation. Educational grants can come from a number of different sources including nonprofit organizations, private foundations, state and local governments and the Federal government. Washington Opportunity Grants are available at many colleges, and help low-income students complete up to one year of college and earn a certificate in a high-wage, high-demand career. For more information about Washington Opportunity Grants, visit www.sbctc.edu/paying-for-college/opportunity-grant-student.aspx.

  There are several different types of Federal grants, including Federal Pell Grants and Federal Supplemental Educational Opportunity Grants (FSEOG). Federal Pell Grants provide need-based funds to low-income

students who are pursuing an Associate or Bachelors degree, regardless of their school. The amount offered depends on your financial need, costs of attending school, status as a part-time or full-time student, and whether you plan to attend school for a full academic year or less. You can have the Grant be paid directly towards your tuition or you can receive a cash payment. The maximum Pell Grant award for the 2015-2016 school year was $5,775.20, and you can only receive Pell Grant funds for a maximum of twelve semesters (six years).[25] FSEOGs are "campus-based," which means that there are a limited number of grants available per school and not every school participates.[26]

Work-Study Programs. Work-study programs are sponsored by the federal government and provide funding for students to work to pay for school. However, there are a number of important differences between a work-study job and a regular job: With a work-study job, you will apply through your school, you will be paid by your school, and you will work either at your school or an organization that partners with your school. The kind of work you do is also different: usually the job you do will be related to your course work or to civic education. And unlike a regular job, there is a limit to how much you can work and how much you can earn. Your work hours will be determined by your academic progress and your class schedule, and you will not be able to earn more than your total work-study award. You should be aware that work-study opportunities are generally available on a first-come, first-serve basis, so if you are interested, you should apply as soon as possible.[27]

9. How does my conviction history affect my ability to get financial aid to help pay for school?

Generally speaking, eligibility restrictions on financial aid programs will be removed once you are released. As long as you are meeting the conditions of your sentence (such as probation, community supervision, or living in a halfway house) you will likely be eligible for federal student aid.

However, you should be aware that for some, obstacles do exist. A few of these barriers are outlined below:

- **Financial aid restrictions for drug-related convictions:** When applying for aid, you will be asked whether you had a drug conviction for an offense that occurred while you were receiving federal student aid. If the answer is yes, you will be provided a worksheet to help you determine whether your conviction affects your eligibility for federal student aid. Note that this restriction only applies if you were already receiving federal student aid when you were convicted.[28]

  Even if you are not immediately eligible, this may not be permanent. For example, if you have a conviction for possession, your eligibility for financial aid resumes after one year for a first offense or two years for a second offense. After a third offense, you will remain ineligible indefinitely. For a sale conviction, eligibility resumes after two years for a first offense, but ineligibility is indefinite for a second offense. If you are convicted of a drug-related offense after beginning the federal aid application process, you might lose eligibility for federal student aid, and you might have to re-pay any financial aid you received during a period of ineligibility.

  If your eligibility for federal student aid has been suspended due to a drug conviction, you can regain eligibility early by successfully completing an approved drug rehabilitation program or by passing two unannounced drug tests administered by an approved drug rehabilitation program. If you regain eligibility during the award year, notify your financial aid office immediately.

- **Financial aid restrictions and sexual offense convictions:** Other funding restrictions apply to some sex offenses. If you have been convicted of a forcible or non-forcible sexual offense, and you are subject to an involuntary civil commitment upon completion of a period of incarceration for that offense, you cannot receive a Federal Pell Grant.[29]

Resources

Documents:

Certificate of Restoration of Opportunity (CROP), Washington Law Help, www.washingtonlawhelp.org/resource/certificate-of-restoration-of-opportunity-crop

Filing a Petition for Certificate of Restoration of Opportunity (CROP), Washington Law Help, www.washingtonlawhelp.org/resource/filing-a-petition-for-certificate-of-restoration-of-opportunity-crop

Resources to help you find and access educational programs:

- The **Adams State University Prison College Program**, located in Colorado, provides university-level correspondence courses to people in prisons all over the US. It offers undergraduate degrees of all kinds, as well as a Master of Business Administration degree. Each student is also assigned an advisor as a single point of contact. For more information visit www.adams.edu/extended_studies/undergrad/prisoncollegeprogram.php or contact:
  - » Jim Bullington, Prison Program Student Advisor: (303) 241-0550
- The **College Board Scholarship Search** (https://bigfuture.collegeboard.org/scholarship-search) can help you find scholarships you may wish to apply for. The College Board is a non-profit organization that works to connect students to college success and opportunity. Its scholarship search covers over 2,000 programs. By entering information about yourself, your financial situation and what kinds of classes you are interested in, the system will show you scholarships that apply to you.
- The **Freedom Education Project's** (www.fepps.org/) mission is to provide a rigorous college program to incarcerated women in Washington and create pathways to higher education after women are released from prison. The Project believes that education reduces recidivism, teaches valuable employment skills, prepares people for life outside prison and helps them to become providers, leaders, and examples for their families and communities.
  - » Phone: (206) 729-2480
- **People for People** (www.pfp.org/pfp/index.aspx) is a non-profit organization that provides career counseling, training, tuition assistance, job placement assistance, and follow up career counseling. To be eligible for the adult program, you must be 18 years of age or older and low-income. If you are a male born after December 31, 1959, you must also be registered for Selective Service. People for People has job training services in Skamania, Yakima, Klickitat and Kittitas counties.
- **Pioneer Human Services** (http://pioneerhumanservices.com) contracts with the Department of Corrections and the Federal Bureau of Prisons to offer reentry programs and work release facilities.
- The **Post-Prison Education Program** (http://postprisonedu.org) offers hope and creates opportunity for people returning to society by providing access to higher education. Imprisoned and formerly imprisoned people are offered the tools and human support they need to find gainful, meaningful employment, and break free from cycles of hopelessness, poverty, and imprisonment and become leaders for change.
  - » Phone: (206) 524-3333
- You can find a variety of educational resources, including a list of recommended correspondence courses, at www.prisoneducation.com/correspondence-schools/.



- **Seattle Goodwill** has 10 locations throughout the Puget Sound region that offer a variety of free training and education programs for disadvantaged and low-income individuals. Visit http://seattlegoodwill.org/job-training-and-education/programs-and-classes for more information.
- **The STAR Project** (http://thestarproject.us) works closely with vocational and academic programs at Walla Walla Community College. STAR partners with Washington State Penitentiary and WWCC in order to assist with uninterrupted educational plans, bridging the gap between exiting incarceration and continuing higher education.
    - » Phone: (509) 525-3612
- **University Beyond Bars** (www.universitybeyondbars.org) provides college and university education to people in prison in Washington State. It offers Associate degree programs, as well as other classes and lectures. Participating in a University Beyond Bars program is voluntary and you will not be turned away due to your sentence.
- Washington's **College in Prison Program**, a project of the Washington State Board for Community and Technical Colleges, provides education for people in participating prisons. For more information, see www.sbctc.edu/colleges-staff/programs-services/prisons/ or contact:
    - » Brian Walsh, Policy Associate, Basic Education for Adults: (360) 704-4358

Glossary

Four-Year University: A school that provides four-year education programs and awards bachelor's degrees.

Associate Degree: An award from a college that shows you have completed a course of study. They are awarded by community colleges, technical colleges, vocational schools and some universities.

Bachelor's Degree: An award from a four-year university that shows you have completed a course of study**.**

Classification Counselor: A counselor at your facility who can help you learn about educational and other programs you may be able to participate in while you are incarcerated.

College Readiness Instructor: Each facility offers a College Readiness course. Instructors provide coursework and assistance with post-release college enrollment.

Community College: A school that provides two-year educational programs and awards associate degrees. Most credits from community colleges should transfer to four-year universities, meaning that you can take two years of classes at a community college, transfer to a four-year university and only have to take two more years of classes to earn a bachelor's degree.

Correspondence class: A class in which students receive lessons and assignments in the mail or by e-mail and then return completed assignments in order to receive a grade.

Credits: Each college or university class that you successfully complete earns you credits depending on the length of the class. A certain amount of credits is required to earn a degree. They are sometimes called credit hours.

Default: What happens to a student loan if you do not make payments on it for a time. The length of time that can pass before a loan goes into default depends on the loan. Once you have defaulted on a loan you will be required to pay back the entire amount immediately, your credit score will drop and you may be sued.

Deferment: A temporary agreement to delay your payments on your student loans. Interest does not accrue on your loans while a deferment is in place.

Delinquent: What happens to a student loan if you miss a payment on it. You can get rid of the delinquency by making up for the missed payment. If a loan is delinquent for ninety days, your credit score will go down.

Federal student aid programs: Loan or grant programs administrated by the federal government.

Financial Aid Administrator: A person at a college or university in charge of managing financial aid. They can be a resource in applying for financial aid and will also be in charge of distributing aid once it arrives.

Forbearance: A temporary agreement to delay your student loan payments for up to twelve months. Unlike a deferment, interest will accrue on your loans during that time.

Free Application for Federal Student Aid (FAFSA): The application used by nearly all colleges and universities to determine eligibility for federal, state, and college-sponsored financial aid, including grants, educational loans, and work-study programs.

GED: The process of earning the equivalent of your high school diploma, which is called a GED certificate or credential.

Income Based Repayment Program: A method of reducing the payments that you make on your student loans. The amount by which you can reduce payments depends on the type of loan you have and your income.

Licensed Profession: A job that requires that you have a vocational license before you can do it. Vocational licenses require classes and tests to receive.

Loan Servicer: The organization that manages your student loans. They are in charge of sending you information about your loans and taking payments for them. You can work with your loan servicer to set up deferments, forbearances and other agreements to reduce the amount you have to pay.

Official Transcript: A document that has information about what classes you have taken and how many credits you have. Official transcripts can be ordered from the college or university and usually cost money.

Pell Grants: A need-based grant given to people with low incomes who are in an undergraduate program. Some graduate students can also receive Pell Grants. You may use your grant at any one of approximately 5,400 participating colleges and universities. Grant amounts are dependent on: your expected family contribution; the cost of attendance; whether you are attending school full-time or part time; and whether you attend school for a full academic year or less. Unlike a loan, Pell Grants do not have to be repaid.

Reentry Navigator: Staff members at community colleges who meet with inmates pre- and post-release to assist with post-release college enrollment.

Registrar: The person or office at a college in charge of student records. You can talk to a registrar about getting official transcripts.

Selective Service: A United States government agency that maintains information on men that could be subject to a military draft; all men between the ages of 18 and 26 who are not in prison must register with the agency in order to be eligible for most financial aid.

Student Loans: Money that you borrow to help pay for your college or university education. Loans can pay for tuition, books, supplies and other things that you need for school. Many student loans are given by the federal

government, while some are given by private lenders or by the school itself. Once you have finished college or university, you must begin paying your loans back.

Technical College: A two-year college that offers employment training with a focus on the theory and science behind an occupation.

Vocational College: A two-year college that offers employment training with a focus on the skills required for an occupation.

Vocational Programs: A series of courses or classes necessary to learn a profession and/or obtain a vocational license that allows you to work in a specialized field.

Work-Study: A federal financial aid program where you work for a school. Payment for your work goes towards your education.

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16 *U.S. Dept. of Educ.,* Take Charge of Your Future: Get the Education and Training You Need, July 2012, www2.ed.gov/about/offices/list/ovae/pi/AdultEd/take-charge-your-future.pdf

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Voices of Reentry: Mary Jo



Mary Jo struggled with substance abuse for decades before being sent to prison.

On making a strategy for success: I'd made a decision at the very beginning that I was going to give myself an opportunity to ask questions and go with whatever was suggested to me by professionals or people who had gone before and knew what was working. So I was open to suggestions and open to direction. I had not been in trouble with the law before, but now I was in quite a lot of trouble. I thought in my mind, "I'll try it for at least a year, whatever's being asked of me, whatever direction someone's pointing me in, I'm gonna try it for at least one year and see where that takes me. If it works then I'll keep moving down that path, and if it doesn't, I can always go back to the way my life was before."

On her struggles with substance abuse: Just being sober isn't enough. I learned that lesson really, really hard, and I ended up relapsing. At that point I just knew that nothing was going to change until I had a hard stop, and, sick as it sounds, I actually joked about how I would restart my life in prison. I knew in my heart that that was what was going to happen. I grew up with the AA program, my mom was in the AA program, she got in when she was pregnant with me. I grew up with it, and one thing that you hear in that program is that the end result of addiction is jails, institutions and death. So I knew that that would be the end for me, one way or another. I guess I got lucky that it was jail, and then prison is what stopped me.

On staying out of prison: I really didn't want to go back. It's not even about prison. I wanted to live. I was really aware of the fact that the way I had been living was no way to live. It got me nowhere. I didn't like the person I was, I didn't like the people I was with. I was sick and tired of being sick and tired. It doesn't matter how many opportunities someone is given if they're not able to take them.

On what she'd say to someone just about to leave prison: Ask questions, be open to suggestions, don't sell yourself short. If you have any dreams in your heart that you've always wanted to do, or that you're feeling that impulse or that urge to do, go for it right now. When you have the energy, when you're still on that roll of feeling good and feeling open, harness that.

Mary now works at Pioneer Human Services and hopes to one day own a florist shop.

Chapter 4: Employment

The Bottom Line

- **Having a criminal record does not prevent you from getting a job.** However, your record may make it more difficult to find work, and some jobs may not be available to you because of your conviction. To increase your chances, begin thinking about your job search before you are released; consider your skills and experience, what kind of job you might want, and start working on your resume.
- In most cases, employers cannot have a blanket rule that they will never hire anyone with a criminal record. However, an employer can legally deny you a specific job depending on the kind of criminal record you have and the type of job you applied for. For example, if you were convicted of a sexual offense involving a child, you will probably not be able to get a job at a school.
- Prepare to answer questions about your criminal record. Unless you are applying for a job in Seattle, potential employers can ask about past arrests and convictions (see section 9 for more information about Seattle-specific rules). Always read questions about criminal records on job applications carefully (for instance, a question about felony convictions may have a different answer than a question about "all crimes"). **Do not lie about your criminal history when you are seeking a job.**

EMPLOYMENT

Introduction

Although having a criminal record makes it harder to get a job, many employers will still consider hiring people with a record as long as they have the required skills, experience or knowledge needed for the job. It is important for people with criminal records to show employers that they have moved on from whatever led to them being incarcerated.

To get a job after incarceration, it is crucial to begin planning as early as possible. This means gathering important information and documentation before release. This chapter will provide information and checklists to help you prepare for the job search while still in custody, as well as a list of what you will need for the application process. This chapter also answers common questions about how to handle job applications when you have a criminal record. It will help you understand the effect your criminal history will have on various areas of employment. It will inform you about your rights regarding background checks and the application process, and your rights once you are employed.

Pre-Release: Preparing for the Job Search

1. What are my employment options when I am released?

Some people think that you should not apply for a job if you have a criminal record. This is not true. There are some jobs that people with certain criminal histories cannot hold (which are discussed in Section 2, "Will my conviction impact my ability to work in some jobs?"). But, apart from those jobs, you can apply to almost any job with any employer if you have the required skills, knowledge or experience for the job. While an employer may be able to deny you a job based on your criminal history, it is often more important to that employer that you have the skills to match the job.

2. Will my conviction impact my ability to work in some jobs?

As you consider jobs to apply for after release, you should be aware that some jobs may not be available to you because of your conviction. Except for jobs in law enforcement agencies and jobs providing unsupervised access to children and vulnerable adults (such as the elderly in nursing homes), employers cannot have a blanket rule that they will never hire someone with a criminal record.[1] But an employer can legally deny you a job depending on the type of criminal record you have and the type of job that you applied for. For example, guilty pleas or convictions for felony offenses involving certain sexual offenses against children will bar licensing for many positions in education that involve unsupervised access to children, including teaching.[2]

To find out whether your offense will or may disqualify you from a certain type of job, you can check the Council of State Governments Map, at https://niccc.csgjusticecenter.org/map/. To use the map, click on Washington State, and do a search for the category "Employment."

The Department of Health and Human Services (DSHS) also has a list of crimes that would disqualify you for jobs that require unsupervised access to vulnerable adults, juveniles and children. These jobs are generally with nursing homes, in-home service providers, home care agencies, assisted living facilities and adult family houses. The list is available at: www.dshs.wa.gov/bccu/bccucrimeslist.shtml.

3. What can I do to prepare for the job hunt while still in custody?[3]

You will have a much better chance at getting a job soon after your release if you begin planning while still in custody. Thinking about what you can offer an employer and what you want from a job, collecting the necessary documents, and looking for potential jobs or specific employers will speed up the application process upon release. You can take these steps to put yourself in a better position once you are released:

a. Get a copy of your criminal record. This is important so that you can answer questions accurately on job applications. You also will want to make sure that the information on your criminal history report is correct (if you find incorrect information, please see Section 20, "How can I remove or change incorrect information in a background report?").

There are a few ways to get a copy of your criminal record. You can get detailed criminal history information from the Washington State Patrol either online or by mail. You may have to pay a fee, which is usually $12. If you are currently incarcerated, it is unlikely that you will be charged a fee.[4] Note that if you submit your request through the mail, you can only get information about convictions; if you request the information online you can also get information about arrests less than one year old with dispositions pending. Because employers can consider arrests under certain situations, it is best to get a copy of your criminal record from the internet, so that you have your arrest record. Instructions on how to get these records from WSP are available at www.wsp.wa.gov/crime/chrequests.htm.

You can also get your criminal record directly from the Washington courts. If you, or someone in contact with you, has access to the internet, you can conduct a free search of your history in the Washington State court system at: https://dw.courts.wa.gov/?fa=home.namesearchTerms. This will give you a list and timeline for your criminal cases in Washington Courts, but not specific details about each case. Because this search gives less information than the WSP criminal record report, we recommend that you get a copy of your record from WSP if possible.

These are the recommended sources for getting a copy of your criminal records, but there are other sources as well. For information about those sources, and tips on reading your criminal record, see the American Civil Liberties Union of Washington's Guide to Getting and Reading Criminal History Reports, available at www.aclu-wa.org/docs/getting-and-reading-criminal-history-reports-washington.

b. Create a draft résumé that you can finalize after you are released. A résumé is a summary of your personal, educational, and professional skills and experience, including your studies/degrees in school and jobs that you have had. Make sure to include the following on your draft résumé:

- **Contact information.** List your name, address, phone number and e-mail address. Some of these will have to wait until after you are released.
- **Employment history.** The usual way to write this section is to list your jobs in date order (most recent first). List names, locations, dates employed, duties, skills and achievements (like being named employee of the month). When listing where you were employed while incarcerated, many recommend that you use "State of Washington" as your employer. This is true and prevents employers from possibly rejecting your application immediately when seeing that you were incarcerated.
- **Education.** List your education, including when and where you graduated or got your degree (or if you did not graduate or get a degree, how long you worked toward it), your focus (sometimes called a major or minor), and any certificates, academic awards or honors that you received. Make sure you use the official name for schools and degrees (for example, say "Washington State University" instead of "WSU" and "Associate of Arts" instead of "AA"). Also include industry accreditations and certifications that you have.

- **Other qualifications.** Add anything important that doesn't fit anywhere else. For example, list your computer knowledge, foreign language ability or other specialized skills.
- **Job objective.** The best résumés explain not only what job you want, but also why you are a good fit for that job. You should work on explaining why you want to be employed, and then fill in this section when you know what specific job you are applying for.

Here are some general tips for creating a good résumé:

- Be brief. One page per 10 years of work experience is a good rule of thumb.[5]
- Only include information that relates to the job you are looking for.
- Do not include your interests unless they relate to the job.
- Make sure your résumé is easy to read.
- Don't include information about the salary/wage that you want.

c. Create a list of three or more contacts from your prior jobs who can provide you good references during the application process and collect their contact information. As you get close to release, you should contact these people to ask if they would be willing to be a reference for you, so that they can prepare letters of recommendation and are ready to help you if a potential employer contacts them.

d. Go through the same process to get character references. The best character references are from people in your community whose opinions employers would trust, like church leaders, government leaders or leaders from non-profit organizations (like Big Brothers or Habitat for Humanity).

e. Get your ID. You should obtain one or more of the following forms of legal identification, which you will need for a job application:

- Birth certificate;
- Driver license or State ID card – getting a driver's license may also be important so that you can get to and from a job after release;
- Social Security Card; or
- Military records or Release/Discharge from active duty (DD-214)

See the Identification chapter in this guide for information on how to obtain these items.

f. Practice answering interview questions. When you apply for a job, you may have to complete an interview where the potential employer will ask you questions about your job history, experience and qualifications. Practicing your answers to these types of questions can make the interview process go more smoothly. Make sure you also practice answering questions about your criminal history, so that you are as comfortable as possible discussing this topic in a job interview.

4. Where can I look for job listings?

There are many resources that provide listings of open jobs; below are some resources that may be especially helpful.

- **Washington State WorkSource.** WorkSource offers self-help programs, group programs and activities, workshops, one on one consultations, and training programs for job seekers. It has an extensive website, and offices in several areas across Washington. www.worksourcewa.com , 888-316-5627.
- **Employment Security Department (ESD).** The ESD provides resources for job seekers. The agency works with local WorkSource centers and other sites in addition to providing placement assistance. www.esd.wa.gov/jobs-and-training
- **People for People.** People for People provides several resources, including employment training, for people in Eastern Washington. www.pfp.org (then click on "Departments," and "Workforce Training"), (509) 248-6726, adminreception@pfp.org.
- **Goodwill.** Goodwill offers those with criminal backgrounds pre-release services, basic skills development, employment readiness training, occupational skill training, and job placement assistance. www.goodwill.org/find-jobs-and-services/find-a-job/ (and scroll down to "People with Criminal Backgrounds" section), (800) GOODWILL.
- **Craigslist.** Craigslist lists many jobs in a variety of occupations. Sort by county listings by clicking at the top of the screen on the county where you want to work. http://seattle.craigslist.org/
- **Washington State Department of Labor & Industries.** The Department of Labor & Industries lists Apprenticeship Programs in Washington. Apprenticeships are generally a mix of work and school that results in the apprentice being trained in a specific field (often, in the construction trades). www.lni.wa.gov/tradeslicensing/apprenticeship/programs/
- **Careeronestop**. This website is sponsored by the U.S. Department of Labor, and is a resource for finding jobs and job training. www.careeronestop.org/
- **Monster.com and Indeed.com**. By using either of these websites you can search for jobs by type and location and also create accounts that recruiters use to contact you. Monster.com also features career advice and resume help. www.monster.com/ and www.indeed.com/

Non-internet sources such as newspaper classifieds are also useful. In addition to these resources, you can ask a counselor where you can look for job listings while still in custody.

5.How can I find the employers that are most accepting of those with criminal records?

Apprenticeship programs typically do not care much about whether someone has a felony conviction or criminal record.[6] Employers are also less likely to deny you an entry-level job because of your criminal record than a higher-level job. Although entry-level jobs are not as desirable, they give you stability, in the form of an income, while you look for a better job. They also show future employers your willingness to work, and help you build a post-release résumé. For a list of employers that hire people with felony convictions, use http://jobsthathirefelons.org. Note that this is not necessarily a complete list, and that it is possible to work at a company that is not listed here.

In addition, Goodwill, mentioned in the previous section, has employment specialists who work with people that have criminal records. Contact a Goodwill specialist in the area where you want to work and ask them about employers that are friendlier to those with criminal records. WorkSource and other independent non-profit agencies also have employment specialists that may be able to help you.[7]

6. What other types of job searching assistance are available to me?

If you have a disability, you may be eligible for re-training or other job placement assistance with the DSHS Division of Vocational Rehabilitation (DVR). For more information, visit DVR's website at www.dshs.wa.gov/dvr/.

7. What job training options are available to me while still in custody?

Under Washington law, the Department of Corrections must develop an individual reentry plan for every offender before they are released, except those sentenced to life imprisonment or the death penalty, or those who are deportable.[8] While eligible offenders do not have a right to specific services or education, the DOC must connect them with existing resources to serve their reentry needs.[9] This includes creating a portfolio that includes their education achievements, certifications, employment, work experience, skills, and any training received prior to and during incarceration.[10] This portfolio should provide the majority of information needed to create a résumé.

The DOC also has an Offender Education Program that offers you opportunities to increase your knowledge, skills, and ability to function effectively while incarcerated and upon release. There are several standard classes in every Offender Education Program, but some class availability depends on where you are incarcerated.[11] Programs address a broad range of offender needs, including Adult Basic Education, English as a Second Language, vocational skills training, and offender change programs.[12]

Post-Release: Applying and Interviewing for a Job

A. Applications

8. How do I apply for a job upon release?

Use the resources listed in Section 4, "Where Can I Look for Job Listings?", to find jobs that seem like a good fit for your skills and goals. If there are instructions in the job listing about how to apply for the job, follow the instructions. If there are not instructions in the job listing about how to apply, contact the employer to ask how to apply. If the employer does not tell you how to apply, send the employer your résumé with a cover letter explaining the job that you are applying for, how you found out about the job, and why you would be a good fit for the job.

9. What types of questions can an employer ask me about my criminal history?

Under the recently-passed Washington Fair Chance Act, most employers in Washington cannot ask on a job application whether you've ever been arrested or convicted. Employers can ask questions about criminal matters, but not until they determine that you are qualified for the job. The remainder of this section only applies to questions asked after you have submitted your application and passed the initial screening. What employers can ask at that point depends on whether they are asking about convictions or arrests. Employers can also legally ask you about gaps in employment listed on your résumé.

Except for employers that have fewer than eight employees, and for the jobs listed in Section 2 above, a potential employer cannot ask you about convictions that are more than ten years old, or are not reasonably related to the duties of the job that you are applying for.[13]

Additionally, if an employer asks you about arrests, they must also ask:

- whether the charges are still pending,



- whether the charges have been dismissed,
- whether the arrest led to a conviction of a crime involving conduct that would negatively affect job performance, and
- whether the arrest occurred within the last 10 years.[14]

Seattle-Specific

If you are applying for a job with a private (non-government) employer where you would work a substantial amount of time in the City of Seattle, a special law called the Fair Chance Employment Ordinance may apply to you. This law provides additional protections for employees beyond those in the state-wide Fair Chance Act.[15] See Section 23 for more information.

10. How should I answer questions on a job application about my criminal record?

Although most employers cannot ask you questions about your criminal history until they have determined that you are qualified for the job for which you are applying, they can still ask these questions, in writing or verbally, at that point. The first step is to make sure you understand what the employer is asking. The information that you have to provide in response to a question about your felony convictions could be very different from a question about all "crimes."

Once you understand the question about your criminal record, you should answer as honestly and accurately as possible. Answering questions inaccurately can lead to employers denying you employment (or firing you if they find out about it later), even where your criminal history would not have prevented you from being hired. Do not skip questions about your criminal history (not giving information that you should have given is viewed the same as giving incorrect information) and do not provide false or misleading information.

If you check "yes" next to a question about your criminal history, there are a variety of ways to proceed. You can write "will discuss during interview" next to it and explain your record in person. If you choose this option you should plan out and practice how you will explain your record to the interviewer. You can also write the type of crime, such as "nonviolent drug offense," if you feel that the crime is not serious or related to the job. Finally, you can include a letter of explanation.

Before choosing one of these options, you should consult with a job search specialist, such as those listed in Section 4 of this chapter.

11. Should I give more information than the employer asks for?

You do not have to give information about your criminal history that an employer does not request, but there is a good chance that the employer will find out about it, whether during the interview process or after you get the job.

When deciding whether to disclose something not asked about, you should consider:

- the age and type of the conviction (the older and less serious the conviction is, the less important it is to tell the employer about it);
- the job that you are applying for and how the conviction relates to it (if the conviction relates to the job you are applying for, it makes sense to tell the employer about it);

- whether the employer will conduct a background check (if the employer will conduct a background check, they will find out about at least the last 7 years of convictions and arrests, so you will likely want to disclose them); and
- whether the employer will conduct a background check (if the employer will conduct a background check, they will find out about at least the last 7 years of convictions and arrests, so you will likely want to disclose them).

12. What do I say about vacated or sealed cases?

This depends on the type of case. If you were convicted as a juvenile and your court records were *sealed*, you do not need to tell the employer about that conviction.[16] For more information about sealing records, see the Criminal Records and Background Checks chapter of this Guide.

If you have a conviction that has been *vacated*, you have the right to say that you were never convicted of that crime.[17] The Washington State Patrol will not report convictions that have been vacated. But since vacated convictions can still show up in public records, they are often reported on background checks. As a result, if the employer is likely to run a background check on you, you should consider telling the employer about the conviction, but explain that it was vacated.

13. Can I submit documentation to show that I am rehabilitated since a conviction?

You can submit documents that you think will help explain your criminal record. Employment or character references (as discussed in Section 3, "What can I do to prepare for the job hunt while still in custody?") can be very helpful if the employer will accept them. Employers are not required to accept such documents, but generally will do so.

B. Background Checks

14. Do I have a right to know whether an employer is doing a background check on me?

It depends. If the employer is doing its own investigation, such as looking at court records or interviewing people that know you, then you do not have a right to know. But if an employer uses a third-party, such as a Consumer Reporting Agency (CRA), to perform a background check on you, then you have the right to know about it under a law called the Fair Credit Reporting Act. Most employers use CRAs to perform background checks on potential employees.

An employer who requests a background check from a CRA must get your written permission to do so.[18] In addition, the employer must notify you in writing that it may use the background check report to deny you employment.[19]

15. What's included in an employee background check?

It depends on the source. For example, if an employer orders a copy of your criminal history from the Washington State Patrol, it will receive a report with all non-sealed and non-vacated adult and juvenile convictions from Washington state courts, no matter how old the convictions are. But if an employer orders a background report from a CRA, it will generally receive a report with adult and juvenile information (including arrests) from all states, including federal offenses.

16. What kinds of information are CRAs prevented from including in their background check reports?

There are limits on what information a CRA can report about you. As long as you are applying for a job with an annual salary below $75,000, federal law does not allow CRAs to report arrests that are more than 7 years old and that did not result in a conviction.[20] In addition, under Washington law, if you are applying for a job with an annual salary under $20,000, CRAs cannot report information about arrests or convictions that are more than 7 years old.[21] CRAs also cannot report juvenile convictions if you are 21 years old at the time of the background check.[22]

There is a big difference between what a CRA can report versus what information an employer can use when making employment decisions. For example, even though CRAs generally cannot report arrests older than 7 years if they didn't result in convictions, an employer can consider those arrests in making an employment decision if they find out about them another way (such as through a search of court records).

17. Do I have a right to know if an employer plans to deny me employment based on my background check?

Yes, as long as the background check report is provided by a CRA. Before an employer denies you a job (or, after you are hired, fires you or refuses you a promotion) based at least in part on information from a background report, it must tell you in writing that it plans to do so and must provide you with a copy of the background report and a document titled "A Summary of Your Rights Under the Fair Credit Reporting Act."[23]

Before denying you a job, the employer also has to give you a chance to review the background report and respond to any information in the report.[24] The law does not say how long you have to respond, but courts and congress have found that as little as five days is reasonable.[25] As a result, you should act quickly to review and respond to the background check report.

18. How should I respond to an employer who plans not to hire me as a result of information in my background check?

First, you should review the background report to see if the information is accurate. If it is not, then you should tell the employer what information is wrong, and let the employer know that you are contacting the CRA to correct the information.

If the information in the background report is correct, you can still try to change the employer's mind by explaining the circumstances under which you were arrested or convicted, or how your conviction has nothing to do with the job that you are applying for, or that you are rehabilitated (employer or character references are helpful here). You can also point out the benefits available to employers who hire people with criminal records, discussed in more detail in Section 29, "Can I do anything to encourage an employer to hire someone with a criminal record?".

19. Do I have a right to know if an employer has denied me employment based on my background report?

Even if an employer has already given you notice that it plans to deny you a job based on information from a background report that it received from a CRA, it must give you additional information once it actually denies you the job. Specifically, the employer must give you (not necessarily in writing):

- Notice of the action taken based on information from the background report;

- The name, address, and telephone number of the CRA that supplied the background report;
- A statement that the CRA that supplied the background report did not make the decision to deny you a job and cannot give you specific reasons for that decision; and
- Notices of your right to challenge the accuracy or completeness of any information in the background report, and your right to an additional free copy of the report, if requested from the CRA within 60 days of when you were denied the job.[26]

20. How can I remove or change incorrect information from a background report?

If the background report was provided by a CRA, you should contact the CRA, in writing if possible, using the contact information provided by the employer. You should explain what part of the report is wrong, highlighting or otherwise marking that part of the report on a copy. You should also give the CRA the correct information, with document backup, if possible. Finally, a reasonable time period after contacting the CRA, you should follow up with the CRA to make sure that the correct information is being used.

If the background report was provided by the Washington State Patrol, you should provide similar information to that agency, using its Request for Modification of Record form, available at: www.wsp.wa.gov/crime/chupdates.htm.

21. What must a CRA do when I ask for it to correct information from my background report?

Once you have requested that a CRA correct information from your background report, it must perform an investigation (including consideration of the information that you submitted) within 30 days. If, after this time, the CRA finds that the information is wrong or if the CRA cannot verify its accuracy, it must delete the information or change it so that it is correct. The CRA also has to take reasonable steps to make sure that the incorrect information will not be included in background reports in the future, and it must tell any employers that received the inaccurate report over the last two years that information has been deleted or corrected.[27]

22. What can I do if the CRA or the employer does not follow the law regarding my background check?

If you think an employer or CRA broke the laws on background checks, you should contact an attorney. The law allows people to sue employers or CRAs for certain violations and to recover money for damage caused by the violation.

You can also report the violation to the Federal Trade Commission, the government agency that enforces the Fair Credit Reporting Act, by filing a complaint:

- By telephone at 1-877-382-4357; or
- By mail to: Consumer Response Center, Federal Trade Commission, 600 Pennsylvania Ave, NW, Washington, DC 20580; or
- Online at www.ftccomplaintassistant.gov/ (then click “Credit and Debt,” then click “Credit and Loans,” then click “Credit Reporting”).

C. The Employer's Decision About Hiring Me

23. Can an employer refuse to hire me because of my criminal history?

Washington is an "at will employment" state, which means that employers can refuse to hire (or can fire) people for any reason except for certain things about them that are protected by law, like their race, color, age (if over 40 years old), sex, marital status, sexual orientation, creed (religion), national origin, military status or disability.[28] Having a criminal record is not a protected characteristic.

However, because refusing to hire anyone with a criminal record can cause an employer to potentially discriminate against people of a particular protected characteristic (like race), employers should consider your individual circumstances and how they relate to the needs of the employer's business before making a decision based on your criminal record.[29] This is known as an *individualized assessment.* Employers performing an individualized assessment should consider:

- The facts or circumstances surrounding the offense;
- The number of offenses you have;
- Your age at the time of conviction or release from prison;
- Whether you have had jobs in the past that are similar to the job that you are applying for;
- Your employment history;
- Your education, training or other efforts at rehabilitation;
- Employment or character references, if provided; and
- Whether you can be bonded under a federal, state, or local program (see Section 29, "Can I do anything to encourage an employer to hire someone with a criminal record?" for more information about bonding.)[30]

If, after considering these factors, the employer determines that your conviction is related to the job, and that it is necessary for the business to deny you that job, it can legally deny you the job based on your conviction.[31]

Seattle-Specific:

If you are applying for a job where you would work a substantial amount of your time in Seattle, then, with certain exceptions for jobs in law enforcement and with vulnerable children and adults, an employer cannot refuse to hire you solely based on your criminal conviction record unless the employer has a legitimate business reason for doing so.[32] An employer only has a legitimate business reason to refuse you hire you if your conviction would have a negative impact on your ability to perform the job, or if it would harm people, property, or the employer's reputation.[33] For instance, if Joe Smith gets out of prison and applies for a job, the employer can consider his particular conviction history when deciding whether or not to hire him. As an example, if Joe went to prison for stealing and now he is applying for a job where he would have access to large sums of cash, the employer may think that hiring Joe is too risky. However, the employer must have a reason that is related to Joe's specific circumstances. The employer may **not** say, "Sorry Joe, we just don't hire people with criminal records."

Even if the employer has a legitimate business reason to deny you employment solely based on your conviction(s), the employer must identify for you the record or information that it is relying on, and give you a reasonable opportunity to explain or correct that information.[34] Specifically, employers have to hold the position open for at least two business days after giving you notice to allow you time to respond.[35]

If you feel an employer has violated this law, you can sue them or file a complaint with the Seattle Office of Labor Standards (SOLS). For more information, you can call SOLS at (206) 684-4500 or visit their office at 810 Third Avenue, Suite 750, Seattle, WA, 98104. You may also submit a question or complaint to SOLS online at https://seattle-cr.entellitrak.com/etk-seattle-cr-prod/page.request.do?page=page.form.intake.questionnaire.

24. How old of a conviction can an employer use to deny me employment?

Pre-employment questions about convictions are generally acceptable under Washington law if the convictions relate to the duties of the offered job, and if the convictions occurred within the last 10 years.[36] So, decisions based on convictions more than 10 years old or that do not relate to the duties of the job will not be considered justified by business necessity (except for the jobs discussed in Section 2, "Will my conviction impact my ability to work in some jobs?", above).[37]

25. Can an employer deny me employment because of an arrest?

The fact that you have been arrested does not prove that you committed a crime. An employer cannot deny you employment just because you've been arrested.[38] However, an employer can legally make an employment decision based on the conduct underlying the arrest if the conduct makes you unfit for the job.[39] Remember that this is up to the employer; one employer may be willing to hire you after an arrest while another may not. This is why it is important to keep applying for jobs and not get discouraged.

Seattle-Specific:

The same limitations discussed in the Seattle Specific part of Section 23, "Can an employer refuse to hire me because of my criminal history?," apply to employer decisions based solely on arrests and pending charges against you.[40]

26. Can an employer deny me employment based on poor credit?

Yes, but only if the information about your credit is substantially related to the job that you are applying for.[41] In addition, because credit information must generally be provided by a third party, the employer must get your consent to look at this information, and must provide you with notice and an opportunity to respond if it plans to deny you employment based on your credit. See Sections 14-23, above, for more information about these requirements.

27. What can I do, or where can I go, if I'm turned down from employment because of my criminal history?

If an employer has not followed the laws discussed above, you may have grounds for a discrimination claim. If this has occurred, you can:

- Contact a private attorney;
- Contact the Federal *Equal Employment Opportunity Commission* within 300 days of the violation by calling 1-800-669-4000; or
- Fill out a complaint form with the Washington State Human Rights Commission (WSHRC), and mail it to the address on the form **within six months of the violation**. The form is available online at: www.hum.wa.gov/discrimination-complaint. If the WSHRC finds that the employer is at fault, it will try to put together a voluntary agreement for both you and the employer to sign. If you cannot come to an agreement, the

WSHRC will send the information to an Administrative Law Judge, who can penalize the employer for not following the law.[42]

King County Specific:

If your employer is located in King County, you can file a complaint with the King County Office of Civil Rights by:

- Calling 206-263-2446 and asking to speak with an investigator about a complaint;
- Sending an email to Civil-Rights.OCR@kingcounty.gov with your concerns; or
- Filling out a Complaint Form available online at www.kingcounty.gov/~/media/exec/civilrights/documents/intakeFE.ashx?la=en, and mailing it to the address on the last page of the form. A copy of the form is included in the Resources section of this chapter.

Seattle Specific:

If your employer is located in Seattle, you can file a complaint with the Seattle Office of Civil Rights by:

- Calling SOLS at (206) 684-4500;
- Visiting SOLS from 8 a.m. to 5 p.m., Monday-Friday, at 810 Third Avenue, Suite 750, Seattle, WA, 98104; or
- Submitting a complaint to SOLS online, at https://seattle-cr.entellitrak.com/etk-seattle-cr-prod/page.request.do?page=page.form.intake.questionnaire

D. Other Pre-Employment Questions

28. Can I get unemployment benefits while I look for a job immediately after release?

Not likely. You need to work a certain number of hours in Washington to be eligible for unemployment benefits, and your job in prison will not count. This means that unless you worked a significant number of hours in Washington before becoming incarcerated, and will be applying for unemployment benefits during the same year in which you worked those hours, you will not be eligible for benefits.

Even if you are not eligible for unemployment benefits while you are looking for a job immediately after release, you may be eligible for those benefits if you become unemployed after finding your first post-release work. See Section 33 ("If I lose my job, how can I get unemployment benefits?") for more discussion of unemployment benefits.

29. Can I do anything to encourage an employer to hire someone with a criminal record?

There are many state and federal programs that provide an employer with benefits if it hires people with criminal records. You may want to tell an employer about these programs when you are explaining your incarceration.

- **Work Opportunity Tax Credit Program:** This program allows employers to save money on their federal income taxes through a tax credit if they hire people who were convicted of a felony within one year after their conviction or after their release from prison. For more information see (1) www.doleta.gov/wotc and (2) https://esd.wa.gov/about-employees/WOTC.
- **Washington Bonding Program:** Washington's Employment Security Department provides an incentive for employers to hire applicants who might not otherwise be hired because they pose a risk to an employer, such as people with criminal backgrounds or recovering substance abusers. Under this program, fidelity

bonds (which are a form of insurance, not the same as bail or court bonds) are given to employers at no cost to the employer or the applicant. The bond insurance covers any loss resulting from any form of stealing by employees, including theft, forgery, larceny, and embezzlement. In general, anybody who needs bonding and can't get bonded through a commercial bonding company would qualify for the fidelity bond as long as they are not self-employed. For more information, see ESD's website at www.wa.gov/esd/oes/bond/default.htm.

Post-Release: After Obtaining Employment

30. What reasons related to my criminal record can get me fired?

The discussion found in Section 23, above, about how an employer can respond to your criminal record also applies when you already have a job. So if an employer determines that your conviction relates to the job that you have, and that it is necessary for the business to fire you, it can legally do so, even if the employer did not ask about convictions during the application process.[43]

Despite this possibility, most employers ask about criminal records before making a hiring decision, and are not likely to fire you for having a criminal record if they were willing to hire you when they already knew about your record. But if the employer asks you about your criminal record during the application process and you do not fully answer the question, the employer will likely fire you for dishonesty if or when it learns the full truth.

31. Can I be fired for an arrest that does not result in a conviction?

An employer cannot fire you solely because you've been arrested, but can legally fire you based on the conduct underlying the arrest if the conduct makes you unfit for the job.[44] For example, if you were employed as a nurse and were arrested, but not convicted, for illegally selling prescription medication, your employer may see the underlying cause of the arrest as grounds for dismissal, and legally fire you.[45]

32. What is an employer allowed to disclose about my criminal history to coworkers, future employers, and others?

Because criminal history information is technically a public record, there are no laws prohibiting your employer from disclosing information about your criminal history to coworkers, future employers and others.

However, often the form giving an employer the right to perform a background check on you will contain language limiting the employer's use of the information to evaluating your job application. If the agreement you signed includes that language and your employer later fails to honor it, you may have a claim against your employer. Additionally, if your employer discloses your criminal history for the express purpose of harassing you, you may have other legal claims against your employer. Consult with an attorney or the agencies discussed above in Section 27, "What can I do, or where can I go, if I'm turned down from employment because of my criminal history?."

33. If I lose my job, how can I get unemployment benefits?

To obtain unemployment compensation in Washington, you must meet certain eligibility requirements. Specifically, you must have worked at least 680 hours in Washington in the year, have lost your job through no fault of your own, and be trying to find a new job.[46] To find out how many hours of covered employment you worked in your base year, contact the Employment Security Department at (800) 318-6022.



To file an initial application for unemployment, you should call (800) 318-6022, or visit the Employment Security Department's web site and apply online at https://secure.esd.wa.gov/home/. The ESD provides services over the telephone in numerous languages and is available to help guide you through the process.

You will need the following information to complete an application:

- Your Social Security Number;
- Your name, birthdate and contact information (for example, mailing address, phone number and email address);
- Your highest level of education;
- The names and mailing addresses of all your employers during the past 18 months, including part-time, temporary jobs and work-release jobs;
- The dates you worked for all employers in the past 18 months;
- If you get your work through a union, the name and local number of your union;
- If you were in the military during the last 18 months, your discharge information (often form DD-214);
- If you were a federal employee in the past 18 months, your Standard Form 8 (SF8), "Notice To Federal Employees About Unemployment Insurance";
- Your citizenship status (if you're not an U.S. citizen, then your work authorization information); and
- The reason you became unemployed. It is very important that you explain exactly how your job ended, because eligibility for benefits depends on these facts.

After you file your application, ESD has to make a decision about your eligibility for benefits. The agency will get information about the end of your employment from both you and your employer. Both you and your employer then have an opportunity to respond to each other's version of the separation. ESD will then issue a written decision based on the information they gathered.

For more information about unemployment benefits, see the Other Government Benefits chapter of this Guide.

34. Can my criminal record or incarceration affect unemployment benefits?

If you meet the requirements listed immediately above in Section 33, then your criminal record or incarceration will not affect your unemployment benefits.

35. What can I do if I feel I was wrongly denied unemployment benefits?

If you feel you were wrongly denied unemployment benefits, you can file a "Petition for Review" with a group called an appeal tribunal as long as you do so within 30 days of the date of the decision you are appealing.[47] You can also appeal the decision of the appeal tribunal to the Commissioner of ESD by filing a Petition for Review with the Commissioner within 30 days of the date of the appeal tribunal's decision.[48] Instructions on how to appeal these decisions should be included in the letters denying your benefits.

If you appeal and the Commissioner denies you benefits, then you can appeal your case to a state Superior Court for the county where you live, or in Thurston County.[49] There should be no charge for filing a Petition for Review. For more information, see Washington Law Help's publication "How Do I Appeal the Denial of my

Unemployment Benefits to Superior Court," available at www.washingtonlawhelp.org/files/C9D2EA3F-0350-D9AF-ACAE-BF37E9BC9FFA/attachments/392EC278-0370-1E58-A927-D2A62E96750C/7602en.pdf).

Resources

Documents:

- *Getting and Reading Criminal History Reports*, ACLU of Washington, www.aclu-wa.org/docs/getting-and-reading-criminal-history-reports-washington.
- *How Do I Appeal the Denial of my Unemployment Benefits to Superior Court*, Washington Law Help, www.washingtonlawhelp.org/files/C9D2EA3F-0350-D9AF-ACAE-BF37E9BC9FFA/attachments/392EC278-0370-1E58-A927-D2A62E96750C/7602en.pdf.

Resources to help you find jobs or job training:

- Employment Security Department Jobs and Training, www.esd.wa.gov/jobs-and-training
- Washington State Department of Labor and Industries List of Apprenticeship Programs: www.lni.wa.gov/tradeslicensing/apprenticeship/programs/
- Washington State Department of Social and Health Services Division of Vocational Rehabilitation, www.dshs.wa.gov/ra/division-vocational-rehabilitation (job and job training resources for people with disabilities)
- Careeronestop, www.careeronestop.org/
- Craigslist, www.craigslist.org/about/sites#US
- Goodwill, www.goodwill.org/find-jobs-and-services/find-a-job/
- Indeed.com, www.indeed.com/
- Monster.com, www.monster.com/
- People for People, www.pfp.org/pfp/index.aspx
- WorkSource, www.worksourcewa.com/

Government Resources:

- Collateral Consequences of Criminal Records Map, Council of State Governments, https://niccc.csgjusticecenter.org/map/. Click Washington and then choose the category "Employment" to see whether your criminal history will disqualify you from certain jobs.
- Washington State Department of Social and Health Services Disqualifying List of Crimes and Negative Actions, www.dshs.wa.gov/fsa/background-check-central-unit/disqualifying-list-crimes-and-negative-actions. This is a list of crimes that disqualify you from jobs involving unsupervised access to vulnerable adults, juveniles and children.
- If you need to apply for unemployment benefits, contact the **Employment Security Department**:



  - » Phone: 800-318-6020
  - » Online Form: https://secure.esd.wa.gov/home/ - You can apply for unemployment benefits through the Department.
- If you think a CRA or an employer broke a law related to background checks, file a complaint with the **Fair Trade Commission (FTC)**:
  - » FTC Complaint Phone: 1-877-382-4357
  - » Mailing Address: Consumer Response Center, FTC 600 Pennsylvania Ave NW, Washington DC 20580
  - » Website: www.ftccomplaintassistant.gov/GettingStarted#crnt
- If you have been discriminated against by an employer because of your criminal history, you can file a complaint with the **Federal Equal Employer Opportunity Commission** by calling 1-800-669-4000 within 300 days of the discrimination.
- If you work in King County and have been discriminated against by an employer because of your criminal history, you can file a complaint either by calling or emailing the **Office of Civil Rights**:
  - » Phone: 206-263-2446 (ask to speak to an investigator about a complaint)
  - » Email: Civil-Rights.OCR@kingcounty.gov
- If you work in the Seattle area, you can contact the **Office for Human Rights** to file a discrimination claim against an employer and the **Office of Labor Standards** to file a complaint against an employer. Although they are separate offices, the two share an address and contact information.
  - » Phone: 206-684-4500
  - » Address: 810 Third Ave, Suite 750, Seattle WA 98104
- Online contact form: https://seattle-cr.entellitrak.com/etk-seattle-cr-prod/page.request.do?page=page.form.intake.questionnaire –
- If you have been discriminated against by an employer because of your criminal history, you can file a complaint with the **Washington State Human Rights Commission** by filling out the online form at www.hum.wa.gov/discrimination-complaint within six months of the discrimination.
- Washington State Patrol, www.wsp.wa.gov/crime/chrequests.htm. This website has instructions on how to obtain records related to your conviction.
- If the Washington State Patrol has wrong information about you that turned up in a background check, you can use the Request for **Modification of Records Form** to ask the Patrol to correct their records. Visit www.wsp.wa.gov/crime/chupdates.htm.

Glossary

Apprenticeship: A system of education and training featuring planned, closely supervised hands-on training and classroom education. An apprentice works and trains for a specific job.

Background Check: A method that lets employers or other people see your criminal history. Many employers will perform background checks on people who apply for jobs with them.

Consumer Reporting Agency (CRA): A private organization that collects or evaluates people's data and sells it to other people. CRAs can be a resource for people who perform background checks, but they must get permission from you to get this kind of information from a CRA.

Entry-Level Job: The first job that you take after school or a training program. Entry-level jobs typically require little-to-no job experience.

Reference: A person who will say good things about you to a prospective employer. These can be people you have worked with before (professional references) or people who know you well (character references). Many employers will ask for professional references before they will consider hiring you.

Résumé: A summary of your personal, professional and educational skills and experience. Prospective employers use your résumé to get an impression of your strengths, knowledge and abilities.

Unemployment Benefits: Money given to you by the state to help support you if you do not have a job. You must apply for unemployment benefits before you will be given anything, and you must have worked a minimum amount of hours during the year before you applied. You must also actively try to find a job to keep getting unemployment benefits.

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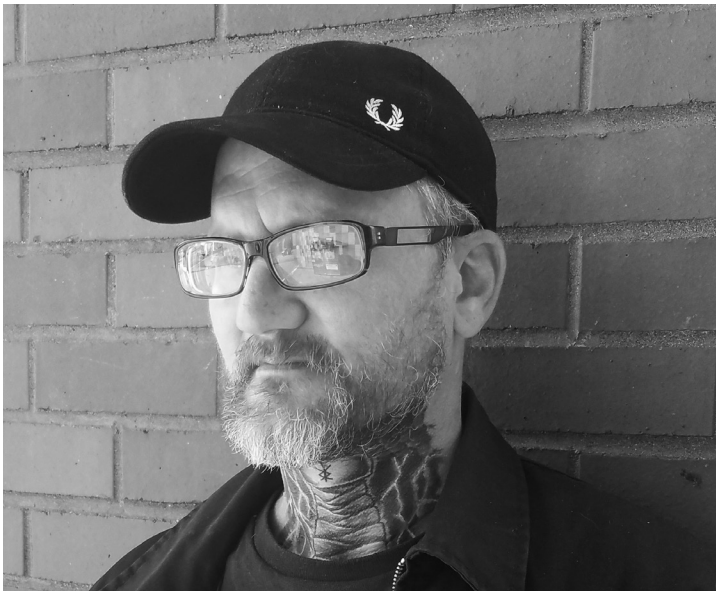
1 *RCW 9.96A020(1),* 9.96A.030, 18.20.125(4), 18.330.100.
2 *RCW 28A.400.322,* 9.96A.020.
3 *Answer drawn largely from the Washington State Employment Re-Entry Guide 2010 by the Employment Security Department.*
4 *Becky Turner,* STAR Project (Sep. 5, 2017)
5 *Becky Turner, supra*
6 *Getting On After Getting Out: A ReEntry Guide for Colorado,* 2nd Edition; www.ccjrc.org
7 *Becky Turner, supra*
8 *RCW 72.09.270.*
9 *Id.*
10 *RCW 72.09.270(b)(5).*
11 *Becky Turner, supra*
12 *Workforce Board, Offender Education Program*, www.wtb.wa.gov/OffenderEducationProgram_Dir..asp (last accessed March 29, 2017).
13 *WAC 162.12.140(3)(d).*
14 *WAC 162.12.140(3)(b).*
15 *SMC 14.17.010,* 14.17.020(B).
16 *RCW 13.50.050(2).*
17 *RCW 9.94A.640(3).*
18 *15 U.S.C. 1681a(o).*
19 *RCW 19.182.020.*
20 *15 U.S.C. 1681c(a)(2).*
21 *RCW 19.182.040(2)(c).*
22 *RCW 19.182.040(1)(e).*
23 *RCW 19.182.020(2)(d); 15 U.S.C. 1681b(3).*
24 *RCW 19.182.020(2)(d).*
25 *Obabueki v. IBM,* 145 F. Supp. 2d 371 (S.D.N.Y. 2001); H.R.Rep.No. 103-486, at 30 (1994).
26 *RCW 19.182.110; 15 U.S.C. § 1681m(a).*
27 *15 U.S.C. § 1681i(a)(1)(A),* (a)(4)-(5), (d).
28 *RCW 49.60.180.*
29 *EEOC Enforcement Guidance: Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964 ("EEOC Enforcement Guidance"),* created April 25, 2012, available at www.eeoc.gov/laws/guidance/arrest_conviction.cfm#V (last visited March 26, 2017), at § V.
30 *Id. at § V.B.9.*
31 *Id.*

32 SMC 14.17.020(E).
33 SMC 14.17.010.
34 SMC 14.17.020(F).
35 Id.
36 WAC 162.12.140(3)(d).
37 Id.
38 EEOC Enforcement Guidance at § V.B.2.
39 Id.
40 SMC 14.17.020(C-G).
41 RCW 19.182.020(2)(c).
42 Becky Turner, supra
43 EEOC Enforcement Guidance at § V.B.9.
44 EEOC Enforcement Guidance at § V.B.2.
45 Becky Turner, supra
46 RCW 50.04.030, 50.20.010, 50.20.050-060.
47 RCW 50.32.020.
48 RCW 50.32.070.
49 RCW 34.05.518.

Voices of Reentry: Kyrrah



Kyrrah was in solitary confinement when he got his release date and learned that he had unexpectedly gotten into work release.

On entering work release and planning for his education: I was shocked, I was excited. I'd been there for over four years at that time. My counselors knew my plans for after release, knew I wanted to go to school, but none of them thought I'd follow through. I was like, "Look, the quarter starts three days after I get out of work release. I need to get all of my paperwork done." I'd already done the FAFSA, the FSAID, all of the admissions, but I need to go fill out the other paperwork. My counselor's like, "Okay, anything having to do with school, just put in a pass for it and I'll sign it," and she did.

On avoiding the "prison mindset": It started in prison. I didn't hang out with "those guys," you know? I have zero tolerance for disrespecting women, kids, old people, and you know, those guys, they're just a bunch of dirtbags. There's a lot of people in prison that should be in prison. There's a lot of people who've just made a series of bad decisions and been caught for them, and learned from them, and those were most of the people I hung out with. I didn't get involved with all the prison politics. And sure, there's certain things, like I got out and I called my mom and I said, "Man, my stomach is killing me, I gotta go to the doctor," and she said, "When's the last time you ate?" I hadn't eaten in three days, because nobody called chow.

On resolving to stay out: By getting sent to the hole for nine months, I had plenty of time to think, "What do I have to do to never, ever come back here again?" And it's like, I have to change everything in my life, so what do I have to do, what program am I gonna do, what kind of schooling or vocational program, what do I have to do to not come back here?

On life after prison: I have been steadily going up the entire time. And I think the reason is because I'm so proactive. Not only for helping myself, but all the people that I hang out with, that I work with, that I help at the school. I am always busy. I think if I wasn't busy I would have low points, but literally, right now, I'm working five jobs. I work at Pioneer Human Services, I work at the college information desk, I work as a tutor, I work as a TA, I tattoo, I have this internship, I'm working with a partner doing a web development project for large amounts of money on the side, and I do the reentry program... so I guess I have seven jobs. I have ten hours of classes a

week, about fifteen hours of homework a week. I am busy close to a hundred hours a week, and I'm okay with that. I stay really active, really busy, really involved. I sleep four to six hours a night.

On what he'd tell someone just about to leave prison: Make a plan before you get out or you're screwed. Seriously, if you don't have a plan when you get out, you're going to do the same thing and you're going to be screwed.

On how he stopped using drugs: Instead of selling dope and doing dope, we go fishing, or we do homework, or we hang out, or we drink, but we don't drink excessively. We've learned how to do different things to have the same amount of fun. It was a bigger rush watching him catch that trout yesterday than doing a big fat shot of dope. He was sleeping with the fishing rod and was like, "Oh my god I got one!" My adrenaline spiked. We go out, we spend three hours trying to find a place to go fishing, we do cool stuff. Except, we don't go to prison for it.

Kyrrah is now preparing to start his bachelor's program and is engaged to marry his fiancée. In addition to his seven jobs, he volunteers 25 hours per week helping formerly incarcerated students navigate the college bureaucracy.

Chapter 5: Family Law: Child Support

The Bottom Line:

- When a child's parents do not live together, the parent who does not live with the child (called the noncustodial parent or the responsible parent) is often required to pay money to the child's other parent or primary guardian (called the custodial parent) to provide for the child's basic needs. If you owe child support, your specific financial obligation will be determined based on your income and laid out by a court or the Division of Child Support (DCS) in a document called a child support order. **You are required by law to make payments as set out in your child support order.**

- If you don't pay your child support, DCS can take enforcement actions such as garnishing your wages, suspending or revoking your driver's license, seizing property, or referring your case to the county prosecutor for contempt of court, which could result in jail time. In addition, any child support you don't pay accumulates as debt that you are still responsible for. In some cases, you may be able to reduce your past child support debt through a process called a conference board; see section 22 for more information.

- **Your monthly child support obligation does not go away if you are arrested or incarcerated.** If you are unable to make payments because you are in prison, you may be able to have your support amount modified or adjusted; see section 15 for more information about modifying your child support order. DCS will also continue looking for ways to collect support from you while you are incarcerated, and may be able to seize any assets you have, place liens on your property, and seize money from your jail or prison account.

- Note that **child support obligations cannot be modified or adjusted retroactively.** In other words, suppose that your monthly child support payment was $550, and that you went to prison in 2015 but didn't make any attempt to modify your child support order until 2018. In 2018, you receive a modification reducing your monthly support obligation to $50. That modification does not apply retroactively to reduce the support you were responsible for from 2015-2018, and you will still owe debt equal to $550/month for the three years before you modified your order. For this reason, it is important to modify your order as soon as possible after you are incarcerated.

- If you are served legal papers concerning child support while you are incarcerated, **do not ignore them.** Open them and read them as soon as possible so that you have time to respond; if you do not respond, an order can be entered without your input (this is called a "default judgment"). If the papers are about a hearing, make sure that the court or agency knows that you are incarcerated, and see if it is possible to participate by phone. See sections 11-14 for more advice about responding to child support papers while you are in prison.

- After you are released, you should contact DCS. You may wish to inform your Support Enforcement Officer (SEO) of your release date in advance so they can help you work out a plan to pay your child support obligation. If your obligation was reduced while you were incarcerated, you should expect that either DCS or your child's other parent will seek a modification to increase it again once you find a job and start working. Just like when you were in prison, your child support obligation does not disappear if you can't find work. Make sure to keep in touch with your SEO during your job search; letting DCS know you are looking for work can help you avoid some of the enforcement consequences like license suspension. See sections 16-20 for more information about managing your child support obligation after you are released.

- **If you were the custodial parent before you went to prison:** It is possible that rather than owing child support, you were receiving support from your child(ren)'s other parent because you were their primary caretaker before you were incarcerated. Once you go to prison, you cannot receive child support because you are not living with your child and are no longer the custodial parent. The person who is caring for your child while you are in prison can apply to DCS for child support, and the money that was originally sent to you can go to that person. Additionally, since you are now a noncustodial parent, you may become responsible for paying support. See section 23 for more information on this topic.

FAMILY LAW: CHILD SUPPORT

Introduction

This chapter will outline your child support obligations and how to manage them during and after incarceration. Your child support obligations will not go away just because you are incarcerated, so it is important that you are proactive about dealing with them. If you ignore your obligations, things will only get more difficult for you.

The most important thing you can do while you are incarcerated is avoid accumulating child support debt and deal with any debt that has already accumulated. It is important that you do not ignore any child support papers you receive. Make sure to open and read them! This chapter will help you understand what the papers mean and provide information on what to do next.

As you read this chapter, it will be important for you to understand the meaning of the following terms:

- **Child Support Order:** A legally enforceable document that requires a person to pay money for the support of a child and/or to provide medical insurance for the child. A child support order may be issued by a court, the Division of Child Support, or in some cases by an Indian tribe.
- **Custodial Parent:** The parent (or non-parent caregiver) with whom the child lives most of the time. This parent will be the one who is supposed to receive child support.
- **Noncustodial Parent:** The parent with whom the child does not live most of the time. This parent will be the one who is supposed to pay child support. The NCP is sometimes called the "Responsible Parent" because they are responsible for paying child support.
- **Division of Child Support (DCS):** The Department of Social & Health Services (DSHS) Division of Child Support (DCS) is the Washington state agency that sets and enforces child support orders. They work with both parents to ensure that children are provided for. For information about DCS, and your child support case, visit the DCS website at www.dshs.wa.gov/esa/division-child-support or call the DCS hotline at 1-800-442-KIDS (5437). Any mail for DCS, including correspondence or documents about your case, can be sent to: DCS, PO Box 11520, Tacoma WA 98411, or faxed to: 866-668-9518. Child support payments go to the Washington State Support Registry (WSSR), PO Box 45868, Olympia WA 98504.

Understanding Child Support

1. What is child support?

Every parent has a legal responsibility to provide for the needs of their child, which includes providing food, clothing, shelter, education, and health care.[1] Child support is money that a non-custodial parent pays to the person who has custody of their child to help provide for the child. The parent paying child support is called the noncustodial parent (NCP), the obligor, and sometimes the "Responsible Parent" because they are responsible for providing child support. The person receiving child support (called the custodial parent, or CP) could be the other parent or another person if someone else is the legal guardian of the child lives with a non-parental caregiver. The specifics of your child support obligation are contained in your "child support order."

In most cases, the child support order will provide that child support must be paid to the Washington State Support Registry (WSSR), unless the order specifically says that payments must go directly to the custodial parent. When the child is receiving Temporary Assistance for Needy Families (TANF), child support payments

are kept by DCS to reimburse the government for the TANF assistance that was already given to the child. If the child is not receiving TANF, support payments are sent by DCS to the custodial parent.

If you get behind on your child support payments while the child is receiving TANF or in foster care, your child support debt will be owed to the state instead of the custodial parent. Back child support debt will be covered in more detail in section 22.

2. How does a child support case start?

Before a child support order is entered, a case must be started. A child support case can start in one of five ways:

- **Court action.** If either parent files a divorce case or any other type of case that involves the custody of the child(ren), the court may also enter a child support order in that case. If the order requires payments to be made through DCS, then the child support order is sent by the court to DCS, which opens a case to enforce the order. If the order doesn't require payments to be made through DCS, then DCS won't open a case automatically, but either parent may file a nonassistance application (see below).
- **Public assistance.** If the custodial parent applies for Temporary Assistance for Needy Families (TANF), a child support case will automatically be opened by DSHS except in very limited circumstances.
- **Foster care.** If a child enters foster care, either by voluntary placement or by court order, a child support case will automatically be opened by DSHS. For more information on Child Custody issues, please see the Child Custody chapter of this Guide.
- **Nonassistance application.** Either the custodial parent or the noncustodial parent can apply for support enforcement services from DCS. Having DCS involved can benefit custodial parents because DCS can assist with collecting support. It can also benefit noncustodial parents by ensuring accurate accounting of all payments made.
- **Order from another jurisdiction.** If you owe child support in another state, tribal court, or another country, DCS can enforce the order in Washington.

3. Who is a "parent" of a child?

A child support order can only be entered against a noncustodial parent if the legal relationship between the parent and the child has been established. It is not enough for the parent and child to be biologically related, and it is possible for a person to be the legal parent of a child who is not biologically related to them. There are four ways that a person can be determined legally to be the parent of a child:

- **Birth Mother.** A woman who has given birth to a child is the legal parent of the child.
- **The "Marital Presumption."** A person is presumed to be a parent if he or she is married or in a domestic partnership with the mother of the child and the child is born during the marriage or domestic partnership or within 300 days after it is ended.[2] Importantly, this may leave a person who is not the biological parent of a child responsible for providing support for the child until his or her paternity can be disproven, which can only be done for a limited time. See below for more information on how to dispute paternity.
- **Acknowledgment of Paternity.** This is a legal document in which the birth mother and the biological father state under oath that the father is the only possible biological father of the child. If the mother is married to someone other than the biological father, then the Acknowledgment must be accompanied by the spouse's Denial of Paternity, which states that the spouse knows that he is not the biological father of the child.



- Parents are usually given the chance to sign the Acknowledgment form when the child is born, but it can also be signed later so there is no pressure to sign it right away (although note that if you choose to file it after you leave the hospital, you will have to pay a $15 filing fee). DCS offers free genetic testing to parents who are thinking of signing an Acknowledgement through the DCS Voluntary Paternity Testing Program. Once the Paternity Acknowledgment is filed, the legal relationship between the father and child is established.[3] For more information on Paternity Acknowledgments, visit the DCS website: www.dshs.wa.gov/faq/how-do-i-establish-paternity-signing-paternity-acknowledgment. For more information about obtaining a copy of your Paternity Acknowledgement, see Northwest Justice Project's publication entitled "How do I Request a Copy of My Paternity Affidavit?" in the Resources section at the end of this chapter.
- **Court Order**: A state court, tribal court, or court in another country can also establish who the child's parent is by court order. This can be done in a paternity case, case (often after genetic testing has been done), in a paternity disestablishment case, or in an adoption.

4. How can I dispute paternity?

If you believe that you are not the biological parent of the child for whom you owe support, it is possible that you may be able dispute the legal status using one of the following mechanisms:

- **Rescission of Paternity Acknowledgment.** Either parent who signs a Paternity Acknowledgment may change his or her mind within 60 days by filing a court action called a "rescission." If either parent was a minor when the Paternity Acknowledgment was signed, the parent who was a minor can file a court action to rescind the acknowledgment on or before that person's 19th birthday. If the court grants the rescission, Department of Health will remove the parent's name from the birth certificate.[4] After the rescission period, a challenge to the Acknowledgment may be filed in court for up to 4 years, but the parent has to prove that they signed the form as a result of fraud, duress, or factual mistake.
- **Paternity Disestablishment.** If a person is the presumed parent of a child and does not believe that they are the biological parent, then they may be able to file a court case to disestablish paternity. There are many factors such as the age of the child, the basis of a presumption of parentage, and any prior legal actions, that determine whether this can be done. This is a complex legal issue, and you should consult an attorney to find out what options are available to you.

Child Support Orders and Enforcement

5. How is a child support order established?

Child support orders in Washington can be set either in court or by the DCS administrative process. Child support orders can also come from other states or countries, or from tribal courts. For this chapter, we will look at Washington court and administrative orders.

- **Administrative Orders.** If the legal relationship between the parent and child has already been established, then DCS can set an administrative child support order. In order to do this, the Support Enforcement Officer (SEO) gathers whatever information they can about the income of the parents (by looking, for instance, at state Employment Security records), and uses that information to calculate a proposed child support amount. They send that calculation to the parties in a document called a Notice and Finding of Financial Responsibility. If neither parent objects to the calculation, it becomes a legally enforceable order. If either parent objects (either in writing or by calling their SEO), then a hearing is set and the final child support amount is decided by an Administrative Law Judge.

- **Court Orders.** If the legal relationship between the parent and child has **not** been established, then a court case (called a paternity or parentage case) must be filed in order to establish that relationship. Once that has been done (often, but not always, after court ordered genetic testing), the court can enter a child support order. Courts can also enter child support orders through other cases that deal with the custody of children, such as divorces and parenting plan cases.

It is usually faster and easier to get an administrative order than a court order, and administrative orders are also easier to modify when circumstances change. So, a person who is filing a court case where a child support order may be entered (such as a divorce) may choose to also ask DCS to set an administrative order. If this happens, then the court will have the option of either setting its own order, which would "supersede" the administrative order, or it could decide to not enter a separate order and allow the administrative order to stay in place.

6. How are child support amounts determined?

Child support amounts are determined by the Washington State Child Support Schedule (WSCSS) and the WSCSS Worksheet. If you know your income and the income of the other parent in your case, you can estimate your child support amount by using the online estimator, available at https://fortress.wa.gov/dshs/dcs/SSGen/Home/QuickEstimator. The WSCSS determines the monthly child support obligation based on both parties' income and the number of children to be supported and comes up with a presumptive (probable) amount of child support. Even if the noncustodial parent's income is very low, there is a presumption that they will pay at least $50 per month per child. There may be reasons why the presumptive amount goes up or down, depending on the facts of each case. Reasons why the court would set support above or below the presumptive amount (this is called a "deviation") include other children the noncustodial parent has an obligation to support, assets or debts, and limits on either parent's earning capacity, such as incarceration, disabilities, or incapacity.

7. How does DCS enforce a child support order?

DCS may be involved in a child support case in one of two ways:

- **Payment Services Only (PSO).** This is where DCS acts as a "middle-man" in the payment process. The noncustodial parent submits payments to the Washington State Support Registry (WSSR), and the payments are recorded and then sent to the custodial parent. DCS does not take any enforcement action when payments are late or missed. At any time, either parent may request that a PSO case become a full enforcement services case.
- **Full Enforcement Services.** This is where DCS enforces all current and back support owed under a child support order. Enforcement includes, but is not limited to, garnishing wages, revoking driver's licenses, and seizing property if child support payments are not made. If you are out of jail and don't make your payments, DCS may also refer your case to the county prosecutor for contempt of court, which could result in jail time.

Managing Your Child Support Obligations While You Are Incarcerated

8. What happens to my child support obligation while I am in prison?

Your monthly child support obligation does not automatically go down or stop because you are in prison. However, you may be able to modify or adjust the support amount if you can't afford to pay it while you are incarcerated. Washington does not allow child support obligations to be modified retroactively. This means that you can't wait until after you are released to modify your obligation. If child support debt builds up while

you are incarcerated, you will have to pay it when you get out. **Because of this, it is very important to try to modify your child support as soon as possible when you become incarcerated.**

9. Does DCS enforce my support obligation while I am incarcerated?

DCS can and will continue to look for ways to collect support from you even if you are incarcerated. This may include filing liens or a credit report to secure support debt. If you have assets or accounts, DCS may attempt to seize them. It may also seize any money in your jail or prison account.

10. Can the State deduct funds from my prisoner trust account or work program earnings to pay for child support obligations?

If you owe child support obligations, the Department of Corrections (DOC) is required to make certain deductions from your prisoner trust accounts and work program earnings. Deductions are based on priority. Child support obligations are deducted after money for victims' compensation and legal financial obligations (LFOs). If you are working a Class I job through Correctional Industries, 15% of your wages will be deducted to pay child support. Also, 20% of any money you receive that is not deposited into your postage account or that is awarded as part of a legal action can be taken to pay child support costs.

DOC is subject to certain limitations when it comes to deductions. Earnings from a state or federal work release program cannot be deducted to pay child support obligations. Additionally, DOC cannot deduct money provided for payment of certain medical expenses. This limitation covers medical expenses associated with the purchase of eyeglasses, over-the-counter medications, and offender copayments. However, DCS is not subject to these same limitations and can send DOC an *Order to Withhold and Deliver*, which asks DOC to take money from your prison account. Even so, an inmate's account cannot be lowered by deductions past the point of indigence, meaning that any withholding cannot make the balance of the account go below ten dollars.

11. What should I do if I am served legal papers concerning child support while I am incarcerated?

The worst thing you can do with legal papers is to ignore them. If you don't open and read them, bad things can happen! It is extremely important that you open and read them **as soon as possible.** This will give you the most time to respond to whatever legal papers you receive. If you don't know what the papers mean, find someone to explain them to you and help you figure out when and how to respond. Usually the papers will include information about how to respond. It is important to follow those instructions as closely as possible.

Your ability to respond or to appear at a hearing will be limited because you are incarcerated. If you can get help from a family member or a friend who is not incarcerated, that may be helpful. The staff at your facility may also be able to help you with phone calls or internet searches. Ultimately, the burden is on you to figure out what to do. If you do not respond, a "default order" can be entered without your input. This is why it is important to let the appropriate people know that you are incarcerated and that you cannot appear in person and can only participate in a hearing by phone. You may need to request a different hearing date or time. You should find out how to make arrangements with jail or prison staff so that you can participate by phone. You should also write down all of the efforts that you make to respond in your case. That way, if you are not successful, then after you are released you will be able to show that you tried to respond.

If you are served with a petition for a court order, you will most likely have twenty days to respond. If you are served with a motion, such as a *Motion for Adjustment of Child Support*, you may have less time to respond. The paperwork you receive should give the deadline for responding. If the paperwork does not provide a deadline, you will have to check the local court rules or call the court clerk's office or a family law facilitator to ask for the

deadline. Local court rules can be found on the Washington Courts website here: www.courts.wa.gov/court_rules/?fa=court_rules.local&group=superior.

The Northwest Justice Project has step-by-step guides and instructions for filling out the proper paperwork when responding to a motion for adjustment or a petition to modify. They are titled "Responding to a Motion to Adjust Your Child Support Court Order" and "Responding to a Petition to Modify Your Child Support Court Order," and they are also included in the Resources section at the end of this chapter. These packets can be found online. If you are still incarcerated, you can ask a friend or relative to print them out and mail them to you.

12. What do I do if I can't respond before the deadline to the paperwork I received?

If you were served with an administrative order and can't respond by the deadline, you should contact the SEO on your case right away. The name and phone number will be included on the notice. If you can't call them, you can write or fax them. You can find contact information for DCS in the introduction to this chapter.

If you have been served with paperwork from a court, and you do not have enough time to respond, you can try to get a continuance, which pushes the court hearing date to a later day. You can usually get a continuance if the other party agrees to the continuance or, if they do not agree, you can ask the court to grant you one.

To get a continuance by agreement (when the other party agrees to the continuance), contact the other party or their lawyer to find out if they will agree. If the other party has a lawyer, you must contact the lawyer. If they agree, ask for confirmation in writing. After they have agreed and provided written confirmation, they will have to tell the court they want a continuance. You should call the court clerk to make sure the other party has asked for a continuance and also to find out if a new date has been set.

To get a continuance by court order (when the other party does not agree to the continuance), you will have to file a declaration with the court asking for a continuance. Use the declaration to explain why you need the continuance. In the declaration, explain specifically why you are unable to respond on time, how you will be negatively affected if not granted the continuance, and how you will use the continuance to adequately respond to the motion. Be sure to inform the court of your incarceration and explain the limitations and restrictions you experience because of your incarceration.

The Northwest Justice Project (NJP) has a publication titled "Family Law: How to get a Continuance of Your Hearing" that is available online and included in the Resources section at the end of this chapter.

13. How do I participate in a child support hearing if I am incarcerated?

Court hearings are almost always held in person. Unlike criminal hearings, where the defendant is often brought to court, it is rare that an inmate will be allowed to attend a child support hearing in person. However, the court may allow inmates to participate in their hearings by phone. In order to get that approval, you will need to contact the court clerk to find out how to request a telephone hearing. Work with your case manager inside the prison to figure out how you can contact the court and have access to a phone for the hearing.

Administrative hearings are conducted by telephone, so you will not need special permission to participate by phone. You will have to provide the Office of Administrative Hearings (OAH) with a telephone number where they can reach you, and the phone must be able to receive calls from a blocked phone number. Work with your case manager inside the prison and give DCS your case manager's phone number to ensure you have reliable access to a telephone on the exact date and time you need to call. Generally, OAH will wait for fifteen minutes after the start time of your hearing for you to appear by phone. After those fifteen minutes have passed, a default judgment or order can be entered against you. If you are unable to meet these requirements, call the

DCS Representative on the case (the name is included on the Notice of Hearing form) and call OAH to let both of them know about your limitations.

14. Do I have a right to free legal help at child support hearings?

Unfortunately, you do not have a right to have an attorney appointed to represent you in child support hearings. In an administrative hearing (but not in court), you can be represented by a friend, family member or other person. In court, only an attorney can represent you. However, there are free resources you should look into to prepare for your hearing.

The end of this chapter contains a Resources section that includes publications explaining various aspects of child support in greater detail than this guide. These packets will tell you what forms you will need and how to fill them out, and other useful information.

The Resources section also includes a list of local court facilitators, some of whom focus on family law and may be able to assist you in child support proceedings. Court facilitators cannot provide legal advice, but they will know the local rules for your county court and the procedure you will need to follow for specific legal actions. The cost varies by county. Facilitators will typically charge a fee of around $30, but if your income is below 125% of the federal poverty guidelines you may be able to get that fee waived.

15. Can I change my child support order because I am incarcerated?

Your child support obligation can be changed (most likely lowered) by getting either an adjustment or a modification of your child support order. The terms "modification" and "adjustment" refer to slightly different court processes, but both mean "change," and are used when talking about changing a court order for child support. Administrative orders are modified, not adjusted. In some cases, DCS will start a modification when they find out a parent is incarcerated, but most of the time it is up to the incarcerated parent to ask for a modification.

The process for changing a support order depends on whether you have an administrative support order or a court order. Modification of an administrative order can be completed fairly quickly; a modification or adjustment proceeding in court may take about six months. Be aware that complications may arise if your support order was entered by another state or country, or by a tribal court; it's not impossible to modify these orders, but it will probably take longer.

Modifying an Administrative Order: Either parent or DCS can start the modification process for an administrative order by filing a *Petition for Modification*. DCS can provide a form for you to use (DSHS 09-280B), along with some helpful information. Once you file your Petition by mailing it to DCS, DCS will try to reach an agreement with you and the other parent on the new support amount. If you can't agree, then an administrative hearing is scheduled with OAH. See the discussion above on administrative hearings.

Modifying or Adjusting a Court Order: If you have a court order that needs to be changed, there are two options. The easiest and cheapest way (Option 1) is to ask DCS to review your case. If they agree that it needs to be changed, they will send it to the local prosecutor to file the case. The prosecutor does not represent you or the other party, but they will complete the paperwork and make a proposed order for the court, allowing you and the other party to simply respond to their proposal. This is much easier than filing the case yourself and serving the other party, (Option 2). If you are incarcerated, Option 1 may be your only choice unless you can afford to hire an attorney to handle the case for you.

Note that while Option 1 is cheaper and easier, it may also be a bit slower. The earliest a change in the support amount can occur is the date the petition for modification or motion for adjustment is filed. So, if you are doing

it on your own (Option 2), you can (in theory) file right away. Going through DCS and the Prosecuting Attorney's Office (Option 1) may take longer, and the start date for the changed amount may be delayed by a few months.

Information on how to modify your child support order via Option 1 or Option 2 is laid out below.

- **Option 1.** In order to ask DCS to review your case for a modification you need to contact your SEO and ask them to send you the necessary forms. If you don't receive the forms, call again to make sure that they were sent, and request that they be re-sent if necessary. When you receive the packet, fill out the entire packet to the best of your ability. If you don't have certain information, write in something like "I don't know," or "Not Available." The Northwest Justice Project has a packet called *Asking DCS to Review Your Child Support Case for Modification*, which can help you to fill out the forms properly. The NJP packet can be found in the Resources section at the end of the chapter. After you have completed the paperwork, mail it to the DCS central mailing address:

  Division of Child Support
  P.O. Box 11520
  Tacoma, WA 98411

  Once the prosecutor files the case, you are not obligated to agree with their proposal. For instance, many prosecutors will ask that you be ordered to pay the presumptive minimum amount of $50 per month per child, even while you are incarcerated. While this may be much better than your current order, you can still ask the court to order a lower amount, even $0 per month, while you are incarcerated.

- **Option 2.** If you prefer to modify or adjust your court order on your own without going through the Division of Child support, you can use the "Filing a Motion to Adjust a Child Support Order" packet or the "Filing a Petition to Modify Your Child Support Court Order" packet published by the Northwest Justice Project and available in the Resources section of this chapter. The packets contain step-by-step guides and copies of the forms you will need to fill out. If you can't afford the filing fee that the court charges to file your paperwork, then you can use the "Filing for Waiver of Your Filing Fee" packet to get that fee waived.

Managing Your Child Support Obligations After You Are Released

16. What should I do about child support once I am released?

Once you are released from prison, you should contact DCS. If possible, inform your SEO of your release date prior to getting released. If you are open with your SEO about your pre- and post-release circumstances, your SEO can be helpful in making sure your child support order matches your circumstances and giving you some time to find a way to pay your support obligation.

You should also consider applying for DCS's Alternative Solutions Program. Alternative Solutions Program staff members have more time allowed for each case and can provide you with one-on-one help that can be more responsive and personalized than the average case. To learn more about the Alternative Solutions Program, email AlternativeSolutions@dshs.wa.gov or call 360-664-5028.

17. If my child support order was modified during incarceration, what will happen to my support obligations once I am released?

Read your support order carefully. Sometimes when an order is modified because the noncustodial parent is in prison, the order will have a section that provides that the support obligation automatically goes back to the old amount after a certain number of days after release. More often, there is no automatic increase in the

support amount, but you should expect that either the other parent or DCS may start a modification action once you are working. Just like when you were in prison, if you get served with legal documents, be sure to read them and respond as needed.

18. What happens once I go back to work?

Once you start working, you will need to start making child support payments again. It is best if you contact your SEO to work out a payment agreement withholding amount that works with your financial circumstances as soon as you get a job. If you don't, DCS will probably send your employer a withholding order for fifty percent (50%) of your "disposable income." This means 50% of your net pay after mandatory deductions (such as taxes or union dues) are made. If your paycheck shows deductions for a car payment or other voluntary deductions, those amounts are included in the calculation of disposable income.

DCS is required to collect at least current support plus something on the support debt. You can negotiate the amount of the "something." Your SEO will probably ask you to complete a form called the *Statement of Resources and Expenses* to show how much money you have coming in and how much you spend. If you are working on getting back on your feet financially, DCS may accept a low amount for a short period of time (about 3-6 months) if you agree to increase your payments and/or modify your child support obligation in the meantime.

19. What if I can't find work after I am released?

Keep in touch with DCS, even if you haven't been able to find a job. Your support obligation doesn't disappear just because you are not working. Letting DCS know that you are looking for work can help you avoid license suspension or a referral to the prosecutor for contempt of court.

If you qualify for unemployment compensation benefits, be aware that the Employment Security Department (ESD) shares information with DCS, and DCS can have ESD withhold up to 50% of your unemployment benefits. When you receive unemployment benefits, you are usually required to actively seek employment, too.

If you are unable to work due to a disability, you should apply for ABD (Aged, Blind or Disabled) benefits with DSHS right away. If DSHS agrees that you are disabled, you will receive monthly cash benefits and there will be restrictions on what DCS can do to collect child support from you. For instance, they won't be able to suspend your driver's license. Being disabled may also be the basis for modifying your child support obligation, so check with your SEO right away if you have proof from a doctor that you are physically unable to work.

As mentioned earlier, the Alternative Solutions Program can provide access to job training and employment opportunities to help you meet your child support obligations. If you are unable to find a job, it is a good idea to ask your SEO to refer you to that program.

20. What do I do if I receive notice that the Division of Child Support (DCS) is trying to get my license suspended because I am behind on my child support payments?

DCS can serve a *Notice of Noncompliance and Intent to Suspend License*s on you even while you are incarcerated. However, unless you have other resources available that could be used to pay your support debt right then, DCS won't actually suspend your license until 51 days after your release, so you can wait until your release, then contact your SEO to try to negotiate to keep your license. If DCS serves the *Notice of Noncompliance* on you after you have been released, then you will have only 20 days to respond.

If your driver's license was suspended before you went to jail or prison, you should contact DCS to find out if the certification can be released so that you will be able to have a valid driver's license when you get out. Note

that clearing up your child support issues may not immediately result in getting your driver's license back if it was also suspended for reasons other than nonpayment of child support.

Once you are released, you can ask DCS for a temporary payment agreement to avoid having your license suspended. These agreements are designed to give you time to find a job so you can start paying your full obligation or modify your order to an amount that you can afford. As long as you comply with the payment agreement, DCS will not suspend your license. If you fail to make the required payments, DCS will suspend your license. Even if your payment plan allows you to make payments for less than your current support obligation, remember that you will still accrue child support debt during this time, because you are not making the full payment amount.

21. What resources exist to help me deal with my child support obligation?

The Resources section at the end of this chapter will direct you to a number of publications meant to help parents just like you handle family law matters themselves. All of the publications can be found online. If you cannot access them yourself while incarcerated, ask a friend or family member to print them out for you.

Once you're released, you can also ask for help from the family law facilitators at your local superior court. While they cannot give you legal advice, they can help you fill out the forms. For King and Snohomish counties, you can walk in. Outside of those counties, contact your local superior court to find out when they hold their family law facilitator hours. Contact information for court facilitators throughout the state is provided at the end of this chapter.

Other Considerations Related to Child Support

22. What can I do about child support debt from before I went to prison, or debt that accrued while I was in prison?

Child support debt that accrued before you went to prison does not disappear. Even if you were able to modify your support order (or orders) because of your incarceration, you may still have support debt.

There are a few options for dealing with existing child support debt. The law does not allow a "retroactive modification," which would reach back in time to change the support order so that debt would not have accrued. However, it is sometimes possible to have part or all of your support debt written off through the DCS process called a conference board. A conference board is an internal, informal process that you can initiate by calling your SEO. You can request a conference board over the phone or in writing, and you will probably be asked to provide information or documentation to show why the child support debt is causing a hardship for you. You can even ask for a conference board while you are still in prison so that you don't have a giant debt hanging over your head when you get out.

The conference board is authorized to write off or compromise (settle for a lesser amount) support debt that is owed to the state of Washington. If your child received TANF while you were not in the same household, the child support owed for that time period is owed to the State and can be written off by a DCS conference board. However, the conference board cannot write off support debt that belongs to the other parent (or another custodian of your child) or to another state (if your child received TANF outside of Washington).

You may be able to negotiate directly with the other party or other state about any remaining debt. You should talk to an attorney to find out your options.

23. What if I was the custodial parent before I was incarcerated? What happens to the child support I was receiving?

You cannot receive child support while you are incarcerated because you are not living with your child and are no longer the custodial parent. The parent or person with whom your child lives while you are in prison can apply for DCS services, and the support that was formerly sent to you can go to that person. Since you are now a noncustodial parent, DCS may also seek to establish an administrative child support order against you. Be sure to deal with any legal paperwork you receive.

The person who is taking care of your child is entitled to receive child support, even if there is no support order requiring the other parent to pay support to them. Before DCS can send support collections to the current custodian, DCS will need to obtain a written statement from the custodian confirming that they have your child with your consent or that they are the legal custodian of the child. As the payee under the support order, you will receive a copy of the Declaration and a *Notice of Intent to Distribute Support Money* telling you that DCS will be sending any child support payments to the current custodian.

See the Custody and Visitation chapter of this Guide for more information regarding temporary non-parental custody.

24. What can I do if I disagree with an action taken by the Division of Child Support (DCS)?

Initially, you should speak with your SEO to see if there is any solution the two of you can work out regarding your complaint. If that doesn't work, then you have the option to request a "conference board." A conference board provides an informal review of complaints against DCS and then provides a resolution for the complaint.[5]

You can ask for a conference board by phone, mail, or in person. You will need to explain what DCS action you disagree with and why, and you will need to provide information to support your claim. You will not be granted a conference board if you are asking to change the amount of your child support, reduce debts owed to anyone other than the State of Washington, or decide visitation or custody issues. Conference boards can only be used to resolve disputes concerning actions taken by DCS to enforce your child support order, including any child support debt owed to the state.

A conference board is an informal process that may or may not require a meeting before a decision can be made. If you provide enough information with your request or if you are asking for relief that the conference board cannot provide, there will not be a meeting. If the conference board decides that they need to hold a meeting, they will mail you a notice with the date and time of the meeting. You can participate in the meeting in person or by phone. If you would like to participate by phone or need to make other arrangements, call the number provided on the notice.

If you disagree with the conference board's decision, you may ask for an informal review of the decision by writing to the Conference Board Manager at the following address:

P.O. Box 9162
Olympia, WA 98507

DCS has a pamphlet that provides useful information on conference boards titled "Child Support Conference Boards" available at the following URL: www.dshs.wa.gov/sites/default/files/ESA/dcs/documents/22-386.pdf.

Resources

Documents:

- *Changing Your Child Support Court Order,* Northwest Justice Project, www.washingtonlawhelp.org/resource/changing-your-child-support-court-order?ref=k2s8D#b11
- *The Washington State Child Support Schedule: Setting Child Support,* Northwest Justice Project, www.washingtonlawhelp.org/resource/understanding-the-wa-state-child-support-sche?ref=hKz0s
- *Family Law: How to get a Continuance of Your Hearing,* Northwest Justice Project, www.washingtonlawhelp.org/resource/family-law-how-to-get-a-continuance-of-your-h?ref=8sgOF
- *Responding to Family Actions While Incarcerated,* LegalVoice, http://docs.legalvoice.org/Responding_to_Family_Law_Actions_While_Incarcerated.pdf
- *Washington State Child Support Schedule,* Washington Courts: Administrative Office of the Courts, www.courts.wa.gov/forms/documents/WSCSS_Schedule2015.pdf
- *Child Support and License Suspension,* Northwest Justice Project, www.washingtonlawhelp.org/resource/what-to-do-about-a-license-suspension-notice?ref=sURfj
- *Child Support Conference Boards,* Department of Social and Health Services: Division of Child Support, www.dshs.wa.gov/sites/default/files/ESA/dcs/documents/22-386.pdf
- *Do You Owe Child Support,* Northwest Justice Project, www.washingtonlawhelp.org/resource/do-you-owe-child-support?ref=sURfj
- *Getting Your Paperwork Ready So You Can Get Help with Your Family Law Case,* Northwest Justice Project, www.washingtonlawhelp.org/resource/tips-on-how-to-get-your-paperwork-ready-so-yo?ref=sURfj
- *How do I Request a Copy of My Paternity Affidavit?,* Northwest Justice Project, www.washingtonlawhelp.org/resource/how-do-i-request-a-copy-of-my-paternity-affid?ref=Rgqt8#i3925088B-0F25-0BFB-B28A-C3C3AB52E124
- *How Can I Collect Child Support?,* Northwest Justice Project, www.washingtonlawhelp.org/resource/how-can-i-collect-child-support?ref=sURfj

Packets and forms:

- *Filing a Motion to Adjust a Child Support Order,* Northwest Justice Project, www.washingtonlawhelp.org/resource/filing-a-motion-for-adjustment-of-a-child-sup?ref=rjkcT
- *Responding to a Motion to Adjust Your Child Support Court Order,* Northwest Justice Project, www.washingtonlawhelp.org/resource/responding-to-a-motion-for-adjustment-of-your?ref=rjkcT
- *Filing for Waiver of Your Filing Fee,* Northwest Justice Project, www.washingtonlawhelp.org/resource/filing-a-motion-for-waiver-of-your-filing-fee?ref=gLAuv
- *Filing a Motion to Modify Your Child Support Court Order,* Northwest Justice Project, www.washingtonlawhelp.org/resource/filing-a-petition-to-modify-your-child-suppor?ref=MNSCz



- *Responding to a Petition to Modify Your Child Support Court Order,* Northwest Justice Project, www.washingtonlawhelp.org/resource/responding-to-a-petition-for-modification-of?ref=MNSCz
- *Finalizing a Modification of Your Child Support Court Order,* Northwest Justice Project, www.washingtonlawhelp.org/resource/finishing-a-modification-of-your-child-suppor?ref=MNSCz
- *How to Write a Declaration in a Family Law Case,* Northwest Justice Project, www.washingtonlawhelp.org/resource/how-to-write-a-declaration-in-a-family-law-ca?ref=VlBsi
- *Asking DCS to Review Your Child Support Order for Modification,* Northwest Justice Project, www.washingtonlawhelp.org/resource/how-to-ask-dcs-to-review-your-child-support-o?ref=sURfj

Contact information for courthouse facilitators:

Counties marked with a * may not have a facilitator that specializes in family law.

County or Court	Phone Number
Benton County*	(509) 735-8388
Chelan County*	(509) 667-6380
Clallam County	(360) 417-2588
Clark County	(360) 397-2292
Columbia County	(509) 520-8679
Cowlitz County*	(360) 577-3016
Douglas County*	(509) 662-6156
Franklin County*	(509) 545-3525
Grant County	(509) 754-2011 ext. 401
Grays Harbor	(360)-249-4472
Island County*	(360) 675-5415
Jefferson County	(360) 385-9125
King County—Seattle	(206) 296-9092
King County—Kent	(206) 205-2526
Kitsap County*	(360) 337-7164
Klickitat County	(509) 773-5744
Lewis County*	(360) 748-0430
Lincoln County*	(509) 725-1401
Mason County	(360) 427-7775
Okanogan County	(509) 422-7132
Pierce County	(253) 798-3627
San Juan*	(360) 378-2163
Skagit County*	(360) 336-9440
Skamania County*	(509) 427-3765
Snohomish County	(425) 388-3795
Spokane County*	(509) 477-7612
Stevens County	(509) 684-7576
Thurston County	(360) 709-3269
Walla Walla County*	(509) 529-4980 ext. 122
Whatcom County*	(360)-676-6777
Yakima County	(509) 574-2695

Glossary

Child Support Order: A legally enforceable document that requires a person to pay money for the support of a child and/or to provide medical insurance for the child. A Child Support Order may be issued by a court, the Division of Child Support, or in some cases by an Indian tribe.

Clerk of the Court: An officer of the court who handles matters like keeping records, entering judgments and providing certified copies. Each courthouse has a Superior Court Clerk's Office. Someone from the clerk's staff is also usually in the courtroom during hearings.

Continuance: Delaying your court hearing to a later date.

Custodial Parent: The parent (or non-parent caregiver) who the child lives with most of the time. This parent will be the one who is supposed to receive child support.

Custody: The parent/person with whom the child lives most of the time has "custody" of the child. Washington uses the term "primary residential care" rather than "custody."

DCS/ Division of Child Support: The Department of Social & Health Services (DSHS) Division of Child Support (DCS) is the Washington state agency that sets and enforces child support orders.

Declaration: A written statement you make to the court under oath.

Default Order: An order you can get if the opposing party does not respond on time. When a court enters a default order, the person who filed the petition/motion usually gets everything s/he asked for in the petition/motion.

Enter (an Order): A judge or commissioner enters an order when s/he signs the order and it is filed with the Court Clerk.

File/Filing: Giving court papers to the Court Clerk's office as part of a legal case. Filed court papers become part of the official records in your court case. You file court papers to start (or respond to) a case or motion.

Hearing: Going before a judge to ask for a court order or to defend against another party's request. Hearings usually take place before the trial and are about specific issues.

Impute/Imputing Income: Estimating or guessing at an income for a parent whose income is unknown.

Motion: A request to the judge (or court commissioner) to make a decision about one or more issues in a legal case. Usually, one party in a legal case files a motion with the court. The other party has a chance to give the court a response. The judge or commissioner issues a written decision called an Order that both parties must follow.

Motion Docket: The court's schedule of motions to be heard.

Noncustodial Parent: The parent who the child does not live with most of the time. This parent will be the one who is supposed to pay child support. The noncustodial parent is sometimes called the "Responsible Parent" because they are responsible for paying child support.

Note/Notice of Hearing/Note for Calendar Motion: A written request to the clerk to schedule your case for hearing.

Order: A judge or court commissioner's decision, usually written. In some cases, each party will give the judge a proposed (or sample) order. The judge makes changes to and signs the order the judge decides is the right one.

Petitioner: The person who first files a legal case. The petitioner in a form's caption does not change, even when the other party later files motions.

Pro Se: Representing yourself in court.

Respondent: The person against whom a legal case was originally filed. The respondent in a form's caption does not change.

Served/Service/Serving: When one party gives another legal papers, the other party has been served.

Waiver: Asking to be excused from something. When you file a motion for a fee waiver, you are asking the court's permission to not have to pay the fee.

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1 RCW 26.18.020 (definition of "Duty of Support")
2 RCW 26.25.116(1)(a)&(b).
3 www.dshs.wa.gov/faq/how-do-i-establish-paternity-signing-paternity-acknowledgment
4 www.dshs.wa.gov/faq/how-do-i-establish-paternity-signing-paternity-acknowledgment
5 WAC 388-14A-6400

Voices of Reentry: Karol



Karol was in and out of jail several times in Grays Harbor County. After her last eleven-month sentence, she resolved not to go back.

On progress: I came a long way in the last couple years. Obviously I didn't see my son the whole time I was incarcerated, so he was with his dad. When I first got out he was still down in Grays Harbor, but now he lives up here with me. I have my license, I have my own place, I pay all my bills on time, I pay my fines and have a vehicle. It's completely different. You know, I'd hoped... But it's a lot better than I imagined.

On a change of perspective: When I got sentenced to a year, it was county jail so I didn't get to do any programs. I sat in a cell for eleven months, hardly got any visits and didn't get to see my son. That's when I realized, "This isn't worth it. I don't want to do this." So that really made me think, and want to change. Moving away, honestly, was the best thing I could have done. I grew up down there, it's a small town, everybody knows everybody, everybody's running around, so I moved up this way. I knew that to have my son move with me, I'd have to get a job first and be able to provide for myself, and then be able to provide for him too. I wanted to make sure I got my priorities straight. I sat in there a long time thinking about it, and knew I was just going to have to do it.

On what she'd tell someone about to be released: Just keep going. You may feel like you're in the darkness at times, but the sun will always shine again. Things may seem difficult, but they're not impossible, and if you keep at it you will succeed. You have to keep your head up and stay focused on what you want out of life. You can't get caught in the struggles that you're going through in your head or the little bumps that you have to jump over. You can still jump over them and keep going. It's definitely a better alternative than committing crimes and getting in trouble.

Karol now lives in Seattle with her young son.

Chapter 6: Family Law: Custody, Visitation, and Parental Rights

The Bottom Line:

- Child custody issues are incredibly complicated and fact-specific. While this chapter provides some general information, **in many cases your best option is to try to find an attorney to help you**. For some types of custody actions (particularly a dependency action or a termination of parental rights proceeding), you will be entitled to a free public defender; otherwise, you will have to find a lawyer to represent you on your own. If you cannot afford an attorney, try calling your local bar association to see if they have any free legal clinics you can access. Volunteer Lawyer Programs exist throughout the state of Washington and provide legal assistance in family law and other areas of the law to people whose income before taxes is below 200% of the Federal Poverty Guidelines. You can find information about services near you by doing an Internet search for "(your county) + volunteer lawyer program." You can also look at Legal Voice's publication on how to find a lawyer in Washington, available at www.legalvoice.org/how-to-find-a-lawyer.

- Your specific child custody situation will depend on your custody arrangement before you went to prison and what has happened since you were first incarcerated. For instance, if you had primary custody before you went to prison, you may have left your children with their other parent or another family member, or if there was no one to care for them, a dependency action may have been initiated. If you did not have primary custody, you may be concerned about retaining your visitation rights when you are released. See Section 1 of this chapter for help understanding your current custody situation.

- When a child's parents don't live together, the parents' individual rights and responsibilities may be laid out in a parenting plan. If you and your child's other parent were married and later divorced, you may already have a parenting plan; otherwise, you may choose to establish one. There are pros and cons to establishing a parenting plan while you are incarcerated. For more information about parenting plans, including the process to establish one and some considerations that may affect your decision, see Sections 2-5.

- A parenting plan can be modified when there is a change in circumstances, including the incarceration of one of the parents. Modifications can be major (such as changing who has primary custody of the child) or minor (such as making changes around visitation). If you already have a parenting plan, it's possible that your children's other parent may have petitioned the court to modify the plan when you went to prison. For information on responding to a petition to change a parenting plan, and the impact of your incarceration on an existing plan, see Sections 6-7.

- If there is no responsible guardian to care for your child, the State will initiate a dependency action. A dependency action is a series of court hearings to determine whether a child is dependent, meaning that she has no parent or guardian who is suitable and available to care for her. **If your child is found to be dependent, she will be placed into foster care; if your child is in foster care for 15 of the last 22 months, the State will initiate proceedings to terminate your parental rights.** See Sections 8-11 for information on dependency actions, what to expect, and how to respond.

- One of the most important things you can do to protect your custody and visitation rights is to make sure you stay actively involved in your child's life. If your parental rights are ever in danger of being terminated, you will need to prove that you maintained a "meaningful role" in your child's life, which could include letters, visits, telephone calls, and other forms of contact. It is a good idea to keep a written log of those contacts in case you ever need to provide evidence of your involvement. You should also show interest in legal proceedings involving your child; if you are incarcerated you will likely not be able to attend family law hearings in person, but you can request that you be allowed to participate by phone. For more information about steps you can take to get or retain your custody and visitation rights, see Section 15.
- In order to regain your custody and/or visitation rights once you are released, you may need to "unwind" whatever custody arrangement was in place while you were incarcerated. See Section 16 for more information about possible scenarios and how to modify them after you are released.

FAMILY LAW: CUSTODY, VISITATION, AND PARENTAL RIGHTS

Introduction

This chapter outlines basic custody and visitation rights during and after incarceration and includes steps you can take while incarcerated to maximize your chances of having custody and visitation with your children after incarceration. The end of this chapter includes a list of resources that can help you navigate the family law system.

While reading this chapter, it is important to understand how child custody and visitation cases are decided. Judges make their decisions based on what they believe is in the "best interests" of the child. This means that family law decisions are unique and determined on a case-by-case basis. The judge will consider the following factors from RCW 26.09.187 when deciding what is in the child's best interest:

- the relative strength, nature, and stability of the child's relationship with each parent;
- whether one parent has historically taken greater parenting responsibility and whether one parent has demonstrated greater potential for parenting responsibility in the future;
- any agreements the parents have made with one another regarding custody;
- each parent's ability to perform as a parent;
- the emotional needs and developmental level of the child; and
- the wishes of the child, if she is mature enough to express them.

Because custody and visitation decisions are so individual, understanding the options available to you begins with understanding your circumstances. With that in mind, the following sections will explore various scenarios. You should look for the one that best applies to you.

Understanding the Basics: Who Has Custody and Why?

1. What happens to my child when I go to prison?

What happens to your child when you are incarcerated depends on whether you had primary custody (i.e., if you were the main person taking care of her day to day) before you were incarcerated. Read on for more specific information about a few common scenarios.

If you had primary custody:

If your child lived with you before you were incarcerated, you can place her in a safe and stable home with family or friends while you serve out your sentence. A few different ways that you can do this and some pros and cons of each are outlined below.

- **Leave your child with her other parent.** If you have a good relationship with your child's other parent, you can leave your child with him or her. You can arrange to leave your child with the other parent informally (without putting anything in writing) or formally (with a written agreement or a court order). See Section 2 below for more information about parenting plans and arrangements with your child's other parent.
- **Temporary Parental Consent Agreement (TPCA).** If the other parent is not available or is not a suitable placement for your child, you may choose to place your child with other family members or friends. You

can arrange this informally; however, the person you appoint may be limited in the decisions they can make for your child. For example, the caretaker may not be able to make medical decisions in the event of an emergency.

One way to give decision-making authority to your child's temporary caretaker is through a Temporary Parental Consent Agreement (TPCA). A TPCA shows that you have given this third party temporary custody of your child and allows the caretaker to make decisions that a parent would make.

A TPCA has a number of benefits. For instance, you can revoke it anytime you want. It is important to note, however, that a TPCA is not a court order, and will only work if the other parent doesn't object. If the other parent objects to the TPCA, his or her parental rights will likely trump the non-parent's authority granted by the TPCA. Getting a TPCA can be a good option if the other parent is no longer in the picture, if the other parent agrees to it, or as a stop-gap while you pursue a more reliable option.

If the other parent objects to the TPCA, the friend or family member you selected to care for your child can file a non-parent custody petition (see below for more details). **Be aware that a non-parent custody petition may result in the legal finding that you are an unfit parent for your child, which can negatively affect your future family law actions. You should consult an attorney before pursuing this option.**

- **Non-Parent Custody Petition.** A non-parent custody petition is a request by a non-parent, often a very close family member, to gain custody of a child. If either parent objects to the petition, the person filing the action must prove **either** (a) that both parents are unfit, or (b) that living with either parent is an actual detriment to the child's growth and development.

  If the non-parent who files the petition is successful in convincing the court that your child should live with them, you may have a difficult time getting your child back after you are released. To learn more about non-parent custody, visit www.washingtonlawhelp.org/issues/family-law/nonparental-custody.

- **Foster Care.** If you were not able to find someone to care for your child before you were incarcerated, and she was left alone without a responsible adult to care for her, she may have been placed in foster care (see Sections 8-11 for more details). This may negatively affect your parental rights but **does not automatically terminate them.** The following section will only address when having your child in foster care could result in your parental rights being terminated and what you can do to protect yourself. You are entitled to an attorney, and if a dependency action was initiated, a public defender should have been appointed to represent you.

  Generally, when a child has been in foster care for 15 of the last 22 months, the law requires the court to start termination proceedings. During a termination proceeding, the parents' parental rights may be terminated unless the court finds good cause why parental rights should not be terminated. A judge may find that good cause not to terminate parental rights if **all** of the following are true:

  » The reason your child is in foster care is because you are incarcerated;

  » You maintain a "meaningful role" in your child's life; **and**

  » The Department of Social and Health Services (DSHS) has not shown another reason why your parental rights should be terminated.[1]

The court will look at a number of things to decide if you are maintaining a meaningful role in your child's life during your incarceration, including whether you show concern for your child through letters, telephone calls, visits, or other forms of communication. The court will also consider:



- » How well you work with DSHS or others to follow your service plan and repair, maintain, or build your relationship with your child;
- » Whether you respond positively to the supervising agency's reasonable efforts for your child;
- » Whether your attorney, correctional or mental health personnel, or other individuals helping you provide information showing you are doing your best to maintain a meaningful role in your child's life; and
- » Whether your continued involvement is, overall, in the "child's best interest."[2]

The court will take into account the fact that your incarceration limits your ability to participate in family support programs, therapeutic services, foster care planning meetings, and court proceedings; limits your visiting opportunities; and restricts your access to telephone and mail service. In other words, the court will consider the above factors in light of the fact you are limited by incarceration.

If you did not have custody:

If you didn't have custody of your child before you were incarcerated, then your child will remain with her custodian. Your incarceration won't affect custody in this scenario, but it will affect your ability to visit with your child. To learn more about visitation while you are in prison, refer to Section 13 below.

2. What is a parenting plan?

A "parenting plan" establishes the amount of time the child will spend with each parent, which parent will make major decisions about the child, and how the parents will work out disagreements. In Washington, if you have been divorced from the other parent, custody and visitation is determined by a court-ordered parenting plan. If you and the other parent never married or are still married, you probably do not have a parenting plan; however, you may be able to create a parenting plan if you want one. See Section 5 for more details.

Once a judge signs the parenting plan, it becomes a binding court order, which means that both parents **must** follow it. If you or the other parent does not follow the parenting plan, the judge may find you in contempt of court.

3. Where can I find my parenting plan?

If you have a parenting plan, you can obtain a copy from the court that entered it. If you do not know the court that entered the parenting plan, have someone you know run a name search on the website for Washington Courts: http://dw.courts.wa.gov/index.cfm?fa=home.home. They can use your legal name or the other parent's name. This will tell you the court and case number of your parenting plan. Then, you can have someone go to the courthouse to request a copy. The clerk will charge a small fee for printing copies, and a larger fee for certified copies.

If you cannot find the case number, the clerk can find it for you but may charge a research fee. Note that while parenting plans should be available, parentage and dependency files are sealed. This means that the family member or friend requesting the records can place the request, but the court will not release the documents to them. If you need those files, your best option is to go to the courthouse yourself with a photo ID after you are released.

4. What do I need to consider before getting a parenting plan?

If you and the other parent have never gone through divorce proceedings (i.e. you are still married or you were never married in the first place), you probably do not have a parenting plan. If you are thinking about getting a parenting plan while you are incarcerated, you should consider your relationship with the other parent, how much longer you will be incarcerated, the ages of your children, and, what you might gain from having a court ordered parenting plan.

Your relationship with the other parent is important for two reasons. First, if you have a good relationship with the other parent, you might not need a parenting plan. Instead, you can arrange visitations (or phone calls if visits aren't an option) with your child and spare both of you the cost and stress of court. Second, if you and the other parent can agree on the terms of your parenting plan without the court's involvement, it will make the process easier and faster for both of you. If you and the other parent cannot agree on the terms of your parenting plan, it can take up to a year, or longer, to resolve. If you will be released in a year or less, it might be better for you to wait until you are released to start the process.

Your child's age is important to consider along with your release date. If your child will turn 18 before you are released, a parenting plan won't help ensure contact, since your adult child will not be bound by it. Parenting plans terminate when the child is 18 years old, and a court will not order a parenting plan for a child who is 18 or older. If your child is a legal adult, she can arrange contact with you privately.

If your child is not old enough to contact you privately, and the other parent won't help you to stay involved in your child's life, you may decide to file for a parenting plan to establish a legal right to visitation, even if it is only through phone calls. To learn more about visitation while you are incarcerated, refer to Section 13 below. The short answer is that your child can visit you, but no one is obligated to bring her to see you. However, your parenting plan could specify other types of visitation, such as letters or phone calls.

5. How can I get a parenting plan if I don't have one?

If you choose to initiate a parenting plan while you are incarcerated, this section describes how to start the process. You should be aware that it is a complicated process and usually requires court appearances (which will likely require making a motion to appear by phone). It may be difficult for you to initiate parenting plan legal proceedings while you are incarcerated.

A parenting plan can only be established between two legal parents. If your name is on your child's birth certificate or if you legally adopted your child, you are a legal parent. If neither of those things is true, you may still be a legal parent, but your situation is more complicated and you may need to prove your status. The process varies based on your situation, but Washington Law Help has put together a guide that may be useful; you can find it at www.washingtonlawhelp.org/resource/parentage-and-parenting-plans-for-unmarried-p. Legal Voice has put together a similar guide for same-sex couples, which is available at www.legalvoice.org/parenting-issues-same-sex-couples.

Once parentage has been legally established, you and the other parent can complete a parenting plan for any children you have together who are younger than 18 years old. If you and the other parent agree on the parenting plan, you can submit an agreed order to the court and it will usually be approved.

If you and the other parent cannot agree on the parenting plan, you will have to ask the court to make a parenting plan for you. This is a complex legal action and may be difficult to complete while incarcerated. For more information, visit www.washingtonlawhelp.org/issues/family-law/parenting-plans-residential-time.

6. What if I cannot comply with my parenting plan because I am incarcerated?

There may be consequences for not complying with your parenting plan. The consequences you experience will depend on your relationship with the other parent and the terms of your parenting plan.

- **Loss of Custody.** If your parenting plan gave you custody of your child before you were incarcerated, the other parent can pursue a major modification granting him or her custody instead.
- **Diminished or Altered Visitation**. If your parenting plan doesn't grant you custody but establishes visitation, the other parent can pursue a minor modification that would change visitation.

For more information about major and minor modifications and how to respond, see the next section.

7. What is a parenting plan modification? How do I respond to a petition to modify my parenting plan?

To modify or change a parenting plan, either parent can file for a "parenting plan modification."

Washington courts take parenting plans very seriously and a court will generally only change custody and visitation in a few situations. If your child has been integrated into the family of the person asking for the change with your consent, you can agree to the modification. Remember that each case is unique, and the court will make a case-by-case determination of what constitutes "substantial change in circumstances" and "best interests of the child." You should consult with an attorney to receive specific advice for your situation.

The following section will explain the types of parenting plan modifications and the process for responding to them.

- **Major modifications.** A major modification is a big change to your plan, such as changing the person who has primary residential custody of a child. To make a major modification to a parenting plan, the person filing must prove that there was a substantial change in circumstances for the child or the custodial parent. Incarceration of the custodial parent is considered substantial change in circumstances. Information on responding to a petition to modify a parenting plan is provided at www.washingtonlawhelp.org/issues/family-law/parenting-plans-residential-time.
- **Minor modifications.** A minor modification is a small change, such as a change in the visitation schedule. To make a minor modification to a parenting plan, the person filing must prove that there was a substantial change in circumstances for the child or **either** parent. Incarceration of the noncustodial parent is a substantial change in circumstances that can be used to justify a minor modification.

To make a major or minor modification, the other parent may serve you with what is called a "Petition to Change a Parenting Plan, Residential Schedule or Custody Order" while you are incarcerated. You will have 20 days to respond to such a petition. If you do not respond on time, the court will likely grant the other parent the change they are requesting.

Child custody issues are incredibly complicated and can be difficult to navigate on your own, so you should consult with an attorney if possible. If you cannot afford an attorney and wish to object to the proposed change to your parenting plan, you can use the "Response to Petition to Change a Parenting Plan, Residential Schedule, or Custody Order" form provided on the Washington State Courts website at www.courts.wa.gov/forms/?fa=forms.static&staticID=14. Additionally, there are detailed guides on the Washington Law Help website under the Family Law section; visit www.washingtonlawhelp.org/issues/family-law/parenting-plans-residential-time. If you are low-income, you may also be able to get help by calling the CLEAR hotline at 888-201-1014 (available Monday-Friday from 9:15 a.m. – 12:15 p.m.).

Dependency Actions and Termination of Parental Rights

8. What is a dependency action and when can a dependency action be initiated against me? How do I respond?

A dependency action is a series of court hearings to determine whether a child is dependent on the state for protection, meaning that she:

- Has been abandoned by her parent, guardian or other custodian; or
- Has been abused or neglected by a person legally responsible for her care; or
- Has no parent, guardian or custodian able to care for her, and there is a danger of serious damage to her psychological or physical development.

A dependency action can be initiated by any person or by the Department of Health and Human Services (DSHS) by filing a petition with the juvenile court. A dependency action will also be initiated if the child is removed from the home. The goal of a dependency action is to allow the state to protect a child from harm within her family. You will be notified if a dependency action regarding your child is initiated, even if you are incarcerated at the time. You have the right to an attorney. If you are low-income, the court must appoint an attorney for you.[3] If a dependency action might terminate your parental rights, you also have the right to a free attorney (see Section 11 for more information on right to legal assistance in family law proceedings).

9. What should I expect during the dependency process?

After a dependency action is initiated, the juvenile court will hold a "shelter care hearing" to determine the next step. The shelter care hearing must occur within 72 hours of when the child was removed from the home (if the child was removed) or from when the petition was filed (if the child was not removed).[4] At the shelter care hearing, the court decides where the child will live until the next hearing. If possible, the court will attempt to place the child with a relative, but the primary consideration is the health, safety, and welfare of the child.[5] It is very rare for the case to be dismissed at this stage.

The next hearing is held thirty days after the shelter care hearing to evaluate the situation. You will be offered the opportunity for you and your attorney to participate in a "case conference" with a DSHS social worker and other parties to discuss the next steps. If the circumstances have changed such that the child no longer needs the protection of the state, the dependency will be dismissed. If the case cannot be dismissed, the state and the parents may agree on what is best for the child in the future. If they cannot come to agreement, the court will hold a trial to determine whether the child is "dependent."

If your child is **not** found to be dependent, then your custody and visitation rights will not change. If your child is dependent, the court will issue a "dispositional order" that states where the child will live, your visitation rights during any period in which she does not live with you, what social services programs you must complete to get or keep custody, and DSHS's responsibilities in helping you complete such services. If the dispositional order requires you to complete certain social service programs, the plan can be written to include social services options available at your facility to the extent possible. Talk to your attorney for help with tailoring the plan to your specific circumstances. The visitation granted in the dispositional order may have to be supervised (by a relative or someone else the court appoints). The court may also limit your visitation if it decides that the health, safety, or welfare of the child is at risk.

The court will conduct an initial progress review hearing either 60 days after the entry of the dispositional order, or, if the child was removed from the home during the dependency action, six months after the child

was removed from the home.[6] At this hearing, the court will review what progress is being made towards the objectives set in the dispositional order.

Finally, no later than twelve months after the child was removed from the home, the court must issue a "permanency plan," which may dismiss the proceeding if the concerns resulting in the dependency action have been resolved, or may address long-term foster care, emancipation, or termination of parental rights.

Like many topics in family law, dependency actions are complicated and incredibly fact-specific, so you should be sure to consult with an attorney. Much more detailed information about what to expect during a dependency action is available from Washington Law Help at www.washingtonlawhelp.org/files/C9D2EA3F-0350-D9AF-ACAE-BF37E9BC9FFA/attachments/EEBBB2C3-23CA-416C-B9AF-A7916C08A488/3120en_child-protective-services-and-dependency-actions.pdf (be sure to look at the chart at the end of the document).

10. Can I lose my parental rights forever?

If a child is found dependent on the state for protection, you can lose your parental rights through a "Termination of Parent-Child Relationship" proceeding. The state will initiate this process if your child has been in foster care for 15 of the last 22 months. A termination proceeding is also one of the possible outcomes of the permanency plan that is entered at the end of a dependency action (see Section 8 for more information).

In order to avoid having your parental rights terminated, you must maintain a "meaningful role" in your child's life. Evidence of maintaining a meaningful role in your child's life may include anything showing concern for the child, such as letters, telephone calls, visits, and other forms of communication. Even if you are prevented from making actual contact, you should keep trying, since courts may not have sympathy for a parent who gives up. Courts will also consider the parent's efforts to work with DSHS in repairing, maintaining, or building the parent-child relationship; limitations that prevent you from participating in foster care planning meetings, court proceedings, and therapeutic or family support services; and whether your continued involvement in your child's life is in her best interest.

11. Do I have a right to an attorney to help me with custody and visitation issues?

Unless the court's actions are for dependency or termination of parental rights, you do not have a right to a free attorney. If you qualify as "low-income" (meaning that you are at or below 200% of the federal poverty line) and need help with non-criminal issues such as custody and visitation, you may be able to obtain low-cost legal services by calling:

- 2-1-1 if you live in King County or
- CLEAR at 1-888-201-1014 on weekdays 9:10 a.m. to 12:25 p.m. if you live elsewhere in the State of Washington.

You **do** have a right to an attorney in termination proceedings. If you cannot afford to hire a lawyer, a public defender will be assigned to you.[7]

Understanding Custody and Visitation During Incarceration

12. Can I get custody of my children while I am incarcerated?

"Physical custody" refers to the right to have your child live with you. Generally speaking, you cannot have your child live with you while you are incarcerated. There are rare exceptions to this rule, such as Residential Parenting Program (RPP) at Washington Corrections Center for Women. This program allows women who are pregnant when entering prison to live with and raise their infants while serving their sentences. Women entering the institution are not automatically entitled to participate, but rather must apply to the program. Participants are chosen based on a screening process. If you are to be incarcerated at this facility and think you may be eligible for this program, you should ask your counselor or community corrections officer for more information.

13. Can my children visit me while I am incarcerated?

In general, your child will be able to visit you while you are incarcerated, although she will be limited by the DOC visitation policies that apply to any visitor. Your child will need to go through the regular visitation procedures and requirements. Ask your classification counselor or community corrections officer for more information about the rules at your facility.

That said, the person who is caring for your child is generally not obligated to bring her to the prison. Even though you have the right to visitation established in your parenting plan or another order, you may not be able to visit with your child in person if no one will bring her to you, and the court is unlikely to order them to. You may still call and write, though, and you should do so regularly.

14. Do I have the right to attend custody and visitation court hearings?

You do have a right to be present at any court proceeding that may result in termination of your parental rights or your child being declared a "dependent" of the state, as explained in Section 8, above. You will be notified if a hearing is scheduled. You will typically have 20 days to notify the court of your desire to attend. Once you request to be present, the court cannot proceed without you and your attorney.

You do not automatically have a right to attend family court hearings if you are incarcerated, though you can ask the court to order your presence at the hearing. To do this, you should file a motion (a written request to a court to take a specific action), that explains why your presence at the hearing is necessary and requests that the court allow you to appear by phone (if you are incarcerated, it is very unlikely that you will be able to be transported to physically appear in court for a family law proceeding). The court will decide whether to grant your motion. Typically, you should also submit a proposal of the order you would like the court to sign.

You may be eligible for a furlough (a release without restrictions) if you have served the minimum amount of time. If this is the case, you may ask to temporarily be released from prison or jail to attend the hearing. For more information on attending court hearings, see "Responding to Family Actions while Incarcerated" by Legal Voice, available at http://docs.legalvoice.org/Responding_to_Family_Law_Actions_While_Incarcerated.pdf.

15. What are the best things I can do while still incarcerated to ensure I can get or retain custody or visitation with my child after I am released?

The most important thing for you to do is maintain contact with your child. You should communicate with your child as much as you can and make the most of visitation time with her. If your child is in foster care for an extended period of time, a court may file a petition to terminate your parental rights, but a court is less likely to do this if you are maintaining a "meaningful role" in your child's life. See Section 11 for more information on what it means to maintain a "meaningful role" in your child's life. It is also a good idea to keep a journal or log of

your contacts with your child and her social worker (i.e. all conversations, letters, voicemails, etc.). Having this record may be useful in future family law actions to help you prove that you stayed involved in your child's life.

You should show interest and concern in any legal proceedings regarding your child. Appear at any hearing at which you are legally entitled to be present, and request to be present at hearings even if you do not have an automatic legal right to attend (while you are in prison, you will likely have to attend by phone).

Call and check in frequently with your child's social worker. This helps to show the court that you are interested in your child's welfare and are making efforts to maintain a meaningful role in her life while serving your sentence.

If there are parenting trainings available at your DOC facility, attend them. This will demonstrate to the court that you are committed to parenting your child after your release, and may increase your chances of having favorable custody rulings in the future. It may also be useful to take classes on chemical dependency, anger management, or other skills that would contribute to your ability to be a fit and responsible parent. Remember to keep a record of all classes and trainings you complete.

Finally, do everything you can to prepare for reentry stability. Washington is a "best interests" state, meaning that a judge will generally make an individualized determination of what is in the best interests of your child when making family law judgments. This means the court will make custody and visitation decisions that she believes will encourage your child's emotional growth, health and stability, and physical care. Having a stable post-release life will help you demonstrate that you can provide those things to your child.

Understanding Custody and Visitation After Release

16. Can I get or regain custody of my children when I am released? How do I do this?

Whether you can get custody of your child after you are released depends on who had custody while you were incarcerated and how custody over your child was established.

If you have a parenting plan:

When you are released, your parenting plan, if you had one, will still be in place with any modifications made during your incarceration. If your parenting plan does not grant you custody or visitation with your child, you can try to modify it.

If you and the other parent agree on the proposed changes to the parenting plan, you can submit your modified version to the court for approval. This is the quickest and easiest way to change the plan, so you should try to reach agreement if you can.

If an agreement is not possible, you can ask the court to change the parenting plan. To do so, you must file a petition and show the court that there has been a substantial change in circumstances that justifies the change to the existing parenting plan. If you are seeking primary residential custody, you must be able to show a substantial change in either the child's life or the custodial parent's life. If you are only seeking increased visitation, you may also show a substantial change in your own life. Things like having stable employment and housing will greatly increase your chances of getting or retaining custody of your children once you are released.

For additional information on modifying parenting plans and other common custody questions see the Washington Law Help publication available at www.washingtonlawhelp.org/resource/child-custody-modification.

If you do not have a parenting plan:

If the other parent has custody of your child and you do not have a parenting plan, you can get custody of your child with the other parent's agreement or by asking the court for a parenting plan that gives you custody.

- **Gaining custody with the other parent's consent.** If you do not have a parenting plan, you can get custody of your child if the other parent consents. This will require you to have a relationship with the other parent that will allow the two of you to talk and work this out.
- **Gaining custody by establishing a parenting plan.** If other parent won't agree to give you custody, then you will have to ask the court for a parenting plan that gives you custody. You and the other parent will each submit your proposal for a parenting plan. This is done by filling out the "FL All Family 140" Form available at the Washington Courts website (www.courts.wa.gov/forms). Washington Law Help has a guide for filling out the parenting plan proposal, which is available at www.washingtonlawhelp.org/resource/parenting-plans-and-child-support-for-dissolu. See Section 5 for more information on establishing a parenting plan.

If there is a Temporary Parental Custody Agreement (TPCA):

If you used a Temporary Parental Consent Agreement to leave your child with a friend or relative and it remained in place throughout your incarceration, you can regain custody of your child by revoking the TPCA. A TPCA can be revoked at any time and in any manner, but it is best to provide written notice to the non-parental custodian that you are revoking the agreement. Make sure to keep a copy of the document for your records.

If there is a Non-Parent Custody Order:

If the court granted custody to a non-parent while you were incarcerated, you will need to seek a major modification to the non-parent custody order. This is similar to the process for modifying a parenting plan, but with one major difference. When the non-parent petitioned the court for custody of your child, they were required to prove that the child's parents (including you) were unfit or that it would be an actual detriment for the child to live with them. Because there is a record of you being identified as unfit, you will have to show that there has been a change in your own circumstances as well as those of either the non-parent custodian or the child. This can be done by securing stable employment and housing, providing evidence that you have worked to improve your parenting skills through therapy or classes, or providing evidence that you have been rehabilitated and are not likely to be incarcerated again. Pay particular attention if the order states specific reasons for unfitness. These are not the only things you can do; they are examples of the types of things you can use to show that you are no longer unfit to be the child's guardian.

If the non-parent custody order was by agreement, without a court finding of unfitness or actual detriment, you are still presumed to be a fit parent. When you move to modify the order, the other side must prove that you are currently unfit. You do not have to show a substantial change in circumstances.

17. How can my conviction record affect future custody and visitation judgements?

Washington law favors custody and visitation arrangements that allow a child to have a relationship with both parents, as long as those arrangements are in the child's best interests. In creating a parenting plan or modifying an existing parenting plan, a judge may take your criminal record into account if an aspect of your criminal history is relevant to your parenting ability. Evaluating your child's best interests in light of your criminal convictions is in the discretion of the court. You should consult with an attorney to find out how your specific criminal record may affect the court's decisions.

Certain types of convictions are viewed as particularly relevant to your parenting ability, such as domestic violence, child abuse or abandonment, or certain sexual offenses. If your convictions involve sex offenses as an adult, the court will assume you pose a danger to your child. You can challenge that assumption in court,

but you must produce evidence of why that assumption is incorrect. If you live with someone who has been convicted of a sex offense as an adult, the court will assume that person poses a danger to your child. You can arrange visitation with your child away from the convicted person or challenge that assumption in court with evidence that such person does not pose a danger to your child.

If your convictions involve child abuse or domestic violence, the court may make provisions to ensure your child's safety, such as visitation exchanges in a protected setting or visitation supervised by professional or by a neutral adult who is willing to protect the child from harm.

If you cannot afford an attorney, try calling your local bar association to see if they have any free legal clinics you can access. Volunteer Lawyer Programs exist throughout the state of Washington. To find information about services near you, Google "(your county) + volunteer lawyer program". Volunteer Lawyer Programs provide legal assistance in family law and other areas of the law to people whose income before taxes is below 200% of the Federal Poverty Guidelines. You can also use Legal Voice's publication on how to find a lawyer in Washington state, available at www.legalvoice.org/how-to-find-a-lawyer.

18. How does it affect my custody and visitation rights if the other parent or my child has a protection order against me?

This depends on what the protection order says. Protection orders contain specific instructions about what you can and cannot do. For example, some say to stay away from the child's school, while others just say not to hurt her. Be sure to read your order carefully and to do what it says. Consult an attorney if you are unsure what is allowed under a protection order against you.

You should have been given a copy of the order, but if you don't have it you can obtain a copy from the court that issued it. Be prepared to pay a fee to access it. If you cannot afford the fee, you can simply look at the order for free in the court clerk's office, but you must know your case number. If you do not know the court where the protection order was issued, have a family member or friend run a name search of your legal name or the name used by you in the original custody proceedings on the website for Washington Courts: http://dw.courts.wa.gov/index.cfm?fa=home.home. This will tell you the court and case number of your protection order, and you can then have a family member or friend go to the courthouse to request it. The clerk will charge a small fee for printing copies, and a larger fee for certified copies of the order. If you do not have the case number, the clerk can find it for you but may charge a research fee. Protection orders are public record, so a family member or friend will be able to obtain a copy of the order.

19. Once I am released, can the other parent refuse to comply with the parenting plan that existed before I was incarcerated?

Both parents must comply with the parenting plan. In Washington, if one parent fails to comply with a provision of a parenting plan, the other parent's obligations under the parenting plan remain the same. Therefore, the other parent may not refuse to follow the parenting plan because your incarceration prevented you from complying with the original plan. If the other parent wants to change the parenting plan, they must ask the court for a modification. Even if the other parent refuses to comply with the parenting plan, you must continue to comply with it, as noncompliance may hurt your chances for favorable findings in future family law proceedings.

20. What can I do if my child's other parent refuses to comply with the parenting plan?

There are a number of things you can do if the other parent refuses to honor the parenting plan.

- **Demand Letter.** You can send the other parent a letter explaining the violations and asking that they correct them. Keep a copy of the letter for your records. Send the letter by certified mail, if possible, so you will have proof the other parent received the letter. The other parent may choose to follow the parenting plan as a result of your letter, but if not, the letter can later show the court you acted reasonably and attempted to resolve the issue. Because the court may later see this letter, you should make sure your letter is polite and to-the-point. The letter should also make specific reference to sections of the final parenting plan and how it is being violated.

- **Motion to Clarify the Parenting Plan.** Is the parenting plan vague or unclear on a particular point? Do you and the other parent disagree on the meaning and whether a particular action is or is not allowed under the parenting plan? If so, you may file a motion asking the court to clarify the parenting plan. If you need help preparing your motion, an attorney or Family Law Court Facilitator should be able to help you.

- **Dispute Resolution.** Many parenting plans contain a dispute resolution provision. Dispute resolution is a process to resolve issues outside of court, such as mediation or arbitration. In mediation, a neutral third party (mediator) helps you and the other parent to negotiate and to come to an agreement. In arbitration, a neutral third party (arbitrator) listens to you and the other parent and makes a decision to settle the disagreements. If your parenting plan requires a mediation or arbitration, you must first attempt mediation or arbitration before going to the court.

  In most cases, you will have to pay the mediator or arbitrator, and it can be expensive. However, going to court can be expensive too, with additional stress and unpredictability. Washington Law Help has a publication titled "Mediation: Should I Use It?" (available at www.washingtonlawhelp.org/resource/mediation-should-i-use-it) that may be helpful in making this decision.

- **Contempt.** "Contempt of court" simply means intentional disobedience of a court order. For example, if the other parent intentionally refuses the visitation time granted to you in a parenting plan or refuses to return the child at the end of their visitation time, that parent may be in contempt of court. Contempt of court is an extreme remedy and is granted only rarely. Therefore, you should pursue it only if the other parent seriously violated the parenting plan when they had the ability to comply and you have already tried other means described in this section without success.

  If you decide to pursue a contempt finding against the other parent, you can file a motion with the court along with a declaration describing the conduct you believe supports a contempt finding. In order for a court to find a person in contempt for a parenting plan violation, it must find that one of the following is true:

  » The violation of the parenting plan was made in "bad faith," meaning the other parent meant to violate the parenting plan, **OR**

  » There is evidence that the person who violated the plan engaged in intentional misconduct, **OR**

  » Earlier sanctions have not led the other parent to follow the order.

  If the other parent is found in contempt for violating a parenting plan, the court may give you a remedy such as extra "make-up" residential time with your child, award attorney's fees, or fine the other parent.

  While contempt is an option, it should be a last resort. Contempt is difficult to prove. In addition, if you lose the contempt motion, the court can require you to pay the other parent's legal fees. For information on whether pursuing a contempt order is appropriate under your circumstances, see "Contempt of Court in Family Law Cases – The Basics" from Washington Law Help, available at www.washingtonlawhelp.org/issues/family-law/contempt-of-court.

Resources

Documents:

- *Responding to Family Law Actions while Incarcerated,* Legal Voice, www.legalvoice.org/responding-to-family-actions-while-incar
- *Parenting Plans: General Info,* Northwest Justice Project, www.washingtonlawhelp.org/resource/parenting-plans-court-orders-about-child-cust
- *Parentage and Parenting Plans for Unmarried Parents in Washington,* Northwest Justice Project, www.washingtonlawhelp.org/resource/parentage-and-parenting-plans-for-unmarried-p
- *Changing a Parenting Plan/Child Custody Order,* Northwest Justice Project, www.washingtonlawhelp.org/resource/child-custody-modification
- *Non-Parent Custody: Frequently Asked Questions and Answers,* Northwest Justice Project, www.washingtonlawhelp.org/resource/nonparental-custody-of-a-child-frequently-ask
- *Child Protective Services (CPS) and Dependency Actions,* Northwest Justice Project, www.washingtonlawhelp.org/resource/child-protective-services-cps-and-dependency-actions
- *Child Protective Services (CPS) and Dependency Actions,* Legal Voice, www.legalvoice.org/tools/family-law.html
- *Contempt of Court in Family Law Cases – The Basics,* Northwest Justice Project, www.washingtonlawhelp.org/issues/family-law/contempt-of-court

Packets and forms:

- *Parenting Plans,* Northwest Justice Project, www.washingtonlawhelp.org/resource/parenting-plans-and-child-support-for-dissolu
- *Amending (Changing) Your Petition or Parenting Plan,* Northwest Justice Project , www.washingtonlawhelp.org/resource/amending-changing-your-petition-or-parenting-plan
- *Filing a Petition to Change Your Parenting Plan,* Residential Schedule, or Custody Order, Northwest Justice Project, www.washingtonlawhelp.org/resource/filing-a-petition-to-modifyadjust-a-parenting-1
- *Finalizing Your Petition to Change Parenting Plan,* Northwest Justice Project, www.washingtonlawhelp.org/resource/finishing-your-modificationadjustment-of-a-pa
- *Responding to a Petition to Change Your Parenting Plan,* Residential Schedule, or Custody Order, Northwest Justice Project, www.washingtonlawhelp.org/resource/responding-to-a-petition-to-modifyadjust-a-pa-1
- *Responding to a Non-Parent Custody Petition,* Northwest Justice Project, www.washingtonlawhelp.org/resource/responding-to-a-petition-for-nonparental-cust

Glossary

Contempt: A person may be liable for contempt when they intentionally disobey a court order.

Custodial parent: The parent the child lives with most of the time.

Custody Decree: A court order, other than a parenting plan or residential schedule, that decides custody of a child. Most court orders in Washington parentage cases are called "residential schedules" or "parenting plans," not custody decrees. The final order in a non-parental custody case is called a custody decree.

Dependency action: A legal proceeding initiated by the State to determine whether or not a child is a dependent. Dependency cases often result in the child being placed in foster care and may result in the parents' parental rights being terminated.

Dependent: A child is found to be "dependent" when the state will intervene with their care. "Dependent" refers to any child who has been abandoned, is abused or neglected as defined by Washington law, has no parent, guardian, or custodian capable of adequately caring for the child such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development, or is receiving extended foster services.

Modification to a parenting plan (major or minor): A change to an established parenting plan resulting from a change in circumstances. Modifications can be major (such as changing who has primary custody of the child) or minor (such as changes to the visitation schedule).

Noncustodial parent: The parent the child does not live with most of the time.

Non-parent custody petition: A legal proceeding by which a non-parent attempts to get legal custody of a child. If the child's parent(s) object, the non-parent must prove either that the parents are unfit, or that living with the parent would negatively affect the child's growth and development. A successful petition will result in a non-parent custody order granting the non-parent custody of the child.

Parenting plan: A proposal or court order which states when the child will be with each parent or party, who will make major decisions about the child, and how future disputes about the child will be resolved.

Petition: A document that starts a case and asks the court for a decree, judgment, or final order.

Temporary Parental Consent Agreement (TPCA): An agreement under which a child's parent(s) temporarily give another person permission to care for the child. A TPCA may give the non-parent authority to make medical or educational decisions affecting the child, and to get care or services for them. The child's parents can revoke the TPCA at any time.

Termination of parental rights: When parental rights are terminated (ended), the parent no longer has any rights to the child, and the child is put up for adoption. A dependency action may result in a termination of parental rights proceeding.

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1 *RCW 13.34.180(1)(f),* (5).
2 *RCW 13.34.145(5)(b).*
3 *RCW 13.34.090.*
4 *RCW 13.34.067.*
5 *Id.at (4)-(5).*
6 *RCW 13.34.136.*
7 *RCW 13.34.090; In re Myricks,* 85 Wn 2d 252, 253 (1975).

Voices of Reentry: Derek



Derek went to prison after a string of convictions resulting from a heroin addiction. After leaving work release, he was faced with a choice of what to do with his life.

On work release: I was concerned about what I was going to do for work, what I was going to do for clothes. I knew my food and shelter were already taken care of, so that was fine. I was excited, because I knew I was going to work release, it wasn't all that stressful. I was a little nervous about who was going to hire me.

On putting his prison time in perspective: When I got arrested I accepted my reality, I wasn't fighting it. But it's what I needed. Going to prison for me was a blessing. It gave me time to think about what I really wanted.

On being released: I remember standing there at the door, it was kinda sunny outside, and finding myself at this crossroads that I'd been at so many times before, where in the past I'd always made the wrong choice. I sat there and thought about what I was going to do. I called another friend who's been through the system before and was doing good, and I explained to him how I felt. I hurt, I was full of anxiety, I knew that I could survive on my own but if I walked out of that work release by myself, I would go down the wrong path again. So I called my buddy and he said, "Don't leave. Stay right there, I'm coming to get you." He came and scooped me up. It was an interesting day, that day. That was the day my sponsor saved my life.

On whether he could have predicted how his life has gone: Back then if you'd have asked me if this is where I'd thought I'd end up, I'd have said no way. Back then, I had no idea where I'd end up. It was all more of the same bull that I'd been living the first 36 years of my life. It didn't really dawn on me until about six or eight months after I got released that I was where I'd always kinda wanted to be, or at least I was going in that direction. When I tell my story now I always start with, "I was just a heroin addict who was living on the streets and doing crimes to fuel my addiction." I was shooting up with toilet water, and today I've got two cars and a roof over my head, all this nice furniture, I've got a beautiful woman in my life, my kids can come over and see me any time. What heroin addict has all that?"

On getting through low points: I battle with stuff like that at least weekly. Right now, I'm going through something on the shop floor where I work and I realize that's not a good situation and I contributed to that. And

I question my worth to the company here. That's one of my struggles, because I'm a very self-critical individual. But I gotta go back to believing in myself and walking the path and trusting in my higher power. And I do see a light at the end of the tunnel because my debts are getting smaller.

On things to change about the system: I would eliminate interest off my LFOs. I would create a method of prosecution that allowed a person, on their release, to walk free and clear. Don't let me out of prison with all of these conditions that set me up to fail.

On advice for someone about to be released: I could tell someone everything under the sun, I could give them a great path, and they won't hear it unless they're ready to hear it. If I were to say something to someone who was getting out of prison and didn't know what to expect, I would tell them to expect the exact same thing they got inside prison. Live your life, follow your heart and do what's right. The rules don't change because you leave prison. Have respect for other people, have respect for yourself. Go to WorkSource, ask as many questions as you can.

Derek now lives in Seattle. He plans to move to a new house before long, with a garage where he can work on old cars.

Chapter 7: Getting Or Reinstating Your Driver's License

The Bottom Line:

- If you need to drive a car after you are released, you will need a valid driver's license. If you had a valid Washington State driver's license within the past six years, you may be able to renew it; otherwise, you will probably have to get a new one. Your license also serves as a form of identification in place of a State ID card.
- If your license was suspended, you may have to reinstate it. Note that getting your license reinstated is a complicated process that will differ significantly from person to person, but some general guidance on how to approach the reinstatement process is provided in section 5.
- **You should never drive if you think your license is suspended.** If you are pulled over and your license is suspended, you could face new charges and your car could be impounded. Simply having a suspended license is not a crime, as long as you are not driving; however, if your license was suspended because you owed money (for instance, for unpaid traffic tickets), you are still responsible for paying that money.
- If your license was suspended or revoked and you absolutely need to drive, you may be able to get a special restricted license that you can use for limited purposes, such as to get to work, school, court-ordered community service, substance abuse treatment, medical appointments, or other essential errands. You can learn more about these special restricted licenses in section 7.

GETTING OR REINSTATING YOUR DRIVER'S LICENSE

Introduction

If you need to drive a car to get to work or school, you will need a driver's license. If you had a driver's license before you were incarcerated, it may be expired or suspended, and you may have to reinstate it. Issues with your driver's license are complicated and vary significantly based on your situation, so this chapter will provide only a general overview of how to get or reinstate your driver's license. If you need more help, there is a list of organizations that can provide more personalized assistance in the Resources section at the end of this chapter.

Getting Your Driver's License

1. Can I start the process to get my driver's license while I am incarcerated?

While you can start the process of getting your driver's license while you are still incarcerated, keep in mind that you will need to visit a Washington State Department of Licensing (DOL) office as soon as possible after you are released to complete your application and receive your license.

Six months prior to your release from a facility, you should be given an official notice that provides information regarding how the Department of Corrections can assist you in obtaining a Washington State driver's license, ID card, and/or a replacement Social Security card.[1]

Once you have received this notice, and before you are released, make an appointment to talk with your counselor about obtaining a driver's license. Your counselor should submit an electronic verification letter to the DOL no earlier than 45 days prior to your release.[2] It is very important to know when your counselor submits this letter. The electronic verification letter will stay on file at the DOL for 60 days from the date it was filed, meaning that it may expire as soon as 15 days after your release.[3]

After you are released, bring your Department of Corrections (DOC) Identification Badge to your local DOL office as soon as possible. You can find DOL office locations by visiting https://fortress.wa.gov/dol/dolprod/dsdoffices/. If you have other forms of identification, such as a Social Security card or birth certificate, it may be helpful to have those forms with you. The DOL will use your badge and the verification letter that your counselor sent to them in order to verify your identification. Note that depending on your circumstances, you may need to take a written test, road test, or vision test before you can get your license (see the next section for more details).

There is a fee associated with getting your license, so you will need to bring a form of payment as well. It costs $89 to get a driver's license, which is valid for six years before it must be renewed. It costs $20 to replace a lost or stolen license.[4]

If all the information you provide is accurate and verifiable, the DOL can prepare your license and mail it to your address. If you do not have an address, you may request that it be mailed to your Community Corrections Officer (CCO).[5]

2. How do I get a new Washington State driver's license?

The following section explains how to apply for a driver's license if you have never had one before, or if you have an out-of-state license that has expired or a Washington license that has been expired for more than six years. If you've had a Washington driver's license within the past six years, see section 3 for information about how to check its status and find out what you have to do to renew or reinstate it.

In order to apply for a Washington State driver's license you will need to bring the required documentation and fees to your local DOL office. If you have internet access, you may be able to pre-apply online, which will save you some time when you visit a DOL office to finish your application. To be eligible to pre-apply, you must:

- Be an official resident of the state of Washington (i.e., you have a valid Washington residence street address);
- Be 18 years or older; and
- Not have held a driver's license, instruction permit, state ID card, or enhanced driver's license/ID card before.[6]

If you meet these criteria, you may pre-apply online: https://secure.dol.wa.gov/home/newDriver.aspx.

If you are unable to pre-apply online, you can visit a DOL office in your area to begin your application. The DOL website provides a list of DOL offices in Washington: https://fortress.wa.gov/dol/dolprod/dsdoffices/.

Before you can apply for your Washington State driver's license, you must first pass a knowledge test to prove that you know the rules of the road. The test is multiple choice, and you must get 32 out of 40 correct to pass.[7] You can study for the test using the Washington Driver Guide, which is available in several languages online at www.dol.wa.gov/driverslicense/guide.html. When you are ready, you can schedule your test online at one of the testing sites: www.dol.wa.gov/driverslicense/testlocations.html. Additional information regarding the knowledge test is available online: www.dol.wa.gov/driverslicense/writtentest.html.

You will also need to pass a driving test. If you want to practice driving before your test, you will need to get an instruction permit from a DOL office.[8] If you like, you may also sign up for a driver training program; you can also learn more about training programs by visiting www.dol.wa.gov/driverslicense/drivertraining.html. When you are ready to take your test, schedule an appointment at one of the testing locations: www.dol.wa.gov/driverslicense/testlocations.html. You will need to bring the following things to your appointment:

- The testing fee (this amount will vary based on location);
- Proof that you have auto liability insurance (see the Transportation chapter for information about auto insurance); and
- A vehicle in good working condition.[9]

You must score 80 out of 100 to pass the driving test.

In addition to passing the written and driving tests, you will need to provide DOL with some information before they can issue your license. When you visit the DOL office, you will need to bring the following items with you:

- **Proof of identity.** There are a number of different documents that DOL will accept as proof of your identity, and the requirements also vary slightly based on your age and personal circumstances. See www.dol.wa.gov/driverslicense/idproof.html for a detailed list of identity documents that DOL accepts, and what combinations will be enough to proof who you are.

- **Form of payment for the fee.** There is an $89 fee associated with getting your ID card, which is valid for six years before it must be renewed.[10]
- **Your Social Security number or proof of address.** If you are 18 or older, you must provide your Social Security number (note that you do not need to show your Social Security card as long as you know the number). If you do not have a Social Security number, you must prove that you have a valid address in Washington. See www.dol.wa.gov/driverslicense/idproof.html (at item #3) for more information about how to prove your address.

You will also need to have your picture taken at the DOL office. Once all of your information is verified, you will be given a temporary license before you leave the office. Your permanent license will be mailed to you, and will arrive within 7-10 days.[11]

3. How do I find out the status of my Washington State driver's license?

If you have had a Washington State driver's license before, it is important to check on the status of your license when you are released to find out if it is active, expired, suspended or revoked. It is illegal to drive with an expired or suspended license, so before you get behind the wheel, make sure your license is valid and active.

If you know your driver's license number, you can use the DOL's online service to find out the status of your license: https://fortress.wa.gov/dol/dolprod/dsdDriverStatusDisplay/. Enter your driver's license number; the portal will return an answer of YES or NO for any type of license you may have. If it says YES, that means your license is current and valid. It will also provide your license's expiration date, which may be useful to you. If it says NO, that means that your license is not valid. This portal will simply return an answer of YES or NO; it will not provide details about why your license is invalid, or any of your driving records or personal information.[12]

If the portal said NO, you can get personalized instructions on how to reinstate your license by using a different online tool from the DOL: https://fortress.wa.gov/dol/dolprod/dsdreinstatements/. You will need to enter your name, date of birth, driver's license or ID card number, and the eye color listed on your license or ID. When all of your information is entered, the tool will return results showing everything that is affecting your license, and step-by-step instructions for how to get it reinstated.[13]

If you don't know your driver's license number or don't have access to the internet, you can get the same information by purchasing a copy of your driving record for $13.[14] If you have a credit card and an email address or a printer, you can do this online: https://fortress.wa.gov/dol/dsdiadr/. Alternatively, you can fill out a Driving Record Request form (available online at www.dol.wa.gov/forms/500009.pdf), and send it to the following address:

Driver Records
Department of Licensing
PO Box 3907
Seattle, WA 98124-3907

Include a check or money order for $13 payable to "Department of Licensing." Your request will take roughly two weeks to process.

4. My license has expired. How do I renew it?

In most cases, a Washington State driver's license needs to be renewed every six years. It can be renewed up to one year before the expiration date. It can also be renewed after the expiration date, but you may be subject to an additional fee (see below). Your license usually expires on your birthday.[15]

If you have a credit card and an email address or a printer, you can renew your license online by visiting https://fortress.wa.gov/dol/olr/. You may also renew by visiting a DOL office or by mail (if you have received a renewal notice in the mail). When you renew your license, you should also check to be sure your address is up to date. If you have moved, change the address listed on your license before you renew.[16] You can do this online at www.dol.wa.gov/driverslicense/addresschange.html, in person at a DOL office, or by mail by filling out the Washington Driver License/ID Card Change of Address form, available at www.dol.wa.gov/forms/500039.pdf.

The cost to renew your license is based on the number of years since your last renewal. Each year since your last renewal costs $9 (so if you renew your license every 6 years, it will cost $54 because six years multiplied by $9 per years equals $54). If your renewal application is submitted more than 60 days after your license's expiration date, you will be charged an extra $10 processing fee. If you renew less than 60 days after your license expires, there is no extra fee; however, if you are stopped, law enforcement could penalize you for driving with an expired license.[17]

If your license expired more than 6 years ago, you cannot renew it. You must follow the steps provided in section 2 for getting a new driver license.

5. My license has been suspended. What do I do now?

If you know that your license has been suspended, the first thing you need to do is find out why. There are a number of reasons why your license may have been suspended, and the process for reinstating a suspended license varies considerably depending on the cause. Depending on the cause, you may need to satisfy your court requirements and fines, if you have any, and pay a licensing and reinstatement fee.

It is a good idea to check the status of your license when you are released even if you don't think it has been suspended. Driving on a suspended license is a crime, and if you are pulled over while driving on a suspended license there is a good chance you will be arrested and your car will be impounded. If you are arrested, this may also be a new violation and reportable to your CCO.

If you know your driver's license number, the easiest way to find out the cause of the suspension and what you need to do to reinstate it is to use the DOL's online license reinstatement tool, which we discussed briefly in section 3. Using this tool, you can securely enter your personal information and the system will provide a printable list of the issues that are holding up your license along with step-by-step instructions for resolving those issues, including contact information for each item. You can access this tool at https://fortress.wa.gov/dol/dolprod/dsdreinstatements/. You will need to enter your name, date of birth, driver's license number, and the eye color printed on your license.

If you don't know your driver's license number or don't have access to the internet, you can follow the instructions in section 3 for purchasing a copy of your driving record.

How you get your license back will depend on why it was suspended in the first place, and unfortunately, it is hard to give detailed advice without knowing all the circumstances. Remember that for most types of suspensions, you can also use the online driver's license status tool on the DOL website for specific step-by-step instructions on what you need to do to reinstate your license. Below you will find general advice for a few common scenarios, and some other resources that can provide you more detailed help.

- License suspensions can be civil or criminal; civil means that you have received a ticket, fine, or other type of citation, and criminal means that you have committed a crime. Most license suspensions are civil, but a few serious offenses, such as Driving Under the Influence (DUI) or repeated reckless driving, are criminal. **Information about criminal suspensions is not available on the DOL relicensing tool;** if your license has been suspended due to a crime you committed, you will have to contact the DOL to get an abstract of

your driving record. For civil suspensions, the DOL online tool can help you figure out what steps to take to reinstate your license.

- If you receive a ticket or a court date related to a ticket, **do not ignore it.** An ignored ticket will not go away; it can result in your license being suspended and you will likely still be responsible for the fine. If you believe you should not have gotten the ticket, you can contest it by following the instructions written on the ticket. Note, however, that the time window for contesting a ticket is relatively short, so it is probably too late to contest a ticket you received before you went to prison.

- Simply having a suspended license is not a crime so long as you are not driving. If you are not planning to drive after your release, you may be tempted to ignore the suspension and never bother to reinstate your license at all. Depending on your situation, this might be okay to do, but remember that if your license was suspended because you owed money (for unpaid tickets, damages, or other fines) **you are still responsible for making those payments.** If you don't pay them, they can be sent to collections and damage your credit score, so it is important to handle these as soon as possible. **And you should never drive if you think your license is suspended** – if you are pulled over on a suspended license, you can be arrested and your car can be impounded.

- **Unpaid parking tickets or traffic fines.** A suspension due to unpaid tickets is a civil suspension. If your license was suspended for unpaid tickets, you will first need to find out which tickets are suspending your license. You can get this information by using the DOL online tool at https://fortress.wa.gov/dol/dolprod/dsdreinstatements/ or by emailing CustomerCare@dol.wa.gov. Once you know which tickets are suspending your license, you should try to contact the court that issued the tickets and they will be able to tell you what to do next. Courts may have different processes for this, so you should always call the court for instructions.

- **Suspension related to an accident.** A suspension related to an accident, such as an accident while driving without insurance or failing to pay damages you owed after a car accident, is a civil suspension. If your license was suspended after an accident, you should visit a DOL office for advice and steps. You can find your nearest DOL office by visiting https://fortress.wa.gov/dol/dolprod/dsdoffices/.

- **DUI/reckless driving/habitual traffic offender (HTO).** A suspension due to a DUI or other serious traffic offense is a criminal suspension. If your license is suspended due to a DUI or other criminal offense, there are specific steps you have to take to reinstate it—you may have to complete an alcohol or drug treatment program, successfully pass a driving test, or install an Ignition Interlock Device (IID) on your vehicle. You can visit www.dol.wa.gov/forms/500015.pdf for more information on types of criminal suspensions and the reinstatement requirements for each.

- If you need more specific information, the resources on the Washington Law Help website may be useful to you. These resources are listed at the end of the chapter, but these documents in particular may be helpful:

  - » My Driver License Was Suspended. Can I Get It Back?, www.washingtonlawhelp.org/resource/my-driver-license-was-suspended-can-i-get-it?ref=LhJ7K;

  - » Got Unpaid Traffic Tickets? How To Avoid Getting Your Driver License Suspended, www.washingtonlawhelp.org/resource/got-unpaid-traffic-tickets-how-to-avoid-getti?ref=LhJ7K; or

  - » Child Support and License Suspension, www.washingtonlawhelp.org/resource/what-to-do-about-a-license-suspension-notice?ref=LhJ7K.

Finally, the Northwest Justice Project (NJP) provides free legal assistance to certain low-income individuals who need their license reinstated so they can work. They may be able to provide assistance if your license was suspended for one of the following reasons:

- Unpaid traffic fines;
- Suspension due to a car accident when you were uninsured; or
- You have one or more convictions for driving with a suspended license and you still have unpaid fines even though the suspension period is over.

If you think you may meet these criteria, reach out to NJP by calling 211 (if you are in King County) or by calling the CLEAR hotline at 888-201-1014 between 9:15 a.m. and 12:15 p.m. (if you are outside King County). Note that they **cannot** provide assistance if your license was suspended for failure to pay child support or certain criminal traffic convictions such as DUIs.[18]

6. How much does it cost to reinstate my Washington State driver's license?

You should be aware that you might have to pay a number of fines and fees when you reinstate your license. For instance, there may be certain court fees you are required to pay depending on the circumstances of your license suspension or revocation. The Washington DOL also charges a number of fees for license reinstatement, including the following[19]:

Getting your license reinstated after a non-alcohol-related suspension	$75
Getting your license reinstated after an alcohol-related suspension	$150
Getting a probationary license after a DUI conviction or deferred prosecution	$50
Applying for an Occupational/Restricted License (ORL)	$100
Applying for an Ignition Interlock Driver's license (IIL)	$100

7. What do I do if my license is suspended or revoked but I absolutely need to drive in order to get to a job, a treatment program or some other vital appointment?

Even if your driver's license is suspended or revoked, you may be eligible to receive a restricted license in order to get to work, school, court-ordered community service, substance abuse treatment meetings, driving to a healthcare provider, caring for a dependent, or for applying for on-the-job training. The two types of restricted licenses you may be eligible for are discussed below.

Occupational/Restricted Driver's license (ORL):

An ORL is a restricted license that allows you to drive under specific circumstances for work, school, court-ordered community service, substance abuse treatment meetings, driving to a healthcare provider, caring for a dependent, or applying for on-the-job training, even if your Washington State driver's license has been suspended or revoked.[20]

To be eligible for an ORL, you must have a Washington driver's license. You will not be eligible for an ORL if you have been convicted of vehicular homicide in the past seven years. Certain types of serious license suspensions, such as DUI, vehicular assault or vehicular homicide, violation of court-ordered probation, or failure to pay child support will also make you ineligible.[21] Visit www.dol.wa.gov/driverslicense/orl.html for a complete list of eligibility criteria.

To apply for an ORL, you will need to fill out the Restricted Driver's license Application form available at www.dol.wa.gov/forms/500001.pdf. You must also provide one of the following items as proof of financial responsibility:

- A certificate of insurance (SR-22), which you can get from an auto insurance agent;
- A State Treasurer's certificate of deposit of $60,000 or approved collateral of equal value; or
- A surety bond executed by the person giving proof and a surety company authorized to do business in Washington State, or by the person giving proof and by 2 additional sureties.

Submit your application form and proof of financial responsibility along with a $100 fee. If you qualify, the DOL will issue your ORL by mail or email on the day your suspension begins.[22]

If your application is denied, you can request a hearing with the DOL to consider whether or not you meet the eligibility requirements for an ORL. A hearing request form should be included in the denial letter. Mail that form or a letter requesting a hearing to:

Hearings and Interviews
Department of Licensing
PO Box 9031
Olympia, WA 98507-9031

If you have an ORL, your driving privileges will still be restricted based on your actual driving needs. For instance, you may only be permitted to drive on certain days of the week or in certain areas. The DOL will determine the restrictions of your ORL. If you violate those restrictions or become ineligible, your ORL will be canceled.[23]

Ignition Interlock Driver's license (IIL):

An IIL allows you to drive a vehicle while your license is suspended or revoked after a conviction for a drug or alcohol-related offense. While driving with an IIL, you must maintain an ignition interlock device (IID) on all vehicles you drive. Depending on your conviction, you may be required to drive with an IID installed for a certain period of time.[24]

To be eligible for an IIL, you must have an unexpired Washington State driver's license or a valid out of state driver's license. You also must have an arrest or conviction of any of the following:

- DUI or Physical Control involving drugs or alcohol;
- Reckless driving;
- Vehicular assault involving drugs or alcohol; or
- Vehicular homicide involving drugs or alcohol.

Additionally, your current suspension or revocation must not include Minor in Possession or habitual traffic offender (HTO). If you meet the eligibility criteria, you may apply for an IIL at any time, including after being arrested or after your revocation hearing. When you get an IIL you must maintain an IID in all of your vehicles for the remainder of your suspension.[25]

To apply for an IIL, you must first have an IID installed in your car by visiting an IID installer certified by the Washington State Patrol. You can see a list of all certified devices and installers online on the Washington State Patrol website: www.wsp.wa.gov/traveler/interlock.htm. The installer will send proof of installation to DOL.

Once the IID is installed, the process is the same as applying for an ORL. You will need to fill out the Restricted Driver License Application form located at www.dol.wa.gov/forms/500001.pdf. You must also provide **one** of the following items as proof of financial responsibility:

- A certificate of insurance (SR-22), which you can get from an auto insurance agent;
- A State Treasurer's certificate of deposit of $60,000 or approved collateral of equal value; or
- A surety bond executed by the person giving proof and a surety company authorized to do business in Washington State, or by the person giving proof and by 2 additional sureties.

Submit your application form and proof of financial responsibility along with a $100 fee. If your application is approved, the DOL will mail you your IIL when your license suspension or revocation begins.[26]

Note that while you are driving with an IIL, you must maintain an IID in **all vehicles you drive.** This includes all vehicles you drive for work, so long as your employer owns, leases, or rents the vehicle, or is temporarily responsible for its care or maintenance. However, the requirement for work vehicles may be waived if you have your employer sign the Employer Declaration for Ignition Interlock Exemption form, available at www.dol.wa.gov/forms/500025.pdf. Mail a copy of this signed form to DOL **before** you drive those vehicles for work, and carry a copy of the declaration with you whenever you drive a work vehicle that isn't equipped with an IID.[27]

You are responsible for all costs associated with maintaining the IID, including the cost of installing, leasing, and removing the device. You may be eligible for financial assistance if you qualify as indigent[28] and are below the Washington State poverty guideline for your household.[29] If you think you may qualify for assistance, fill out and submit the Ignition Interlock Device Financial Assistance Application located at www.dol.wa.gov/forms/500024.pdf. If you are approved, the state will reimburse your IID provider for part of the cost of IID installation and other services.[30]

8. What if my driver's license is suspended in another state?[31]

If your license is suspended in another state, you will need to contact that state's department of licensing or department of motor vehicles to determine the cause of the suspension and what you need to do to have your license reinstated. Note that if your out of state license is suspended, **your Washington license is also suspended.** This is true even if the DOL has issued you a license that appears to be valid.

Resources

Documents:

- *My Driver License Was Suspended. Can I Get It Back?,* The Defender Association's Racial Disparity Project, www.washingtonlawhelp.org/resource/my-driver-license-was-suspended-can-i-get-it?ref=LhJ7K
- *Got Unpaid Traffic Tickets? How To Avoid Getting Your Driver License Suspended,* The Defender Association's Racial Disparity Project, www.washingtonlawhelp.org/resource/got-unpaid-traffic-tickets-how-to-avoid-getti?ref=LhJ7K
- *Child Support and License Suspension,* Northwest Justice Project, www.washingtonlawhelp.org/resource/what-to-do-about-a-license-suspension-notice?ref=LhJ7K

Department of Licensing resources and online tools:

- To **check the status of your license**, use the online tool available at https://fortress.wa.gov/dol/dolprod/dsdDriverStatusDisplay/.
- To **learn how to reinstate your license**, use the online tool available at https://fortress.wa.gov/dol/dolprod/dsdreinstatements/.
- To **renew your license**, visit https://fortress.wa.gov/dol/olr/.
- To **purchase your driving record**, visit https://fortress.wa.gov/dol/dsdiadr/.
- The **Washington State Driver Guide** is available at www.dol.wa.gov/driverslicense/guide.html.
- To **find a DOL office near you**, visit https://fortress.wa.gov/dol/dolprod/dsdoffices/ and select your city.
- To **find a driving school or drive test location**, visit www.dol.wa.gov/driverslicense/testlocations.html.

Glossary

Driving Under the Influence (DUI): Operating a vehicle while affected by alcohol, drugs, or both. This applies to both legal and illegal drugs, including prescription medication and over-the-counter drugs. A DUI is a criminal charge.

Habitual Traffic Offender (HTO): A driver who, within a 5-year period, has been: (1) Convicted of 3 or more offenses listed in RCW 46.65.020(1); or (2) Found to have been convicted of or committed 20 or more moving violations listed in WAC 308-104-160. The violations must have occurred within a 5-year period. If more than 1 of these offenses are committed within a 6-hour period, they're only counted as 1 on the first occasion.

Ignition Interlock Device (IID): An ignition interlock device or breath alcohol ignition interlock device (IID and BAIID) is a breathalyzer for an individual's vehicle.

Ignition Interlock Driver's license (IIL): Allows you to drive a vehicle while your license is suspended or revoked for a drug or alcohol–related offense.

Occupational/Restricted Driver's license (ORL): While your driver's license is suspended or revoked, you may be eligible to receive an Occupational/Restricted Driver's license (ORL). You may use the ORL for only allowable reasons, such as: work, school, Court-ordered community service, substance abuse treatment, etc.

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1 *Driver's license/Washington State Identification cards for Offenders,* Doc. Policy No. 380.550, Attachment 1, Washington State Department of Correctionswww.doc.wa.gov/information/policies/default.aspx?show=300 (last visited Nov. 1, 2017).

2 *Id.*

3 *Id.*

4 *Driver licensing fees,* Washington State Department of Licensing, www.dol.wa.gov/driverslicense/fees.html.

5 *Driver's license/Washington State Identification cards for Offenders,* Doc. Policy No. 380.550, Attachment 1, Washington State Department of Corrections www.doc.wa.gov/information/policies/default.aspx?show=300.

6 *Pre-apply online,* Washington State Department of Licensing, www.dol.wa.gov/driverslicense/preapply.html (last visited Nov. 1, 2017).

7 *Knowledge and drive test,* Washington State Department of Licensing, www.dol.wa.gov/driverslicense/writtentest.html (last visited Nov. 1, 2017).

8 *Steps to getting your first license: Instruction permits,* Washington State Department of Licensing, www.dol.wa.gov/driverslicense/getpermit.html (last visited Nov.1, 2017).

9 *Knowledge and drive test,* Washington State Department of Licensing, www.dol.wa.gov/driverslicense/writtentest.html.

10 *Driver licensing fees,* Washington State Department of Licensing, www.dol.wa.gov/driverslicense/fees.html.

11 *Get your WA identification card,* Washington State Department of Licensing, www.dol.wa.gov/driverslicense/gettingidcard.html.

12 *Check status of a driver license,* Washington State Department of Licensing, https://fortress.wa.gov/dol/dolprod/dsdDriverStatusDisplay/ (last visited Nov. 1, 2017).

13 *Learn how to reinstate your license,* Washington State Department of Licensing, https://fortress.wa.gov/dol/dolprod/dsdreinstatements/ (last visited Nov. 1, 2017).

14 *Purchase your WA driving record,* Washington State Department of Licensing, www.dol.wa.gov/driverslicense/requestyourrecord.html (last visited Jan. 26, 2017).

15 *Renew your driver license,* Washington State Department of Licensing, www.dol.wa.gov/driverslicense/renew.html (last visited Jan. 26, 2017).

16 *Change your address: Driver license and ID card,* Washington State Department of Licensing, www.dol.wa.gov/driverslicense/addresschange.html.

17 *Renew your driver license,* Washington State Department of Licensing, www.dol.wa.gov/driverslicense/renew.html.

18 *Do You Need Help Getting Your Driver's License Back?,* WashingtonLawHelp.org, www.washingtonlawhelp.org/resource/do-you-need-help-getting-your-drivers-license?ref=PZGLj (last visited Nov. 1, 2017).

19 *Driver Licensing Fees,* Washington State Department of Licensing, www.dol.wa.gov/driverslicense/fees.html (last visited Nov. 1, 2017).

20 *Occupational/Restricted Driver License,* Washington State Department of Licensing,www.dol.wa.gov/driverslicense/orl.html (last visited Nov. 1, 2017).

21 *Id.*

22 *Id.*

23 *Id.*

24 *Ignition Interlock Device (IID),* Washington State Department of Licensing, www.dol.wa.gov/driverslicense/ignitioninterlock.html (last visited Nov. 1, 2017).

25 *Ignition Interlock Driver License (IIL),* Washington State Department of Licensing, www.dol.wa.gov/driverslicense/iil.html (last visited Nov. 1, 2017).

26 *Id.*

27 *Id.*

28 *RCW 10.101.010.*

29 *Ignition Interlock Driver License (IIL),* Washington State Department of Licensing, www.dol.wa.gov/driverslicense/iil.html (last visited Nov. 1, 2017).

30 *Id.*

31 *My Driver License Was Suspended. Can I Get It Back?*, WashingtonLawHelp.org, www.washingtonlawhelp.org/resource/my-driver-license-was-suspended-can-i-get-it?ref=LhJ7K (last visited Nov. 1, 2017).

Voices of Reentry: David



David grew up on Mercer Island and was bullied for not being as wealthy as his peers. He ran several businesses before entering prison, and after his release he started a gourmet popcorn company based on an idea he had while he was incarcerated.

On trying to stay involved with his children: I think we did a good job of explaining it to them at the time. It was hard, but kids are resilient, and we did the best we could. I was involved. I was on the phone. When my daughter had her bat mitzvah I was on speakerphone the entire time. We did the best to make it work. It was hard...we had this discussion last night as a family, about how hard it was, and I've been home for nine years. So even still.

On telling his story: Once I decided I was going to launch Big House Popcorn, and that was part of the story, where it came from, that was a life-changer. Initially when I launched the product, I wasn't telling the grocery stores, "Yeah I just got out of prison." Eventually I got to that point. But if people asked me I would not lie. I would say, "Yeah, this is the story." As soon as I started telling that story, wearing that badge, and not being ashamed and not being fearful of people not wanting to be around me...I had to draw a line in the sand and control my own destiny, whether people liked me or not because I'd been in prison, I couldn't change that. And I needed to earn a living and support my family, that's all I cared about.

On continued barriers: So I'm looking for some new office space, had a nice conversation with the owner of the building, and I'm wondering, "Uh-oh. They don't know my story, they could look me up online and say, 'Ah, I don't want to rent to this guy.'" So that's a concern. My wife and I would like to move from our place in Bellevue and rent a place downtown. I don't know that I can rent a place downtown.

On what he'd change about the reentry process: My list has changed. It used to be about creating jobs and opportunities. That's not it. It's changing society's perspective of who these people are. I didn't grow up in an environment where I knew anybody who'd been to prison, so all I knew was what I saw on TV. I thought, "I'll be by myself, no one to talk to because they're all crooks and killers and drug addicts and disgusting human beings and the scum of the earth, and that's the end of the story." I got there, and some of the smartest people I ever met, creative, innovative...I can't tell you how many guys I met who I said, "You're an entrepreneur! You're

doing the wrong thing, but wow! How in the heck did you come up with that?" So, there were good people, good people making bad choices, good people growing up in the wrong environment, smart guys using their smarts the wrong way because they don't think they can do something else because society won't allow them.

David was the founder of Pop Gourmet and is the current CEO of BFY Food Group, Culinary Co and David's Best. He serves on the board of the David's Killer Bread Foundation, which has second chance employment as the core of its mission. He has given talks to CEOs and been featured on Oprah.

Chapter 8: Healthcare Benefits

The Bottom Line

- Most people who are released from prison will get their health insurance through Medicaid, which is called Apple Health in Washington. In most cases, DOC will help you apply for Apple Health before you are released. If you need to sign up for Apple Health or for another health insurance plan, you can use Washington Healthplanfinder at www.wahealthplanfinder.org. See "Applying for Health Coverage After Release" for more details on applying for health insurance.
- Under the Affordable Care Act, the new federal health care law passed in 2010, you **must** have health insurance or you will be required to pay a penalty. See section 28 for more details. The Affordable Care Act also prevents health insurance companies from discriminating against you based on preexisting conditions. This means that you will still be able to get health insurance even if you have had health issues in the past.
- Mental health and substance abuse treatment are covered by all health plans in Washington State. If you need help with mental health or substance abuse, you can call a treatment program directly or talk to your primary care doctor and ask them for a recommendation. To find a treatment agency, or if you are in a crisis, contact the Washington Recovery Helpline at 1-866-789-1511 or online at www.warecoveryhelpline.org/.
- If you get a medical bill you can't afford, **do not ignore it.** Instead, contact the doctor or the billing department of the hospital that sent you the bill and ask for help. Many health care providers will work with patients who have trouble paying their bills to help them set up payment plans or make other arrangements including forgiving the debt through a program called "charity care." For more information, see section 34.

HEALTHCARE BENEFITS

Introduction

One of the most important components to successful reentry is your ability to access health care when you need it. Unlike when you are in prison and are only allowed to see a doctor in the event of serious medical need, when you are released you will be able to access preventive health services through your health insurance. The resources described in this chapter will assist you in understanding what types of health care coverage are available to you and your family.

Health care and health insurance are complicated subjects, and conversations about them can contain a lot of jargon or other unfamiliar terms. Below are a few definitions that may be useful to you as you use this chapter. You can find definitions of other terms in the glossary at the end of the chapter.

- Your **premium** or **premium payment** is the amount you pay every month for your health insurance, whether you see the doctor that month or not. Depending on your plan and your income, you may not have any premium payments at all.
- When you go to the doctor, even if you have health insurance, you may have to pay some amount for your medical care. A **co-pay** is a fixed amount of money that you pay for a healthcare service that is covered by your health plan. The amount is determined by the service and by your health plan; for instance, you may have a prescription co-pay where you pay a fixed amount of money for all of your prescriptions.
- Sometimes your health insurance plan will only start paying for your care after you have paid a certain amount on your own. The amount you have to pay before your insurance benefits begin is called your **deductible**. A plan with a high deductible usually provides less coverage than one with a low deductible, since with a high deductible you will have to pay more out of pocket before you start getting the benefits of your health care plan.
- Even after you have met your deductible, you may still have to pay a percentage of your medical expenses. The percentage you have to pay is called **co-insurance**. Like a co-pay, your co-insurance is determined by your health plan and the service.
- Your **primary care physician** is your "regular doctor" who you go to for check-ups, preventive care, or when you have a new health care concern (for instance, if you notice a new symptom and want to get it checked out). Depending on your needs, your primary care physician may send you to a **specialist**, which is a doctor who specializes in a certain kind of medical issue (such as an oncologist or a dermatologist). When your primary care physician sends you to a specialist, this is called a **referral.** Depending on your health plan, you may need a referral from your primary care doctor before a visit to the specialist will be covered.
- Even if your insurance covers a particular service, they may not cover all doctors who provide that service. Doctors who are covered by your plan are called **in-network providers**. Doctors who are not covered are called **out-of-network providers.** You can still see out-of-network providers, but you may have to pay more of the cost yourself. Your insurance company can help you figure out which doctors are in its network and will be covered by your plan.

Understanding Your Health Care Coverage

1. What is health insurance?

Health insurance is a way to get an insurance company or government agency to pay for some of the costs of your medical care. Here are some common ways to get health insurance:

- **Medicaid**, called "Apple Health" in Washington State, is a government program with broad coverage and no or limited costs to recipients. To enroll in Medicaid, you will need to apply through Washington's insurance exchange and meet various qualifications, including having a low income. For more information, see "What is Medicaid/Apple Health?" in section 14 below.
- **Medicare** is a government program for people who are 65 or older or who have been disabled on Social Security for over two years and meet other requirements. Medicare coverage may be subsidized for people with low incomes.
- **"Qualified Health Plans"** are sold by private companies. They must meet federal coverage requirements. Subsidies are available to people with low incomes. To enroll, you will need to apply through Washington's insurance exchange.
- **Employer-based insurance** is a group insurance plan offered by an employer to its workers. Some employers pay for some of the costs. To enroll in an employer-based plan, you will sign up and purchase the insurance through your employer.
- Some **private health insurance** is sold to individuals (not groups) without meeting the federal requirements. This is an option for people who are ineligible for other insurance due to immigration status or lack of state residency.

Each of these methods of getting health insurance is discussed in greater detail later in this chapter.

2. How does health insurance work?

The cost of your health insurance depends on what kind of insurance you have. Adults receiving Apple Health do not pay for covered services from health care providers who contract with Apple Health (or with the health care plan, if Apple Health enrolls you in such a plan). If you are not eligible for Apple Health, you likely will pay a monthly premium to have health insurance in the first place and also pay a portion of your health care costs. Some insurance does not require you to pay for certain preventive care services. See "If I have health care, how much will I have to pay?" below for the different kinds of costs that may apply.

For any type of health insurance, your health plan determines whether a service provider you use is covered by the plan. You should ask in advance whether a provider is covered. You can get that information from your health plan or from the provider, or both.

If you have Apple Health, you likely will be enrolled in a managed care insurance plan that contracts with the Medicaid agency. In most parts of the state, you have a choice of plans and can change plans if one does not work well for you. These plans will have "networks" of providers available to you and will pay those providers for care they provide to you.

Some Apple Health clients are not enrolled in managed care insurance plans. These clients have their health care paid directly by the Washington's Health Care Authority. Currently Apple Health clients who are not enrolled in health plans include Native Americans and Alaska Natives, and people who also have Medicare coverage.[1] If

you have Apple Health but are not enrolled in a managed care plan, you will need to make sure your provider is has a contract with Medicaid directly to be sure your costs will be covered.

If you have insurance other than Apple Health, you must make sure the providers you see are under contract with your specific health plan for the costs to be covered. Health plans may have one group of providers available who are under contract and considered "in-network," and other providers who are available but are considered "out-of-network." Your costs for deductible amounts and cost-sharing can be much higher if you choose an out-of-network provider. In some cases, health plans do not cover out-of-network doctors at all and you will have to pay for everything if you visit one.[2]

Federal law requires that all "Qualified Health Plans" sold through Washington's health insurance exchange cover the 10 Essential Health Benefits:

- Doctor visits and hospital stays
- Trips to the emergency room
- Care before and after your baby is born
- Mental health and substance abuse treatment
- Prescription drugs
- Services and devices to help you recover if you get injured or if you have a disability or chronic condition (like cancer or diabetes)
- Management of a chronic disease
- Lab tests
- Preventative services including counseling, screenings and vaccinations (these help you avoid getting sick in the first place)
- Health care for children[3]

Also, most health plans that you obtain through Washington Healthplanfinder must provide certain other preventative services (See "How can I apply for health coverage once I am out of prison?" for more information about Washington Healthplanfinder).[4] As long as you get these services from a doctor that is in-network, they are free.[5] Some of these benefits only apply in certain situations (for instance, if you are above a certain age).[6] Some preventative health services that may be useful to you include:

- Alcohol misuse screening and counseling
- Tobacco use screening and help to quit smoking
- Blood pressure screening
- Depression screening[7]

There are other preventative services that are not listed here. For a complete list of preventative benefits, look here: www.healthcare.gov/coverage/preventive-care-benefits/.

3. If I have health insurance, how much will I have to pay?

Adults getting Apple Health do not pay for care if it is covered and received from a provider that contracts with the plan assigned (or with the Apple Health agency if no plan is assigned). Providers who are under contract are not allowed to bill Apple Health clients for care covered by Apple Health, and can be penalized if they try to do this.[8]

When you have a health plan other than Apple Health, you need to know the premium, the various co-pays, the deductible, the coinsurance and the out-of-pocket maximum. These all contribute to the amount that you have to pay for your health care. These amounts all depend on your insurance plan, and will be provided to you in a document called the Explanation of Benefits (EOB) that you will receive from your health insurance company. If you don't have your EOB, call your health insurance company to obtain a copy.

The premium is an amount of money that you pay the insurance company every month, whether or not you use your insurance that month.[9] For example, if you have a plan with a $100 premium, you pay your insurance company $100 dollars every month. This is similar to other types of insurance you may have used in the past, like car insurance or renter's insurance.

Your plan will probably have an annual deductible. This is the amount of money you must pay for health care before your insurance will start its benefits. [10] During a calendar year, you are required to pay the entire cost of providers' services until you have paid the deductible amount. For example, if you have a deductible of $1,000 and you get a medical bill for $11,000, you must pay $1,000. After that, your insurance company will help pay the other $10,000. Each year, the process resets, and you must pay your deductible again before the insurance company will begin paying for services.

When you have met your deductible, your insurance may still require you to pay for part of your medical bills in a few different ways. This is called cost-sharing. The most common methods of cost-sharing are through co-pays and co-insurance (see the next paragraph for more information). Most of the time, for a particular service or treatment, you will have a co-pay or a co-insurance, but not both. Specific details about your plan's benefits will be provided in your EOB.

A co-pay is a fixed amount of money that you must pay for a healthcare service that is covered by the plan. This amount is different depending on what the service is.[11] For example, you might pay a $10 co-pay for a medication, or a $100 co-pay to see a specialist doctor.

Sometimes when your insurance company helps to pay for a medical bill, you may still have to pay for a percentage of the cost yourself. This percentage is the coinsurance.[12] To continue from the deductible example, you have a medical bill for $11,000 and have paid your $1,000 deductible, leaving $10,000 left. If you have a 20% coinsurance, it means you will pay 20% of that $10,000 and your insurance company will pay the other 80%. Here, you would pay $2,000 on top of your $1,000 deductible that you paid already. You have paid $3,000 and your insurance company will pay $8,000.

Your out-of-pocket maximum is the total amount of money you must pay each year in deductibles and coinsurance before your insurance company starts to pay 100% of your covered services. After you meet your out-of-pocket maximum, your insurance company pays the rest of your covered expenses for the rest of the year.[13] Continuing from the example above, you have paid $3,000 towards medical bills. If you have a $5,000 out-of-pocket maximum, you can still pay up to $2,000 in medical bills before reaching that maximum. Once you do, your insurance company will pay all of your covered medical bills for the rest of the year. When that year is over, you will have to pay your deductible and coinsurance again until you reach your out-of-pocket maximum again.

4. What is the Affordable Care Act and how does it affect my health care?

The Affordable Care Act (also known as Obamacare) became law in March 2010. It is designed to make health insurance less expensive and help more people get covered. As a result, you may now be eligible for health care coverage and services at a lower cost, or no cost at all. The Affordable Care Act has made several important changes to the way health insurance works:

- Companies that employ at least 50 people are now required to provide health insurance to their employees[14]
- If your income is less than 138% of the federal poverty level, you may now qualify for Washington Apple Health, which is part of the federal Medicaid program.[15] For more information on Apple Health (including eligibility), see "How do I sign up for Apple Health?"
- If you are not receiving health insurance through your employer or Apple Health, you must buy your own plan or you will have to pay a penalty.[16] See "What happens if I don't have health insurance?"
- If you do not qualify for Apple Health, you can still use the Washington health insurance marketplace to shop for and buy health insurance. Buying a plan from the marketplace may qualify you for financial assistance with your health care costs.[17] For more information on the marketplace and financial assistance, see "How can I apply for health coverage once I am out of prison?" and "Can I get help with paying for my health insurance?"
- Health insurance companies that sell plans qualified under the ACA cannot charge you more money or deny you coverage if you have a preexisting condition.[18] A preexisting condition is a health condition you had before you applied for health insurance. Examples include cancer, diabetes, high blood pressure, asthma and heart disease.

5. Can I keep the health insurance I had while in prison once I am released?

No. However, the health coverage that you have access to after you are released will probably have better coverage than the services you have had access to while in prison.

6. What differences are there between my old prison health care and the health care I can get once I am released?

Under the Eighth Amendment, while you are in prison, prison officials are required to offer you adequate medical care to address serious medical needs. Serious medical needs are conditions that could result in further significant injury or the unnecessary infliction of pain.[19] In general, this means that while you are in prison, you probably only received medical care if you were already sick or injured.

In contrast, qualified plans under the ACA provide access to primary and preventive health care services, in addition to covering emergency and specialty outpatient and inpatient health care services.[20] This means that once you enroll in a plan you will have access to primary care services at no or low cost to you, including supplemental benefits to help prevent you from getting sick.

7. Can I get the health insurance I had before I was in prison?

The Apple Health program has a new policy that allows people in prison to keep their Apple Health coverage in reserve while they are incarcerated. While in prison, this coverage is limited to inpatient hospital care. Once you leave prison, the full Apple Health coverage is restored, which generally is an automatic process[21] If you entered prison after July 5, 2017, and you had Apple Health coverage before you entered prison, you should have your coverage "suspended" and then restored once you are released.[22]

If you entered prison before July 5, 2017, and you had Apple Health coverage before you entered prison, your coverage was ended. However, thanks to the new policy, you might have the opportunity to apply for Apple Health while in prison, have the coverage be "suspended," and have the full coverage restored as soon as you are released.[23]

You will need to report some changes in your circumstances, like changes in address. The Department of Health is developing an information sheet about this.[24]

8. Can Department of Corrections Staff help me apply for new coverage for when I am released?

The Washington Department of Corrections (DOC) has an established process through which you can apply for Apple Health while still in prison.[25] This process is not available to everyone; for instance, if you are married or if you will gain custody of a child after you are released, you are not eligible. This is because when you are released, you may qualify for benefits based on your household's tax filing status that DOC is not able to determine. In addition, if you are in this situation, it may be better for you to obtain coverage for your whole family, whereas DOC is only permitted to act on behalf of incarcerated individuals. Individuals receiving income above 138% of the federal poverty guideline are also excluded from this process.[26] Talk to your Classification Counselor to see if you qualify.

Note: Individuals residing in county or city jails within Washington will not have access to this process, but some of these facilities have special programs to help people apply before release. Ask about this if you are residing in one of these facilities.

9. How does the process work?

If you qualify to participate, the process works as follows:

1. Within 90 days of your scheduled release, you will receive a letter notifying you that you will be placed on a callout to go to health services in the near future. At this callout meeting, you will receive information regarding health care coverage as well as a worksheet which you can complete and submit to DOC staff.

2. The DOC staff should help interested individuals complete and submit the form.

3. Once the DOC receives completed and signed applications, they are submitted online through Washington Healthplanfinder. A determination about your coverage is made in the system the same day. DOC may submit the form up to 30 days before your release.

4. Once your application is processed, the Health Care Authority will send you a letter telling you that you are approved. That letter goes to the mailing address that you gave on your application.. If all documents are accurate and submitted in a timely fashion, you should know about the status of your application prior to your release.[27]

If your application is approved, you will be assigned to a managed care plan. When you are released, you can request to be transferred to a different managed care plan if there is another plan that better meets your needs.

Note that all documentation and plan information, including your insurance card, will be mailed to the mailing address provided on the application, so it is imperative that you provide a valid mailing address where you will have access to your mail.

10. What can I do if my application is denied?

You can appeal the denial of your application upon release from prison, but only if it is within 90 days of the denial. For general information about applying for free legal services and getting free resource materials, see this website: https://nwjustice.org/get-legal-help. If you live in King County, apply for help by calling 2-1-1. If you live outside King County, you can contact the Northwest Justice Project (NJP) to apply for free legal assistance. NJP's helpline, CLEAR, can usually be reached at 888-201-1014 between 9:15 AM and 12:15 PM, though the line may close earlier. Depending on your case, NJP may only be able to provide advice, not legal representation. It may also take time to get through to the CLEAR line. For the best chance of getting through, call shortly after 9 AM on a weekday, re-dial if you get a busy signal, and be prepared to hold until you reach a live person. For issues like denial of Medicaid coverage, you also can apply to NJP online at https://nwjustice.org/apply-online and get a call back.[28]

11. What can I do if DOC staff cannot help me apply for Apple Health?

You can wait until you are released from prison and then apply for health insurance on your own. See "How can I apply for health coverage once I am out of prison?"

12. What else should I do to prepare for a smooth transition?

To make sure you receive the best ongoing care from your new doctor once you leave prison, ask for any medical records generated while you were in prison. If you do not leave with records, you can ask your new doctor to request your records from the prison.[29]

The Health Insurance Portability and Accountability Act (HIPAA) grants individuals the right to inspect, review, and receive a copy of their medical records and billing records that are held by health plans and health care providers covered by HIPAA. Unfortunately, this right is somewhat limited for inmates, as a prison hospital is permitted to deny an inmate's request to obtain a copy of his or her private health information if such copy would jeopardize the "health, safety, security, custody, or rehabilitation of the individual or other inmates or the safety of any officer, employee or the person at the correctional institution responsible for transporting the inmate."[30] If you make a request, the prison hospital must grant you access to your private health information unless there are specific grounds for denial.

Some other general restrictions apply to the right to a medical record. For example, if you saw a psychiatrist, therapist or other mental health worker, you do not have the right to access any notes taken during your session if they are kept separate from your medical and billing records.

Applying for Health Coverage After Release

13. How can I apply for health coverage after I am out of prison?

If you were not able to get health coverage before your release, you should begin your application immediately after you are released. Even if you hope to eventually secure your health insurance through your employer, you should still enroll in a plan while looking for a job.

You can apply for Apple Health at any time. If you need to buy a qualified health plan, however, there is a deadline. If you apply for coverage within 60 days of your release, you can take advantage of a special enrollment period available to people newly released from prison.[31] This will allow you to buy insurance. If you do not apply within 60 days, you will need to wait for a limited enrollment period, between November 1 and January 15.[32]



You can apply for health insurance online using Washington Healthplanfinder, at www.wahealthplanfinder.org. You can also apply through the Washington health insurance marketplace without using the website, though this will be a slower process. You can apply by phone at the Washington Healthplanfinder Customer Support Center at 1-855-923-4633, or with a paper Application for Health Care Coverage (18-001P), which you can find here: www.hca.wa.gov/assets/free-or-low-cost/18-001P.pdf.

Applying for health insurance can be complicated, and you may wish to have someone guide you through the process. You can get help with applying to get health care coverage in person, over the phone or on the Internet. Washington Healthplanfinder trains representatives who can help with filling out forms and comparing insurance plans. **These services are free, so don't be afraid to take advantage of them.**

You can call toll-free at 1-855-923-4633. Help is available in 175 languages. If you are hard of hearing, you can call 1-855-627-9604.

You can talk to a Navigator, a trained, certified representative who can help with completing your application. These are available through many health clinics or from agencies listed here: www.wahbexchange.org/partners/navigators/.[33]

A broker is a licensed professional who is trained by the state who can help with your application and can also recommend a plan to you. Only brokers are allowed to recommend plans. Go to www.wahealthplanfinder.org/HBEWeb/Annon_DisplayBrokerNavigatorSearch.action?brokerNavigator=BRK&request_locale=en to find a broker close to you.

The next few sections provide information about the types of plans available on Washington Healthplanfinder and how to apply for them.

Note: If you are age 65 or older or you are on Medicare, you cannot get insurance through Washington Healthplanfinder. However, you may qualify for Medicaid for aged, blind, and disabled people. Instead of the Washington Healthplanfinder website, you apply through www.washingtonconnection.org. For help, can call DSHS at 1-877-501-2233 or visit a DSHS Community Services Office near you. (A paper application form, Form 18-005, is another option. Call DSHS for more information.)[34]

A. Apple Health

14. What is Medicaid/Apple Health?

Medicaid is a federal healthcare program that helps people with low incomes. It also helps people who are aged, blind or disabled, especially those who need long-term care.[35]. In Washington, Medicaid is called Apple Health. If you qualify for Apple Health you will usually pay nothing for your health insurance. There are no monthly premiums except for children from higher-income families, and no cost-sharing, except for higher-income people receiving long-term care services.[36]

15. How do I sign up for Apple Health?

When you use the Washington health insurance marketplace, you give the system the information it needs to determine if you qualify for Apple Health. You can apply online, over the phone or with a paper application as discussed in "How can I apply for health coverage once I am out of prison?". If you qualify, you will be informed and given the opportunity to start the Apple Health application.

Apple Health contracts with several managed care plans (private insurance plans) to provide this coverage. When you sign up you can choose from among managed care plans, or ask to be exempted from having a

managed care plan if there are reasons you cannot get your care through them. If you do not make a choice, the system will assign you to a plan. Once you have a plan, you will need to choose a primary care provider from among the providers contracted by the plan.[37]

16. What does Apple Health cover?

Apple Health covers the 10 Essential Health Benefits listed in "How does health insurance work?", as well as other services You can find out more about covered services here: www.hca.wa.gov/free-or-low-cost-health-care/apple-health-medicaid-coverage/covered-services. Some specific Apple Health managed care plans offer extra services in addition to required Medicaid benefits.[38] You can look at each plan's details to learn what these extra services are.

17. Can I get help with treatments for addiction or substance abuse through Apple Health?

If you are enrolled in Apple Health, substance abuse treatment is covered by your plan.[39] You do not need a referral from your managed care plan, because this type of health care is funded directly by Medicaid. Instead, you should directly contact a treatment agency to set up your care. To find a treatment agency, or if you are in a crisis, contact the Washington Recovery Helpline at 1-866-789-1511 or online at www.warecoveryhelpline.org/.

18. Does Apple Health cover mental health services?

If you are enrolled in Apple Health, substance abuse treatment is covered by your plan.40 You do not need a referral from your managed care plan, because this type of health care is funded directly by Medicaid. Instead, you should directly contact a treatment agency to set up your care. To find a treatment agency, or if you are in a crisis, contact the Washington Recovery Helpline at 1-866-789-1511 or online at www.warecoveryhelpline.org/.

19. What happens once I've signed up for Apple Health and been accepted?

After you are accepted, you will receive a "ProviderOne" card if you have never had one before. This card has a number on it that is assigned to you, and you will need that number to access healthcare. If you lose your card, you can ask the Health Care Authority to give you a new one. You should also be notified of the managed care plan to which you are assigned, and the plan should send a plan ID card and a handbook that describes your benefits. [41] Your health care coverage is effective as soon as you are approved, but you will need your ProviderOne number to access services.[42] If you need care before your card arrives, your provider can look up your number using your name, date of birth and Social Security Number.[43]

20. How do I report changes to my income and household size?

If you get Apple Health, your award letter will tell you what kind of changes you must report (like changes income or household size).[44] Report these changes within 30 days of the change to Washington Healthplanfinder at www.hca.wa.gov/free-or-low-cost-health-care/apple-health-medicaid-coverage/update-my-income-or-address-report. Reporting changes will help ensure that you get the proper type and amount of financial assistance.

If you enrolled in a Qualified Health Plan (not Medicaid), and you are getting subsidies for premiums or cost-sharing, you also must report certain changes. Receiving too much or too little assistance can affect your refund or balance due when you file your tax return. If you did not report changes when they occurred, you may have to pay more for your taxes, or receive a smaller refund, depending on the circumstances. You can find more information about the tax penalty for non-enrollment at https://consumersunion.org/wp-content/uploads/2014/11/Health_Ins_tax_credits.pdf.

B. Other Insurance Plans

21. What kinds of plans other than Apple Health can be found on Washington Healthplanfinder?

If you do not qualify for Apple Health you can use Washington Healthplanfinder to shop for other kinds of health insurance. These health plans are offered by insurance companies. If you buy one of these plans, you will pay a monthly premium. Remember that you might qualify for financial assistance that can make paying for these plans cheaper. See "Can I get help with paying for my health insurance?".

All of the plans found on Washington Healthplanfinder must cover the 10 Essential Health Benefits covered in "How does health insurance work?" Along with these, each plan will have its own specific areas of coverage.

In 2017, Washington Healthplanfinder sold healthcare plans from 9 insurance companies available for individuals and families, dental plans from 3 insurance companies available for individuals and families, children's dental plans from 5 insurance companies and a healthcare plan from 1 insurance company that covered small businesses.[45] Not every company sold plans in every state.

Available plans change over time. You can see what plans are offered right now at this website:

www.wahbexchange.org/new-customers/coverage-basics/plans/. Remember that you can get help with signing up for a plan and determining which one is best for you. See "How can I get help with Washington Healthplanfinder?".

22. How much will Qualified Health Plan insurance cost if I don't have Apple Health?

In general, the cost of your plan will depend on what services are covered. Under the ACA, there are certain services that must be provided under all plans at no cost to you, regardless of what health coverage plan you have.[46] Beyond those essential health benefits, plans are categorized as Bronze, Silver, Gold, or Platinum based on how broad their coverage is (Bronze plans are the most limited, whereas Platinum plans provide the most coverage).[47] The broader the coverage, the more expensive the monthly premium and the lower your deductible and coinsurance payments are. For some plans, some costs may be higher if the service is received from an out-of-network provider.

Each plan has different monthly premiums, deductibles, coinsurances and copays. While comparing plans, pay close attention to their cost.

23. Can I get help with paying for my Qualified Health Plan insurance?

If you got health coverage through Washington Healthplanfinder, you may be eligible to receive tax credits to assist you in paying for your monthly premiums and cost-sharing expenditures.[48] For every month that you meet the eligibility requirements, you will receive a premium tax credit. If your tax credit exceeds your expenditures, you will receive additional funds when you receive your tax refunds. Consumers Union has created an informational guide regarding health insurance and tax credits, available here: https://consumersunion.org/wp-content/uploads/2014/11/Health_Ins_tax_credits.pdf.

You may also be eligible for lower cost health care depending on your income level and also if you are an American Indian or Alaska Native. If you are not a member of either of these ethnic groups, you can receive a discount of between 73% to 94% to your health care costs provided that your income is below 250% of the federal poverty level and you choose a Silver health care plan.[49] See "How much will health insurance cost if I don't have Apple Health?" for more on Silver plans. You can find out what percentage of the federal poverty

level you are at by going to this website and inputting your income and family size: www.needymeds.org/FPL_Calculator. Do not put any commas in the "Enter income here" box, and do not check either the "Alaska" or "Hawaii" boxes, as their poverty levels are calculated differently.

If you are an American Indian or Alaska Native and if you are either under 300% of the federal poverty level or not applying for tax credits, you can receive a discount if you have a Bronze, Gold or Platinum plan.[50]

24. When does my Qualified Health Plan coverage start?

If you choose a new health plan after your previous health care coverage ends, the new coverage starts on the 1st day of the next month. If you choose a new health plan before your previous health care coverage ends, the new coverage starts on the 1st day of the month after the other coverage ends.

25. Will my Qualified Health Plan insurance cover treatment for substance abuse or addiction?

Washington law requires that all insurance coverage sold through Washington Healthplanfinder cover substance abuse or addiction treatment.[51] For referral to services in your county or for crisis counseling, contact the Washington Recovery Help Line at 1-866-789-1511 or www.warecoveryhelpline.org.

26. Will my Qualified Health Plan insurance cover mental health treatment?

Washington law requires that all insurance coverage sold in the state must cover mental health care and depression treatment.[52] You should look at your particular plan policy for details on services and prescriptions that it covers. For referral to services in your county or for crisis counseling, contact the Washington Recovery Help Line at 1-866-789-1511 or www.warecoveryhelpline.org.

27. Can I get health insurance from my employer?

Under the ACA, employers with more than 50 employees must offer insurance to full-time employees (full-time employment is defined as more than 30 hours per week or 120 hours per month).[53] The insurance offered must be affordable (meaning your out-of-pocket expenses are less than or equal to 9.5% of your income), meet minimum essential coverage standards and provide a minimum value (which means that the employer pays for 60% or more of total costs under the plan).

When you are hired, your employer will have to notify you in writing of your coverage options, if any, and, if such coverage is not affordable or does not provide minimum value, tell you about getting coverage through Washington Healthplanfinder. If you decide to get coverage through Washington Healthplanfinder, you forfeit your coverage through the employer. If you decide to obtain coverage through your employer, you forfeit your right to premium tax credits through Washington Healthplanfinder, even if you qualify.

If you decide to obtain coverage through your employer, the employer may offer a choice of several different plans. These plans may cover different services and vary in cost to you. In considering which plan is best for you, you should make sure that the plan covers services you need and that you can afford the required cost-sharing for those services. Your Human Resources department may be able to help you in making this decision. You can also get help from Washington Healthplanfinder to compare your employer's plan to the plans on Washington Healthplanfinder. See "How can I get help with Washington Healthplanfinder?".

Even if you qualify for coverage through your employer, you may not receive benefits immediately. Many employer plans have waiting periods of up to 90 days once an employee becomes eligible. If you have health needs that require you to see a doctor in less than 90 days, you may want to determine strategies and alternate plans to meet those needs while you wait for your coverage to become effective.

C. More Considerations About Applying for Health Coverage

28. What happens if I don't have health insurance?

Having health insurance is required by law. This means that if you don't have health insurance, you will be charged a penalty that is calculated based on your income and how long you haven't been covered.[54] You will pay this penalty through your taxes. Note that you **cannot** be arrested or sent to prison for not having health insurance; the only penalty for not having insurance is the non-enrollment tax penalty discussed above.

Besides the penalty for non-enrollment, the most serious downside to not having health insurance is that if you get sick or hurt, you will have to pay for your medical care by yourself, or be unable to get providers to give you the services you need. Most medical treatment is expensive; even a minor injury or sickness can be a drain on your finances, and chronic illness and serious injury can leave you completely broke. If you do not have health insurance and you get sick or hurt, you can use an emergency room at a nearby hospital. They are required to provide emergency services and stabilize you; however, no law requires other providers or hospitals to provide follow-up care you need.[55] Also, the ER can still bill you for services. If you get a bill you can't pay, you still have options; see section 34 ("What do I do if I can't pay a bill?").

29. How do I avoid paying the penalty?

The simplest way to avoid paying the penalty for not having health insurance is to get health insurance. Your insurance company is required to provide you with information that will allow you to prove that you have insurance. If you get health insurance through your employer, they are required to give you a document, called 1095-B, that lists the months during which you were covered.[56] You will get this document at the beginning of the year after the year for which you are filing taxes. For example, you would get the document for 2017 at the beginning of 2018. You will then give the information on this form to the IRS when you do your taxes.

You may qualify for exemptions from having insurance depending on your income and how long you have one without being insured. You can find out what exemptions you qualify for here: www.healthcare.gov/exemptions-tool/#/.

30. What other resources should I consider for getting access to health care services?

If you live in Seattle, you can take advantage of the Country Doctor Community Clinic. It provides primary health care during the first 6-12 months after you are released from prison, as well as preventative services, medication management, on-site behavioral health treatment and referral to specialists. The Clinic accepts new patients regardless of your ability to pay. Call 206-299-1900 and ask for Dr. Laura Morgan at the Reentry Clinic.[57]

Free and low-cost clinics exist across Washington that provide various services at no charge or at reduced rates, regardless of whether or not you have insurance. To find if there is one near you, look here: www.wahealthcareaccessalliance.org/free-clinics

The US Department of Veteran's Affairs runs a program called "Health Care for Homeless Veterans" that you may be able to take advantage of. If you are a veteran, are homeless or at risk of becoming homeless and are in the Seattle or Spokane areas, you can contact the VA about this program. For Seattle, contact Meghan Deal at (206) 277-6280 or Meghan.Deal@va.gov. For Spokane, contact Shannon Durkin at +1 (509) 462-2500, extension 4002 or Shannon.Durkin@va.gov.[58]

You may qualify for other benefits that may help you pay for health care or other expenses, like Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI) or Health Care Coverage for Children

For additional information on these benefits, please see the Other Government Benefits section of this guide.

Using Your Health Care Coverage

31. What is an insurance card and what do I do with it?

Your insurance provider will mail you an insurance card that has information about you and your health insurance. Take this card with you when you see doctors and other health care providers because they will use it to make sure your service is covered by your insurance. If you get Apple Health and are enrolled in a managed care plan, you will have a ProviderOne card plus a card for your assigned managed care plan. F**or more information about Apple Health and how to use it, see the Washington Health Care Authority's First Timers' Guide to Washington Apple Health, available at** www.hca.wa.gov/assets/free-or-low-cost/19-024.pdf **(part 1)** and www.hca.wa.gov/assets/free-or-low-cost/19-041.pdf **(part 2)**.

32. How do I replace a lost insurance card?

You can replace a lost Apple Health card by visiting this website: https://fortress.wa.gov/hca/p1contactus/Client_WebForm. Provide your information and choose "Services Card" from the topic menu. You can also call toll-free at 1-800-562-3022, extension 15616.

Other insurance providers have their own procedures for replacing lost cards. The information they give you when you first get enrolled should contain instructions on how to replace your card. If you no longer have that information, find the Customer Service number on their website and call.

33. How do I get medicine?

Medicine can either be bought over-the-counter or at a pharmacy with a prescription issued by a doctor or other medical professional. You can buy over-the-counter medicine, such as aspirin or Tylenol, like any other product. Most health insurance plans do not cover over-the-counter medicine. Apple Health is an exception, covering a limited list of over-the-counter items; ask your pharmacist for your options.[59] If you need medicine that requires a prescription, you must see your medical provider who will issue a prescription showing the name and dose of the medication. Your provider may give a paper prescription to you to fill at a pharmacy or may send the prescription directly to the pharmacy. You go to the pharmacy, show your insurance information and pay any cost assigned to you. You can find pharmacies near you by searching on the Internet or by asking your doctor or health plan.

In general, you can get a prescription filled at any pharmacy, regardless of your health insurance plan. However, some pharmacies may be cheaper depending on your plan. If you pay for part of the cost of your medication, ask your insurer whether you will save money by using specific pharmacies.

34. What do I do if I can't pay a bill?

The following information comes from Washington Law Help's "Getting Help with Medical Debt in Washington State" publication.

Everyone has medical bills. You may have Medicaid, private health insurance, or a combination, but still have a large deductible or co-pay. You may have no medical coverage at all. Having medical bills, especially when you have been sick, can cause worry, and additional stress. But ignoring these bills can lead to bigger problems. Your bills might be turned over to a collection agency or you might be sued.[60]

Do not ignore any bill. Read it carefully. Make sure you know:

- What the bill is for



- What it says you owe
- Any mistakes on it
- What each charge is for
- What your insurance paid[61]

The charges can be confusing. If you have any questions, contact whomever sent you the bill.

Do not assume your insurer has paid a bill. You must follow up with the hospital, doctor, insurance company, or the Department of Social and Health Services (DSHS) to make sure the bill has been paid.[62] If it was not paid, find out why. If payment has been denied, you may need to file an appeal with the provider or insurance company.[63] If you are not sure of your rights, consult an attorney.

Do not pay medical bills with a credit card before considering other options. If you trade medical debt for credit card debt with interest, you will probably owe more than you need to and fall behind on your payments.[64] Talk to a financial counselor first. You can ask the hospital or doctor to agree to a payment plan.[65] First, figure out what kind of monthly payment you can afford. One of these nonprofit Financial Counseling organizations can help you figure out the best way to handle your debt:

- www.myfinancialgoals.org
- www.apprisen.com
- www.clearpoint.org

After you figure out what payment might be best for you, call the doctor or medical billing department. Explain your financial situation and offer a proposed payment plan. Medical billing departments know you might have trouble paying your bills.[66] If they have sent your bill to a collection agency, the hospital or doctor might be willing to take your account out of collection. If they agree on a payment plan, get a written copy of the new plan. Keep up with the lowered payments.

35. How can I get help with paying for a medical bill?

The following information comes from Washington Law Help's "Getting Help with Medical Debt in Washington State" publication.

You can ask the hospital or DSHS about helping you apply for Apple Health.[67] For more information about Apple Health, see "What is Medicaid/Apple Health?" above.

Charity care is a special program to help pay for hospital bills.[68] Washington law requires hospitals to give free or reduced-cost medical care to people who meet certain income qualifications. If you are getting health care in a hospital, or you have a bill for care you got at a hospital, ask for a Charity Care application to find out if you are eligible.[69] When the hospital admits you, it should tell you about its Charity Care program. You can ask for an application while in the hospital or after you are discharged. You should apply as soon as possible after receiving hospital services. However, you can apply for Charity Care at any time, even after your bill has been turned over to a collection agency or you have been sued for the debt.[70] Fill out the application and turn it in by the deadline stated on it. You will have to prove your income is low enough to get Charity Care. You will have to turn in proof, such as copies of pay stubs, income tax returns and forms from Apple Health.[71] To make sure the hospital reviews your application and documents in a timely manner, you want to:

- Make a copy of your documents and application before spending them in

- Get proof of delivery (fax confirmation or tracking with delivery conformation
- If you hand deliver the application and documents, ask the hospital employee who accepts your documents to sign and date your copy
- Follow up with a phone call to make sure the hospital has all the documents it needs[72]

Charity Care covers hospital care only. It does not cover bills from doctors or others who treat you but who do not work for a hospital.[73] No matter who is billing you -- for any service at a hospital, clinic, or doctor's office -- you can ask if financial assistance is available and how you can apply. You can find more information about Charity Care at this link: www.washingtonlawhelp.org/resource/charity-care-medical-coverage-for-hospital-ba?ref=rGO6P. [Information about Charity Care is also available from the legal services website, www.washingtonlawhelp.org (search for publication 5909EN, or browse to "Health" folder, then "Medical bills" topic][74]

People with insurance sometimes get charged less for health care than others who do not have insurance.[75] If you do not have insurance, ask the hospital or doctor to charge you the same rate they charge insured patients, or some other amount that is a fair price for the service. Look on www.HealthCareBlueBook.com to find out a fair price for the health care you received.

36. What if I have a medical emergency and do not have health insurance?

The most important thing to do if you have a medical emergency is to get help, regardless of whether you have insurance or not. You cannot be turned away from an emergency room or urgent care because of your inability to pay. If you can safely get yourself to an ER or urgent care center, do so, and if you do not think you can safely transport yourself, call 911.

After you receive care at an ER or urgent care center, the hospital will bill you. There are ways that you can reduce the amount that you have to pay; see section 34 ("What do I do if I can't pay a bill?").

37. How do I make a doctor's appointment?

Your insurance company should have a list of doctors who are considered in-network, and you should choose one of these doctors to be your primary care provider. You can call the office to make an appointment. If this is the first time you have made an appointment with this doctor, make sure to say that you are a new patient. Then tell them the reason for your visit and the name of your health insurance provider. Find out if you need to bring anything with you, like your medical records or current medications. It is possible that your primary care provider will be busy and unable to see you soon, but if you need to see a doctor soon the office can recommend another in-network doctor.

38. How do I prepare for a doctor's appointment?

Make sure to bring some form of identification, like a driver's license, and your insurance card. The doctor's office might make copies of these for their records, but even after they do that, it is always a good idea to bring them in case you have to prove who you are and what insurance you have. You should also bring copies of your medical records if your doctor does not already have them. These records have information about your medical history and can help doctors treat you better by informing them about old injuries and illnesses that may cause current problems, chronic conditions, the types of treatment you have had in the past and other things.

Unless you have Apple Health, you will probably need to pay a co-pay, so be sure to bring money or another way to pay, such as a credit or debit card or a checkbook.



Know what you want to discuss with the doctor. It might help to write down how you are feeling and anything that you are worried about. Be ready to answer questions. For example, if you are feeling sick, your doctor will probably ask about specific symptoms, about things that you've done recently that could have exposed you to illness, and anything else that will help them determine what is wrong.

39. How do I obtain medical records once I am out of prison?

The following information comes from Washington Law Help's "Reviewing and Getting Copies of Your Medical Records" publication.

You almost always have the right to look at and get copies of medical records kept by your health care provider. They must also explain any abbreviations or codes in your medical records.[76]

You must give your health care provider a written request to look at and get copies of your medical records. The health care provider must, "as promptly as required under the circumstances," honor your request.[77] They generally have fifteen days to do so. They might charge a fee for the copies of the records that you ask for, and you might have to pay the fee before you get the copies.[78]

Your health care provider can refuse your request when they believe the information would be harmful to your health, when honoring a request would reveal the source of confidential information or endanger someone's health or safety, or when the provider used or compiled the information just for a court case.[79] If your provider denies your request for any of the above reasons, they must try to separate the info they believe they should not release from that which they can, and give you the info they can release.[80]

If the health care provider denies your request because of a claim of danger to yourself or another, you have the right to pay for another health care provider to look at the files to determine if you may look at and get copies of the records. It is also possible to get a court order forcing your health care provider to make your records available to you.[81]

40. How do I find a mental health, addiction or substance abuse treatment program?

Contact the Washington Recovery Help Line at 1-866-789-1511 or www.warecoveryhelpline.org for referrals to local treatment programs, or if you are in a crisis and need help immediately. Your primary care provider can also be a good resource; speak to them about any needs that you have.

Resources

Documents:

- *Free Health Insurance: Washington Apple Health (Medicaid) for People Released from Prison*, Northwest Health Law Advocates, http://nohla.org/wordpress/img/pdf/FAQIncInd.pdf
- *Individual Health Insurance*, Northwest Health Law Advocates, http://nohla.org/index.php/information-analysis/for-washington-residents/individual-health-insurance-in-washington-state/
- *First Timers' Guide to Washington Apple Health (Medicaid)*, Washington Health Care Authority
  - » Part 1: www.hca.wa.gov/assets/free-or-low-cost/19-024.pdf
  - » Part 2: www.hca.wa.gov/assets/free-or-low-cost/19-041.pdf
- *Affordable Care Act – General Info*, Washington Law Help, www.washingtonlawhelp.org/resource/health-care-reform-general-information?ref=jH7V6#iA0F6B33A-31D9-47AC-9169-12E8356D34AB
- *Getting Help with Medical Debt*, Washington Law Help, www.washingtonlawhelp.org/resource/getting-help-with-medical-debt-in-washington?ref=FqECW
- *Can I Get Charity Care Benefits To Pay For My Hospital Bill?*, Washington Law Help, www.washingtonlawhelp.org/resource/charity-care-medical-coverage-for-hospital-ba?ref=rGO6P
- *Reviewing and Getting Copies of Your Medical Records*, Washington Law Help, www.washingtonlawhelp.org/resource/your-right-to-examine-and-obtain-copies-of-yo?ref=fgWuH

Tools and resources to help you apply for health insurance:

- To sign up for an individual health insurance plan, use Washington Healthplanfinder at www.wahealthplanfinder.org/_content/Homepage.html.
  - » The paper application form for Apple Health is available at www.hca.wa.gov/assets/free-or-low-cost/18-001P.pdf.
  - » You may need to submit a Proof of Non-Incarceration form. You can find the form at www.wahbexchange.org/new-customers/application-quick-tips/how-to-submit-documents/ (scroll down the page).
- If you need help with Washington Healthplanfinder:
  - » Find a Navigator by visiting www.wahbexchange.org/partners/navigators/. Navigators can help you sign up for healthcare.
  - » Find a broker by visiting www.wahealthplanfinder.org/HBEWeb/AnnonDisplayBrokerNavigatorSearch.action?brokerNavigator=BRK&request_locale=en. Brokers are Washington Healthplanfinder employees who can help you sign up.
  - » Contact the Customer Support Center by calling 855-923-4633, or 855-623-9604 if you are hard of hearing. You can also use these numbers to apply for coverage over the phone.
- To sign up for Medicare, use Washington Connection at www.washingtonconnection.org/home/.

Resources to help you find a doctor:

- The **Country Doctor Community Clinic Reentry Clinic** is a Seattle-based health care provider that specifically caters to people who have just left prison. Call 206-299-1900 and ask for Dr. Laura Morgan.
- **Healthcare for Homeless Veterans** is a Veterans Affairs program in the Seattle and Spokane areas. For Seattle, contact Meghan Deal at 206-277-6280 or at Meghan.Deal@va.gov. For Spokane, contact Shannon Durkin at 509-462-2500, extension 4002, or at Shannon.Durkin@va.gov.
- List of Free and Reduced-Cost Clinics in Washington: www.wahealthcareaccessalliance.org/free-clinics
- Call the **Washington Recovery Help Line** to get a referral for treatment programs for mental illness or addiction, or for help if you are in a crisis. Call 866-789-1511 or visit www.warecoveryhelpline.org

Glossary

Affordable Care Act: A law passed in 2010 that made many changes to the health insurance system. It is supposed to make health insurance less expensive and help cover more people. Commonly known as Obamacare

Apple Health: Washington's name for Medicaid, a federal program that provides low-cost health insurance to people with low incomes or who are in difficult circumstances. There are no monthly premiums and other costs are lower than other kinds of insurance

Broker: A licensed professional who can help with your Washington Health Insurance Marketplace application and recommend a plan for you

Co-Insurance: A percentage of your medical bill that you pay after you have reached your deductible. The percentage amount is determined by your health plan. Your insurance company pays the rest of your bill.

Co-Pay: A fixed amount of money that you pay for a healthcare service that is covered by your health plan. The amount is determined by the service and by your health plan.

Coverage: If something is covered by your health plan, it means your insurance company will help pay for it. Usually the more things are covered, the more expensive your monthly premium will be.

Deductible: An amount of money that you must spend on medical bills every year before your insurance company will start to help you pay.

Emergency Room (ER): Part of a hospital for treating badly hurt or very sick people who need immediate attention. You cannot be turned away from an ER due to not being able to pay, but the hospital will still try to bill you. You can go to an ER yourself or call 911 for an ambulance

Employer Plan: A health plan provided by your employer. These plans must usually be affordable and cover a certain amount of healthcare services

Essential Health Benefits: 10 healthcare services that all health plans sold through the Washington Health Insurance Marketplace must cover. These include doctor's visits, care intended to stop you from getting sick, medicine and more

Federal Poverty Level: An amount of income that the federal government sets. Depending on how close you are to the federal poverty level you may be able to get cheaper health insurance

Financial Aid: Money given to you to help pay for your health insurance. This usually comes in the form of a premium tax credit

Health Care Authority: The Washington government agency in charge of managing health insurance

Health Insurance: A system in which you pay an insurance company, and when you have a medical bill the company helps pay for it. There are many different kinds of health insurance with different requirements and ways to pay

Health Plan: This determines how much you pay your insurance company, how much the company will help pay your medical bills and what sorts of healthcare services the company will help pay for

In-Network: A doctor who is in-network has an agreement with your insurance company. If you go to an in-network doctor, you will pay less for services you get from them. Your primary care provider will be an in-network doctor

Medical Bill: A bill you receive from a doctor, hospital, pharmacy or other healthcare service provider. Health insurance can help you pay the bill

Medical Records: Information about your health, past sickness or injury and other medical history. Doctors can use this information to help treat you more effectively

Monthly Premium: The amount of money that you pay to your insurance company every month, whether or not you used your health insurance that month

Navigator: A trained, certified representative of the Washington Health Insurance Marketplace who can help you complete your application

Out-of-Network: A doctor who is out-of-network has no agreement with your insurance company. If you go to an out-of-network doctor, you will pay more for healthcare services and it is possible that your insurance will not help pay for it.

Out-of-Pocket Maximum: The highest amount of money that you can spend on medical bills every year. After you reach this amount, your insurance company will pay all of your medical bills for the rest of the year

Penalty: Money that you pay to the federal government through your taxes if you do not have health insurance and do not qualify for any exceptions

Premium Tax Credit: A form of financial aid that will help you pay for health insurance that you buy through the Washington Health Insurance Marketplace

Primary Care Provider: The doctor who you usually see for common health needs. You will choose one from a list of in-network doctors provided by your health plan

Services Card: An ID card that has information about you and your health insurance. Doctors will need to see this card to determine what sort of insurance you have. Examples of services cards include Apple Health cards and ProviderOne cards

Urgent Care: Clinics staffed by doctors who can deal with health problems that can't wait to be addressed but that are not serious enough for an ER visit.

Washington Health Insurance Marketplace: A state-run system where you can compare health plan prices and coverage and sign up for one. All health plans sold through the Marketplace must meet standards of coverage and pricing

Washington Healthplanfinder: The Washington Health Insurance Marketplace's website, which allows you to compare health plan prices and coverage online. You can also sign up for a health plan through the website

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3 *Coverage Basics,* Washington Health Benefit Exchange, www.wahbexchange.org/new-customers/coverage-basics/ (Last visited July 3, 2017)

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10 *eHealth, How does health insurance work?*, YouTube (Nov. 18, 2014) www.youtube.com/watch?v=hdtQPawYm2k

11 *Co-Pay or Co-Payment,* Washington Health Benefit Exchange, www.wahbexchange.org/glossary/co-pay-or-co-payment/ (Last visited July 3, 2017)

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14 *Employer Responsibility,* Health Law Guide for Business, www.healthlawguideforbusiness.org/employer-responsibility (Last visited July 3, 2017)

15 *Program Requirements,* Washington State Healthcare Authority, www.hca.wa.gov/free-or-low-cost-health-care/apple-health-medicaid-coverage/individual-adults#program-requirements (Last visited July 3, 2017)

16 *The fee for not having health insurance,* Healthcare.gov, www.healthcare.gov/fees/ (Last visited July 3, 2017)

17 *Individuals and Families,* Washington Health Benefit Exchange, www.wahbexchange.org/new-customers/who-can-sign-up/individuals-and-families/ (Last visited July 3, 2017)

18 *Coverage for pre-existing conditions,* Healthcare.gov, www.healthcare.gov/coverage/pre-existing-conditions/ (Last visited July 3, 2017)

19 *See Clement v. Gomez,* 298 F.3d 989, 904 (9th Cir. 2002), and the American Civil Liberties Union's "Know Your Rights: Medical, Dental and Mental Health Care" (Updated July 2012), www.aclu.org/other/know-your-rights-medical-dental-and-mental-health-care-0

20 *Coverage Basics,* supra

21 *Memorandum from the State of Wash. Health Care Authority to Medicaid Suspension Stakeholders (June 29,* 2017) (on file with author)

22 *Id.*

23 *Email from Luanne Serafin,* Attorney, Northwest Justice Project, to Chance Yager, Legal Fellow, Wash. Appleseed (June 30, 2017) (on file with author)

24 *Ann Vining, supra*

25 *Telephone Interview by Angeline Thomas and Madeline Morrison with Elizabeth Smith,* Wash. Dept. of Corrections (June 1, 2017)

26 *Id.*

27 *Id.*

28 *Ann Vining, supra*

29 *Id.*

30 *45 CFR § 164.524(a)(2)(ii)*

31 *Special Enrollment Period,* Washington Health Benefit Exchange, www.wahbexchange.org/new-customers/who-can-sign-up/special-enrollment-period/ (Last visited July 3, 2017)

32 *Washington Healthplanfinder,* www.wahealthplanfinder.org/_content/Homepage.html (Last visited July 3, 2017), Office of the Insurance Comm., *When can I buy an individual health plan?*, www.insurance.wa.gov/when-can-i-buy-individual-health-plan (last visited Aug 19, 2017)

33 *Id.*

34 *Ann Vining, supra.*
35 *Id.*
36 *Id.*
37 *Id.*
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39 *Covered Services,* Washington Health Care Authority, www.hca.wa.gov/free-or-low-cost-health-care/apple-health-medicaid-coverage/covered-services (last visited July 3, 2017)
40 *Id.*
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42 *Enrollment Next Steps,* Washington Health Care Authority, www.hca.wa.gov/free-or-low-cost-health-care/apple-health-medicaid-coverage/enrollment-next-steps (last visited July 3, 2017)
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50 *Id.*
51 *Coverage Basics, supra*
52 *Id.*
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54 *The fee for not having health insurance, supra*
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56 *Gathering Your Health Coverage Documentation,* IRS.gov (April 27, 2017), www.irs.gov/affordable-care-act/individuals-and-families/gathering-your-health-coverage-documentation-for-the-tax-filing-season
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58 *HCHV Coordinators by VISN/Station,* VA.gov (last updated Jan. 25. 2017) www.va.gov/HOMELESS/docs/HCHV_Sites_ByState.pdf
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60 *Wash. Law Help, Getting Help with Medical Debt in Washington State* (rev. July 2016) file:///C:/Users/Chance/Downloads/0212en_getting-help-with-medical-debt-in-washington-state.pdf
61 *Id.*
62 *Id.*
63 *Id.*
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81 *Id.*

Voices of Reentry: Charles

Charles was released from prison in 2016 after a four-and-a-half-year sentence. Since then, he has worked hard to overcome anger issues and move on with his life.

On waiting to be released: Honestly, I wasn't really thinking about anything other than figuring out when I was going to get out. I have two kids, so I wanted to get out and not make the same mistakes, or let anger get the best of me.

On finding work: I was always getting low, because it is hard to find work. The only people who want to hire you don't want to pay, so that's discouraging, sort of breaks your character down. People don't want to give you that opportunity, just because of fear, or just because it's something that's written down in a book somewhere that was probably written forty years ago. But then I started getting optimistic because I started getting help with my resume. I got my whole resume revamped and reworked, so jobs started calling me, and I wasn't used to that, so I started getting more optimistic.

On anger: I've always been a very intelligent, very intellectual young man, but I just seem to let my anger get the best of me, and then I always choose the wrong decisions. I tell myself to take a deep breath or count backwards when I go that route. On a personal level, I think of my kids.

On what prison does to you: When you get locked up, you sort of freeze. Say I got locked up when I was sixteen, charged as an adult. My mind frame when I get out is still going to be a sixteen-year-old boy, even though I have all this new intelligence from reading, law books, whatever the case may be, but my attitude, my maturity level, my conversation skills are still going to be there.

His advice for someone about to leave prison: My advice would be take some time for yourself, maybe a year, maybe a couple months to really just gather yourself, because some people aren't mentally strong. Some people go back to the old ways fast, so one thing would be telling them, "Just keep to yourself for a while." Stay to yourself, find a hobby, find something to do for the time being, just so you can get your mind prepared for being out in society. Go to a lake, go to a park, watch people walk their dogs and just really ask yourself: Do you want your freedom or do you want to be caged like an animal?

On other people in his situation: Just don't give up. It gets hard, you're gonna cry, even if you don't cry you're gonna feel like it. Don't give up and fall back to your old ways, hustling, robbing, whatever it might be. Don't be afraid, because a lot of people are very prideful. When you're made a certain way, you have a certain mind frame and only deal with certain people that you connect with on that same level, so you have to be able to break those barriers down. Be open and don't be afraid to ask for help. Even if you have to go through hell to get it, get help because the more help you get the more safety net you'll have underneath you, and the more comfort and confidence you'll gain, and you'll start to lose that animalistic-type reality. Don't give up, don't be afraid, and just keep fighting the good fight.

Chapter 9: Housing

The Bottom Line:

- If you are homeless, or you anticipate that you will be homeless after you are released, your first priority should be to secure a bed in a shelter, preferably one that provides case management services as well as a place to sleep. A list of shelters is provided in the Resources section at the end of this chapter; if you need more information, you can dial 211.
- Before you are released, you will need to develop a release plan with your counselor that includes an approved release address. In most cases, the plan will be for you to be released to the address of a family member; if you are unable to provide a release address, your counselor will work with specialists in the county where you will be released. In most cases, you will be released to the county where you were first convicted of a felony in Washington (this is called your "county of origin").
- In most cases, your conviction will not have a major impact on where you can live. While you are in community custody you will be required to live at the address listed in your release plan, and if you were convicted of a sexual offense against a minor, you may be prohibited from living near the homes of young children (or places like schools, playgrounds, and so on). Additionally, if you abuse drugs or alcohol or have a drug conviction, you may not be eligible for federal housing programs. Private landlords may have restrictions on who they rent to, but they must abide by the nondiscrimination provisions in the Fair Housing Act (see Sections 9-10 for more information).
- The federal government administers several housing programs for low-income individuals, including Section 8 and public housing. Federal housing programs are administered by local organizations called public housing authorities (PHA). PHAs set their own eligibility criteria and application processes, and the rules can vary significantly from place to place, so it is best to contact a PHA directly to find out whether you are eligible. Note that federal housing programs are very competitive, and wait times can be very long. See sections 6-7 for more information about federal housing programs, and the Resources section for a list of PHAs.
- The Fair Housing Act prohibits landlords from discriminating on the basis of your race, color, religion, national origin, gender, family status (for instance, whether you have children who will be living with you), or disability. Landlords can deny your application for other reasons, such as poor credit history, having too little income, bad references from prior landlords, or a prior eviction lawsuit. Landlords can also have rules against pets or smoking inside the building.
- In general, private landlords are permitted to consider your criminal record when you apply for housing, and may deny your application based on your past conviction; however, they **cannot** have a blanket ban on renting to people with criminal records.

  When considering your application, they must consider specific facts about you and your particular conviction history, like the severity of your crime and how long ago it occurred. If you live in Seattle, you have even more protection: under a new law, landlords may not require that you talk about your criminal history at all, and may not reject your application for housing because of your adult criminal history unless they think there is a reason to believe you will be a danger to other tenants or to the property.

HOUSING

Introduction

Finding a safe and stable place to live is one of the most important elements of your transition from prison back into the community. This chapter contains information on how to plan for your housing search before you are released, find affordable housing, and deal with your criminal history when you are applying for apartment rentals. The Resources section at the end of this chapter contains lists of transitional and felon-friendly housing providers, as well as contact information for emergency shelters.

Preparing for the Housing Search

1. Do I need to find housing before I get out of custody? What assistance is available to help me find housing while still in custody?

Before you are released from prison, you will need to have an approved release address.[1] Starting approximately twelve months before your release date, your counselor will have several meetings with you to discuss your release plan and record the address where you will live post-release.[2] Usually, the plan will be for you to be released to the address of a family member.[3] If you are unable to provide an appropriate address where you will live, your counselor will contact the Regional Housing Specialist for your county of origin to help find you appropriate housing and, if necessary, provide housing vouchers for up to three months if you meet the eligibility requirements.[4] If you will have other needs on reentry, the DOC will attempt to connect you with resources that can help meet those needs.[5] Depending on where you are released, the local Housing authority may have rules that bar you from being considered for housing applications or housing subsidies.[6]

Some reentry groups in Washington provide housing assistance to people who are leaving prison; see the Resources section at the end of this chapter for some of these groups. Note that your release plan may be denied if the DOC determines that it violates the conditions of your sentence or supervision, places you at risk to reoffend, or presents a risk to victim or community safety.[7] If you think you may need housing voucher assistance, talk to your counselor.

2. What if I am homeless when I am released?

It is possible that you will be homeless after you are released. If you think you may not have a place to stay after you are released, you should try to arrange for a bed in a shelter while you are still in prison. If possible, try to find a shelter that offers case management, rather than just a place to sleep. These more comprehensive shelters often offer other programs that can help you find a job or get into more permanent housing.

A list of shelters that provide wraparound or case management services is located in the Resources section at the end of this chapter. Note that most of these facilities are located in Seattle; if you are in another part of the state or you need more help, you can learn more by dialing 211.

3. Where will I be released? Do I need housing in that county?

When you are released into community custody, you will generally be returned to your county of origin.[8] Your county of origin is the county where you were first convicted of a felony in Washington. There are several exceptions to this general rule; and the DOC may decide to release you to a different county if:

- Some condition of your sentence prevents release to your county of origin;
- There are victim safety concerns in the county of origin that cannot be mitigated to allow you to live there;



- There are negative influences in your county of origin, such as gang membership, criminal affiliations, or abusive relationships, that would make it more difficult for you to make a successful transition; or
- There is family or sponsor support outside your county of origin.[9]

If you feel that any of these exceptions apply to you, you may request to be released to an alternative county (you must still develop a release plan for that county as discussed in Section 1). If your request is denied, you may appeal the decision in writing within five business days of receiving notice that your plan was denied. You will be notified about the outcome of your appeal within 15 business days.[10]

4. Does my criminal conviction limit where I can live?

Depending on your conviction and the conditions of your release, there may be some restrictions on where you are allowed to live. While you are in community custody immediately after your release, you will be required to live at the address listed in your release plan and remain within prescribed geographical boundaries.[11]

If you were convicted of a sexual offense, you must register your address with the county Sheriff's Department as soon as you are released. There also may be some restrictions on where you are allowed to complete your community custody. For instance, if you were convicted of a sexual offense against a minor, you will not be allowed to live near the home of any of those victims, or with a child of similar age and circumstances as a previous victim. DOC may also reject residences near schools, child care centers, playgrounds, and other places where there are likely to be children of similar age and circumstances as previous victims.[12] Local ordinances may impose additional restrictions on where you may live during community custody. There may also be a court order barring you from living in a certain place (for instance, if you were convicted of domestic violence, you may be barred from living with the person who brought charges against you).[13]

After your community custody is complete, your criminal record may create some barriers to your housing. Individuals who use illegal drugs or abuse alcohol are ineligible for federally assisted housing, as are people who were evicted from federally assisted housing for drug crimes in the past three years.[14]

Private landlords may also have restrictions on who they accept, though their ability to discriminate is limited by the Fair Housing Act. Read on for more specific information about the Fair Housing Act and the types of rules landlords can make.

5. What are my housing options when I first get out of custody?

The basic types of housing are emergency housing, transitional housing, and permanent housing. More information about how to find housing is provided later in this chapter. **If you are homeless and need somewhere to sleep tonight, you can get help by calling 211 on your phone.**

Emergency housing is short-term accommodation, such as a shelter or hostel, for people who are in crisis (for instance, people who are homeless or escaping abuse). Emergency housing is useful if you need to get a roof over your head tonight and cannot wait to find something more long-term. An emergency housing facility will generally provide you with basic necessities, such as a place to sleep, shower, or do laundry, but is not an apartment or home where you can expect to stay for more than a few nights. Emergency housing is usually free or low cost, and beds may be limited, so there is no guarantee that you will be able to get a spot. Additionally, most shelter space is allocated day by day, so just because you were able to get a spot today doesn't necessarily mean you will get a spot tomorrow. Some shelters may also have additional restrictions - for instance, some shelters may be only for women, or only for families with children, and some may have rules about drugs and alcohol. Contact a specific shelter in your area to learn more about their rules; you can get started by looking at the list in the Resources section at the end of this chapter.

Transitional housing is a temporary accommodation designed to bridge the gap between emergency shelters and permanent housing. Transitional housing is more long-term than emergency housing, but still time-limited, and generally lasts between several months to several years. Transitional housing is generally a supportive service and may be bundled with other resources to help you overcome issues such as trauma, drug or alcohol addiction, or mental health concerns. A transitional housing provider may also provide or help you access education or training, or help you transition into permanent housing. You will be expected to pay for your rent, but a transitional housing agency should be able to assist you with payments if you are homeless or at risk of becoming homeless.[15]

Permanent housing is a house or apartment that you rent or own and can live in indefinitely (provided you pay your rent or mortgage and adhere to the provisions of your lease). Most people's goal is to ultimately transition into permanent housing, and the resources in this Guide will help you do that by helping you understand your permanent housing options below.

6. What government housing programs exist for lower-income individuals and families?

The federal government administers several programs that help low-income people secure safe and affordable permanent housing for their families. Here are a few programs that may be useful to you:

- **Housing Choice Voucher Program (Section 8):** Section 8 is a federal government program that provides vouchers to certain low-income individuals to help them pay their rent. If you were convicted of a sex crime that requires you to register as a sex offender for life, you are not eligible for Section 8 housing. You are also not eligible if you were convicted of some drug crimes, like manufacturing meth.[16] Besides these rules, eligibility for Section 8 varies from place to place. You should contact your local Housing Authority to get a clear picture of what the eligibility requirements are.[17] The government does **not** provide you with an apartment or other housing directly; rather, if you are accepted to the Section 8 program you are responsible for finding your own apartment or other housing that meets the requirements of the program. The government will then pay your landlord a portion of your rent.[18]

- **Public Housing Program:** Public housing is housing that is owned by the government and rented to low-income individuals and families. If you are in public housing, your rent will be determined based on your family's income. Unlike Section 8, if you live in public housing, your landlord is a housing authority or other government entity.

Note that you may not be eligible for these programs if you use illegal drugs or abuse alcohol, or if you have been evicted from federally assisted housing for drug crimes in the past three years. Beyond that, both the Section 8 and public housing programs are administered by local organizations called public housing authorities/agencies (PHAs). Your local PHA will determine any additional eligibility criteria and other rules for these programs in your area. While eligibility for both programs will be primarily based on your family's income, the specific eligibility criteria will likely be different in different cities. The best way to find out whether you are eligible for either Section 8 vouchers or public housing is to contact your local PHA. You can find information about PHAs in Washington by visiting https://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/pha/contacts/wa or consulting the list included in the Resources section at the end of this chapter. Note that there is a lot of competition for these programs, and many PHAs have waiting lists. If you are flexible on where you can live, you may wish to apply to multiple PHAs. There is no restriction on how many PHAs you can apply to, though you will need to file individual applications for each one.[19]

7. How do I apply for Section 8 or public housing?

The application process for Section 8 and public housing is determined by your PHA and will vary. In most areas you will need to provide information on the people who will be living with you and documentation of your household income. Some areas may have additional requirements or conditions; for more information, talk to the PHA of the area you are applying to live in.

Note that the Section 8 and public housing programs are limited, and wait times can be very long – in some areas, it can be five years or more. Because of the high demand, some areas will use other processes to choose who will receive vouchers or housing. For instance, the King County Housing Authority only accepts Section 8 applications during specific time windows, and then holds a lottery to determine who will be added to the waiting list.[20]

Because these programs are so competitive, you should not rely on your ability to get housing this way. While there is no harm in putting yourself on Section 8 or public housing waiting lists, you should continue looking for other housing while you wait.

8. Where can I find other affordable housing listings?

The best way to get help finding affordable housing is to contact your local PHA. They will have affordable housing listings and information on public and subsidized housing programs. If you want to look for housing on your own, below are some resources that can help you locate emergency, transitional, or permanent housing in Washington. You can get information about many of these resources by using the phone to dial 211.

Emergency housing:

- Washington Information Network 211, Emergency Shelter, www.resourcehouse.info/win211/Search/Topics/BH-1800/Emergency_Shelter

Transitional housing:

- Washington Information Network 211, Transitional Housing/Shelter, www.resourcehouse.info/win211/Search/Topics/BH-8600/Transitional_Housing__Shelter
- TransitionalHousing.org, www.transitionalhousing.org/state/washington#city_list

Permanent housing:

- HUD Affordable Apartment Search, www.hud.gov/apps/section8/step2.cfm?state=WA%2CWashington
- HousingSearchNW.org, www.housingsearchnw.org
- Apartment Finder, http://aptfinder.org
- Affordable Housing Online, https://affordablehousingonline.com/housing-search/Washington

There are also several nonprofit organizations operating in Washington that provide direct help to formerly incarcerated individuals who are looking for housing, sometimes offering transitional or permanent housing directly in units that they own. A few of these organizations are listed in the Resources section of this guide.

Housing, Post-Release

9. What documents or materials do I need to apply for permanent housing?

The specific materials you need to apply for housing are determined by the landlord where you are applying and will vary from application to application. However, here is a list of things that the landlord may ask you about:

- **Personal information,** including your state driver license or ID card your Social Security number. Information about getting your identification documents can be found in the Identification chapter of this Guide.
- **Rental history,** including whether you have ever been evicted in the past. They may wish to run a tenant background check.
- **Credit history.** They may also run a credit check.
- **Criminal history** (but remember that they cannot ban you simply for having gone to prison). They want to be sure that you will be a safe and responsible tenant.
- **Employment and income.** They may ask for your paystubs or bank statements to prove that you can afford the rent. Generally, housing is considered affordable if it is 30% or less of your income.[21] For example, if you make $1,200 a month, renting housing for $360 a month would be considered affordable.
- **Your housing voucher or other documentation related to public housing.** You might have a housing voucher, or you might have a letter from the Housing Authority or another agency that says the agency will help pay if you can find suitable housing.[22]

There may also be a fee associated with the credit and/or rental background check, and if you get the apartment, you will probably have to pay a deposit. Bear in mind that in most cases, every adult who will be living in the residence will be required to fill out the application. Remember that the landlord may **not** discriminate against you based on your race, color, religion, national origin, sex, family status (for instance, whether you have children that will be living with you), or disability.

10. What is a potential landlord allowed to ask me about my criminal history? Can a potential landlord turn me down based on my criminal record?

As a general rule, private landlords, including those that accept Section 8 vouchers, are permitted to consider your criminal record when you apply for housing, and possibly to deny your application based on your past conviction. However, landlords are **not** permitted to have blanket bans on renting to **anyone** with a criminal record; instead, they must consider specific facts about the potential renter, such as the type and severity of the offense and how long ago it occurred.[23] For instance, if Joe Smith gets out of prison, completes his community custody, and applies to rent an apartment, the landlord may ask him about his conviction history and, after considering the specific facts of his case, may choose to deny his application if the landlord thinks that Joe will be a dangerous or undesirable tenant. However, the landlord may **not** say, "Sorry Joe, we don't rent to anyone with a felony record." This kind of blanket ban is a violation of the Fair Housing Act.

Due to a new law passed in 2017, landlords in Seattle may not require that you talk about your criminal history, may not ask about your criminal history and may not reject your application for housing because of your adult criminal history unless the landlord thinks there is reason to believe that you will be a danger to other tenants or to the property. A landlord cannot do any of these things at all, for any reason, based on of your juvenile criminal history.[24]

11. Should I give more information than the landlord asks for?

You do not have to give information about your criminal history that a landlord does not ask for. But there is a good chance that the landlord will find out about it.

When deciding whether to disclose something not asked about on the rental application, you should consider:

- The age and type of the conviction (the older and less serious the conviction is, the less important it is to tell the landlord about it); and
- Whether the landlord will conduct a background check (if the landlord will conduct a background check, they will find out about at least the last 7 years of convictions and arrests, so you should disclose them).

12. Can I submit documentation to show I am rehabilitated since the conviction?

You can submit documents that you think will help explain your criminal record. Character references from employers, prior landlords, or other people who know you well can be very helpful if the landlord will accept them. Landlords are not required to accept such documents, but generally will do so.

13. What do I say about sealed or vacated cases?

This depends on the type of case. If you were convicted as a juvenile and your court records were *sealed*, you do not need to tell the landlord about that conviction.[25] For more information about sealing records, see the Criminal Records and Background Checks chapter.

If you have a conviction that has been *vacated*, you have the right to say that you were never convicted of that crime.[26] The Washington State Patrol will not report convictions that have been vacated. But since vacated convictions can still show up in public records, they are often reported on background checks. If the landlord is likely to run a background check on you, you should consider telling the landlord about the conviction on your application and explaining that it was vacated.

Unfortunately, sealed and vacated records sometimes appear in background checks, even though they are not supposed to. If you are denied housing because of an incorrect background check, you may be able to challenge it. See Section 23 for more information.

14. Can my application for housing be rejected for reasons outside my criminal history, such as past drug addiction?

A landlord is generally free to set whatever eligibility conditions it wants, so long as those reasons are not discriminatory (see Section 10 for more information on housing discrimination). A landlord may turn you down for poor credit history, having too little income, bad references from prior landlords, or a prior eviction lawsuit. A landlord may also choose not to allow pets or smoking inside the building.[27]

Past drug addiction is considered a disability under fair housing laws, so a landlord cannot turn your rental application for this reason alone.[28] Although not required, a tenant may submit letters of support or certificates from drug rehabilitation programs, case managers, or other landlords. Note, however, that you may be evicted for illegal drug activity in a property that you are renting.[29]

15. Will a potential landlord run a background check on me? Do I have a right to know whether a landlord is doing a background check on me? What kinds of information will they find?

Some landlords may run a background check on you, but others may not; it is up to them. If the landlord is doing its own investigation, such as looking at court records or interviewing people that know you, then you do not have a right to know about it. But if a landlord uses a third-party, such as a Consumer Reporting Agency (CRA), to perform a background check on you, then you have the right to know about it under a law called the Fair Credit Reporting Act.

Before a landlord looks up any information about you, it must inform you in writing:

- What types of information it will access about you;
- What criteria may result in you being rejected; and
- If the landlord is planning to use a CRA, the name of the CRA, and that you are entitled to a free copy of the CRA report.[30]

What information the landlord will find depends on the source of the background check. For example, if a landlord orders a copy of your criminal history from the Washington State Patrol, it will receive a report with all non-sealed and non-vacated adult and juvenile convictions from Washington state courts, no matter how old the convictions are. But if a landlord orders a background report from a CRA, it will generally receive a report with adult and juvenile information (including arrests) from all states, including federal offenses.

16. If I am denied housing on the basis of a background check, what can I do?

There is not much you can do in this case, but you should review the background report to see if the information there is accurate. If it is not, then you should tell the landlord what information is wrong, and let the landlord know that you are contacting the CRA to correct the information. If the situation is not resolved after talking to the landlord and the CRA, you should contact CLEAR at 1-888-201-1014 to seek legal advice.[31]

17. Do I have a right to request that a consumer reporting agency stop reporting something from my criminal history?

You can only stop a reporting agency from reporting something from your criminal history if the information that it is reporting is wrong. See Section 19 below for more information.

18. What kinds of information are consumer reporting agencies (CRAs) barred from including in their background check?

There are limits on what information a CRA can report about you. Under Washington law, for the purposes of rental applications, CRAs cannot report information about arrests or convictions that are more than 7 years old.[32] CRAs also cannot report juvenile convictions if you are 21 years old at the time of the background check.[33]

There is a big difference between what a CRA can report about you versus what information a landlord can use when making rental decisions. For example, even though CRAs generally cannot report arrests older than 7 years if they don't result in convictions, a landlord can consider those arrests in making a decision about your application if it finds out about them another way (such as through a search of court records).

19. How do I remove or change incorrect information in a background check?

If the background report was provided by a CRA, you should contact the CRA, in writing if possible, using the information provided by the landlord. You should explain what part of the report is wrong, highlighting or otherwise marking that part of the report on a copy. You should also give the CRA the correct information, with document backup if possible. Finally, a reasonable time period after contacting the CRA, you should follow up with the CRA to make sure that the correct information is being used.[34]

If the background report was provided by the Washington State Patrol, you should provide similar information to that agency, using its Request for Modification of Record form, available at: www.wsp.wa.gov/crime/docs/misc/modification_record_request.pdf. A copy of this document is available in the Resources section at the end of this chapter.

20. What are the obligations of a consumer reporting agency (CRA) when I request they correct information in a background check?

Once you have requested that a CRA correct information from your background report, then, within 30 days, it must perform an investigation (including consideration of the information that you submitted). If, after this time, the CRA finds that the information it reported is wrong or if the CRA cannot verify its accuracy, it must delete the information or change it so that it is correct. The CRA also has to take reasonable steps to make sure that the incorrect information will not be included in background reports in the future. And it must tell landlords that received the inaccurate report over the last two years that information has been deleted or corrected.[35]

21. What can I do if the consumer reporting agency or the landlord does not follow the law regarding my background check?

If you think a landlord or CRA broke the laws around background checks, you should contact an attorney. The law allows people to sue employers or CRAs for certain violations, and to recover money for damage caused by the violation. The National Association of Consumer Advocates maintains a database of consumer lawyers in every state that deal with these types of cases. You can access the database at this website: www.consumeradvocates.org/ by scrolling down to the "Find an Attorney" link. Attorneys will generally provide a free consultation and depending on the circumstances of your case, if you win the case, you may not be responsible for the attorney's fee.

You can also report the violation to the Federal Trade Commission, the US government agency that enforces the Fair Credit Reporting Act, by filing a complaint:

- By telephone at 1-877-382-4357;
- By mail to: Consumer Response Center, Federal Trade Commission, 600 Pennsylvania Ave, NW, Washington, DC 20580; or
- Online at www.ftccomplaintassistant.gov/ (then click "Credit and Debt," then click "Credit and Loans," then click "Credit Reporting").

22. Can I get a copy of the background check my potential landlord uses?

Yes; if a potential landlord runs a background check on you using a CRA, you are entitled to a free copy of the report.[36]

23. Am I entitled to know why the landlord denies me?

If a landlord denies your application, it is required to inform you in writing and provide the reason that it has rejected you. This notice should look approximately like this:

"ADVERSE ACTION NOTICE"

Name

Address

City/State/Zip Code

This notice is to inform you that your application has been:

..... Rejected

..... Approved with conditions:

..... Residency requires an increased deposit

..... Residency requires a qualified guarantor

..... Residency requires last month's rent

..... Residency requires an increased monthly rent of $.....

..... Other:

Adverse action on your application was based on the following:

..... Information contained in a consumer report (The prospective landlord must include the name, address, and phone number of the consumer reporting agency that furnished the consumer report that contributed to the adverse action.)

..... The consumer credit report did not contain sufficient information

..... Information received from previous rental history or reference

..... Information received in a criminal record

..... Information received in a civil record

..... Information received from an employment verification

Dated this ..... day of ....., ...(year)

Agent/Owner Signature"[37]

24. What do I do if I believe a landlord is discriminating against me?

If you believe that a landlord has denied your application solely because you have a previous criminal conviction you may file a complaint with the Federal Housing and Urban Development Department (HUD) as a violation of the Fair Housing Act.[38] Fair housing complaints can be filed with HUD by telephone (1-800-669-9777), mail, or via the Internet.

25. Are certain landlords more accepting of those with criminal convictions? How can I find out about them?

The Resources section at the end of this chapter contains a list of organizations that either rent directly to people with criminal records or assist people with records to find housing. This is not a comprehensive list, but it will give you a good place to start.

26. How do I find out about my eviction record? How much does it cost? How long does an eviction stay on my record?

You can contact the county clerk's office for a copy of your eviction record. While the record itself should be free, the clerk may charge you a small fee if they need to fax or mail the paperwork to you, usually $5.[39] Copies of eviction records are also available online for purchase from various clearinghouse companies with prices varying depending upon the source.[40] In general, evictions will stay on your record for seven years.[41]

Post-Release: After You Obtain Housing

27. How can violating the terms of my release affect my housing?

If you are living in public housing, violating your terms of release can be grounds for terminating your housing.[42] If you were released before serving your maximum sentence and are in community custody, a violation may result in being returned to prison.[43] If you abandon your rental property for any reason (including being returned to prison for violating your terms of release), you will lose your claim on the property and may be responsible for the landlord's costs in re-renting your unit.[44] There may be other consequences as well; for instance, you may forfeit your security deposit or any personal property left in the unit.

28. What types of crimes and related issues can I be evicted for?

Besides ordinary grounds for eviction (for instance, damaging the property or failing to pay your rent), you can be evicted for illegal drug-related activity[45] or gang-related activity that endangers the safety or property of other tenants.[46] You may also be evicted if you are arrested for behavior that endangers other people and involves either physical assault or illegal use of a firearm or other deadly weapon, including threatening the landlord or another tenant with a weapon.[47]

29. Can I be evicted for an arrest that does not result in a conviction?

You can be evicted for an arrest that does not result in a conviction if the behavior you were arrested for endangers other people on the property and involves either a physical assault or illegal use of a firearm or other deadly weapon, including threatening the landlord or another tenant with a weapon.[48]

Resources

Organizations that can help you find housing:

- **Catholic Community Services/Catholic Housing Services** owns a large number of housing units including shelters and transitional and permanent housing for low-income individuals in Western Washington.

  - » www.ccsww.org/site/PageServer?pagename=housing_index
    Phone: 206-328-5696
    Email: CatholicHousingServicesInfo@ccsww.org

- **Compass Housing Alliance** owns a large number of housing units and provides emergency shelter and transitional and permanent housing for low-income individuals.
  - » www.compasshousingalliance.org
    77 S. Washington Street, 5th Floor
    Seattle, WA 98104
    Phone: 206-474-1000

- **New Connections** provides limited transitional housing in the Tacoma area for women who were recently released from prison.
  - » https://nctacoma.org/
    613 S. 15th Street
    Tacoma, WA 98405
    Email: info@nctacoma.org
    Application form (fill out and return by mail or email):
    https://irmagary.files.wordpress com/2011/11/9_27_16_nc_shelterapplication.pdf

- **Pioneer Human Services** owns a large number of housing units in King, Pierce, Skagit, Spokane, and Whatcom counties and provides transitional and permanent housing rental programs for people with criminal histories.
  - » http://pioneerhumanservices.org/housing
    Phone (Seattle): 206-624-0082 x104
    Phone (Tacoma): 253-272-5486
    Email: housing@p-h-s.com

- **The STAR Project** has relationships with a number of local landlords who have agreed to provide transitional housing for some formerly incarcerated individuals.
  - » www.thestarproject.us/
    321 Wellington Avenue
    PO Box 159
    Walla Walla, WA 99362
    Phone: 509-525-3612
    Email: info@thestarproject.us

- You can also visit http://4people.org/Reentry/Reentry.html for a detailed list of reentry resources broken down by county.

Emergency shelters for men:

Shelters	Contact/intake information
Union Gospel Mission Men's Shelter	318 2nd Ave Extension South, Seattle, WA 98104 (206) 622-5177
Bread of Life Mission Overnight Shelter	97 South Main St, Seattle, WA 98104 (206) 682-3579

DESC Queen Anne Shelter	157 Roy St, Seattle, WA 98109 (206) 283-9567
Catholic Community Services HOME and ARISE	Intake at 1229 W Smith St, Kent, WA 98032 (Monday – Friday 1-2 p.m.) OR Renton Library (Wednesday 1-3 p.m.) (253) 854-0088, ext. 2
Congregations for the Homeless Year-Round Shelter (for homeless men with a connection to the Eastside, not open to individuals with convictions for sexual offenses)	Shelter rotates between various Eastside churches; contact Barrett Compton at (425) 614-6506
Compass Housing Alliance Blaine Center (by referral only)	Denny Way near Seattle Center (206) 474-1660

Emergency shelters for women:

Shelter	Contact/intake information
Union Gospel Mission Hope Place (for women and children)	3802 South Othello St, Seattle, WA 98118 (206) 628-2008
Union Gospel Mission KentHOPE Day Center	9009 Canyon Dr, Kent, WA 98030 (253) 480-2325
Union Gospel Mission BelRed Family Resource Center (for women and their children)	2315 173rd Ave NE, Redmond, WA 98052 (206) 491-0651
Catholic Community Services Noel House Programs	2030 3rd Ave, Seattle, WA 98101 (206) 441-3210
YWCA Angeline's Day Center (open daily from 8:00 a.m. – 8:00 p.m. for drop-in services and case management; also has an Enhanced Night program to help participants transition into permanent housing)	2030 3rd Ave, Seattle, WA 98121 (206) 436-8650
Compass Housing Alliance Hammond House	Intake: Women's Referral Center at 2030 3rd Ave, Seattle, WA 98121 (206) 441-3210

Emergency shelters and services for men and women:

Shelter	Contact/intake information
Bread of Life Mission Day Shelter (open Monday-Friday from 9:30 a.m. – 3:00 p.m.)	97 South Main St, Seattle, WA 98104 (206) 682-3579
DESC Main Shelter	515 Third Ave, Seattle, WA 98104 (206) 464-1570
DESC Navigation Center (open to people with partners, pets, and possessions; prioritizes high-needs homeless adults)	606 12th Ave S, Seattle, WA 98144 (206) 322-1763

Catholic Community Services Nativity House Day/Night Shelters	702 S 14th St, Tacoma, WA 98405 (253) 502-2780
Catholic Community Services Lazarus Day Center (open daily 7:00 a.m. – 6:30 p.m.)	416 2nd Ave, Seattle, WA 98194 (206) 623-7219
Compass Housing Alliance Client Services Office (provides free mail and banking services for homeless and low-income people; open Monday – Friday 9:00 a.m. – 4:00 p.m.)	77 S Washington St, Seattle, WA 98104 (206) 474-1000
Compass Housing Alliance Hygiene Center (provides a place to use the restroom, take a shower, or do laundry; open Monday – Friday 7:00 a.m. – 2:30 p.m.)	77 S Washington St, Seattle, WA 98104 (206) 474-1000
Compass Housing Alliance Peter's Place (by referral only)	901 Rainier Ave S, Seattle, WA 98144 (206) 474-1630
Compass Housing Alliance Compass at First Presbyterian (by referral only)	1013 8th Ave, Seattle, WA 98104

Public Housing Authority contact information:

PHA Name	Address	Phone
Anacortes	719 Q Ave, Anacortes, WA 98221	(360) 293-7831
Asotin County	1212 Fair St, Clarkston, WA 99403	(509) 758-5751
Bellingham	208 Unity St, Bellingham, WA 98225	(360) 676-6887
Bremerton	600 Park Ave, Bremerton, WA 98337	(360) 479-3694
Everett Housing Authority	3107 Colby Ave, Everett, WA 98201	(425) 303-1102
Grant County	1139 Larson Blvd, Moses Lake, WA 98837	(509) 762-2202
Grays Harbor	602 East First St, Aberdeen, WA 98520	(360) 532-0570
Island County	7 NW 6th St, Coupeville, WA 98239	(360) 678-4181
Kalama	226 Cloverdale Rd, Kalama, WA 98625	(360) 673-2873
Kelso	1415 S 10th, Kelso, WA 98626	(360) 423-3490
Kennewick	1915 W 4th Pl, Kennewick, WA 99336	(509) 586-8576
King County	600 Andover Park W, Seattle, WA 98188	
Housing Kitsap	345 6th St Suite 100, Bremerton, WA 98337	(360) 535-6100
Kittitas	107 W 11th Ave, Ellensburg, WA 98926	(509) 962-9006
Longview	820 11th Ave, Longview, WA 98632	(360) 423-0140
Okanogan County	431 5th Ave W, Omak, WA 98841	(509) 422-1713
Othello	335 N 3rd Ave, Othello, WA 99344	(509) 488-3527
HACPFC (Pasco)	2505 West Lewis St, Pasco, WA 99301	(509) 547-3581

Peninsula HA (Port Angeles)	2603 S Francis St, Port Angeles, WA 98362	(360) 452-7631
Pierce County	603 Polk St S, Tacoma, WA 98444	(253) 620-5400
Renton	2900 NE 10th St, Renton, WA 98056	(425) 226-1850
Seattle Housing Authority	190 Queen Anne Ave N, Seattle, WA 98109	(206) 615-3300
Sedro Woolley	830 Township, Sedro Woolley, WA 98284	(206) 574-1100
Skagit County	1650 Port Dr, Burlington, WA 98233	(360) 428-1959
Snohomish County	12711 4th Ave W, Everett, WA 98204	(425) 290-8499
Spokane	55 W Mission Ave, Spokane, WA 99201	(509) 328-2953
Sunnyside	204 S 13th St, Sunnyside, WA 98944	(509) 837-5454
Tacoma	902 S L St, Tacoma, WA 98405	(253) 207-4400
Thurston County	1206 12th Ave SE, Olympia, WA 98501	(360) 753-8292
Vancouver	2500 Main St, Vancouver, WA 98660	(360) 694-2501
Walla Walla	501 Cayuse St, Walla Walla, WA 99362	(509) 527-4542
Wenatchee	1555 S Methow St, Wenatchee, WA 98801	(509) 663-4761
Whatcom County	208 Unity St Lower Level, Bellingham, WA 98225	(360) 676-6887
Yakima Housing Authority	810 N 6th Ave, Yakima, WA 98902	(509) 453-3106

Glossary

County of origin: The county where you were first convicted of a felony in Washington.

Emergency housing: Short-term accommodation, such as a shelter or hostel, for people who are currently in crisis (for instance, people who are homeless or escaping abuse). Emergency housing is useful if you need to get a roof over your head tonight and don't have time to find something more long-term.

Fair Housing Act: The Federal Fair Housing Act protects people from discrimination when they are renting, buying, or securing financing for any housing.

Housing and Urban Development (HUD): A federal department overseeing home ownership, low-income housing assistance, fair housing laws, homelessness, aid for distressed neighborhoods, and housing development.

Permanent housing: Housing that you rent or own and can live in indefinitely (provided you pay your rent or mortgage and adhere to the provisions of your lease).

Public housing authority/agency (PHA): A local governmental organization that administers federal affordable housing programs such as Section 8 and public housing. Contact information for PHAs in Washington can be found at https://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/pha/contacts/wa and in the Resources section of this chapter, above.

Release plan: A plan you develop while in custody with help from your counselor that includes the address where you will live after you are released.

Transitional housing: Temporary accommodation designed to bridge the gap between emergency shelters and permanent housing. Transitional housing is more long-term than emergency housing, but still time-limited, with stays generally lasting between several months and several years.

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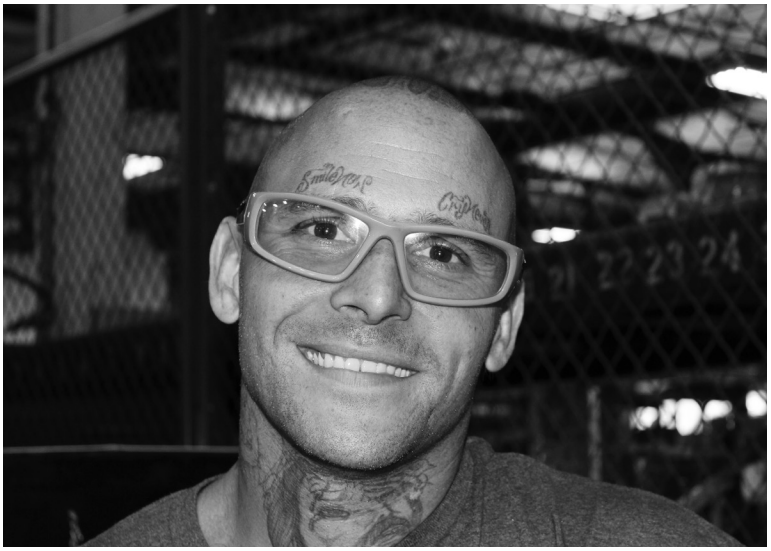
1 *Bob Story,* Wash. Dept. of Corrections (Aug. 23, 2017)
2 *Washington State Department of Corrections Policy No. DOC 350.200 (Aug 8,* 2010); RCW 9.94A.7281(5)(b).
3 *Becky Turner,* STAR Project (Aug 23, 2017)
4 *Washington State Department of Corrections Policy No. DOC 350.200,* Attachment 5, Offender Release Plan Procedure (Aug 8, 2010); RCW 9.94A.729(5)(d).
5 *RCW 72.09.270(6).*
6 *Becky Turner,* supra
7 *RCW 9.94A.729(5)(c).*
8 *RCW 72.09.270(8)(a).*
9 *Id.*
10 *Washington State Department of Corrections Policy No. DOC 350.200 (Aug. 8,* 2010); Washington State Department of Corrections Policy No. DOC 350.200, Attachment 1, County of Origin (Aug 8, 2010).
11 *RCW 9.94A.704(3).*
12 *RCW 72.09.340; RCW 9.94A.703; RCW 9.94A.030.*
13 *RCW 59.18.585.*
14 *42 U.S.C. § 13661(a)-(b).*
15 *Becky Turner,* supra
16 *Becky Turner,* supra
17 *Id.*
18 *United States Department of Housing and Urban Development,* Housing Choice Vouchers Fact Sheet, https://portal.hud.gov/hudportal/HUD?src=/topics/housing_choice_voucher_program_section_8 (last visited March 23, 2017).
19 *Becky Turner,* supra
20 *www.kcha.org/housing/vouchers/list/*
21 *Becky Turner,* supra
22 *Id.*
23 *United States Department of Housing and Urban Development,* Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions (April 4, 2016).
24 *City of Seattle Ordinance 125393 (Aug. 23,* 2017)
25 *RCW 13.50.050(2).*
26 *RCW 9.94A.640(3).*
27 *www.nolo.com/legal-encyclopedia/free-books/renters-rights-book/chapter1-2.html*
28 *See The Fair Housing Act,* 42 U.S.C. 3601 et seq.
29 *RCW 58.18.130(6); RCW 59.18.180(3).*
30 *RCW 59.18.257(1)(a).*
31 *Becky Turner,* supra
32 *RCW 19.182.040(2)(c).*
33 *RCW 19.182.040(1)(e).*
34 *RCW 19.182.090.*
35 15 U.S.C. § 1681i(a)(1)(A), (a)(4)-(5), (d)); RCW 19.182.090.
36 *RCW 59.18.257(1(a)(iii),* Becky Turner, supra.
37 *RCW 59.18.257(1)(b).*
38 *https://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/complaint-process*
39 *Becky Turner,* supra
40 *See,* e.g., www.evictionrecords.com/state-public-records/wa-washington-criminal-records/; www.myrentalhistoryreport.com/.
41 *www.myrentalhistoryreport.com/blog/your-prior-rental-history-and-renting/how-long-does-your-rental-history-stay-with-you/*
42 *42 U.S.C. § 1437f(d)(1)(B)(v).*
43 *RCW 72.09.311.*

44 RCW 59.18.310.
45 RCW 58.18.130(6); RCW 59.18.180(3).
46 RCW 59.18.130(9); RCW 59.18.510; RCW 59.18.180(5).
47 RCW 59.18.130(8); RCW 59.18.180(4).
48 RCW 59.18.130(8); RCW 59.18.180(4).

Voices of Reentry: Chris



Chris spent most of the last three years of his prison sentence in solitary confinement. After being jailed multiple times following his first release, he resolved to make a clean break when he left work release for the last time in 2013. Cutting ties with his old friends, neighborhood, and way of life, he dedicated himself to his work at Pioneer Human Services to the near-exclusion of everything else.

On his first release from prison: Honestly I thought, "I'm just gonna end up getting out, staying over here with a friend or family until I get locked back up." I was going to South Seattle College for Automotive Technology and it just didn't last. I got tossed back in jail; they couldn't prove anything, but they'd just arrest me because I was on probation and they could do that. Once they threw me in jail the first time, it was just a recurring thing.

On what he did to change his life: I went and got baptized and was like, "I'm done." It was just time to really stop. I stopped talking to everybody, all of my old friends. I'm right down the street from them, but I don't associate with them anymore.

On the struggle to get services: Anything you try to get set up while you're in solitary confinement is tough. Lots of times you'll get a letter back, saying, "We'll wait until you get out." Well, wait 'til I get out for what? Wait until I'm homeless, or go to people I know, like family who're on drugs, or these guys who are gang members? I'd end up going back to jail for associating with any one of them.

On facing discrimination: I tried and tried to get a job. I even went to a place right down the street and gave the lady, the receptionist, my resume and my application. She calls the boss and I can hear him say, "Well, what does he look like?" and she's like, "Ummmmm," you know, she couldn't say anything.

On hard work paying off: When I started at Pioneer Human Services I was making $10.60. I've almost doubled my wage in the four years that I've been here. But you've got to put in the time. It's not like I was here a year and they said, "Here's an extra nine, ten dollars." They love me here, I bust my butt around here, I do everything they need.

On who has helped him: Number one, my wife is the best. I was already not going back, but she pushed me big-time in a whole other direction.

On what he'd tell someone just about to leave prison: You can only do applications so much, then you start wondering, what am I going to do now? And I wish I'd never thought, "You know, I'm just going to park my car and hop on this bus and go through my old neighborhood just to see what I see," because that's what I used to do when I was a young teen. There's nothing going on. You're looking for trouble, that's all. Now it's four years later, I only got another year and a half in the aerospace apprenticeship program I'm in before I become a journeyman and I'm making real good money. I wish I'd just done that from the start.

On plans for the future: I got goals. I told my wife in five years we're selling this house. We'll leave with a nice chunk of money. We'll move back to our area, the nice area, towards the water. When we sell this house, we're moving into our dream house, and we're not moving again.

Chris now lives in Tacoma with his wife and his 16-month old daughter.

Chapter 10: Identification

The Bottom Line:

- This chapter discusses how to obtain the identification documents you will need to do things like find a job and secure housing. This chapter does not cover getting or reinstating your driver's license. For information about driver's licenses, see the chapter entitled Getting or Reinstating Your Driver's License.
- Your birth certificate is a document that is usually issued by the hospital where you were born and that shows your date of birth and parents' names. A birth certificate can usually help you prove your age and citizenship (if you were born in the United States), and is very useful when you are trying to get a state-issued photo ID. To get a new copy of your birth certificate, contact the Department of Vital Records of the state in which you were born. See sections 1-3 for more information.
- A Washington State ID card is a card issued by the Department of Licensing (DOL) that serves as proof of identity. A state ID card **does not** authorize you to drive a car (although a driver's license also functions as an ID card, so if you have a driver's license, you do not need a separate state ID). You will almost certainly need some form of state ID to get a job, rent an apartment, or open a bank account, so getting your ID is very important. See sections 4-5 for more information on getting your state ID.
- The primary use of your Social Security Card is to tell you your Social Security number. Social Security numbers are issued by the federal government to every citizen, and every person's number is different. You will need your Social Security **number** to get a job, collect Social Security benefits, and access government services, but if you know the number, you do not need to show your Social Security card very often. If you don't know your Social Security number and you need a new card, see sections 6-10.

IDENTIFICATION

Introduction

Identification documents are documents that prove your identity and other important things about you. State-issued photo identification cards, Social Security cards, birth or marriage certificates, and educational credentials are all examples of identification documents. These documents are often necessary to secure housing, open a bank account, find a job, and obtain necessary health benefits. Your identification documents may have expired while you were incarcerated or been lost during the criminal justice process, or you may not have had them when you first entered the system.

This chapter will explain how to obtain a variety of government issued identification documents that you will need once you are released from prison. It will also point you to vital resources in printed or online form concerning these different forms of identification. You can apply for some identification documents while you are still in custody; in other cases, you will need to wait until you are released. Keep in mind that you may not qualify for or need all of these identification documents, but you should explore this chapter to find out how to get the identification documents that you need. **Note: If you need help getting your driver's license, see the chapter entitled *Getting or Reinstating Your Driver's License.***

Birth Certificate

1. Can I get a copy of my birth certificate while I am incarcerated?

Certified copies of birth certificates are of great value and are essential for various purposes. These include verification of age for school entry, obtaining a driver's license, establishment of citizenship, proof of eligibility for Medicare, information necessary for life insurance policies, verifying citizenship for an application for a Social Security card, and similar identity or age verifications. The amount it will cost to get your birth certificate depends on the state or country in which you were born. This section aims to help you understand how and when you can order a Birth certificate while you are incarcerated.

If you were born in Washington, ordering a copy of your birth certificate is a matter of filling out a form with some basic information and mailing it to the State Department of Health along with a fee. Assuming you can get a copy of the form you need and have a way to pay, you can start this process while you are incarcerated. If you were not born in Washington, depending on your state of birth, you may also be able to have a friend or family member complete this process for you. More detailed information is provided in the next two sections.

2. How do I order a birth certificate if I was born in Washington?

In Washington, the Department of Health issues certified copies of vital records (or "certificates") for births, deaths, marriages and divorces that took place in the state of Washington. Below is a chart showing a few ways to order a certified copy of your birth certificate. If you are still incarcerated, talk to your counselor to determine the best way to start the process from your facility. If you apply by mail, you will need a copy of the order form, which is called Washington State Department of Health Birth / Death Certificate Mail Order Form. This form can be found online at www.doh.wa.gov/Portals/1/Documents/Pubs/422-044-BirthDeathMailInOrder.pdf, or your counselor may be able to help you get a copy.

The chart below shows several ways to order a Washington State birth certificate, how much they cost, and how long they take to process:

Ways to Order	Cost per Certificate	How Long it Takes to Fill an Order	Quick Links and Info
Mail	$20.00	Shipped out 3 weeks after payment is processed	Fill out the order form (available at www.doh.wa.gov/Portals/1/Documents/Pubs/422-044-BirthDeathMailInOrder.pdf)
Online	$31.50	Shipped within 2-3 business days	Go to www.vitalchek.com
Phone	$31.50	Shipped 1-2 business day	Call 360-236-4313 Monday – Friday from 9:00 a.m. to 4:30 p.m.
Walk-In	$20.00	Same day orders after 4:00 p.m. may be processed next business day	Monday – Friday from 8:00 a.m. to 4:30 p.m. 101 Israel Road SE Tumwater, WA 98501

Additionally, it is helpful to know that Washington is a public records state by law.[1] This means that a loved one or family member is able to use any of the options detailed in the chart above to order a birth certificate for you, as long as that they are able to fill out the order form with your complete and accurate information. Your loved one or family member will need the following information about you in order to order your birth certificate:

- Your full name as it appears on your birth certificate;
- Your date of birth (Month/Date/Year);
- Your city or county of birth; and
- Your parents' full names at the time of your birth.

3. How do I order a birth certificate if I was born in a different state?

The process for ordering birth certificates varies from state to state. If you were born outside of Washington, you will need to research how to order a birth certificate directly from the state or country in which you were born. Unless you have internet access, or can ask for help from someone who does, you may need to wait until you are released to find this information. However, it is a good idea to also talk to your counselor and see if he or she can provide you with any assistance. If you are able to have someone assist you with finding this information while you are incarcerated, the Centers for Disease Control and Prevention website (www.cdc.gov/nchs/w2w/index.htm) contains information on locating vital records and includes links to information and guidelines for ordering birth certificates from various states and US territories.

Washington State Identification (ID) Card

4. Can I start the process to get my Washington State ID card while I am incarcerated?

While you can start the process of getting a Washington State ID card while you are still incarcerated, keep in mind that you will need to visit a Washington State Department of Licensing (DOL) office as soon as possible after you are released to complete your application and receive your ID.

Note: Driver's licenses are also processed through DOL, but the process is different. For information about driver's licensing, see the chapter entitled *Getting or Reinstating Your Driver's License*. A state ID card **does not** authorize you to drive a car, but a driver's license also functions as a state ID (so if you have a driver's license, you do not need a separate state ID card).

Six months prior to your release from a facility, you should be given an official notice that provides information regarding how the Department of Corrections can assist you in obtaining a Washington State driver's license, ID card, and/or a replacement Social Security card.[2]

Once you have received this notice, and before you are released, make an appointment to talk with your counselor about obtaining a Washington State ID. Your counselor should submit an electronic verification letter to the DOL no earlier than 45 days prior to your release.[3] It is very important to know when your counselor submits this letter. The electronic verification letter will stay on file at the DOL for 60 days from the date it was filed, meaning that it may expire as soon as 15 days after your release.[4]

After you are released, bring your Department of Corrections (DOC) Identification Badge to your local DOL office as soon as possible. You can find DOL office locations by visiting https://fortress.wa.gov/dol/dolprod/dsdoffices/. If you have other forms of identification, such as a Social Security card or birth certificate, it may be helpful to have them with you. The DOL will use your badge and the verification letter that your counselor sent to them in order to verify your identification. There is a fee associated with getting your ID, so you will need to bring a form of payment as well. It costs $54 to get an ID card, which is valid for six years before it must be renewed. It costs $20 to replace a lost or stolen ID card.[5]

If all the information you provide is accurate and verifiable, the DOL can prepare an identification card and mail it to your address. If you do not have an address, you may request that it be mailed to your Community Corrections Officer (CCO).[6]

5. How do I get or renew my Washington State ID card after I am released?

You can get your Washington State ID card after you are released by visiting a DOL office. You can find DOL office locations by visiting https://fortress.wa.gov/dol/dolprod/dsdoffices/. When you visit the office, you will need to bring the following items with you:

- **Proof of identity.** There are a number of different documents that DOL will accept as proof of your identity, and the requirements also vary slightly based on your age and personal circumstances. See www.dol.wa.gov/driverslicense/idproof.html for a detailed list of identity documents that DOL accepts, and what combinations will be enough to proof who you are.
- **Form of payment for the fee.** There is a $54 fee associated with getting your ID card, which is valid for six years before it must be renewed.
- **Your Social Security number or proof of address.** If you are 18 or older, you must provide your Social Security number. You do NOT need to show your Social Security card. If you do not have a Social Security

number, you must prove that you have a valid address in Washington. See www.dol.wa.gov/driverslicense/idproof.html (at item #3) for more information about how to prove your address.

You will also need to have your picture taken at the DOL office. Once all your information is verified, you will be given a temporary ID card before you leave the office. Your permanent ID will be mailed to you, and will arrive within 7-10 days.[7]

If your ID card is expired, renewing it is easy. You can renew by visiting a DOL office or by using the online tool at https://fortress.wa.gov/dol/olr/. To renew online, you will need your ID card number, the last four digits of your Social Security number, an email address, and a credit card. The fee to renew your ID card is $54 for six years.[8]

Social Security Card

6. What is a Social Security card? Why do I need it?

Your Social Security card shows your nine-digit Social Security number. Social Security numbers are issued by the federal government to every U.S. citizen, and every person's number is unique. You need your Social Security number to get a job, collect Social Security benefits, and get some other government services, but you do not need to show your Social Security card very often. Instead, you'll just have to provide the number on a form or in some cases, a photocopy of your Social Security card will be accepted.

Your Social Security number is private information, and having access to your Social Security number may enable someone to steal your identity, which can have a lot of negative consequences for you. For this reason, you should not tell anyone your Social Security number unless they need it for a legitimate reason, and you should not carry the card around with you every day. Instead, memorize the nine-digit number on the card and keep the card itself in a safe place with your other important papers.

Note that you can only get a Social Security number or a Social Security card if you are a United States citizen (including foreign-born naturalized citizens) or a non-citizen who is authorized to work in the United States. If you are not in either of those groups, you can skip these sections entirely, as they will not apply to you.

7. Can I get a Social Security card while I am incarcerated?

If you already have a Social Security number and simply need a new card (known as a **replacement** card), you will be able to apply for one while you are still incarcerated. See section 8 for more information on getting a replacement card. If you need an **original** card (in other words, if you have never had a Social Security number issued to you), you cannot apply for a card while you are still in custody, and will have to wait until you are released.[9] See section 9 for more information on getting an original card.

8. How do I get a replacement Social Security card?

If you already have a Social Security number but have lost your card, you need a replacement card. Note that a Social Security card is really only important because it tells you your Social Security number. You will rarely have to show anyone your Social Security card, and if you know the number, you may not need the card at all.

In order to get a replacement card, you will need to submit an application and other documentation. You can get an Application for a Social Security Card (Form SS-5) from your Counselor. This form is also available online: www.ssa.gov/forms/ss-5fs.pdf.

If you have a valid U.S. mailing address and you already have your Washington state ID or driver's license, you may be able to apply for a replacement card online using the *my* Social Security web portal (www.ssa.

gov/myaccount/). For more information on setting up an account on *my* Social Security, visit www.ssa.gov/myaccount/.

To obtain a replacement Social Security card, you also must provide one document to prove your identity. Documents that may be accepted as evidence of identity include:

- Washington State ID Card;
- Driver's license; or
- U.S. passport.

If none of these are available, other documents (such as a school identification card or U.S. military identification card) showing your legal name and date of birth or age, preferably with a recent photograph, may be accepted. If you are still incarcerated, your prison facility may have a relationship with the Social Security Administration (SSA) whereby the SSA will accept written certification from a prison official as proof of your identity.[10] Talk to your Counselor to find out to process at your facility. You may also need to provide proof of your age and of your citizenship or immigration status, if they are not already on file with the SSA. Once you have submitted all of your required documents, your replacement card will be mailed to you. You should receive it within 10-14 business days from the date your application is processed.

Note that you are limited to three replacement cards in a year and 10 during your lifetime. Legal name changes and other exceptions do not count toward these limits. For example, changes in immigration status that require card updates may not count toward these limits. Also, you may not be affected by these limits if you can prove you need the card to prevent a significant hardship.[11]

9. How can I get an original Social Security card?

If you have never been issued a Social Security number, you need an original Social Security card. Getting a completely new Social Security number as an adult can be a difficult process, and you may want to consult with an attorney. However, some general information is provided in this section.

To get an original card, you will need to provide the SSA with a number of documents proving your identity, age, and citizenship or immigration status. You must provide original documents or copies certified by the agency that issued them. Depending on your situation, you may need to provide additional documents as well (see below for more details). The SSA cannot accept photocopies or notarized copies. All documents must be current (not expired). The SSA also cannot accept a receipt showing you applied for the document you are using to prove your identity, age, or citizenship—they will need to see the original document. Note that the SSA may use one document for two purposes; for example, they may use your U.S. passport as proof of both citizenship and identity. However, you must provide at least two separate documents.

You will also need to fill out the Application for a Social Security card (available at www.ssa.gov/forms/ss-5.pdf) and bring or mail it, along with any required documents, to your local Social Security office. You can find your local Social Security office by visiting https://secure.ssa.gov/ICON/main.jsp.

The chart below summarizes the documents you can use to prove your identity, age, and citizenship depending on your personal circumstances.

Documents to prove your identity, age, and citizenship or immigration status:

If you are...	Proof of identity	Proof of age	Proof of citizenship/ immigration status
An adult who was born in the United States	**Preferred documents:** • State-issued driver's license • State-issued non-driver ID card • U.S. Passport **If you don't have those:** • Employee identification card • School identification card • Health insurance card (not Medicare) • U.S. military identification card	**Required (if available):** • Birth certificate (certified copy) **Preferred documents (if you don't have a birth certificate):** • Religious record made before age 5 showing your birth date • U.S. hospital record of your birth • U.S. Passport	**Required (one of the following):** • Birth certificate (certified copy) • U.S. Passport
A U.S. citizen born in another country	**Preferred documents:** • State-issued driver's license • State-issued non-driver ID card • U.S. Passport **If you don't have those:** • Employee identification card • School identification card • Health insurance card (not Medicare) • U.S. military identification card	**Required (if available):** • Foreign birth certificate (if it exists) **Preferred documents (if you don't have your foreign birth certificate):** • Passport • Document issued by the Department of Homeland Security showing your age	**Required (one of the following):** • U.S. Passport • Certificate of Naturalization (N-550/N-570) • Certificate of Citizenship (N-560/N-561) • Certificate of Report of Birth (DS-1350) • Consular Report of Birth Abroad (FS-240, CRBA)
A non-citizen who is authorized to work in the United States	**You must show a current DHS document. Acceptable documents include:** • I-551 Permanent Resident Card • I-94 Arrival/Departure Record with unexpired foreign passport or admission stamp in the unexpired foreign passport • I-766 Employment Authorization Document, (EAD, work permit) from DHS	**Required (if available):** • Foreign birth certificate (if you can get it within 10 days) If you cannot get your foreign birth certificate within 10 days, you may prove your age with your passport or a document issued by DHS.	**You must show your current U.S. immigration document, such as:** • Form I-551 (Lawful Permanent Resident Card, Machine Readable Immigrant Visa) with your unexpired foreign passport • I-766 (Employment Authorization Document, EAD, work permit • I-94 (Arrival/Departure Record) or admission stamp in the unexpired foreign passport

In addition to proving your age, identity, and citizenship or immigration status, everyone over the age of 12 who is getting an original card must appear in person for an interview. The SSA will ask for evidence to prove that you have never had a Social Security number. Here are examples of documents you can use to prove a Social Security number was never assigned:

- If you have lived in the United States and you are applying for an original Social Security number, the SSA may ask you for information about the schools you attended or to provide copies of tax records that would show you were never assigned a Social Security number.

- If you lived outside the United States for an extended period, a current or previous U.S. Passport, school and/or employment records, and any other record that would show long-term residence outside the United States could be used to show you do not have a Social Security number.

Once you have successfully completed all of the requirements, your card will be sent to you in the mail. You should receive it within 10-14 business days from the date your application is processed.

10. I changed my name. Do I need a new Social Security card?

If you legally change your name because of marriage, divorce, court order or any other reason, you need to tell Social Security so that you can get a corrected card. If you don't correct your card, it can impact your future Social Security benefits or cause delays in your taxes.

Assuming you have had a Social Security card before, the process for getting a corrected card is roughly the same as the process for getting a replacement card (see section 8 for information about getting a replacement card). In addition to providing the other required documents, you will need to provide proof of your legal name change. Here are some documents the SSA may accept as proof of your new name:

- Marriage license;
- Divorce decree;
- Certificate of naturalization showing your new name; or
- Court order approving your name change.

If the document you provide as evidence of a legal name change does not give the SSA enough information to identify you in their records or if you changed your name more than two years ago (four years ago if you are under 18 years of age), you must show the SSA an identity document in your prior name. The SSA will accept an identity document in your old name that has expired.

If you do not have an identity document in your prior name, the SSA may accept an unexpired identity document in your new name, as long as the SSA can properly establish your identity in its records.

U.S. Passport

11. What is a U.S. Passport? Why might I want one?

A U.S. Passport is a book or card that is issued by the U.S. government. U.S. Passports may only be issued to U.S. citizens or nationals. A U.S. Passport is a valuable and highly credible identifying document, and is valid for many years without expiring. The bullet points below summarize some of the benefits of owning a valid U.S. Passport:

- **Identification:** A U.S. Passport can be used as one of the most reliable forms of identification. A U.S. passport is issued by the U.S. government and is virtually impossible to forge. This makes having a U.S. Passport a very valuable form of identification.
- **Proof of Citizenship:** A Passport is proof of citizenship. If you find yourself in a position where your citizenship is called into question, you will be able to show your Passport, which will eliminate further confusion regarding your citizenship status.

- **Travel:** All American citizens traveling outside of the United States must possess a valid U.S. Passport. The Passport is required for both departure from and re-entry to the United States.

All of this said, Passports can be difficult and expensive to get, especially if you have a criminal record (more on this below). Passports are absolutely required for almost all international travel, but if you are living and working within the United States, other forms of identification, such as your state-issued driver's license or ID card, are usually sufficient to prove your identity. Many people do not have a Passport, and only get one when they know they are planning to travel outside the country. For this reason, getting a Passport should probably not be your first priority when you are released.

If you decide you want a Passport, and you either haven't had a U.S. Passport before or your most recent Passport was issued a long time ago or has been lost, you will probably need to apply in person. You can find more details on the application process by visiting: https://travel.state.gov/content/passports/en/passports/applyinperson.html. Note that the process of applying for a Passport is complicated and you will need to provide a lot of supporting documentation to prove your identity and that you are a U.S. citizen. There are also some restrictions that may apply to you depending on your criminal history or other circumstances, which are outlined in the bullet points below:

- **Felony convictions.** If you have been convicted of a felony, you may apply for a U.S. Passport, but your application may be denied if you have been convicted of certain drug-related felonies or misdemeanors. For instance, federal law disqualifies convicted international drug traffickers from obtaining a Passport during their incarceration and subsequent parole or community supervision. Additionally, if you already have a Passport and are convicted of one of these crimes, your existing Passport may be revoked;[12]
- **Unpaid child support.** If you owe more than $2,500 in unpaid child support, you will not be eligible for a Passport. You will become eligible again when you pay down your child support debt;[13] and
- **Travel restrictions.** The State Department may deny your application for a Passport if you are barred from leaving the United States, either by court order or a condition of your probation or parole.[14]

Resources

Getting your birth certificate:

- To order your birth certificate or other vital records online, visit **VitalChek** at www.vitalchek.com/.
- The **National Center for Health Statistics** provides contact information for every state's vital record's office, along with fee amounts and other information for each state. Visit www.cdc.gov/nchs/w2w/index.htm.

Getting your state ID card:

- To find a Department of Licensing (DOL) office near you, visit https://fortress.wa.gov/dol/dolprod/dsdoffices/ and click or select your city.
- Visit www.dol.wa.gov/driverslicense/idproof.html for information on what documents you need to get your state ID card.
- To renew your ID card, use the online tool available at https://fortress.wa.gov/dol/olr/.

Getting your Social Security card:

- The application for a Social Security card is available at www.ssa.gov/forms/ss-5fs.pdf.

Glossary

Birth Certificate: A certificate issued by the state you were born in showing your date of birth and parents' names. A birth certificate can usually be used as proof of age and citizenship.

Social Security Card: Wallet-sized piece of paper containing unique nine-digit number assigned by the Social Security Administration and provided to every United States citizen, permanent resident, or temporary working resident. Helps the Social Security Administration maintain an accurate record of your wages or self-employment earnings that are covered under the Social Security Act, and to monitor your record once you start getting Social Security benefits.

U.S. Passport: A small booklet issued by the U.S. government that enables you to travel outside of the country. A Passport is a very strong form of identification, but since it is expensive and difficult to get, is probably not necessary for most people.

Washington State ID Card: A card issued by the Department of Licensing that proves your identity. A State ID card **does not** authorize you to drive a car.

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1 *RCW 42.56,* Public Records Act, http://apps.leg.wa.gov/rcw/default.aspx?cite=42.56 (last visited Nov. 1, 2017).

2 *Driver's license/Washington State Identification cards for Offenders,* Doc. Policy No. 380.550, Attachment 1, Washington State Department of Corrections, www.doc.wa.gov/information/policies/default.aspx?show=300 (last visited Nov. 1, 2017).

3 *Id.*

4 *Id.*

5 *Driver licensing fees,* Washington State Department of Licensing, www.dol.wa.gov/driverslicense/fees.html.

6 *Driver's license/Washington State Identification cards for Offenders,* Doc. Policy No. 380.550, Attachment 1, Washington State Department of Corrections, www.doc.wa.gov/information/policies/default.aspx?show=300.

7 *Get your WA identification card,* Washington State Department of Licensing, www.dol.wa.gov/driverslicense/gettingidcard.html.

8 *Renew your ID card,* Washington State Department of Licensing, www.dol.wa.gov/driverslicense/renewidcard.html.

9 *Id.*

10 *Reentry Myth Buster! On Getting a Replacement Social Security Card,* Federal Interagency Reentry Council, https://csgjusticecenter.org/wp-content/uploads/2013/06/Social-Security-Card.pdf.

11 *So You've Lost Your Social Security Card,* Social Security Matters, Social Security Administration, https://blog.ssa.gov/so-youve-lost-your-social-security-card/.

12 *22 U.S. § 2714.*

13 *Child Support Payments and Getting a U.S. Passport,* U.S. Department of State, Bureau of Consular Affairs, U.S. Passports & International Travel,, https://travel.state.gov/content/passports/en/passports/information/legal-matters/child-support.html (last visited Nov. 1, 2017).

14 *22 C.F.R. § 51.60(b)(2).*

Voices of Reentry: Clinton



Clinton spent over seven years in prison in Oregon. Upon his release, he began to pursue his educational goals and before long was working two jobs and taking college classes full-time.

On getting out of prison: I didn't have a lot of anxiety about getting out. I was really looking forward to getting out, just so that I could have a second chance. That was what was fueling and motivating me. Now you get an opportunity, a second chance, because now there's guys who are in there who are never getting out. I saw guys close to getting out who did stuff to give them more time because they didn't want to get out. They were saying it, but they didn't want to. Me, I was ready to go, and when my time came I was excited.

On prison: For the most part, people in prison are there for petty crimes, like peddling drugs, and they weren't even major drug dealers. Drug addicts stealing to support their habits, women prostituting their bodies for drugs and then they get put in prison for four years, and I think, "Wouldn't it have been better to have gotten her some help, some treatment?" They say "correctional institution"; I say, where's the correction? It's just warehousing them, they're not learning any skills, they're not learning how to become a productive member of society, and most people just sit around all day and play cards and work out and watch TV. There's nothing stimulating the mind or encouraging people.

On realizing he was free: I walked out of the parole office, and I'm standing in downtown Portland, there's a lot of stuff going on there, and I thought, "You can go anywhere you want to go. You can do anything you want to do right now." And for a couple minutes I just kinda started hyperventilating a little, because it hit me: you're free. So now what's next? That was the first time I had a moment... I wasn't scared or anything, but I thought, "Oh my god, I'm actually out! I'm not behind the fence anymore."

On the first few months after release: Those first thirty to sixty days are crucial. The first thirty days, most people are just in a state of euphoria; they're happy to be out, they're all excited, they've got all this energy. But when you've been out a couple months, if you don't have that support system, most people will start to go back to their old ways and old habits.

On his plan to get an education: My plan was to get out and stay out. I did make up my mind to go to school, because I realized that a high school diploma and five years in the military wasn't going to be enough. I also wanted to go to school because I took a couple college courses while I was locked up and I started thinking, "College isn't so intimidating." I made up in my mind if I didn't do anything else, I was going to go to school and get a degree, and that's what I did.

On what he'd tell someone just about to leave prison: I'd tell somebody, "Go to school, but have a plan on what you're going to do." You may not have that plan when you get out, but you can sit down with your advisor and map it out. Also, start thinking about the kinds of people that you want in your life. I wanted to surround myself with good people, people who would be positive and upbeat and not people who'd be trying to drag me back into doing crime. And have some patience. You're going to have good days and bad days, and a lot of people are going to tell you "no," whether it's "no" for an apartment, "no" for a job, "no" for some family members, they don't want you around. But for every "no," use that as fuel so when you get that "yes" it's rewarding because you worked your butt off for that.

Clinton now lives with his wife and family in Seattle. He recently earned his master's degree and works with prisoners to help them develop they skills they will need post-release.

Chapter 11: Legal Financial Obligations

Important Note:

In March 2018, a statewide LFO reform law was passed containing the following important changes:

- **Clarifying "willful failure to pay."** As noted below, while you can be jailed for "willfully failing to pay" your LFOs (meaning that you could have paid but refused to), you cannot be jailed for being unable to pay them. Under the new law, a person who is homeless or mentally ill cannot be found to have willfully failed to pay.
- **Relief for indigent defendants.** Under the new law, judges will not be able to impose certain costs and fees on defendants who are below a certain income threshold.
- **Reducing the number of mandatory LFOs.** Many LFOs that were previously mandatory are now discretionary, meaning that the court can decide not to impose them if the defendant is below a certain income threshold.
- **Eliminating interest.** Under the new law, non-restitution LFOs (i.e. fees, fines, and costs) do not accumulate interest. If you already have non-restitution LFOs, they will stop accruing interest on June 7, 2018, and when you are released from total confinement you will be able to petition a judge to have any remaining interest waived.
- **Substituting community service.** Courts now have the option to convert some LFOs to community service if the defendant is too poor to pay.

Since the law is so new, some portions of this chapter may soon be outdated. That said, if you are currently incarcerated, these changes likely will not impact you much until you are released. The most up-to-date version of this chapter will be available online at wareentryguide.org.

The Bottom Line:

- Legal financial obligations ("LFOs") are court-ordered debts you incur as part of your sentence, in addition to prison or jail time. Some of your LFOs will accumulate interest while you are incarcerated, and you will probably owe money on them when you are released. You will be required to make monthly payments on your LFOs at the county clerk's office in the county where you were convicted, and the process for making payments may differ based on your county. See section 4 for more information.
- **Deliberately failing to make payments on your LFOs, meaning that you could have paid them but chose not to, could result in jail time.** Additionally, if you are on probation or parole, deliberate nonpayment of your LFO debt is a violation, and could hurt your ability to access public benefit programs that you may need. Additionally, your wages could be garnished if your LFO bill is unpaid for a month or more. See section 20 for more information about garnishment and what to do if your wages are garnished.
- If you cannot pay the full amount of your monthly LFO bill, contact your community corrections officer (if you are under supervision) or county clerk's office (if you are not under supervision) to explain your situation and request a payment plan. You will likely need to explain your financial situation and provide documentation to support your claim that you cannot pay. Note that you can **only** be jailed for failing to pay your LFOs if the court finds that you could have paid, but did not; you **cannot** be jailed for failing to pay because you cannot afford it. If the court finds that you are homeless or mentally ill, you cannot be jailed for failing to pay.
- Additionally, you may petition the court to waive the interest on your LFOs if you show that the accumulation of interest creates a significant hardship for you or your family. Waiving interest can significantly reduce the total amount you owe on your LFOs. See section 21 for more information.

LEGAL FINANCIAL OBLIGATIONS

Introduction

Legal financial obligations are debts related to a criminal conviction. They consist of the fines, fees, costs, assessments and restitution imposed by the court as part of a criminal sentence. Most people convicted in a Washington superior court are ordered to pay LFOs at sentencing. The average amount of LFOs imposed in a felony case is $2,540. The information that follows will assist you in dealing with any LFOs that may apply to your sentence, including how to find more information about paying your LFO debts and what may happen if you don't pay those LFO debts.

Background Information

1. What are Legal Financial Obligations?

When you are convicted or plead guilty to a criminal violation, in addition to sentencing you to time in jail or prison, the court may also order you to pay money. For example, if you are convicted of a felony in Washington Superior Court, you must pay a $500 Victim Penalty Assessment,[1] a $100 DNA Database Fee[2] and a $200 criminal filing fee.[3] Money penalties are often called "fines," "costs and fees," or "restitution." Fines, costs and fees, and restitution are often grouped together and called "Legal Financial Obligations."[4] We will use the term "LFOs" to refer to those things in this chapter.

LFOs can come from misdemeanors or felony convictions. Because LFOs are a part of the sentence, they must be paid on time. If you don't pay LFOs on time, you could be assessed additional penalties.[5]

2. What are the differences between fines, fees and restitution? Do they have different rules?

Fines, fees and restitution are all types of LFOs, but there are some differences.

- **Fines:** The court may make you pay a fine as a type of punishment.[6] For example, if you are convicted of a Class A felony, the court could order you to pay a $50,000 fine.[7] Fines imposed as a part of a sentence are paid to the county clerk.[8]

- **Costs and Fees:** The court makes you pay costs and fees to make up for costs from your legal proceedings.[9] The court may do this if it determines that you have the ability to pay these costs and fees. Most costs and fees are paid to the county clerk, but cost assessments for supervision, parole, and probation go instead to the Department of Corrections.[10] The County Clerk may assess up to $100 per year for the costs of collecting LFOs.[11]

  Some fines and fees are considered "mandatory". This means that a court must order you to pay them regardless of your financial circumstances. However, if you lack the ability to pay them, the court may suspend the fines and fees or waive them. All costs are "discretionary", meaning that the court will only order you to pay them if it determines you have the financial ability. The court may waive these costs at any later time if you do not have enough money to pay them.[12]

  A bill for costs and fees may be sent directly to your home mailing address. The bill will be for all of the LFOs that you owe, separated by cause number.[13] That bill will include information about how and where to make payments.[14] It is important to update your mailing address with the county clerk for each county in which

you have been convicted of a crime and owe a related LFO (otherwise you might not receive those bills). Note that the bill might come from a collection agency.

- **Restitution.** Restitution is compensation for the victim of a crime,[15] and so restitution payments are paid through the county clerk and county treasurer to the victim or the victim's family.[16] The amount of restitution is often set at a hearing that takes place after trial.[17] At that hearing, a judge will determine the restitution amount owed to the victim of the crime.[18] Not every person will be ordered to pay restitution.[19]

The rules for fines and costs and fees are largely the same, as those LFOs are usually paid directly to the county clerk.[20] The rules for restitution may be different because restitution sometimes goes to a private citizen instead of the state.[21] For example, restitution carries a 12% interest rate, while other LFOs (fines/costs and fees) do not accumulate interest.[22] The state might still be the recipient of restitution if the money goes to the crime victims' compensation fund or other state fund.[23] Ask your county clerk's office about the specific processes for payment of your LFOs.

3. What are some examples of common types of LFOs?

Here are some common examples of LFOs by type. Note that these are just examples; you may be required to pay all, some or none of these depending on your specific conviction and sentence.

Example Fines:

- **Victim Penalty Assessment.** While not technically a fine, this is a mandatory payment that comes with any Washington Superior Court conviction. For adults, any conviction for a felony or gross misdemeanor comes with a $500 Victim Penalty Assessment. Misdemeanor convictions generally get a $250 Victim Penalty Assessment.[24] As with other fines, these are paid directly to the county clerk. The Assessment cannot be waived, modified or converted.[25]

- **VUCSA Penalties for Drug Offenses.** A conviction for a Violation of the Uniform Controlled Substance Act (or "VUCSA") often requires a $1,000 fine.[26] Repeat offenders may receive larger fines, such as $2,000 per offense.[27] This fine can be waived upon a finding of indigence.[28]

Example Costs and Fees:

- **DNA Database Fee.** For felony convictions and many misdemeanors, there is a mandatory $100 fee for DNA collection. This is paid directly to the county clerk.[29]

- **Various Court Costs.** A court is allowed to require convicted defendants to pay the costs of the court process.[30] The court may only require such payment if it decides that the convicted defendant has the current and future ability to pay. Washington Court General Rule 34 has standards that the court will use to determine if you can pay. If you can show that you are receiving needs-based government benefits (TANF, SSI, poverty-related veteran's benefits, food stamps, etc.), that your household income is at or below 125% of the federal poverty guidelines (use the calculator located here to determine your percentage: www.safetyweb.org/fpl.php), that your household income is above 125% of the federal poverty guidelines but you have recurring basic living expenses that make it impossible to pay or that there are other compelling circumstances that make it impossible to pay, you will not have to pay fees and/or surcharges.[31] If you receive discretionary costs, you can ask the court to waive these costs at a later time.[32]

- **Cost of Incarceration.** If the court determines you have the present ability to pay for the cost of being in prison, then the court may require that you pay $50 per day.[33] If you are ordered to pay costs of incarceration

for a gross misdemeanor or misdemeanor offense, you may be required to pay either the actual cost of incarceration or $100 a day, whichever is lower.[34]

4. How does the county in which I'm convicted affect how my LFOs are handled?

LFOs differ from county to county, so it's important to understand the rules in the country where you were convicted. For example, some county clerk's offices impose a collection fee of $100 per year, which will often be collected before applying to the LFOs, including restitution.[35] Others will waive the collection fee if you are low income.[36] Additionally, if your account is turned over to a collection agency, you may incur court costs along with additional monthly fees and surcharges.[37]

You can find some of the information about your specific county clerk on the county's website. You can also call the county clerk's office. Here are some of the questions you may wish to ask:

- How soon after release do I have to report to the county clerk's office to begin making payments?
- What documents must I bring to the county clerk to establish my monthly payment schedule?
- What payment options are available (cash, mailed money orders, online payments with credit, etc.)?
- Who is the contact at the clerk's office to discuss LFOs? (Some counties have individuals or entire departments that are dedicated to LFO collection.)

Other questions may be more difficult to answer, and the county clerk's office may not provide the information you want. You may need to seek information from community organizations or other advocates (like a reentry group). Here are examples of questions that are more difficult to answer:

- How does the county handle missed payments? (Some counties may ask a judge to summon you to court and request an arrest warrant if you do not appear. Other counties may not be so harsh.)
- Does the county regularly seek wage or bank account garnishment for LFO payments? ("Garnished" means the county makes your employer take out part of your paycheck and give it straight to the county for payment on your LFO debts). There are also other garnishment-like processes specific to LFOs that can be used to seize wages and property to pay for them. See Section 20 below for more information.
- Who collects the LFO payments in your jurisdiction? Some LFO collectors may be less harsh than others and may treat released individuals differently than other LFO collectors. It is worth knowing who will be collecting your LFO payments so that you can decide the best approach to payment.

Information concerning LFO Offices in Washington's largest counties:

- King County: In King County, LFOs are collected by the LFO "collection program" (website available at www.kingcounty.gov/courts/clerk/programs/LFO.aspx). King County LFOs can be paid by visiting the Clerk's office in person (locations in King County Courthouse in Seattle, room C-607, and at the Maleng Regional Justice Center in Kent, room 2231), or by mail at the following address:

  » King County Superior Court Clerk
  ATTN: Cashiers
  516 3rd. Ave, Room E-609
  Seattle, WA 98104

- Pierce County: The Clerk's Office for Pierce County maintains a website at www.co.pierce.wa.us/index.aspx?nid=95. You can visit or call the Pierce County Clerk's Office with the following information:

  » County-City Building
  930 Tacoma Ave. S.
  Room 110
  Tacoma, WA 98402
  (253) 798-7455

- Snohomish County: Snohomish County maintains a website which includes information on making payments to the Superior Court at http://snohomishcountywa.gov/Faq.aspx?QID=92. Criminal defendants can pay online or by phone (1-800-701-8560), or by mailing a cashier's check/money order to, or by visiting in person, the following address:

  » 3000 Rockefeller Avenue
  2nd Floor, Mission Building
  Everett, WA 98201

- Spokane County: Spokane County Clerk's Office also provides a specific webpage concerning LFOs (available at www.spokanecounty.org/2122/Legal-Financial-Obligations-Fines-Restit). Spokane County LFOs can be paid in person or through the mail. Those with questions can contact Spokane County's Finance Department at 509-477-3688.

- Clark County: Clark County is one of the counties that charges a collection fee of $100 per year for LFOs. LFOs in Clark County can be paid in person, by mail, or online (website available at www.clark.wa.gov/clerk/superior-court-clerks-collections-unit).

- Thurston County: In Thurston County, LFOs can be paid by mail or in person (website available at www.co.thurston.wa.us/clerk/lfo.html). The Thurston County Clerk's Collections Officer may be reached Monday through Friday, from 8:00am until 5:00pm, at 2000 Lakeridge Drive SW, Bldg. 2, Olympia, Washington 98502, or by phone at (360) 786-5591.

If you do not live in one of the counties listed above, the best way to obtain specific information will be online. You should perform a Google search with the following terms: "LFO payments in [BLANK] County Washington." Such a search will likely lead you to the relevant Clerk's office for more information.

5. What are the consequences of not paying LFOs?

You can get in trouble for not paying LFOs. In the worst case, if the court decides you could have paid but deliberately chose not to (in other words, you intentionally failed to pay), you may face jail time.[38] If that happens, depending on where the LFOs were imposed, you may be ordered to serve up to 60 days in the county jail or "sit out" your LFOs, meaning that your time served may be credited toward the LFO debts.[39] The judge, county commissioners or others will decide how much credit you get for the time you serve.[40] Note that if the court finds that you are homeless or mentally ill, you will not face these penalties.

Other bad things can happen to you if you don't pay your LFO debts, even if you don't get sent to jail. You could lose benefits like food assistance or housing. The interest on the unpaid LFOs will also keep running up, meaning that you end up owing even more.

6. Does non-payment affect my eligibility for benefits?

If you are on probation or parole, purposeful non-payment of an LFO debt is a violation. A parole or probation violation will hurt your ability to access a number of benefit programs. For example, non-payment of an LFO debt may stop you from getting cash assistance and food assistance, such as Temporary Assistance for Needy Families (TANF), State Family Assistance (SFA), Pregnant Women Assistance (PWA), Aged, Blind, or Disabled (ABD) cash, referral to the Housing and Essential Needs (HEN) program, or Basic Food Benefits.[41] Additionally, the Department of Veterans Affairs will take away veteran benefits for probation or parole violations, such as non-payment of an LFO debt.[42] If you fail to pay an LFO debt, you may even be removed from your federally-funded housing program.[43]

7. Does non-payment affect my credit rating?

Judgments are a matter of public record and are sometimes reported on credit reports under the "judgments" section. Generally those judgments will remain on your credit report for up to seven years.[44] However, judgments related to LFOs (or the failure to pay LFOs) can remain on credit reports for up to ten years after the judgment is entered, or ten years after release from prison.[45] The various credit bureaus identify such judgments when deciding your credit ratings and scores.

8. What happens to my LFOs while I am incarcerated? Do they accrue interest?

Inmates begin paying LFO debts while in prison and sometimes in jail, and the Department of Corrections handles those payments. While an inmate remains in custody, LFOs are paid through automatic 20 percent deductions from most of the deposits placed into an inmate trust account.[46]

As of June 7, 2018, non-restitution LFOs (i.e. fines, fees, and costs) **do not accumulate interest**.[47] If you were convicted before June 7, after you are released you can petition the court to waive any interest that accrued on non-restitution LFOs before that date. Note that you **cannot** request to have your interest waived until you are no longer incarcerated.[48]

Restitution LFOs carry an interest rate of 12% per year starting from the date of judgment on the conviction for which the LFOs were imposed.[49] This means that interest on your restitution LFOs begins running from the time you are sentenced. While you remain in prison, that interest keeps racking up. The interest is simple, meaning that it is added once each year (as opposed to every day, week, or month). That interest will be added to an LFO both while you are in prison and after release, and will not stop being added until the LFO debt is completely paid. LFOs imposed in courts of limited jurisdiction do not accrue interest until the account is turned over for collection, which can occur quickly if you do not pay off the debt in a short period of time or enter into a time payment agreement.[50]

Paying off an LFO debt is often a condition of parole or probation. Again, the failure to pay an LFO debt may result in a parole or probation violation, which may cause further time in jail. Some LFOs will be paid to the Department of Corrections, while others will be paid to the county clerk of the county of conviction.

9. How can LFOs affect child support payments?

Your obligation to pay your LFOs does **not** get you off the hook for child support payments. And you should keep in mind that failing to pay child support can lead to other serious penalties or prison time, unrelated to and in addition to your LFO obligations. However, you may be able to prevent your paycheck from being garnished, at least for the part of your paycheck that is going to child support. See Section 20 for more information.

Pre-release: Gathering information about LFO debts

10. What information do I already have about my LFOs?

Before release from prison or jail, it is recommended that you get information to help pay your LFO debts. It is important to discover the following as soon as possible:

- How much do you owe?
- To whom do you owe LFO debts?
- Which county clerk's office will be handling your LFO payments?

Contact the county clerk's office for information about a payment plan. You should also write down a detailed list of your expected monthly income and bills. Because LFO debts are an additional payment each month, planning a budget that includes those payments is very important.

11. How do I find out how much I owe?

After you are released from prison, you should receive a bill in the mail detailing how much you owe in LFO debts. It will be sent to the most recent address on file, so if your address has changed, you will need to contact the county clerk to update your address. Often, you will stop receiving bills in the mail due to the low budgets of most county clerk offices, but you can contact the county clerk and tell them to start again. This is also an opportunity to ask the county clerk to lower your monthly payments.[51] If you no longer have a bill, or do not receive one, you must contact the county clerk's office for the county in which you were sentenced to find out how much you owe. The county clerk can give you a printout of the bill to keep.[52] You can also request an accounting of your LFOs, also known as a "case financial history". The clerk's office will charge a fee for the printout for this information.[53]

12. To whom do I owe my LFOs?

As explained above, LFOs are paid to the Department of Corrections or the county clerk for the county of conviction. When you are released from confinement with the Department of Corrections, but are still in community custody or supervision, the Department of Corrections remains responsible for collecting LFOs. Once you are no longer incarcerated by the Department of Corrections and are not under community custody or supervision, the county clerk's office of the county in which you were sentenced is in charge of collecting LFO debts.

Fines imposed as a part of a sentence are paid to the county clerk, the Department of Corrections or a collection agency.[54] Most costs and fees are paid to the county clerk, but cost assessments related to supervision, parole, and probation are instead paid to the Department of Corrections.[55] Restitution payments are paid through the county clerk and county treasurer to the victim or the victim's family.[56]

13. Which Clerk's office do I contact?

You should contact the clerk's office for the county or municipality in which you were convicted for information about your LFO debts. See Section 4 above for contact information for the largest county clerk's offices.

Paying LFOs after Release

14. What are the Guidelines for Payment?

Upon release, an LFO payment schedule will be set by one of two entities depending on whether you are in custody or not. If you are on parole after release or have been placed in community custody, your payment schedule will be set by a community corrections officer and the Department of Corrections will continue to oversee LFO payments as a condition of that probation or parole. After leaving the custody of the Department of Corrections (once you are no longer in custody or on probation or parole), your payment schedule is set by the county clerk for the county of the court of conviction,[57] and you are responsible for making LFO payments to that county clerk's office. If payments are not made, the county clerk may use a private debt collection agency to help collect LFO debts.[58]

You must make LFO payments on a monthly basis. The county clerk may send a monthly or quarterly statement by U.S. Mail, to your home address, explaining your payment obligations. Because the statement comes by mail, it is very important that the clerk has your current mailing address on file. If you move, or change addresses, make sure that you provide updated address information to the clerk's office. You should also contact the clerk's office after release to confirm that the address on file is correct. You are responsible for making monthly payments and will need to remember to make them even if you do not receive a statement. If you do not receive a monthly statement, contact the LFO collection service staff to see if they have your current address.

The county clerk can also provide information about any special guidelines that may apply to your LFO payments. For example, some counties do not accept personal checks (and may only accept cash, credit or debit card, money order, or cashier's check). If your payment is made by check or money order, be sure to include any applicable case numbers on your check. Case numbers are available at the following website, searching by case name: http://dw.courts.wa.gov/.

15. How can I get monthly statements of the amount that I owe?

Periodically, the county clerk's office sends out a billing statement to people who owe LFO debts.[59] That is why it is so important to be sure the county clerk's office has updated information about your residence. Contact the appropriate county clerk's office right away if you do not receive a bill.

16. If I cannot pay the full amount, should I pay some?

If you are unable to make a full payment on your LFO, it is important to pay as much as you can in order to show progress toward discharging your LFO debts. That being said, some counties will not accept anything less than the amount that is set in the payment schedule and will consider you in violation of your obligation to pay if you do not pay the full amount.[60] Failure to pay can result in further jail time, added costs, and the transfer of your LFO debt collection to a commercial collection agency. For those reasons, it is important to make every effort to pay your monthly statement.

If you cannot pay the full amount, contact your community corrections officer (if you are under supervision) or county clerk's office (if you are not under supervision) to explain your situation and request a payment plan. Be prepared to explain your financial status and to provide documents that support your inability to pay. It is best to reach out early and contact the community corrections officer or county clerk first, rather than defaulting on your payment, because it will show that you are making a "good faith effort" to pay your LFO.

17. What should I do if I get a job or new job?

Getting a job after your release should be one of your most important goals. Starting a new job will require you to report and produce verifying documents and could impact your LFO payments. Upon starting a new job, you should begin saving complete financial records.

If you are under supervision when you get a new job, you must report that job to the Department of Corrections so that it can assess whether your LFO payment schedule should be adjusted. If you are not under supervision at the time you start your job, you must report to the county clerk, again so it can assess whether your LFO payment schedule should be changed. You will need to provide information concerning your job and your wages, and supporting documents for verification.[61]

18. Should I keep ongoing financial records?

Yes. When you do get work, keep documents about your job, including start date and pay stubs. You will need those documents to give the Department of Corrections information about your new job and your wages for verification. Keep these records up to date at all times.

It is important to maintain financial records so that you modify your LFO payment if the need arises (for example, if you lose your income).[62] It is also important so that you can show that you are making a good faith attempt to pay your LFO debts. And your financial records will be used to establish how much you will pay during any period of supervision.[63] Financial information is also important so that you can provide evidence of inability to pay if you are ever brought before the court for failing to pay.[64]

When the court initially determines your LFO, the judge will ask you to report your present, past, and future earning abilities, along with the location and nature of all property and other financial assets. To make an accurate report, it is very important to have your financial records in one place. Also, the court may require you to show supporting documents before preparing your LFO schedule.[65] Finally, you will need these records if you ever try to reduce or waive the interest on your LFO.

19. What should I do if I lose a job?

If you lose your job, one of the first things you should do is determine whether the loss of the job will make it difficult or impossible for you to pay your LFO debt. If you will face financial hardship, you should contact the community corrections officer (if you are under supervision) or county clerk's office (if you are not under supervision) to explain your situation and request a payment plan. You should also ask to reduce the interest on your LFO.

20. If I get a job, will my wages be garnished to pay my LFOs? How can I avoid this?

Garnishment occurs when the court orders a part of your paycheck to be automatically withheld and paid toward your LFO debt. If your LFO is not paid when due, and one month's payment or more is owed, you may be subject to wage-garnishment or other income-withholding. For that reason, it is important to pay your LFOs on time each month. If your wages are garnished, the maximum amount that can be withheld is 25% of your paycheck.[66] Your employer can also deduct a portion of your pay for processing the payment toward your LFO debt ($10.00 for processing the first disbursement and $1.00 for each additional processing after that).[67]

Garnishment may occur through a civil process or in relation to past-due LFO debts. Typically, a court judgment is required before your paycheck can be garnished. At the time of your original judgment or sentence, the court may order that payroll deduction be issued immediately, or may order that a notice of payroll deduction may be issued without further notice to you if a monthly court-ordered LFO is not paid when due.[68] If this



statement is not included in the original judgment and sentence or a subsequent order, then the Department of Corrections or county clerk can serve you with a notice by personal service or return receipt mail that such payroll deduction may be taken.[69]

If your wages are garnished, you can fight the garnishment by filing a motion with the court. There are two primary grounds for contesting your garnishment. The first ground is that the garnishment causes extreme hardship or is substantially unjust. For example, if garnishment would leave you without enough money to support your daily needs, you may be able to demonstrate extreme hardship. The second ground requires two facts to be true: (1) the court did not issue a notice of payroll deduction at sentencing, and (2) at the time of the garnishment, you were not 30 days past due on one month's payment or more.[70]

If neither circumstance applies, you can still file a motion with the court to remove the garnishment after it has been in effect for 12 months, but only if there are no past due amounts owing on your LFO debt.[71] You will need to provide financial information to show why you have been unable to pay, which is why it is so important to keep updated financial records.

There are a few exceptions to the rule that a court judgment is required. Your wages can be garnished without a court judgment for:

- Unpaid income taxes;
- Court ordered child support;
- Child support arrears; and
- Defaulted student loans.

While wages may be garnished by an employer in order to satisfy LFO debts, any income from bank-deposited benefits (such as social security direct deposits or unemployment compensation) may be exempted from garnishment.[72] In addition, whatever amount of your paycheck is directed toward child support obligations is also exempt from garnishment. In order to claim exemptions for this income, you will need to fill out a claim form and file it following the instructions provided on the form.[73] Exemption forms for garnishment can be found at www.courts.wa.gov/forms/?fa=forms.contribute&formID=20. The court (or, in the case of restitution, the victim) may object to your request for exemptions.[74] If there is an objection, you will be required to go to court and give proof of your exemption claims. It may be helpful to bring any copies or documentation related to the benefits deposited in your bank account.[75] If the judge denies your exemption claim, you will have to pay court costs.[76] If the judge decides that you did not make your exemption claim in good faith, she may also require you to pay any related attorney's fees.[77]

Under Washington law, your employer **may not** take any adverse action (i.e., discipline, fire, or refuse to hire you) because of a garnishment.[78] A violation of this law by the employer will make the employer liable for double your lost wages, any other charges or damages you incur as a result of the adverse action, and any attorney's fees you pay in asserting your claim against your employer.[79] You do not necessarily need an attorney to file a claim against your employer for improper garnishment, but you will need to file a lawsuit against your employer.

There are other ways apart from garnishment that your wages or property may be seized to pay your LFO obligations. If you are more than 30 days past due on an amount that is equal to or greater than the amount payable for one month, the DOC, or anyone you owe LFOs to, can seek a mandatory wage assignment. Typically, you must receive written notice that a wage assignment will be sought, unless the judgment and sentence or the order for payment says that no notice is required.[80] After that, the applicant for the wage assignment and your employer will enter into an agreement in which the employer holds back up to 25% of your net earnings.[81]

Your employer can also deduct a processing fee from your earnings, which cannot be more than $10 for the first payment that your employer makes to the clerk and cannot be more than $1 for each payment after that.[82]

A wage assignment order can be ended or changed if you show that the order causes extreme hardship or substantial injustice or if you make all of your payments for 12 consecutive months and ask the court to stop the order. In the second case, the DOC or anyone to whom you owe LFOs to can try to show good cause that the order should stay in place.[83]

You, or more commonly your employer, may also be subject to an order to withhold and deliver. Put simply, this is an order by the DOC or the county clerk to hand over property, which can include money, to pay for outstanding debt. Usually, your employer will be ordered to withhold and deliver part of your paycheck.[84] You or your employer can be ordered to withhold and deliver whether or not your judgment and sentence or another payment agreement says such an order is allowed. If there was such an agreement, you do not have to be given notice that the order is going to be made. However, the DOC or county clerk must still serve you with the details of the order.[85]

If you become subject to an order to withhold and deliver, you must withhold any property that specified in the order, and you must respond to the order and deliver the property within 20 days after being served.[86]

If you possess real estate, you may be subject to a lien. A lien is a public notice that "attaches" to your property and prevents you from selling it or refinancing it until your LFO debt is paid off.[87]

21. Are there ways for me to reduce the amount owed or the rate of interest?

As indicated above, your non-restitution LFO debts will accrue interest. But interest on your LFO may be reduced or waived. If you were sentenced before June 7, 2018, you may make a motion to the court after you are released to waive any interest that accrued on non-restitution LFOs before that date. The interest on the restitution portion of your LFO debt can only be reduced after you have paid off the principal balance.

As an additional tool to reduce the accumulation of interest and satisfy your LFOs as quickly as possible, you should consider making payments to your LFO greater than the amount due, if possible. Unless your payments are collected by a collection agency or it is specified differently in a contract, these payments will be applied towards the original amount that you owe, not towards interest.[88]. This can be done by telling the clerk of court (either in person or as a part of the payment submission) that you want additional money that you pay to be directed to the principal debt. You can verify that the process was followed by reviewing the next LFO bill you receive. With less principal, your LFO debts will accrue less interest over time.

You may also be able to remit, or waive, your non-restitution LFOs if you are able to demonstrate that you are not able to pay them without substantial hardship to you or your family. Under the 2018 law, and depending on your jurisdiction, you may also be able to have your unpaid LFO debt converted to community service hours.[89] **Note that as of June 7, 2018, you can no longer petition the court for remission of your LFOs until you are released from total confinement.**[90]

22. Can I go to jail for failing to pay my LFOs?

Yes, but only if a court finds you could have paid LFO debts but deliberately did not.[91] You cannot be put in jail if the reason you didn't pay is simply that you don't have enough money.[92] You also cannot be jailed if the court finds that you are homeless or mentally ill.[93]

23. What should I expect if I am summoned to court for non-payment?

You should expect to explain to the court why you were unable to make payments and have documentation (financial records, pay stubs, etc.) to prove it. Before making you pay sanctions for your failure to pay, the court must first find that you intentionally (or "willfully") failed to pay.[94] Although a court cannot add jail time if your failure to pay was due to a lack of money, you must prove your inability to pay first.[95]

24. How can I prepare for a hearing, and am I entitled to an attorney?

You should prepare for any hearings about non-payment of LFO debts by collecting the relevant information (financial records, payment history, etc.) related to your finances. You will need that information to show you cannot pay (assuming that is why you failed to pay).

You are entitled to an attorney when facing sanctions for non-payment of LFO debts, and an attorney must be assigned if you cannot afford to pay for one on your own.[96]

25. Are there legal clinics or other resources that can help me?

The ACLU, the Northwest Justice Project, Columbia Legal Service's Reentry Clinic and Seattle University School of Law's Access to Justice Institute have all created helpful guides for understanding and paying LFO debts in Washington. Those organizations would be very helpful resources, in addition to Appleseed, to assist you. The documents those groups have created are included in the Resources section below.

You may also call the Northwest Justice Project's CLEAR hotline at 1-888-201-1014 to speak with an attorney about your LFOs.

If you live in Walla Walla or Columbia counties, the STAR Project can help you navigate LFO payments and can also provide the paperwork necessary to represent yourself in a hearing.

26. Will time in jail reduce my fines?

It depends. If you are found in contempt of court and incarcerated for the failure to pay an LFO, the time served may be credited toward the LFO debts.[97] The judge will decide how much credit you get for the time you serve.[98] However, for failing to pay in superior courts, you can be sanctioned to serve up to 60 days in county jail. You will not get any credit towards your LFOs during this time.[99]

27. What are Costs of Supervision?

If you are released under DOC Community Custody or Supervision you will be charged for "Costs of Supervision" (COS). COS ranges from $3 –$40 each month, depending upon the offender's type of sentence (misdemeanor or felony) and risk-level classification. COS is paid directly to the Department of Corrections.

If you have LFOs and COS they will be billed in the same monthly statement. However, there will be two payment envelopes included in the statement. The blue envelope is for the COS payment. The pink envelope is for the LFO payment.

Wrapping up payment of LFOs

28. Once I have sent in the last payment, do I need to take any additional steps?

Once you have made your last payment on your LFO debt, you should get a Certificate of Discharge.[100] How you do that will depend upon when you discharge your debt. If you are still under the custody and supervision of the Department of Corrections, the Secretary of the Department of Corrections will notify the court, and the court will give you a Certificate of Discharge.[101]

If you are off supervision when you complete your LFO payments, you must provide the court with proof that you have completed the LFO requirements, and the county clerk must agree that you have done so.[102] Once the court receives the clerk's notice and your proof of completion, the court will provide you with your Certificate of Discharge. That certificate will be given to you in person or will be mailed to your last known address.

29. What additional legal/civil rights do I have once I have paid off my LFOs?

Under Washington law, once you have paid your LFO debts, completed your sentencing requirements, and gotten a Certificate of Discharge, the remainder of your civil rights are restored, including the right to serve on a jury and to hold public office (your right to vote is restored automatically upon your release and does not require that you pay off your LFO debt). But you **do not** regain your right to possess a firearm. In order to regain the right to possess a firearm, you must petition a court.[103] For further discussion on Certificates of Discharge and their impact on your rights to vote and serve on a jury, please refer to the chapter on Restoring Your Civil Rights.

Note: If you were convicted of a federal felony, you will not regain your civil rights through this process and may have to complete other requirements to do so.

30. How long after paying off my LFOs can I have my convictions vacated?

Under state law, whether and when your record can be vacated depends upon the conviction.[104] For a class B crime, your record can be vacated 10 years after the date of the certificate for discharge if you have not committed any crime in that period. For a class C crime, your record can be vacated 5 years after the date of the certificate for discharge if you have not committed any crime in that period.

31. When do LFOs expire?

The court's jurisdiction to collect LFOs imposed for felony offenses committed before July 1, 2000 expires 10 years from the date of judgment or release from total confinement, whichever is later, unless the court extends jurisdiction for an additional ten years before the first ten-year period is up.[105] If your offense was committed before July 1, 2000, and your LFO has been in place for more than 10 years, you can request a certificate of discharge (though a court may, in its discretion, extend the 10-year period). LFO debts ordered for offenses committed after July 1, 2000 do not expire and must be paid until changed or completed.

32. How will bankruptcy affect LFO debts?

In general, LFO debts cannot be avoided through bankruptcy. During bankruptcy proceedings, however, LFO debts should not be collected, billed, or sought. Once the bankruptcy proceedings have ended, collection of your LFOs will start again. In other words, while you will not have to make payments on your LFO debts while in bankruptcy, they will not be discharged and you will have to resume your payments once the bankruptcy proceedings are over.

Resources

Documents:

- *Questions and Answers about Legal Financial Obligations (LFOs),* ACLU of Washington, www.aclu-wa.org/questions-and-answers-about-legal-financial-obligations-lfos
- **For misdemeanor convictions:** *Filing and Motion to Remit (Remove) Legal Financial Obligations in District or Municipal Court: Instructions and Forms*, Northwest Justice Project, www.washingtonlawhelp.org/files/C9D2EA3F-0350-D9AF-ACAE-BF37E9BC9FFA/attachments/8627DE75-4487-42B2-9696-7DC430B66616/9913en_motion-to-remit-lfo-district-or-municipal-court.pdf
- **For felony convictions:** *Filing and Motion to Remit (Remove) Legal Financial Obligations in District or Superior Court: Instructions and Forms*, Northwest Justice Project, www.washingtonlawhelp.org/resource/filing-a-motion-to-remit-remove-financial-legal-obligations-in-superior-court-1?ref=lx68h
- *Legal Financial Obligations (LFOs): Understanding How LFOs Work, Access to Justice Institute*, Seattle University School of Law, www.washingtonlawhelp.org/files/C9D2EA3F-0350-D9AF-ACAE-BF37E9BC9FFA/attachments/391CF18C-CE76-A252-E7CA-E57F02225472/472551SULFOBrochure.pdf

Other resources:

- A directory of the Washington State courts (with the contact information for each county clerk office) is available on the court's website at www.courts.wa.gov. Contact the office of the county clerk for the court that set your LFO if you have not received your monthly LFO statement or if you have a change of address or have questions concerning the monthly statement.
- Columbia Legal Services (CLS) has a Reentry Clinic that provides counsel and referrals to people with LFOs. You can contact CLS at 206-287-8625 to schedule an appointment with an attorney to learn more about your LFOs and potential options for relief.

Glossary

Administrative Office of the Courts (AOC): A department of the Washington State Supreme Court that serves as a central repository for all LFO information. The AOC sends out monthly LFO billing statements based on information received from county clerks' offices, and sends a monthly report to DOC documenting LFO payments and deductions received from offenders in DOC facilities.

Certificate of Discharge (COD): Document issued by the court once a person has completed all the requirements of his/her sentence, including payment of LFOs. A COD is needed to vacate a criminal conviction.

Certified Copy of Documents: A certified copy of a document has been signed by a notary to demonstrate that the copy is a "true copy" of the original document.

Community Corrections Officer (CCO): DOC employee who supervises offenders released from confinement under DOC community custody or supervision. CCOs monitor the status of LFO payments for those offenders and act as liaisons between those offenders and DOC regarding Costs of Supervision (COS) and LFOs.

Cost of Incarceration (COI/ COIS): Deduction of funds deposited into an offender's trust account that goes toward the cost of providing an inmate with shelter, food, clothing, transportation, supervision, and other

services and supplies as may be necessary for the maintenance and support of the inmate while in the custody of the department. Separate from LFOs.

Cost of Supervision (COS): Rate that is assessed by DOC for offenders who are released under DOC community custody or supervision. The assessed rate ranges from $3 –$40 each month, depending upon the offender's type of sentence (misdemeanor or felony) and risk-level classification. Separate from LFOs.

Crime Victims' Compensation (CVC/CVCS): Deduction from funds deposited into Offender Trust Account that is sent to the to Washington Department of Labor and Industries to provide benefits to crime victims through the crime victims' compensation program. Separate from LFOs.

County Clerk: Elected official who is clerk of the Superior Court of the county**.** The County Clerk is responsible for the collection of LFOs for individuals not under DOC confinement, custody, or supervision

Division of Child Support (DCS): Division of the Washington Department of Health and Human Services (DSHS) responsible for collection of child support payments.

Fees: LFOs that may be ordered by the court to pay costs incurred as a result of conviction, such as court costs, defense and prosecution costs, etc.

Fines: LFOs that may be ordered by the court as a penalty for conviction**.** The ranges are as follows:

- Class A felonies: $0 - 50,000
- Class B felonies: $0 - 20,000
- Class C felonies: $0 - 10,000

Garnishment: A process by which a court tells your employer to take some of the money you have earned and, instead of paying that money to you in your paycheck, sends that money to those you owe debts (including LFO debts).

Gratuities: Wages earned from correctional industries job while in DOC confinement.

Interest on LFOs: Percentage of the total amount of LFOs owed calculated at the end of each year and added to your LFO burden. The interest rate for LFOs is currently set at 12%.

Judgment: The final decision by the court after a legal proceeding is concluded; there can be criminal judgments, civil judgments, and even judgments resulting from the failure to pay LFOs.

Judgment and Sentence: Document signed by the court following a plea or verdict of guilty that confirms the conviction and orders the consequences and penalties of the conviction, which may include LFOs.

Lien: A public notice that is placed on a piece of real estate that prevents it from being sold or refinanced until the debt that started the lien is paid off.

Mandatory Wage Assignment: An agreement between your employer and the DOC or the county clerk that the employer will give some of your paycheck to the DOC or clerk to pay your LFOs.

Miscellaneous Debt (MISCD): Costs for any state-issued items that are lost or damaged.

Order to Withhold: Court order requiring that a portion of a person's earnings be withheld by an employer for the payment of debt, including payment of LFOs.

Restitution: Money that is paid to the victim of a crime in order to compensate them or "pay back" what has been taken from them. Restitution may be part of your LFO debt.

Trust Account: Account set up and held "in trust" by DOC for each offender in DOC confinement. Deposits into the account may be subject to deductions for LFOs, Cost of Incarceration, Crime Victims' Compensation, child support, and/or other DOC deductions. Funds in the account, including the Savings sub account, do not earn interest. The balance cannot fall below the indigent standard (as defined in RCW 72.09.015), currently $10.

Victim: Person harmed by a crime, tort, or other wrong. Includes the victim of the offense, the representative of a crime victim, an individual whose identity was assumed or whose personal information was used unlawfully, or any person who has suffered a financial loss as a direct result of the acts of the defendant.

Victims Penalty Assessment (VPA): Mandatory fine for all convictions: $500 for a felony; $250 fine for a misdemeanor**.** Funds collected go toward providing comprehensive services to victims and witnesses of all types of crime.

Waiver: Court order, with respect to LFOs, under which a court relinquishes its right to collect a specified amount of money.

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1 *See RCW 7.68.035(1)(a).*
2 *See RCW 43.43.7541.*
3 *RCW 36.18.020(2)(h)*
4 *See RCW 9.94A.030(31).*
5 *See RCW 9.94.760(10).*
6 *RCW 9.94A.030(27). See also RCW 9.94A.030(31).*
7 *RCW 9a.20.021*
8 *RCW 9.94A.760(11)(b).*
9 *See, e.g.,* RCW 10.01.160.
10 *See RCW 9.94A.760(11)(b).*
11 *RCW 9.94A.780(7)*
12 *Jefferson Coulter,* Northwest Justice Project (Aug. 8, 2017)
13 *Nick Allen,* Att'y, Columbia Legal Services (Aug. 8, 2017)
14 *See RCW 9.94A.760(11).*
15 *RCW 9.94A.030(31).*
16 *See RCW 7.68.035(4).*
17 *RCW 9.94A.753(1).*
18 *See id.*
19 *Becky Turner,* STAR Project (Aug. 8, 2017)
20 *See RCW 9.94A.760(11)(b).*
21 *See RCW 9.94A.753.*
22 *See RCW 10.82.090.*
23 *Nick Allen, supra*
24 *RCW 7.68.035(1)(a).*
25 *Nick Allen, supra*
26 *RCW 69.50.430(1).*
27 *RCW 69.50.430(2).*
28 *Nick Allen, supra*
29 *RCW 43.43.7541.*
30 *RCW 10.01.160(2).*
31 *Wash. GR 34*
32 *RCW 10.01.160(4)*

33 *RCW 9.94A.760(2).*
34 *Nick Allen, supra*
35 *RCW 36.18.016(29)*
36 *RCW 9.94A.780(7)*
37 *RCW 19.16.500*
38 *See RCW 10.01.180(3),* RCW 9.94B.040.
39 *See id.*
40 *See id.*
41 *See WAC 388-442-0010(2).*
42 *See Federal Benefits for Veterans and Dependents,* vii, published by the Department of Veterans Affairs (2008), *available at* www1.va.gov/opa/vadocs/current_benefits.asp.
43 *See QHWRA § 512(b); 42 U.S.C. § 1437f(d)(1)(B)(v); 66 Fed. Reg. 28,*784 (HUD comments).
44 *See RCW 19.182.040.*
45 *See RCW 6.17.020(4).*
46 *See RCW 72.09.111.*
47 *Laws of 2018,* Ch. 269, paragraph 1
48 *Id.*
49 *See RCW 10.82.090; 4.56.110(4); 19.52.020.*
50 *RCW 3.62.020,* 3.62.040
51 *Nick Allen, supra*
52 *Becky Turner, supra*
53 *Nick Allen, supra*
54 *RCW 9.94A.760(11)(b).*
55 *See id.*
56 *See RCW 7.68.035(4).*
57 *See RCW 9.94A.760(7).*
58 *See RCW 36.18.190 (authorizing the state to utilize a private debt collection agency in exchange for interest on the LFO debt).*
59 *RCW 9.94A.760(11).*
60 *Nick Allen, supra*
61 *RCW 9.94A.760(7)(a)-(b)*
62 *RCW 9.94A.760(7).*
63 *RCW 9.94A.760(5).*
64 *Nick Allen, supra*
65 *RCW 9.94A.760(7)(a).*
66 *RCW 9.94A.7602(2)(c),* RCW 9.94A.7603(1), RCW 6.27.
67 *RCW 9.94A.7604(4).*
68 *RCW 9.94A.760(3).*
69 *Id.*
70 *RCW 9.94A.7605.*
71 *Id.*
72 *See RCW 6.27.140.*
73 *See id.*
74 *See id.*
75 *See id.*
76 *See id.*
77 *See id.*
78 *RCW 9.94A.7604(8).*
79 *Id.*
80 *RCW 9.94A.7701*
81 *RCW 9.94A.7703*
82 *RCW 9.94A.7705*
83 *RCW 9.94A.7708*
84 *Nick Allen, supra*
85 *RCW 9.94A.7606*

86 RCW 9.94A.7607
87 RCW 4.56.190
88 Nick Allen, supra
89 Laws of 2018, Ch. 269, paragraph 6
90 Id.
91 See RCW 10.01.180(3).
92 See Bearden v. Georgia, Smith v. Whatcom County
93 Laws of 2018, Ch. 269, paragraph 8
94 See Bearden v. Georgia, 461 U.S. 660 (1983).
95 See Smith v. Whatcom Cnty. Dist. Ct., 147 Wn.2d 98, 112 (Wash. 2002).
96 Id. at 113.
97 See RCW 10.01.180(3).
98 See id.
99 Nick Allen, supra
100 RCW 9.94A.637.
101 RCW 9.94A.637(1)(a).
102 RCW 9.94A.637(1)(b)(ii).
103 RCW 9.41.040(4)(a).
104 RCW 9.94A.640.
105 State v. Gossage, 163 Wn.2d 1011 (Wash. 2008).

Voices of Reentry: Dan



Dan was in prison for almost 30 years. After he was released, he struggled to find a job and weather the discrimination he faced because of his conviction.

On his first week out of prison: It was beautiful, wonderful. My wife and I were taking a walk through the neighborhood, and I'd been out just about a week, and I stopped and picked up a pinecone that was laying on the sidewalk, and was just touching it, looking at it, and appreciating its beauty and it literally brought me to tears. I really felt that my life was complete. I was never afraid of dying, but I was always terrified of dying in the joint.

On the difference between imagining and experiencing life outside prison: I found that my experiences after release were so profound and so beautiful and lightyears beyond what my imagination had the ability to conjure. That's what I had to do, conjure, because after you've been locked out of the world for ten, fifteen, twenty years, how well can you remember the house you lived in when you were six? How much different would it be to go visit that house now and see it, as compared to your imagination of what it was like when you were six?

On the difficulty of getting hired: I'd been searching for two or three months and the position was Director of Operations for the Salvation Army. I submitted a resume and an application, and it was clear from my application that I was a con, but I got an interview. I couldn't believe how well the interview went. We were actually talking about a second interview. I think I was the one who brought it up. I said, "I'm sure you understand that I was in prison for thirty years, but do you know what I was in for?" They said no, so I told them. The head lady said, "Oh, that's a deal-killer." The she turned to another guy and said, "Could you get this guy a job in the warehouse?" and he said, "I don't have any openings right now, but we could probably get him something." So I waited a few days, a week, and checked and didn't get anything definitive, and finally I contacted the lady and asked her, "You directed this guy to give me a job, I'd like to know when that's going to happen," and she said, "Unfortunately that's not going to happen. You know, there's a building down in California that's got a whole floor of lawyers and they just told us we can't hire you." I said, "Really, your whole business model is redemption, and you can't hire me?" That was really the low point, right there.

On what kept him going: I remember one particular day I worked very long hours and had to ride the bus home. Really exhausted, it was after eleven, and I got off the bus and walked to my house, thinking about having to get up and go to work the next day, and what a crappy job it was and what a fucked-up day I'd just had, and I

thought, “And I’ll do it again. I’d do this every day.” This crappiest day of my life out here is so much better than living in the joint. I don’t mind it. If it never gets any better than this, I’m good.

On what he’d tell someone just about to leave prison: Prepare for the worst and hope for the best. This is the easy part, doing time. Everybody says it’s hard but there’s nothing easier than doing time. It requires no effort whatsoever. Everybody thinks, “Oh boy, when I get out it’s going to be easy,” but get ready for this, it’s gonna be fucking hard. It’s going to be fucking hard every day. But you won’t be locked up in the joint.

Dan recently bought a house and now lives with his wife, who he met and married while in prison.

Chapter 12: Other Government Benefits

The Bottom Line:

- The best way to find out what benefits you may be eligible for is to visit Washington Connection (www.washingtonconnection.org). Washington Connection is an online tool administered by the Department of Health and Human Services that allows people to check their eligibility for various programs by filling out a brief questionnaire about their circumstances, and then allows them to apply for those programs online. Note that Washington Connection can only check your eligibility for Washington State programs; it cannot check if you are eligible for federal benefits, such as Social Security. To find out if you are eligible for benefits through the Social Security Administration, you can use the Benefits Eligibility Screening Tool (BEST) by visiting https://ssabest.benefits.gov.
- Most government programs are only available to people whose income is below a certain level. Some programs have additional eligibility requirements as well; for instance, some benefits are only available to families with children, and some are only available to people with disabilities. Below is a very brief overview of the programs you may be eligible for based on your circumstances. Note that some of the programs in each category are mutually exclusive, meaning that if you receive one, you are not eligible for the others. More information can be found in the sections on each program.
    - » **If you are low-income:** You may be eligible for Basic Food (i.e. food stamps) or the Emergency Food Assistance Program. You may also be eligible for Medicaid/Apple Health or public housing assistance; you can find more information about those programs in the Healthcare Benefits and Housing chapters of this Guide.
    - » **If you are the caretaker for a child or you are pregnant:** You may be eligible for Temporary Assistance for Needy Families (TANF), Supplemental Family Assistance (SFA), or the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC).
    - » **If you are 65 or older, blind, or disabled:** You may be eligible for Supplemental Security Income (SSI), Aged, Blind, and Disabled Cash Assistance (ABD), or the Commodity Supplemental Food Program (CSFP). You may also be eligible for Medicare (see the Healthcare Benefits chapter for more information). If you have a disability that prevents you from working, you may be eligible for Social Security Disability Insurance (SSDI) or the Housing and Essential Needs (HEN) Referral Program.
- In general, your criminal record should not prevent you from accessing most government benefits. However, you may be ineligible for some programs if you have violated your probation or parole, or if you are convicted of a felony and are fleeing to another state to avoid punishment.

OTHER GOVERNMENT BENEFITS

Introduction

This chapter will explain the various government benefits that may be available once you are released from prison and how to obtain them. It will also point you to vital resources in printed or online form concerning these government programs. Keep in mind that you may not qualify for all of these programs, but you should explore this chapter to find programs that fit your needs.

As you consider what benefit programs you may be eligible for and begin the process of applying for them, you may wish to visit Washington Connection at this address: www.washingtonconnection.org/home/. Washington Connection is an online tool administered by the Department of Social and Health Services Economic Services Administration that allows people to check their eligibility for various cash, food, and health care benefit programs by filling out a brief questionnaire about their circumstances, and then allows them to apply for those programs online. You can see the complete list of services that Washington Connection provides information for by visiting www.washingtonconnection.org/home/availablebenefits.go. Several of these programs will be discussed in more detail in the sections that follow.

Income Assistance Programs

A. Temporary Assistance for Needy Families (TANF)

1. What is TANF? Can I begin the application process prior to my release?

Temporary Assistance for Needy Families (TANF) is a government program that provides temporary cash and medical help for families in need. If you are a Washington State resident who is responsible for the care of a child or are pregnant, you may qualify for this program. In order to be eligible, your family must have financial resources of $1000 or less (you may also have up to $3,000 in a savings account).[1] Resources include things like checking accounts, stocks, bonds, or mutual funds, or vehicle equity.[2] The DSHS eligibility worker will help you understand what income and resources will affect your case. You must also meet certain citizenship and alien status requirements[3] and you have to meet certain work requirements while you are receiving benefits (for more information, see section 3 in this chapter). You can find out if you are eligible for TANF and apply online by visiting the Washington Connection website (www.washingtonconnection.org/home/). You can also apply in person at your local DSHS Community Services Office (visit www.dshs.wa.gov/esa/community-services-find-an-office to find an office near you), or by calling 1-877-501-2233.

If you were already receiving TANF when you went to prison, you can restart your benefits when you are released. To restart your TANF benefits, you must resume your role as a caretaker for an eligible child and meet the income and resource limits and work requirements. However, you may be able to expedite the process by beginning your application while you are still in prison. Talk to your Department of Corrections counselor to find out whether you are able to begin your application before you are released. In order to complete your application, you must have an initial certification interview either in person or over the phone.[4]

Note that there is a 60-month (five year) time limit for receiving TANF, which means that in most cases, you will not be able to continue receiving TANF forever.[5] If you have already received TANF for 60 months, you may be eligible for a time limit extension.[6]

The following information comes from Washington Law Help's "Questions and Answers on the TANF Five-Year Limit" publication.

> You are eligible for a TANF extension if you can show that DSHS should exempt you from WorkFirst participation requirements. This means DSHS cannot or should not expect you to work full-time. These exemptions can apply at any time, not just after 60 months.[7] You may qualify for an exemption if you are:
>
> - An older needy caretaker relative (55 and older)
> - Caring for an adult relative with disabilities
> - Caring for a child with special needs, or
> - An adult with severe and chronic disabilities[8]
>
> To qualify for an exemption, you should have proof of your age, your own disability, or the disability of the relarive who needs you to care for them. Ask your caseworker to refer you to a social worker if you need help getting this proof.
>
> If you do not qualify for an exemption, you will be eligible for a "hardship " extention of the time limit if any of the following apply:
>
> - You are employed at least 32 hours a week
> - You meet the Family Violence Option Criteria and are participating in the activies listed in your IRP
> - You are working with the Children's Administration to resolve child welfare issues that involve any of your children in a dependency case for the first time.[9]

Note: If you are ineligible for TANF, you may still be eligible for Washington's State Family Assistance (SFA) program. The purpose of SFA is to provide cash assistance to individuals who are ineligible for TANF for certain specific reasons. In other words, by providing SFA, the state of Washington is filling a gap in the TANF program and extending benefits to certain groups of people that the federal program does not cover. If you are not eligible for TANF but any of the following is true about you, you may be eligible to receive SFA instead:

- You are a qualified alien and have been in the United States for less than five years;
- You are a nonqualified alien who meets the Washington state residency requirements;
- You are a nineteen or twenty-year-old student who goes to school fulltime and receives special education due to a disability, or you are the caretaker of a student who meets these educational requirements; or
- You are a pregnant woman who has been convicted of misrepresenting your residence in order to receive benefits from two or more states at the same time.[10]

If you think you may be eligible for SFA, you may apply exactly the same way you would apply for TANF; either go online to the Washington Connection website or apply in person at a DSHS Community Services Office.

2. Does my conviction history affect my eligibility for TANF?

You cannot receive TANF if you are convicted of a felony and are fleeing to another state to avoid punishment. Additionally, you cannot receive TANF if you have violated your probation or parole.[11]

3. What are the requirements to maintain active benefits under TANF?

In order to remain eligible for TANF, you will need to give the Department of Social and Health Services (DSHS) the right to collect and keep child support as reimbursement for the TANF benefits that you receive.[12] This means that while you are receiving TANF, you will not receive any child support payments; DSHS will collect these payments instead. You must cooperate with DSHS during this process unless you can show that cooperation would harm you or your children.[13] While you are receiving TANF or SFA benefits, you must also make sure your child goes to school.[14]

In addition to your initial interview, you must have an interview with DSHS at least once every twelve months.[15] You will also have to report certain changes in your circumstances, including changes in the people living in your household, your household income or financial resources, and employment status. When you begin receiving benefits, you will receive a letter from DSHS letting you know what kind of information you are required to report, the number of days you have to report the information, and how to do so.[16]

While receiving benefits from TANF, you are generally required to participate in a job search or work-related activities through the WorkFirst Program. You may be exempt from this requirement if you are required to be at home to care for an infant, a child with special needs or an adult relative who has a disability; you are a caretaker relative (not a parent) and are 55 or older; you have a severe and chronic disability; or you are a victim of family violence.[17]

4. How does this program impact my total income for the purposes of repaying LFOs, child support, or other debts?

You may get your discretionary LFOs reduced or waived if you can demonstrate that paying them would create a hardship for you or your family.[18] A recent decision by the Washington State Supreme Court held that a court must find you indigent for the purposes of LFO reduction if you receive public benefits or if your household income falls below 125% of the federal poverty guideline.[19] This means that if you receive assistance from TANF and apply for reduction of your LFOs, the court should determine that you are unable to pay. For more information, see the LFOs chapter of this Guide.

Money from public assistance programs such as TANF does **not** count as income when calculating child support.[20] If you are receiving public assistance, you may ask the court to set your support obligation to $0. If your income is subsidized by TANF, it cannot be garnished to pay debts.[21] That being said, needs-based assistance placed in a bank account is often garnished by mistake, and it can take time and effort to get the money back.[22] You can file a Claim of Exemption form with a Washington County Court to declare that that money is off limits.[23] You can find that form here: www.courts.wa.gov/forms/?fa=forms.contribute&formID=20.

B. Supplemental Security Income (SSI)

5. What is SSI? Can I begin the application process prior to my release?

Supplemental Security Income (SSI) is designed to help aged, blind, or disabled people who have little to no income. In order to receive benefits from the SSI program, you must be able to receive payments electronically (direct deposit).[24] Payments can be made to your bank account or to a debit card.[25] This program pays monthly benefits to people with limited income and resources who are also disabled, blind, or 65 years of age or older. Blind or disabled children may also qualify for SSI.[26] If you believe you fall into one of these categories visit www.ssa.gov/ssi/text-eligibility-ussi.htm for more detailed eligibility requirements. You may also visit the Social Security Administration's online eligibility tool, the Benefit Eligibility Screening Tool (BEST), at this

address: https://ssabest.benefits.gov. BEST will list Social Security benefits you may be eligible for based on your answers to a brief questionnaire.[27]

If you were already receiving SSI when you were incarcerated and have been in prison for more than 30 days, your benefits will be suspended.[28] If you were in prison for less than one year, the Social Security Administration can reinstate your benefits quickly when you are released; if you were incarcerated for more than a year or you were not receiving SSI before you were incarcerated, you will have to file a new claim.[29]

You may be able to apply for your SSI benefits up to 90 days before you are released from prison using the pre-release procedure.[30] The pre-release procedure was created by the Social Security Administration so that you can begin receiving your benefits quickly after you are released. The Social Security Administration will process your application under the pre-release procedure if the following are true:

- You are in an institution (for instance, a prison, jail, hospital, or nursing home);
- You appear likely to be eligible for SSI when you are released; and
- You are scheduled to be released within several months of the date you file your application for SSI.[31]

Note that your prison may have a pre-release agreement with the local Social Security office to expedite this process; your counselor should be able to tell you whether the agreement exists and whether they can begin the application process for you. However, you may file an application for SSI under the pre-release procedure even if there is no pre-release agreement in place.[32]

If you are unable or choose not to apply for your SSI benefits using the pre-release procedure, you may apply after you are released. Contact Social Security by calling 1-800-772-1213, Monday through Friday, 7 a.m. to 7 p.m. to schedule an appointment to apply for benefits. Let the representative you speak to know that you were released from prison. When you go to your appointment, bring your official prison release documents with you.[33]

When you apply, you will likely need to provide some information to prove that you are eligible to receive benefits. In particular, you may need to provide the following information:

- Your Social Security card or number;
- Proof of age, such as a public or religious birth record;
- Citizenship or alien status record, such as a birth certificate, naturalization certificate, U.S. passport, or current immigration document;
- Proof of income, such as paystubs or other records;
- Proof of your financial resources, such as bank statements, life or disability insurance policies, titles or registrations for any vehicles you own, and any other documentation showing what financial resources, if any, you have access to;
- Proof of living arrangements, such as a lease, deed or property tax bill, and information about your household costs for rent, mortgage, food, or utilities;
- Medical sources (if you are filing as blind or disabled), such as medical reports, names of your medications, and contact information for your doctors and other medical providers;
- Work history, including job titles, type of business, names of past employers, and the hours and dates worked.[34]

You may not need all of this information. If you are having trouble getting some of these documents, the Social Security Administration may be able to help you. If you are applying through the pre-release program, your counselor or other prison staff may also be able to help you prepare your application.

6. Does my conviction history affect my eligibility for SSI?

While you generally cannot receive payments while you are in prison, your conviction and criminal history will not affect your eligibility to receive SSI after you are released.

7. What are the requirements to maintain active SSI benefits?

If you are receiving SSI benefits, you are responsible for contacting the Social Security Administration and informing them if there are any changes that may impact your eligibility for the program or your benefit amount. In particular, you must report any of the following:

- Change of address;
- Change in living arrangements;
- Change in income, including your spouse's income if you are married and living together;
- Change in financial resources, including your spouse's resources if you are married and living together;
- Death of a spouse or anyone in your household;
- Change in marital status, including any same-sex relationships;
- Change in citizenship or immigration status;
- Change in help with living expenses from friends or relatives;
- Eligibility for other benefits or payments;
- Admission to or discharge from an institution (such as a hospital, nursing home, prison, or jail);
- Change in school attendance, if you are under age 22;
- Change in legal alien status;
- Sponsor (or sponsor's spouse) changes of income, resources, or living arrangement for aliens;
- Leaving the U.S. for a full calendar month or for 30 consecutive days or more;
- An unsatisfied felony or arrest warrant for escape from custody, flight to avoid prosecution or confinement, or flight-escape.

If you are disabled, you must also report any improvement in your medical condition and certain changes in your work status.[35]

Also, be aware that you cannot receive SSI payments for any month (including any part of the month) in which you have been convicted and incarcerated for more than 30 consecutive days.[36] This means that if you are convicted of another crime after you are released, you will likely stop receiving your SSI benefits.

8. How does receiving SSI benefits impact my total income for the purposes of repaying LFOs, child support, or other debts?

You may get your discretionary LFOs reduced or waived if you can demonstrate that paying them would create a hardship for you or your family (see the LFOs chapter for more information).[37] A recent decision by the Washington State Supreme Court held that a court must find you indigent for the purposes of LFO reduction if you receive public benefits or if your household income falls below 125% of the federal poverty guideline.[38] This means that if you receive assistance from SSI and apply for reduction of your LFOs, the court should determine that you are unable to pay.

Money from public assistance programs such as SSI does **not** count as income when calculating child support.[39] If you are receiving public assistance, you may ask the court to set your support obligation to $0.

9. What is the Washington State Combined Application Project and how do I apply for it?

The Washington State Combined Application Project (WASHCAP) is a federally funded simplified food benefit program for specific Supplemental Security Income (SSI) recipients. These benefits will be delivered to you by an electronic benefit transfer card (EBT Card). After you qualify for the program, it will take an additional month before you receive any benefits.[40]

You can receive these benefits if you receive SSI benefits, have no earned income when you apply, are eighteen years of age or older, and live alone. You may also be eligible if you are between the ages of eighteen and twenty-one, living with your parent(s) who do not get Basic Food benefits, and you purchase your food separately. If you live with others but buy and cook your food separately from them, you might be eligible for WASHCAP.[41] Your criminal record will not prohibit you from receiving WASHCAP benefits unless there is an active felony warrant against you in a different state.

You can apply for WASHCAP food benefits at the Social Security Administration (SSA) when you apply for SSI. If you want food benefits, your SSA worker will ask you WASHCAP food eligibility questions when you have your SSI interview. If you need food benefits in seven days or less, you must apply for expedited services at a community service office (CSO), any home and community services office (HCS) if you receive long-term care services, or any SSA office if you give them an application for Basic Food expedited services when you apply for SSI. SSA will forward the Basic Food application to the local CSO for processing. You will not be able to apply for WASHCAP until you are released from prison.[42]

Your WASHCAP food benefits need to be reviewed at least every thirty-six months. If your circumstances change (for example, if you move or your income changes) once you start receiving these benefits, you must report the changes to the SSA.[43]

C. Social Security Disability Insurance (SSDI)

10. What is SSDI? Can I begin the application process prior to my release?

Social Security Disability Insurance (SSDI) is a federal insurance program that protects workers who become disabled and cannot work for a year or more. SSDI cash benefits are paid to disabled workers who earned enough work credits and worked recently (see below for more information). SSDI also provides cash benefits for eligible family members.[44]

"Disability" for the purposes of SSDI benefits is based on your inability to work. The Social Security Administration considers you disabled if:

- You cannot do work that you did before;
- The SSA determines that you cannot adjust to other work because of your medical condition; and
- Your disability has lasted or is expected to last for at least one year or to result in death.

You can only receive SSDI benefits if you have a total disability. No benefits are paid for a partial or short-term disability.[45]

In addition to having a total disability, you also must have worked long enough, and recently enough, in a job covered by Social Security. The rules regarding work credits are complicated, and the specific rules regarding how many credits you need and how recently you must have earned them will depend on how old you were when you became disabled and other circumstances specific to you. The best way to find out if you have enough credits to qualify is to contact your local Social Security office. However, here is a brief overview of the most common criteria. Working in qualifying jobs earns you Social Security work credits, which are based on your total yearly wages or self-employment income. You can earn up to four credits each year. To receive benefits, most people will need 40 credits, 20 of which were earned in the last 10 years ending with the year they became disabled. Younger workers may qualify with fewer credits.[46] For more information about how these rules apply to you, visit a Social Security office near you.

If you were already receiving SSDI when you were incarcerated and have been in prison for more than 30 days, your benefits will be suspended and will remain suspended until you are released.[47] Since your benefits are suspended, but not terminated, the SSA will be able to restart them quickly after you are released.[48]

You may be able to apply for your SSDI benefits up to 90 days before you are released from prison using the pre-release procedure.[49] The pre-release procedure was created by the Social Security Administration so that you can begin receiving your benefits quickly after you are released. The Social Security Administration will process your application under the pre-release procedure, if following are true:

- You are in an institution (for instance, a prison, jail, hospital, or nursing home);
- You appear likely to be eligible for SSDI when you are released; and
- You are scheduled to be released within 12 months of the date you file your application for SSDI.[50]

Note that your prison may have a pre-release agreement with the local Social Security office to expedite this process; your counselor should be able to tell you whether the agreement exists and whether they can begin the application process for you. However, you may file an application for SSDI under the pre-release procedure even if there is no pre-release agreement in place.[51]

If you are unable or choose not to apply for SSDI benefits using the pre-release procedure, you may apply after you are released. If you will be receiving SSDI for the first time, you can apply for online by visiting the online application portal at https://secure.ssa.gov/iClaim/dib/. You can also apply over the phone by calling 800-772-1213 or in person at your local Social Security office. To find a Social Security office near you, visit https://secure.ssa.gov/ICON/main.jsp and enter your zip code. If you are planning to apply in person, call ahead and make an appointment.[52]

When you apply, you will need to provide some information along with your application. We cannot predict exactly what documents SSA will need to confirm your disability and process your application, so it is best to be prepared. You may be asked to present any of the following:

- Your birth certificate or other proof of birth;

- Proof of U.S. citizenship or lawful alien status;
- U.S. military discharge papers if you had military service before 1968;
- W-2 forms and/or self-employment tax returns for the past year;
- Medical evidence of your disability that is already in your possession, including medical records, doctors' reports, and recent test results (note that you should not delay filing your application if you don't have this evidence in your possession, as Social Security can obtain it directly by calling your medical providers);
- Proof of any workers' compensation-type benefits you received, if any.[53]

For more help applying for SSDI, you can use the Disability Starter Kit provided by the SSA. The Disability Starter Kit will help you get ready for your disability interview or online application and provides information about the specific documents and information that the SSA will request from you. You can access the starter kit online at www.ssa.gov/disability/disability_starter_kits.htm.

You may apply for SSDI while in prison, but you will not receive any benefits before you are released. In order to apply, you must receive permission to meet with an SSA representative and have a doctor within the prison fill out the necessary paperwork. It is within your rights to seek advice and representation of a Social Security Disability lawyer during this process.[54] The National Organization of Social Security Claimants' Representitives has a referral service that can connect you with private attorneys in your area. The referral service can be reached at 1-800-431-2804.[55] If you are in the Seattle area, you can contact the Seattle Community Law Center's Social Security Advocacy Project at 206-686-7252.[56]

11. Does my conviction history affect my eligibility for SSDI?

As a general rule, your conviction history will not impact your eligibility for SSDI benefits. However, you may be ineligible to receive SSDI if your disability arose while you were committing a felony or your disability arose while you were imprisoned in jail. You are also ineligible for benefits if you are fleeing prosecution or confinement.[57] For further information on eligibility, how being incarcerated affects SSDI and how violating your probation affects SSDI visit www.disabilitysecrets.com/get-disability-if-felony.html.

12. What are the requirements to maintain active SSDI benefits?

In most cases, you will continue to receive benefits as long as you are disabled. There are certain circumstances that may impact your continued eligibility. For instance, your health may improve to the point where you are no longer disabled, or you may choose to go back to work rather than depend on your disability benefits. The SSA will review your case from time to time to verify that you are still disabled; you will be notified when it is time to review your case. However, it is your responsibility to inform the SSA if your health improves or you choose to go back to work.[58]

13. How does SSDI impact my total income for the purposes of repaying LFOs, child support, or other debts?

You may get your discretionary LFOs reduced or waived if you can demonstrate that paying them would create a hardship for you or your family.[59] A recent decision by the Washington State Supreme Court held that a court must find you indigent for the purposes of LFO reduction if you receive public benefits or if your household income falls below 125% of the federal poverty guideline.[60] This means that if you receive assistance from SSDI and apply for reduction of your LFOs, the court should determine that you are unable to pay. For more information, see the LFOs chapter of this Guide.

Money from public assistance programs such as SSDI does **not** count as income when calculating child support.[61] If you are receiving public assistance, you may ask the court to set your support obligation to $0.

D. Unemployment

14. What is unemployment? Can I begin the application process prior to my release?

Unemployment benefits are cash benefits you can receive while you are looking for a job. They are made available through taxes paid by your former employer while you were working. These benefits are to assist workers who lost their jobs through no fault of their own. They are not based on financial need. While receiving benefits, it is your responsibility to get back to work as soon as you can.[62]

You cannot apply for unemployment benefits in Washington if you did not work in this state in the past 18 months. There are exceptions are if you were in the military or worked for the federal government. If you did work in Washington or were discharged from the military, you must have worked at least 680 hours during the past 18 months.[63] There is also an exception for if you suffered a temporary total disability that prevented you from working. To prove that you had a temporary total disability, you must get a signed statement from the doctor who attended you that states the date that your disability started and that it was impossible for you to work during the time you were disabled. You must apply for a determination that you had a temporary total disability within 26 weeks of the disability starting. Note that only physical disabilities count as temporary total disability .[64]

The reason that you are unemployed will also impact your eligibility for unemployment. Unemployment benefits exist to assist workers who lost their jobs through no fault of their own, so if you were fired for misconduct or gross misconduct, you will not be eligible or your eligibility will be delayed. Visit https://esd.wa.gov/unemployment/laid-off-or-fired for examples of misconduct and gross misconduct. By contrast, if you were fired through no fault of your own, such as for not having the skills to do the job, you may be eligible for benefits. If you were laid off (meaning that your employer is not planning to replace you) you will generally be eligible.[65]

If you quit your job, you still may be eligible if you had a good-cause reason for quitting. Some examples of good-causes reasons include becoming sick or disabled, a reduction in pay or hours by 25% or more, or moving to be with a spouse or domestic partner in another area.[66] You can see a complete list of good-cause reasons by visiting https://esd.wa.gov/unemployment/quit. If you are eligible, your benefit amount will be based on your earnings during your **base year**. Your base year is the first four of the last five completed calendar quarters before the week in which you file your claim for unemployment benefits.[67]

You can apply for unemployment online or by phone.[68] To apply online, visit the eServices portal at https://secure.esd.wa.gov/home/ and log in or create a new account. You will need the following information to complete your application:

- Your Social Security number;
- Your name, birthdate, and contact information;
- Your highest level of education;
- The names and mailing addresses of all of your employers during the past 18 months, including part-time and temporary jobs;
- The dates you worked for all employers during the past 18 months (use your best estimate if you don't remember the exact dates);

- Your citizenship status;
- If you normally get your work through a union, the name and local number of your union;
- If you apply for benefits online and want to sign up for direct deposit, your account and routing numbers for your bank or credit union;
- If you were in the military during the past 18 months, your DD-214, any member copy, 2 through 8;
- If you were a federal employee during the past 18 months, your Standard Form 8 (SF8), "Notice To Federal Employees About Unemployment Insurance."[69]

You can also apply over the phone by calling 800-318-6022. Phone applications are accepted Tuesday through Friday, 8am-4pm. To reduce wait times, when you may apply by phone is determined by the last digit of your Social Security number. **If your Social Security number ends with:**

- 0, 1, 2, or 3, call on Tuesday.
- 4, 5, or 6, call on Wednesday.
- 7, 8, or 9, call on Thursday.

Anyone may call on Friday. Note that the wait time for applying by phone may be long and applying online will likely be faster and easier.[70]

You can find a lot of information about unemployment insurance, including information about applications, eligibility, filing claims, and receiving checks by visiting the UI Customer Service One-Stop Shop at https://esd.wa.gov/unemployment/UI-one-stop. You can also contact the Unemployment Law Project at 1-888-441-9178 for help and information about unemployment benefits.

15. Does my conviction history affect my eligibility for unemployment?

Your conviction history should not impact your eligibility for unemployment benefits, although you may not be able to receive benefits immediately upon release, as you generally must have worked for at least 680 hours within the past 18 months.[71]

16. What are the requirements to maintain active benefits in this program?

Once your application has been accepted, you receive your benefits by submitting a weekly claim. You must file a claim every week until you want your benefits to stop. You may file your claim online on the eServices portal (https://secure.esd.wa.gov/home/) or by phone by calling 800-318-6022 and using the automated phone system.[72]

While claiming unemployment benefits, you must be:

- Able to work;
- Available for work;
- Actively seeking suitable work, unless told otherwise by the Employment Security Department; and
- Registered for work with a WorkSource employment center or local employment center (if living outside Washington)

Each week that you claim benefits, you must make at least three employer contacts or participate in three in-person job search activities (or a combination of both, for a total of three) at your local WorkSource employment center or other local employment center. You must keep a log of all of your job search activities and the ESD may contact you or the employer contacts you have listed in your log to follow up or review your job search efforts.[73] When you file your weekly claim, you will be asked a series of questions about your job search activities for that week.[74]

E. Aged, Blind or Disabled Cash Assistance (ABD)

17. What is the Aged, Blind or Disabled Cash Assistance program and how do I apply for it?

The Aged, Blind, and Disabled (ABD) program is a state-run program that provides cash assistance to certain low-income adults who are 65 or older, blind, or who meet the SSI disability criteria (see section 5) based on a mental or physical disability that lasts at least a year, so long as your disability is not primarily due to alcohol or drug addiction. You must also meet certain income and citizenship/alien status requirements and reside in Washington State. You **CANNOT** get ABD assistance if:

- You are eligible for TANF, SFA, or SSI benefits, or are an ineligible spouse of an SSI recipient;
- You refuse or fail to participate in a drug or alcohol treatment program if it is determined that you are dependent; or
- The Social Security Administration denied or terminated your benefits because you broke a program rule.

As of March 2017, the program provides a maximum monthly cash grant of $197.[75]

You can apply for ABD either online through Washington Connection, or by filling out the application form (available here: www.dshs.wa.gov/sites/default/files/ESA/csd/documents/14_001.pdf) and mailing it to:

» DSHS
CSD-Customer Service Center
PO Box 11699
Tacoma, WA 98411-6699

You will need to provide proof of income and resources when you apply.

Food Assistance Programs

A. Basic Food (SNAP/food stamps)

18. What is Basic Food? Can I begin the application process prior to my release?

The Supplemental Nutrition Assistance Program (SNAP), also known as "Basic Food" in Washington, helps low income people make ends meet by providing monthly benefits to buy food through an electronic benefits card (EBT Card). Participating in Basic Food also provides other benefits, including automatic enrollment in free school meals for school-aged children. It also qualifies you for low-cost local phone service through the Washington Telephone Assistance Program (WTAP), and for the Women, Infants and Children (WIC) income test.[76]

With Basic Food benefits you can buy a variety of items including breads, cereals, fruits, vegetables, cheese, milk, meats, fish, poultry and eggs. Some things you cannot use Basic Food benefits for include food from restaurants, hot foods, food that will be eaten in the store, soaps, paper products, household supplies, pet

foods, vitamins, medicines, beer, wine, cigarettes or tobacco. Basic Food benefits also cannot be exchanged for cash.[77]

Eligibility for Basic Food is based on your monthly income and your household size. The government also looks at your regular expenses to determine the benefits you receive. As a general rule, your household can have an income up to 200% of the Federal Poverty Guideline and still be eligible for Basic Food. For example, if you have a family of four and your net family income is less than $4,050 per month, you qualify for the Basic Food program (as of February 2017). Asset limits also do not apply to households with total monthly income under the limit.[78] You can see a table of current qualifying income limits by visiting http://foodhelp.wa.gov/basic_food.htm. You can also estimate how much your household might receive from Basic Food by using the online benefit estimator tool at http://foodhelp.wa.gov/bf_benefit_estimator.htm.

You do not need to be a U.S citizen to be eligible for the Basic Food program; however, you must be a legal immigrant. Undocumented immigrants and non-citizens who are tourists or other non-citizens do not qualify for this program.[79]

You can apply for Basic Food online through the Washington Connection portal at http://washingtonconnection.org. You can also apply by mail or by visiting a local DSHS Community Services Office (CSO). If you apply by mail or in person, you will need to fill out the form located at www.dshs.wa.gov/sites/default/files/ESA/csd/documents/14_001.pdf.[80] You can begin the application process immediately after you are released from prison. You must participate in an initial certification interview that can be done in-office or by telephone.[81] Other information you will need to provide includes your social security number, proof of your identity, and proof of the income and living expenses for your household. If you have trouble finding any of this information, DSHS can help you.[82]

19. Does my conviction history affect my eligibility for the program?

You cannot receive Basic Food if you are convicted of a felony and are fleeing to another state to avoid punishment. Additionally, you cannot receive Basic Food if you have violated your probation or parole.[83]

20. What are the requirements to maintain active benefits in this program?

In addition to your initial interview, you must have an interview with DSHS at least once every twelve months that you receive Basic Food benefits.[84] You will also have to report certain changes in your circumstances, including changes in the people living in your household, your household income or financial resources, and employment status. When you begin receiving benefits, you will receive a letter from DSHS letting you know what kind of information you are required to report and how to do so.[85]

If you are between the ages of 16 and 59 and not otherwise exempt, you will be automatically registered to work when you apply for Basic Food benefits. Your registration will be renewed every twelve months thereafter that you receive benefits. If you are registered to work, you must:

- Contact DSHS as required;
- Provide information regarding your employment status and availability for work when requested;
- Report to an employer if referred by DSHS;
- Not voluntarily quit a job or reduce your work unless you have good cause;
- Accept a bona fide offer of suitable employment; and
- Not be in sanction status if you are a mandatory WorkFirst participant.[86]

21. How does this program impact my total income for the purposes of repaying LFOs, child support, or other debts?

You may get your discretionary LFOs reduced or waived if you can demonstrate that paying them would create a manifest hardship for you or your family.[87] A recent decision by the Washington State Supreme Court held that a court must find you indigent for the purposes of LFO reduction if you receive public benefits or if your household income falls below 125% of the federal poverty guideline.[88] This means that if you receive Basic Food benefits and apply for reduction of your LFOs, the court should determine that you are unable to pay. For more information, see the LFOs chapter of this Guide.

Money from public assistance programs such as Basic Food does **not** count as income when calculating child support.[89] If you are receiving public assistance, you may ask the court to set your support obligation to $0.

B. Women, Infants, and Children Nutrition Program (WIC)

22. What is WIC? Can I begin the application process prior to my release?

The Women, Infants, and Children Nutrition Program (WIC) is a federally-funded program that is administered by Washington State. WIC provides monthly checks for healthy food, health screenings and referrals, nutrition education, and breastfeeding support.[90]

WIC is primarily for pregnant women, new and breastfeeding moms, and children under five. Dads, grandparents, and other caregivers of children under five may also sign the children up for WIC. Foster children under age five and foster teens who are pregnant may also be eligible.[91] You can find more information about WIC eligibility by visiting www.doh.wa.gov/YouandYourFamily/WIC/Eligibility. You do not have to be a U.S. citizen to receive WIC benefits, and getting WIC will not affect your immigration status.[92]

WIC does not provide food to you directly; instead, you will receive checks that you can use to purchase certain food items at the grocery store. WIC is accepted at many local grocery stores. If WIC is accepted, you will see a sign that says "WIC Accepted Here" – this is how you will know that it is an approved store. You may only use WIC to purchase certain nutritious foods, such as fresh fruits and vegetables, whole grains, milk and eggs, and baby food and formula. For certain WIC foods, only specific brands and sizes may be approved. You can read more about what foods are approved by reading the WIC Shopping Guide (www.doh.wa.gov/portals/1/Documents/Pubs/960-278-ShoppingGuide.pdf) or visiting www.doh.wa.gov/YouandYourFamily/WIC/WICFoods. You may also receive coupons to buy locally grown fruits and vegetables at your local farmers market through the WIC Farmers Market Nutrition Program.[93]

You may apply for WIC in person at a WIC clinic; find a WIC clinic by using the ParentHelp123 Resource Finder (located at https://resources.parenthelp123.org/services/wic-nutrition-program-for-women-infants-children) or by calling the Family Health Hotline at 1-800-322-2588.[94] Call the clinic and schedule an appointment. Your first appointment will take roughly 30-45 minutes, and you will receive your first check that day.[95]

23. Does my conviction history affect my eligibility for the program?

As long as you are otherwise eligible, your conviction history does not affect your eligibility for WIC.

24. What are the requirements to maintain active benefits in this program?

You will only receive WIC benefits for as long as you meet the eligibility criteria (pregnant woman, new or breastfeeding mother, or caretaker for a child under five). During that time, you may only use WIC food or formula for the person or people on WIC. You may not sell or give away your WIC checks, food, or formula for money, credit, rain checks, or other items.[96]

C. The Emergency Food Assistance Program (TEFAP/EFAP)

25. What is the Emergency Food Assistance Program and how do I apply for it?

The Emergency Food Assistance Program (TEFAP/EFAP) is a program that helps supplement the diets of low-income Americans, including the elderly, by providing them with emergency nutrition assistance at no cost.[97] To receive TEFAP/EFAP assistance, you must go to the food bank located in the county closest to you to pick up the supplemental food. Visit http://agr.wa.gov/FoodProg/LeadContractor.aspx to find the location that is nearest to you.

Low-income families who earn 185% or less of the federal poverty level and are in need of food are eligible to receive TEFAP/EFAP food. For example, if you have a family of four and your net family income is less than $44,955 a year, you qualify as a low-income family (effective through 2016). A table of qualifying incomes can be found at http://agr.wa.gov/FP/Pubs/docs/FSCS/445-TEFAPIncomeGuidelines.pdf. You do not need to apply before visiting a food bank. Families visiting food banks are asked to self-declare their income and are not asked to provide verification. Individuals going to emergency meal providers are assumed to be eligible and will not be required to show income eligibility verification.[98] Your criminal history will not impact your eligibility for this program.

For more information and to find where you can receive local TEFAP assistance visit http://agr.wa.gov/FoodProg/LeadContractor.aspx.

D. Commodity Supplemental Food Program

26. What is the Commodity Supplemental Food Program and how do I apply for it?

The Commodity Supplemental Food Program (CSFP) works to improve the health of people who are at least 60 years of age by supplementing their diets with nutritious USDA Foods. This program distributes actual food, unlike the WIC Program, which distributes food vouchers. CSFP food packages do not provide a complete diet, but rather are good sources of the nutrients typically lacking in the diet of low-income families.[99]

In order to qualify for CFSP, elderly individuals must have a monthly income of less than 130% of the federal poverty level. For example, if you have a family of four and your net family income is less than $31,590 a year you qualify for CFSP (effective through 2016). A complete table of qualifying incomes can be found at http://agr.wa.gov/FP/Pubs/docs/FSCS/444-CSFPIncomeGuidelines.pdf.

To apply for CSFP you will need to go to a local office and pick up an application form. After you fill out the application, you will be put on a waiting list. You will be notified when you can receive food. When you go to a location to receive food you will need to bring a driver's license or other government identification to verify your age. Information on obtaining a driver's license or other identification can be found in the Identification chapter of this Guide.

If you qualify for this program, you will receive 27 pounds of food each month. You must go to one of the locations assigned to you to pick up the food. This food consists of a variety of fruits, vegetables, healthy juices, dairy, potatoes, cereal, rice, and tuna.

Your criminal record will not prohibit you from receiving CSFP unless there is an active felony warrant against you in a different state.

E. Food Banks

27. How can I find information about food banks near me?

To find the nearest food bank visit http://feedingamerica.org/foodbank-results.aspx?state=WA and enter your zip code. You do not need to do anything special to use the food bank. All you need to do to receive food from the pantry is declare that you do not have the resources to feed yourself or your family. Specific food pantries may have additional requirements such as living in a certain geographic area or limiting how many times you have access to its services per year. Food banks cannot discriminate against any class of people and any special requirements must be in writing.

Housing Assistance Programs

Most housing assistance is provided by your county, rather than by the state of Washington. This means that the best way for you to get information about the services available to you is by visiting your local housing authority, either online or in person. You can find information about your local housing authority by visiting www.awha.org/contact.html and entering your county name in the drop-down box.

However, there are a few programs available throughout the state that may be useful to you. Some general information about these programs is provided below; more comprehensive information about finding housing is located in the Housing chapter of this guide.

28. What is the Housing and Essential Needs (HEN) Referral program? Am I eligible for it? How do I apply?

The Housing and Essential Needs (HEN) Referral program provides access to essential needs items and potential housing assistance for low-income adults who are unable to work for at least 90 days due to a physical or mental incapacity and have income and resources below a certain level.[100] **You are not eligible for HEN if you are eligible for any of the following programs:**

- Temporary Assistance for Needy Families (TANF)
- Supplemental Security Income (SSI)
- Aged, Blind, and Disabled cash assistance (ABD)
- Pregnant Women Assistance[101]

You can apply for HEN online at Washington Connection or in person at your local DSHS Community Services Office. You will need to provide proof of income and resources and proof of your disabled status.[102]

DSHS does **not** provide your HEN benefits to you directly. Rather, if you qualify for HEN, DSHS will provide you a referral that you can use to get your benefits from a local HEN provider. DSHS should refer you to a specific

provider, but you can see a list of all providers organized by county by visiting https://deptofcommerce.app.box.com/s/8nt4mgmr3izkj9juizisji9w6igdgjd6.

Your local provider will decide what benefits you need based on state guidelines, and what you receive will vary based on your location and provider. HEN benefits may include limited support for rent and utilities, personal health and hygiene items, cleaning supplies, and transportation.[103] Note that HEN will only help you with your housing costs if you are homeless or at risk of homelessness.

29. What is Section 8? Am I eligible for Section 8 housing vouchers? How do I apply?

Section 8 is a federal program that provides housing choice vouchers to low-income families, the elderly, and the disabled. If you receive a Section 8 housing voucher, you are free to choose any housing that meets the requirements of the program.[104] Section 8 programs are administered by local organizations called public housing agencies (PHAs). Your local PHA will determine the specific eligibility and other program rules that apply to you. You can find a complete list of PHAs in Washington at this link: https://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/pha/contacts/wa. You can also get more information from your local housing authority. Section 8 housing is discussed in more detail in the Housing chapter of this guide.

Resources

Documents:

- *Questions and Answers on the TANF Five-Year Limit,* Northwest Justice Project, www.washingtonlawhelp.org/resource/questions-and-answers-on-the-tanf-5-year-time?ref=x4nxK

Eligibility Resources and Benefit Calculators:

- Washington Connection, www.washingtonconnection.org/home/
- Benefit Estimate Calculator, SNAP/Basic Food, http://foodhelp.wa.gov/bf_benefit_estimator.htm
- Qualifying Incomes For SNAP/Basic Food, http://foodhelp.wa.gov/basic_food.htm
- Social Security Administration Benefits Eligibility Screening Tool (BEST), https://ssabest.benefits.gov_
- DSHS Community Service Office Locator, www.dshs.wa.gov/onlinecso/findservice.shtml
- Food Bank Locations, http://feedingamerica.org/foodbank-results.aspx?state=WA
- Qualifying Incomes For CFSP, http://agr.wa.gov/FoodProg/docs/CSFP_Income_Guidelines.pdf
- Other Government Resources:
- Alcohol/Drug Use and Mental Health Available Services: 1-877-301-4557, www.dshs.wa.gov/dbhr/
- Basic Food: 1-877-501-2233, http://foodhelp.wa.gov/
- Child Support Community Relations: 1-800-457-6202, www.dshs.wa.gov/dcs/
- Commodity Supplemental Food Program (CSFP): 360-725-5651, http://agr.wa.gov/foodprog/csfp.aspx
- Social Security Disability Insurance (SSDI): 1-800-772-1213, www.ssa.gov/dibplan/index.htm

- Supplemental Security Income (SSI): 1-800-772-1213, www.ssa.gov/ssi/
- TANF and Support Services: 1-800-737-0617, www.dshs.wa.gov/onlinecso/tanf_support_services.shtml
- The Emergency Food Assistance Program (TEFAP): 360-725-5651, http://agr.wa.gov/foodprog/tefap.aspx
- Washington Information Network 211: 211 http://win211.org
- Washington State Combined Application Program (WASHCAP): 1-877-380-5784, www.dshs.wa.gov/manuals/aces/sections/washcap.shtml

Glossary

Base year: Your base year is the first four of the last five completed calendar quarters before the week in which you file your claim for unemployment benefits.

Disabled: The Social Security Administration considers you disabled if you cannot do the work you did before, you cannot adjust to other work because of your medical condition, and your disability has lasted or is expected to last for at least one year or to result in death.

Discretionary LFOs: Legal financial obligations (LFOs) are money penalties that you are required to pay as part of your sentence for a crime. Discretionary LFOs (contrasted with mandatory LFOs) are LFOs that you may ask the court to waive if paying them would create a hardship for you or your family.

Federal poverty guidelines: Eligibility for benefits programs are often expressed as a percentage of the federal poverty guidelines. The guidelines are set every year by the federal government, and reflect the annual income level for a person or household to be considered living in poverty. For 2017, the federal poverty guidelines are set at $12,060 per year for a single person and $24,600 per year for a family of four.

Financial resources: Your financial resources are property aside from income that contributes to your household's total wealth, such as cash on hand; money in a checking or savings account; stocks, bonds, or mutual funds; a retirement fund or pension account; a car or other vehicle; a house or other real property; or certain personal property.

Fired: You were fired if your employer is planning to replace you with another worker.

Income: Generally, your income is the money you earn from your job plus whatever you may receive from cash benefit programs like SSI, SSDI, unemployment benefits, and TANF/SFA.

Laid off: You were laid off if your employer is not planning to replace you (i.e. your position was eliminated).

Qualified/Nonqualified alien: Depending on your country of origin and under what circumstances you came to the United States, you may be classified as a qualified or nonqualified alien. This classification affects your eligibility for various government benefits. The exact definitions and eligibility criteria for qualified and non-qualified aliens are beyond the scope of this chapter, but generally non-qualified alients are eligible for fewer benefits than qualified aliens. When you begin to sign up for a government benefit, the application process should inform you whether your status will affect your eligibility.

Work credits: Working in qualifying jobs earns you Social Security work credits. Work credits are based on your total yearly wages or self- employment income and you can generally earn up to four credits each year. In order to receive SSDI benefits, you must have earned enough work credits (generally you need 40 total credits, 20 of which were earned in the last 10 years before you became disabled).

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2 *Washington State Department of Social and Health Services, TANF and Support Services*, www.dshs.wa.gov/node/48 (last visited Feb. 7, 2017).

3 *WAC 388-400-0005.*

4 *WAC 388-452-0005.*

5 *WAC 388-484-0005.*

6 *WAC 388-484-0006.*

7 *Wash. Law Help, Questions and Answers on the TANF Five-Year Limit* (Dec. 2016) www.washingtonlawhelp.org/resource/questions-and-answers-on-the-tanf-5-year-time?ref=x4nxK

8 *Id.*

9 *Id.*

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11 *WAC 388-442-0010.*

12 *WAC 388-422-0005.*

13 *WAC 388-422-0020.*

14 *WAC 388-404-0005.*

15 *WAC 388-452-0005.*

16 *WAC 388-418-0005.*

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22 *Huy Nguyen,* SME (July 2017)

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24 *Social Security Administration, Social Security Direct Deposit,* www.ssa.gov/deposit/index.htm (last visited Aug. 3, 2017)

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26 *Social Security Administration, Understanding Supplemental Security Income SSI Eligibility Requirements—2016 Edition*, www.ssa.gov/ssi/text-eligibility-ussi.htm (last visited Feb. 6, 2017).

27 *Social Security Administration, Benefit Eligibility Screening Tool (BEST)*, https://ssabest.benefits.gov (last visited Feb. 6, 2017).

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29 *Federal Interagency Reentry Council, Reentry Myth Buster! On Social Security Benefits*, https://csgjusticecenter.org/documents/0000/1056/Reentry_Council_Mythbuster_SSA.pdf, (last visited Feb. 2, 2017).

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33 *Social Security Administration, Benefits After Incarceration: What You Need To Know,* www.ssa.gov/reentry/benefits.htm (last visited Feb. 6, 2017).

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35 *Social Security Administration, Understanding Supplemental Security Income Reporting Responsibilities—2016 Edition*, www.ssa.gov/ssi/text-report-ussi.htm (last visited Feb. 6, 2017).

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38 *City of Richland v. Wakefield,* 186 Wn.2d 596, 380 P.3d 459 (2016); Washington Courts, General Rule 34(a)(3) (Dec. 28, 2010). GR 34 defines indigence for the purposes of court fees. The *Wakefield* decision confirms that courts should use GR 34 to determine if someone is unable to pay LFOs.

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45 *Social Security Administration, Disability Planner: What We Mean By Disability*, www.ssa.gov/planners/disability/dqualify4.html (last visited Feb. 28, 2017).

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55 *NOSSCR, Referral Service*, www.nosscr.org/helping-you/referral-service (last visited Aug. 3, 2017)

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99 *Washington State Department of Agriculture, Commodity Supplemental Food Program (CSFP)*, http://agr.wa.gov/FoodProg/CSFP.aspx (last updated Feb. 3, 2017).

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Chapter 13: Outstanding Warrants

The Bottom Line:

- A warrant is a court order allowing the police to arrest a person. If you have outstanding warrants, you must take steps to resolve them. They will not go away on their own, and if you have an outstanding warrant, you can be arrested at any time.
- It is not always easy to find out about your outstanding warrants. If you have ever missed a court date, there is a good chance you have an outstanding warrant (you could also have warrants for other reasons, like violating your DOC supervision requirements or failing to pay child support). If you know what court issued your warrant, you should contact the court clerk. Otherwise, you can attempt to get information about your criminal history in other ways. See sections 2-4 for some more specific ideas on how to track down your warrants.
- Once you find out about a warrant, you will want to get rid of it (also known as "quashing" the warrant). The easiest way to quash a warrant is to pay the bail or post a bond. See section 5 for more information on quashing your warrant. After you take initial steps to quash the warrant, the court clerk will schedule a "quash hearing" to make a determination about your warrant. **Do not miss your court date; if you do, another warrant could be issued against you.** See sections 6-9 for information on what to expect at your quash hearing.
- Note that quashing the warrant only deals with the warrant itself; it **does not** resolve the underlying case, and quashing the warrant will not make the underlying case go away. For example, if you have a warrant for failing to pay child support, you may have the warrant quashed, but you will still need to deal with your outstanding child support obligations. You may wish to consult an attorney before you go to court, and depending on the status of your underlying case, you may be entitled to a public defender. At your hearing, make sure you understand what you have to do to resolve your underlying case, and **be sure not to miss any future court dates.**

OUTSTANDING WARRANTS

Introduction

Unresolved warrants can make your successful reentry very difficult. For example, warrants may prevent you from getting a driver's license, or make you ineligible for some government programs such as food stamps or health care. An outstanding warrant may also affect your ability to find housing or a job when you are released. It is important to find and resolve outstanding warrants as soon as possible so that you can put them behind you. If you don't, you can be arrested at any time.

Gathering Information About Your Outstanding Warrants

1. What is an outstanding warrant?

A warrant is a court order allowing the police to arrest a person. In general, there are four main reasons that a warrant might be issued:

- **You have been officially charged with a serious felony.** This type of warrant will be issued without notice to you. If you are in custody in a different jurisdiction then you will be transported to face those charges when you are "released" by the first jurisdiction.
- **You have missed a court date on a criminal case.** For minor crimes you may be released to the community even with an active warrant in a different jurisdiction. This is why it is important to search for possible warrants when you are released.
- **You have violated Department of Corrections supervision requirements.** These warrants are usually issued directly by the Department of Corrections, not the court. You will usually be transported to the issuing jurisdiction if you have this type of warrant. If you are not on active DOC supervision, this type of warrant can't be issued for you.
- **In rare cases, a warrant may be entered for failing to pay child support.** This type of warrant can't be issued without notice to you. If you have this type of warrant you may be released into the community without being transported.

2. How can I find out about my outstanding warrants?

Unfortunately, it is not always easy to find out about your outstanding warrants. Once you know if and where you have outstanding warrants, you must take steps to resolve them. This section deals only with warrants in Washington State. For information on out-of-state or federal warrants, see section 3.

There isn't one single place to check for warrants, but here are a number of options that might help, depending on the type of warrant that you have:

- **Contact the court.** If you know what court issued your warrant, then you can contact the court or the public defender directly. If you aren't sure which court issued the warrant, you can think about where you were when the alleged crime was committed. If you were in a city, then your case could be in Municipal Court (city court) for that city, or in the District Court (county court) for the particular county. If you were not within any city when the alleged crime was committed, then the case would be in the District Court for the county. If the alleged crime is a felony, then it would be in the Superior Court for the county where the alleged crime was committed, regardless of whether you were inside a city or not.



- **Have someone search the Judicial Information System (JIS) for any warrants**. Most courts that handle minor criminal cases (misdemeanors), use JIS to keep their court records. Most court staff, prosecutors, and public defenders have access to this system. Also, some courts have terminals in the court house where the public can access it. If you are in jail, ask your jail counselor, other jail staff, or your public defender if they can search JIS for warrants for you.

- **Search your criminal record.** If you didn't have any luck contacting the court, or you aren't sure which court to contact, you could try looking at your own criminal record. There are a few ways to access your criminal record (see the Criminal Records and Background Checks chapter for details). At the very least, running your criminal record will show you where you have active or resolved cases in Washington, so you know which courts to contact. As a last resort, you could contact a local police or sheriff's office to see if they have a warrant for your arrest on file.

- **Contact the Division of Child Support**. If you have unpaid child support, and especially if you have been served with contempt of court documents, then you can contact the Division of Child Support to see if your case has been referred to the county prosecutor for contempt. If it has, you can contact the prosecutor's office (or your public defender if one has been appointed) to see if you have a warrant and, if you do, find out what you need to do to get it quashed.

- **Contact the Department of Corrections**. If you are on active DOC supervision and have not been in touch with your Community Corrections Officer, you can contact him/her to find out if you have a warrant and what you can do to get it quashed.

3. How can I find outstanding warrants in other states or federal jurisdictions?

Just as in Washington, if you have warrants in another state, or in a federal court, contacting the court that issued the warrant may be a good place to start. If you aren't sure which court issued the warrant, but know which state it is in, then the Washington State Patrol provides a link to a list of State Bureaus of Identification. These offices may be able to help you find out if you have warrants in their state: https://fortress.wa.gov/wsp/watch/UserContent/FAQ/statebureaus.pdf.

If you aren't sure which states may have warrants for you, or if you just want the most complete background check possible, you can request that the Federal Bureau of Investigation (FBI) run a background check using your fingerprints. This will get you a list of all cases anywhere in the country that have been reported to the FBI (which all courts are supposed to do). In order to request an FBI background check, follow the instructions at www.fbi.gov/services/cjis/identity-history-summary-checks. You will have to fill out an application form and have your fingerprints taken on Fingerprint Form FD-258 (available at www.fbi.gov/file-repository/standard-fingerprint-form-fd-258-1.pdf/view). You can find a fingerprinting location by visiting http://myfbireport.com/locations/index.php and entering your zip code. Your FBI background check may not tell you if you have active warrants in every case, but it will give you all of the cases that you have in any state, and you can then contact the courts in each case to see if you have warrants.

When checking for warrants in other states, you may also consider doing a search for any outstanding federal matters. For information regarding federal matters, you may want to have your correctional officer or attorney contact the FBI. If you would like to submit your own request directly to the FBI you need to complete an Applicant Information Form, provide your fingerprints on Fingerprint Form FD-258 (see above for information about how to get your fingerprints taken), and submit a payment of $18 by money order or certified check made payable to the Treasury of the United States to:

FBI CJIS Division – Summary Request
1000 Custer Hollow Road
Clarksburg, WV 26306

A copy of your background and identity summary request will be sent to the address that you provided in the Applicant Information Form. The Applicant Information Form and the Standard Fingerprint Form are accessible on the FBI webpage on background checks.

When performing warrant searches, it is important to include all previous names you may have used, such maiden names or alias names.

4. What if I have outstanding warrants in multiple jurisdictions?

Dealing with simultaneous warrants in multiple jurisdictions is tricky because many jurisdictions have made agreements with each other that they will transport people who are are arrested in one jurisdiction but have outstanding warrants in another. You can be held and transported even if the original warrant you were arrested for was quashed.

For example, suppose you have outstanding warrants in King County and Pierce County, and you are arrested in Seattle on the King County warrant. While you are in custody, King County law enforcement will discover your Pierce County warrant, and will probably have an arrangement with Pierce County law enforcement to transport you to their custody after your King County warrant is resolved. Even if your King County warrant is eventually quashed, you will not be released; instead, you will be held until you can be transported to Pierce County. Now imagine you also have a third outstanding warrant in Snohomish County – in this case, after you are transported to Pierce County and that warrant is resolved, you will have to remain in custody until you can be transferred again to deal with the Snohomish County warrant.

The transport process can result in you spending a significant amount of time in jail – sometimes even longer than you would have if you had just been convicted and sentenced for all of the warrants in the first place. The situation is complicated even further by the fact that you will have a different public defender in each jurisdiction, and each public defender is only responsible for the case in his or her jurisdiction.

Unfortunately, this is a complicated problem and there are not many organizations that can help you solve it. Open Door Legal Services (ODLS), the free legal clinic operated by the Union Gospel Mission, provides assistance on these types of cases and may be able to help you. For more information on ODLS, contact David Mace at (206) 682-4642 or by emailing dmace@ugm.org.

Dealing with Outstanding Warrants

5. What does it mean to “quash” a warrant?

Quashing a warrant simply means removing the warrant from the system so that you can no longer be arrested. There are a number of ways to get your warrant quashed:

- **Pay the bail**. This is the easiest and fastest way to get your warrant quashed. A warrant usually has a bail amount on it. If you pay that amount to the court, then the clerk will quash the warrant and give you a new hearing. If you keep coming back to court, you (or the friend who posted it) get the bail money back at the end of the case. Of course, if you don’t have the money to post bail, then you will have to look at other options for quashing the warrant.



- **Post a bond.** This can also be done relatively quickly. If you don't have the money to pay the full bail yourself, you can hire a bonding agent to post a bond for you. This usually costs ten percent of the bail amount. So if the bail on the warrant is $5,000, you would have to pay the bonding agent around $500. You may also have to allow them to put a lien on property (like a car or a house) for the full amount of the bail. Then, if you make all your court dates, the bond will be cancelled. If you miss any court dates, then the bond could be forfeited by the court, and you may have to pay more money to the bonding agent. Bonding agents charge different rates, so it is important to shop around if possible.

- **Go to a "quash calendar."** For minor warrants, many courts have a system in place to allow people to quash their warrant without posting bail or requesting a hearing. Courts may call these by different names, but many call them "quash calendars." The process will be different from court to court, but usually it involves contacting the court in advance to tell them that you want to be added to the calendar, then showing up at the court at a scheduled time to ask that the warrant be quashed. At the hearing you will be given a chance to tell the judge why you think your warrant should be quashed. If the judge agrees, you will be given a new hearing date and a chance to get a public defender. If the judge does not agree, it is possible that you could be arrested, or the judge could allow you to leave and tell you that you need to post bail. Some courts charge a fee to be put on the quash calendar, but many of those courts will waive the fee if you can't afford it. If you have access to your public defender, you should talk to him or her before going to a quash calendar. To find out if the court that issued your warrant has a quash calendar, you can contact the clerk. The Washington Courts website has a directory with contact information for all of the courts online: www.courts.wa.gov/court_dir/courtdirectory.pdf.

- **File a motion to quash the warrant.** Even if the court does not have any type of "quash calendar," you can still file a motion to quash the warrant. You do this by filing the motion, serving the prosecutor on the case, and setting a hearing date. If the court grants the motion, then the warrant will be removed from the system, and you will be given a new court date without having to post any bail. However, if the motion is denied then you may be taken into custody at the hearing. Since this process can be complicated and risky, you should always talk to your public defender before filing a motion to quash provided that the court will let you talk to your public defender while your warrant is still active.

- **Turn yourself in.** In rare circumstances the court may set a "no bail" warrant, or set a warrant with a high bail amount and instructions not to quash it. This usually happens for very serious violations, or if you failed to report to jail for a jail sentence. In those cases, the only way to resolve the warrant is to turn yourself in (also known as surrendering), in which case you will be given a hearing after you are booked into the jail. There is still an advantage to surrendering instead of waiting to be arrested, since you can control the timing and prepare for the hearing before you surrender.

6. How do I prepare to quash my warrant?

The first thing to understand about quashing an outstanding warrant is that you will need to come to court again to resolve the case. At the quash hearing the court will usually be deciding whether or not to quash your warrant, not how to resolve the other issues in your case. If the court quashes your warrant, but you miss another hearing, a new warrant will be issued, and the court will be less likely to quash that warrant. So don't quash your warrant until you are sure that you will be able to go back to court for the next hearing. Once you have that worked out, here are some other things that you can do to prepare:

- **Contact your public defender**. Many courts in Washington will not allow you to speak to a public defender until after your warrant is quashed. But you should still try, because it can be very helpful in courts where it is allowed. In order to find out how to contact your public defender, you can call the court using the court directory available at www.courts.wa.gov/court_dir/ or you can search online using the name of the

court and the term "public defender" (so if your warrant is out of Tukwila Municipal Court, you can search for "Tukwila Municipal Court public defender" and follow the link to get a phone number and/or email address). Public defenders can sometimes be hard to reach. You may need to call them every day until you are able to get an answer as to whether or not they can help you quash your warrant.

- **Find all of the warrants in the system.** The last thing that you want is to go to court to quash one warrant, only to be arrested on a different warrant that you didn't know about. For this reason, you should do your best to find out about all of your warrants before going to court for a quash hearing. For more information about how to search for warrants, see sections 2-3 above. If you do have warrants in more than one jurisdiction, see section 4 above.

- **If your warrant is for missing a court date, find out what the hearing that you missed was about.** Whether the court quashes your warrant, and what happens afterward, can depend a lot on why you were ordered to go to court in the first case. If the hearing that you missed was for violating probation, for instance, then you can find out why the court thinks that you violated probation. If you were ordered to do community service and the court doesn't have proof that you did it, then you can bring that proof to your quash hearing. If you can't get this information from the public defender, you may be able to get it by contacting the court clerk or the probation department.

- **Gather any evidence that you have of positive things that you are doing.** Evidence that could help your case could include things like paystubs to show that you have a job that you might lose if your warrant isn't quashed, proof that you have a driver's license now if you didn't have one before, a letter from a counselor or case manager saying that you are doing well, proof that you are in an addiction recovery program if your crime was drug or alcohol related, and so on. These things might be helpful, even if the court did not directly order you to do them.

7. What should I expect at a hearing on my request to quash or recall an outstanding warrant?

No one can predict exactly what will happen at your hearing. However, there are a few general things that you can expect. Note that this is a rough overview, and the procedure will vary based on the court. For more specific details about Superior, District, and Municipal court processes and how they may differ from this broad overview, see the next two sections.

If the warrant was issued because you missed a court date, you will have to explain to the court why you missed it. Giving the court a good reason is important, and like everything you say in court, it is important that it is true.

If your case is at the "pre-disposition" stage, it means you have been charged with a crime, but have not been convicted. In this situation, you will have to decide whether you want to go to trial or plead guilty. Please consult an attorney before you make that decision because you are giving up almost all of your rights if you do not go to trial! The court will refer you to a public defender if you cannot afford an attorney. You will come back to court again after consulting with the attorney. **Do not miss any future court dates.**

If your case is at the "post-disposition" stage, it means that you are on probation, and have been accused of failing to comply with one or more of the terms of your probation (for example, you did not pay a fine or meet with your probation officer).

If the warrant was issued because you are facing a new charge (an indictment, information, or complaint), you should consult a lawyer before you go to court. In general, a charge is "new" if you have not yet entered a Not Guilty plea. An attorney can explain your options, what the next steps are, and may be able to tell you if you will be taken into custody when you appear.

8. What is different about warrants in Superior Courts?

There is one Superior Court in each county in Washington. Superior Courts have exclusive jurisdiction over felony cases.

Felony offenses are defined generally as offenses that carry more than one year of jail as a possible maximum punishment. For these reasons, bail amounts tend to be much higher in Superior Court cases. In Superior Court cases, you should be given access to a public defender even if you have an active warrant. You should contact your lawyer before you try to address an outstanding Superior Court warrant. Your lawyer will know the procedure, can explain your options to you, and may also be able to file a motion to quash the warrant on your behalf.

9. What is different about warrants in District and Municipal Courts?

District and Municipal Courts hear gross misdemeanor and misdemeanor offenses. District Courts are based in each county, and Municipal Courts cover smaller jurisdictions like cities. Some counties have more than one District Court, which are referred to as "divisions" (for example, King County District Court, Issaquah Division). Each of these courts has its own procedure about how to recall a warrant.

Some District or Municipal Courts have limited business hours, or they are closed for lunch, or only operate on certain days of the week. The best place to check when the court is open is on the court's website, if there is one. Otherwise, call the clerk to find out.

Resources

Finding information about outstanding warrants:

- To contact a court where you think you may have an outstanding warrant, use the **Washington State Court Directories** by visiting www.courts.wa.gov/court_dir/ or www.courts.wa.gov/court_dir/courtdirectory.pdf (for PDF form).
- To search court case records or to look up your court date, use the **Washington Courts case search tool** by visiting https://dw.courts.wa.gov.
- If you think you may have an outstanding warrant in another state, you can find contact information for other states' Bureaus of Identification at https://fortress.wa.gov/wsp/watch/UserContent/FAQ/statebureaus.pdf.

Resources to help you deal with outstanding warrants:

- **Open Door Legal Services**, the free legal clinic run by Union Gospel Mission, provides assistance in dealing with outstanding warrants. For more information, contact:
  - » David Mace, Director: (206) 682-4642 or dmace@ugm.org

Glossary

Bail: A sum of money (the amount will be specified in your warrant) that you can deposit with the court as a guarantee that you will appear at your court dates. If you make all of your court dates, you will receive the bail money back when the case is resolved.

Bond: If you cannot afford to pay bail, you can hire a bonding agent to post bond for you. In return, you will pay the bonding agent some percentage of the bail amount, usually ten percent.

Jurisdiction: A geographic area (like a city or a county) in which a particular court has authority to make rulings.

"No bail" warrant: A warrant issued without any bail amount. The person arrested cannot post any bail and will not be released until the court orders it.

Quashing a warrant: To reject or void the warrant. If a warrant is quashed, it means it is no longer active because the court that issued it has recalled it.

Chapter 14: Restoring Your Civil Rights After Incarceration

The Bottom Line:

- Incarceration suspends a number of your civil rights, including your right to vote, serve on a jury, hold public office, own a firearm, and travel to other countries. Going to prison may also restrict your right to hold occupational licenses for certain jobs; for more information on lifting these employment restrictions, see the Criminal Records and Background Checks chapter.
- Once you are no longer under Department of Corrections supervision, your right to vote is automatically restored. In order to actually vote, you must get registered. The process of registering to vote is described below in section 6.
- To restore your right to serve on a jury or run for public office, you must complete all the terms of your sentence, including paying off any and all legal financial obligations (LFOs), and obtain a "Certificate of Discharge" (COD) from the court. More information on how to obtain a COD is in section 7. Note that a COD **does not** restore your right to possess a firearm.

RESTORING YOUR CIVIL RIGHTS AFTER INCARCERATION

Introduction

In Washington, if you are convicted of a felony, you lose several important civil rights, including the right to vote, own a firearm, serve on a jury, run for public office, and travel to other countries.[1] Fortunately, a number of these rights can be restored. This chapter provides detailed information about when and how your right to vote is restored, as well as instructions on how you can regain your right to serve on a jury or run for office after you have been convicted of a felony. This guide does not squarely address the issue of restoring your right to travel internationally, but you can find information on getting a U.S. Passport in the Identification chapter.

Restoring Your Right to Vote

1. Can I vote while I am incarcerated?

While you are serving your sentence in jail or prison for a felony conviction, you are ineligible to vote.[2] Individuals convicted of a felony are also ineligible to vote while under the authority of the Washington State Department of Corrections (DOC).[3]

2. What kinds of convictions affect my right to vote?

Only felony convictions affect your right to vote.[4] If you were convicted of a misdemeanor or a gross misdemeanor, you can still vote.[5] A conviction in juvenile court does not affect your right to vote, regardless of whether the judgment was for a misdemeanor or felony.[6]

Note that the Washington Secretary of State screens the list of registered voters for ineligible felons.[7] If you are registered to vote, but are not eligible because of a felony conviction, the Secretary of State will send you a letter explaining that your voter registration will be cancelled.[8] That letter will also provide you with information on how to restore your right to vote.[9] For more detailed instructions, visit the Washington State Department of Licensing (DOL) website: www.dol.wa.gov/driverslicense/voter.html.

3. How do I restore my right to vote?

You do not need to do anything to restore your right to vote—the right will be restored automatically when you meet certain conditions. If you were convicted in a federal court, or in any state other than Washington, you right to vote is automatically restored as soon as you are no longer incarcerated. If you were convicted in a Washington State Court, your right to vote will be automatically restored as soon as you are no longer under the authority of the DOC. "Under the authority of the DOC" means serving a sentence in jail or prison or subject to community custody.[10] This means that once you have completed any required incarceration and/or DOC community custody, your right to vote is restored.

Because your right to vote is restored automatically, this means that you do not have to pay all of your legal financial obligations (LFOs) or obtain a Certificate of Discharge (COD) in order to vote.

4. How do I find out if I am "on community custody"?

The best way to learn whether you are on community custody is to call the DOC. You can contact the DOC Voting Hotline at (800) 430-9674. When you call, leave a message on the voice mail system and ask whether you have an open or active DOC file. Be sure to include your name, your DOC number, and your contact information in your message. Someone from DOC will return your call to confirm whether your DOC file is open.

If they say you do not have an "open" or "active" DOC file, you are eligible to register to vote. If they say you do have an open or active file, ask for the name and phone number of your Community Corrections Officer's (CCO) supervisor, and call the supervisor. Ask the supervisor if you are currently on community custody. If they say "yes," your right to vote is not restored until you are done with community custody.

Note: It is important to check your status before registering to vote—it is a felony to vote if you are not legally eligible to vote.

5. If my right to vote is restored, am I automatically registered to vote?

Even though your right to vote is restored, you need to register to vote. This is likely the case even if you registered or voted before your felony conviction.

6. How do I register to vote?

Once your right to vote is restored, you must register in order to receive a ballot. Please note that even if you were registered to vote before your felony conviction, you must re-register after you regain the right to vote; your conviction cancelled your former registration. There are several ways that you can register to vote:

- Register to vote online at the Washington Secretary of State's website: https://weiapplets.sos.wa.gov/MyVote/#/login.
- Request voter registration forms by mail. You can request or print a registration form (Form C) from the Secretary of State's website: www.sos.wa.gov/elections/register-mail.aspx. Registration forms are provided in: English, Chinese, Spanish, Cambodian, Korean, Laotian, Russian, and Vietnamese.
- Register to vote in person at several government offices, including: (1) the Secretary of State's office; (2) the County Auditor's office; (3) public libraries; (4) post offices; or (5) the DMV.[11]

When you register to vote, you will need to provide the following information:

- Your name;
- Your date of birth;
- Your gender;
- Your former address if you were previously registered to vote;
- The address of your current residence or mailing address (if different from residence);
- **One** of the following pieces of identification:
  - » A driver's license or state ID card;
  - » The last four digits of your Social Security number;

  - » Another valid photo ID;
  - » A valid tribal ID of a federally recognized Indian tribe in Washington State;
  - » A copy of a current utility bill, bank statement, government check, or paycheck; or
  - » A government document that shows both your name and address;
- Your oath[12] and signature.[13]

You will also need to certify that you are at least 18 years old (or will be by the next election) and that you are a U.S. citizen.

For more information on registering to vote, please visit the Secretary of State's website: www.sos.wa.gov/elections/voters/. If you need assistance registering to vote, please call the Elections Division of the Secretary of State at (360) 902-4180. You can check your voter registration status online at https://weiapplets.sos.wa.gov/MyVote/#/login or by calling your local election official.

7. How far in advance of the election do I need to register?

If you register by mail, you must mail your registration application on or before the 29th day before Election Day.[14] You can also register in person up to eight days before Election Day.[15]

8. Can I vote by mail?

All Washington voters vote by mail.[16] Eighteen days before Election Day, a ballot will be mailed to the address that you listed on your registration form.[17] If you lose your ballot or never receive one, you can request a replacement ballot.[18] If you mail your ballot, it must be postmarked by Election Day.[19] You can also drop your ballot in a drop-box, located at your voting center.[20] A list of voting centers is available online: www.sos.wa.gov/elections/voters/.

9. Can I vote in person?

If you did not obtain your ballot in the mail, you can also obtain a ballot by visiting a voting center.[21] A list of voting centers is available online: www.sos.wa.gov/elections/voters/. Voting centers are open 18 days before Election Day and close at 8:00 p.m. on Election Day.[22] If you pick up your ballot in person you must sign a ballot declaration or provide valid photo identification.[23] Valid photo identification may be a driver's license, passport, state identification card, student identification card, tribal identification card, or employer identification card.[24]

10. Can I still vote, even if I don't have a permanent address?

You can still vote even though you do not have a traditional residential address.[25] Specifically, Washington State permits anyone to vote who resides in a "shelter, park, motor home, marina, or other identifiable location."[26] To be eligible to vote, you must have lived in that location for at least 30 days before the election.[27] You also must provide a valid mailing address. Your ballot will be mailed to that address. If you do not have an address where you can reliably receive mail, you can have your mail sent to the United States Postal Service General Delivery. This address takes the form of:

[Your name]

GENERAL DELIVERY

[Your town], WA [Zip code]-9999.

For more information on using USPS General Delivery, visit the USPS website: www.usps.com/manage/forward.htm.

Restoring Your Other Civil Rights

11. How do I restore my other civil rights after I am released?

As noted above, your right to vote will be restored automatically once certain conditions are met. However, other civil rights, such as the right to serve on a jury or run for public office, were limited while you were incarcerated. If you want to permanently restore these civil rights, you need to obtain a Certificate of Discharge (COD). You are eligible for a COD once you have completed all of the requirements of your sentence, including paying all LFOs.[28]

In theory, once you complete the requirements of your sentence, the DOC must notify the sentencing court, which must then provide you with a COD.[29] However, the court may fail to automatically issue the COD so you should be proactive.

Instead of waiting for the court to issue a COD, you can petition the court for a COD.[30] You can print out a petition for a COD (Form A) from the Washington Courts' website: www.courts.wa.gov/forms/?fa=forms.contribute&formID=43. To complete that form, you will need to provide the following:

- Your name;
- Your criminal case number;
- Your signature, testifying that you completed all the requirements of your sentence;
- The signature of the County Clerk confirming that you paid all outstanding principal, interest, and fees; and either
- The signature of the DOC officer who handled your community custody or supervision; **or**
- Proof that you completed all of the requirements of your conviction (example: certificate of completion of substance abuse treatment program).

For more information on obtaining a COD, please visit the Washington Courts' website: www.courts.wa.gov/forms/?fa=forms.contribute&formID=43.

Note: A COD only restores certain civil rights, like the right to serve on a jury or run for public office. A COD **does not**: (1) restore your right to possess firearms or ammunition under state and federal law; (2) remove a conviction from your record; (3) remove any domestic violence restriction; or (4) remove any obligation to register as a sex offender.

Also, note that if you were convicted of a felony in another state or if you were convicted of a felony before July 1, 1984, then you need to follow a special procedure to permanently restore your right to vote.[31] You should contact an attorney for assistance with that process.

12. Can I still get a Certificate of Discharge (COD) if I have a "no-contact order"?

You can still obtain a COD even though you have a "no-contact order."[32] A "no-contact order" is an order that prohibits you from having contact with a specific individual or business or from coming within a set distance of a specific location.

If you have a no-contact order as part of your sentence, you must petition the sentencing court to issue both a COD and a separate no-contact order.[33] You can print out a petition for a no-contact order (Form B) from Washington Courts' website: www.courts.wa.gov/forms/?fa=forms.contribute&formID=43.

13. How do I serve on a jury?

A jury is a panel of lay people that decides the outcome of a trial or other legal proceeding. Being selected for jury service is a two-step process. First, a computer system randomly selects people from the state's records. Second, the state mails those randomly selected people a short questionnaire to check whether each person is eligible for jury service. Assuming you are eligible, you then become part of a "jury pool"—a group of citizens from which juries are chosen.

It is important to remember that you are legally required to respond to a jury questionnaire and you are required to appear in person if you receive a jury summons.[34]

If you are interested in learning more about jury service please review the Washington Courts' Juror's Guide online: www.courts.wa.gov/newsinfo/resources/?fa=newsinfo_jury.jury_guide.

14. What should I do if I get a jury questionnaire, but I am not eligible to serve on a jury?

If you receive a jury questionnaire but are ineligible, all you need to do is fill out the questionnaire. The questionnaire will ask whether you have been convicted of a felony and whether your civil rights have not been restored. If you have been convicted of a felony and have not restored your civil rights, just indicate that on the questionnaire, and return the questionnaire. The state will then know that you are ineligible for jury service. Even if you are not eligible, you are still required by law to fill out and return the questionnaire.[35]

Resources

Resources related to your voting rights:

- *Elections & Voting: Dates and Deadlines,* Washington Secretary of State, http://wei.secstate.wa.gov/osos/en/voters/Pages/dates_and_deadlines.aspx
- *Elections & Voting: Felons and Voting Rights,* Washington Secretary of State, https://wei.sos.wa.gov/agency/osos/en/voters/pages/felons_and_voting_rights.aspx
- *Elections & Voting: Voter,* Washington Secretary of State, www.sos.wa.gov/elections/voters/
- *MyVote,* Washington Secretary of State, https://weiapplets.sos.wa.gov/MyVote/#/login
- *Requesting Voter Registration Forms By Mail,* Washington Secretary of State, www.sos.wa.gov/elections/register-mail.aspx
- *Voter Registration,* Washington State Department of Licensing, www.dol.wa.gov/driverslicense/voter.html

Resources related to jury service and Certificates of Discharge:

- *A Juror's Guide,* Washington Courts, www.courts.wa.gov/newsinfo/resources/?fa=newsinfo_jury.jury_guide
- *Court Forms: Certificate of Discharge/Provisional Voting Rights,* Washington Courts, www.courts.wa.gov/forms/?fa=forms.contribute&formID=43

Glossary

Certificate of Discharge (COD): A document issued by a court certifying that all requirements of a person's sentence, including payment of any and all legal financial obligations, has been completed.

Community Corrections Officer (CCO): The people supervising inmates in the community. These individuals are supposed to provide guidance, support and program opportunities for all inmates returning to the community; ensure inmates are accountable to the conditions of their release from incarceration as they transition back into the community; and collaborate with community stakeholders who have a vested interest in the successful reentry of inmates.

Juror questionnaire: A short questionnaire that is mailed to people to determine whether they are eligible for jury service. If you are eligible, you will be added to the jury pool and may receive a summons to serve on a jury. If you receive a questionnaire, you are required by law to fill it out and return it.

Jury summons: A notice you receive in the mail instructing you to appear for jury service. If you receive a summons, you are required by law to appear.

Legal Financial Obligations (LFOs): Court-ordered payment of a legal financial obligation that may be part of an offender's sentence.

Social Security Number: Unique nine-digit number assigned by the Social Security Administration and provided to every United States citizen, permanent resident, or temporary working resident.

Washington State Department of Corrections (DOC): The Washington State Department of corrections manages all state-operated adult prisons and supervises adult inmates who live in the community.

Washington State Department of Licensing (DOL): Agency responsible for, among other things, licensing and regulating drivers, registering vehicles, etc. for Washington State. 4852-1337-1986, v. 2

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1 *The Washington State Constitution provides that: "All persons convicted of infamous crimes . . . are excluded from the elective franchise." Wash Const. art. VI,* § 3. See also Farrakhan v. Gregoire, 623 F.3d 990, 994 (9th Cir. 2010) (en banc) (the automatic disenfranchisement of felons is not a violation of the Voting Rights Act).

2 *See Wash Rev. Code §§ 29A.08.520(1),* (7).

3 *Id.*

4 *See Wash Const. art. VI,* § 3; Madison v. State, 163 P.3d 757, 763 (Wash. 2007); State v. Collins, 124 P. 903 (Wash. 1912).

5 *See Madison v. State,* 163 P.3d 757, 763 (Wash. 2007). A misdemeanor is generally an offense punishable by a fine of no more than $1,000 and up to 90 days in jail. Wash. Rev. Code. § 9A.20.021(3). A gross misdemeanor is a crime punishable by no more than a $5,000 fine and up to one year in jail. Wash. Rev. Code. § 9A.20.021(2).

6 *See Elections & Voting: Felons and Voting Rights,* Office of the Secretary of State, https://wei.sos.wa.gov/agency/osos/en/voters/pages/felons_and_voting_rights.aspx (last visited Nov. 1, 2017); see also Wash. Rev. Code § 29A.08.520.

7 *Wash Rev. Code § 29A.08.520(5).*

8 *Id.*

9 *Id.*

10 *Wash. Rev. Code. § 29A.08.520(7).*

11 *Wash. Rev. Code § 29A.08.340.*

12 *Wash. Rev. Code § 29A.08.230. The oath states: "I declare that the facts on this voter registration form are true. I am a citizen of the United States,* I will have lived at this address in Washington for at least thirty days immediately before the next election at which I vote, I will be at least eighteen years old when I vote, I am not disqualified from voting due to a court order, and I am not under department of corrections supervision for a Washington felony conviction."

13 *Wash. Rev. Code § 29A.08.210.*

14 *Elections & Voting: Dates and Deadlines,* Washington Secretary of State, http://wei.secstate.wa.gov/osos/en/voters/Pages/dates_and_deadlines.aspx (last visited Nov. 1, 2017).

15 *Wash. Rev. Code § 29A.08.140(1)(b).*
16 *Wash. Rev. Code § 29A.40.010.*
17 *Wash. Rev. Code § 29A.40.070(1).*
18 *Wash. Rev. Code § 29A.40.070(2). You can request a replacement ballot by phone,* fax, or email, or in person.
19 *Wash. Rev. Code § 29A.40.091.*
20 *Wash. Rev. Code § 29A.40.160(2).*
21 *Wash. Rev. Code §§ 29A.40.160(1),* (2).
22 *Wash. Rev. Code § 29A.40.160(1).*
23 *Wash. Rev. Code § 29A.40.160(7).*
24 *Wash. Rev. Code § 29A.40.160(7)(b).*
25 *Wash. Rev. Code § 29A.08.112.*
26 *Id.*
27 *Id.; see also Wash. Const. art. VI,* § 1.
28 *Wash. Rev. Code. § 9.94A.637(1)(a). For some very old convictions,* a person may be entitled to a discharge notwithstanding nonpayment of legal financial obligations if such legal financial obligations have become unenforceable due to lapse of time. See State v. Gossage, 195 P.3d 525 (2008).
29 *Wash. Rev. Code. §§ 9.94A.637(1)(a),* (b).
30 *State v. Johnson,* 148 Wash. App. 33 (2008), permits retroactive dating of a COD to the time the court receives notice that the offender completed the requirements of his or her sentence.
31 *See Wash. Rev. Code. § 29A.08.520(6).*
32 *Wash. Rev. Code. § 9.94a.637(2)(a).*
33 *Wash. Rev. Code. § 9.94a.637(2)(b).*
34 *See Wash. Rev. Code. § 2.36.170.*
35 *See Wash. Rev. Code. § 2.36.170.*

Chapter 15: Transportation and Getting Around

The Bottom Line:

- When you are released, you will need to be able to get around. The primary ways to travel are by using public transportation (i.e. buses, trains, etc) or by driving your own car. If you are on Apple Health (Medicaid), you may be also be eligible for transportation assistance to help you get to and from doctor's appointments.
- Public transportation is regulated at the county level, so the routes, timetables, and fares will depend on where you live. You can find more information about public transportation in your area by visiting www.wsdot.wa.gov/transit/. Some regions provide reduced fair bus or transit passes for elderly, disabled, homeless, and/or low-income individuals. Contact your local transit authority to find out what programs exist and whether you are eligible for them.
- If you want to drive your own car, you will need a valid driver's license and auto insurance. There is an entire chapter in this guide devoted to getting or reinstating your driver's license, so see that chapter for information about licensing. If you want to buy a car, make sure you do your research. Section 6 in this chapter provides some general advice about things to think about when you are purchasing a car, and there are several more comprehensive guides linked in the Resources section at the end of the chapter.

TRANSPORTATION AND GETTING AROUND

Introduction

When you are released, you will need to find a job and go to work, find housing, go to the doctor if you are sick, and handle many other errands and appointments. To do any of these things, you will need to be able to get around. This chapter discusses various transportation options and a few special transportation services for which you might qualify.

Public Transportation

1. What is public transportation and how do I use it?

Public transportation is generally more affordable than personal transportation and it may be a good option if you can't afford or don't want to own your own car. Most public transportation systems are run by counties, so your options will vary depending on where you plan to stay after you are released. You can find information about local service in your area, including routes, times, fares, and other information, by visiting www.wsdot.wa.gov/transit/.

2. How can I get reduced bus fare?

Depending on your circumstances, you may be eligible for reduced bus or transit fare. Most counties in Washington State have reduced fare programs for seniors and people with disabilities. If you are a senior, you may be able to obtain a reduced fare permit through the mail or online. If you are disabled, you will likely need to submit an application in person and provide proof of disability from your doctor. Although most counties administer these programs, the process and documentation requirements differ greatly, so check with your regional transit system for details about your county. If you know you will need a disabled bus pass after you are released, you may be able to speed up the process by getting verification from prison doctors while you are still incarcerated.

Some regions also provide reduced fare bus or transit tickets to agencies serving homeless and/or low-income individuals. Contact your local transit authority to see if they offer reduced fare tickets and whether you are eligible to receive them.

Although rare, some programs, such as WorkFirst, may provide free access to public transportation to participants.[1] While you should not assume that DSHS and nonprofit agencies provide this service, you should inquire first, before assuming you won't be able to participate due to lack of funds.

3. What can I do if I am banned from public transportation?

Unless the court that entered your conviction specifically said you are banned from using public transportation upon release, or if you have received notice from public transportation that you have been banned, you probably are not barred from using public transportation. To be sure, check with your Classification Counselor before you are released to verify that there are no restrictions on your use of public transportation. Conditional requirements established by the court can be found in your Judgment and Sentence. If you are not sure if you have been banned from using public transportation, simply contact the public transportation service you plan on using for verification. To find contact information for the transportation service in your area, go online and search for public transportation in the county in which you reside. Otherwise, navigate to Washington State's transportation website to find the information you need: www.wsdot.wa.gov/transit/.

If you know for sure that you have been banned from public transportation, you can find other means of transportation, or you can contact the authority that imposed the ban and ask them to reconsider. If it is a court-imposed ban, write a letter to the judge asking for reconsideration. If the ban was imposed by public transportation authority, consider writing a letter to them asking for reconsideration.

A letter to a judge or transit authority representative should describe:

- When you were banned;
- The reason(s) you were banned;
- Why you are asking for reconsideration (for example, if you need public transportation to get to work or school);
- Changes in your life that put you in a better position now to use public transportation responsibly; and
- A request to reconsider the public transportation ban.

Along with your letter, include any relevant evidence to support your request, such as proof of financial circumstances, proof of employment, proof that you are attending school, proof of rehabilitation, a letter from a case manager or Counselor, etc.

4. Are there other ways to get around without owning my own car if public transportation is not convenient?

If you have a smartphone with a data connection and a credit or debit card, you may wish to use a ride sharing service like Uber (www.uber.com) or Lyft (www.lyft.com). These are services where you can use an app to call for a ride, and someone will pick you up in their own car and drive you where you need to go (similar to a taxi). Your credit card information will be stored in the app, and when you call for a ride the fare will be charged to your card automatically. These services are generally more expensive than riding the bus, but may be useful if you are traveling to or from an area without other transportation options or if you want to get somewhere faster than riding the bus. To get started, download the Uber or Lyft app on your phone and create an account. Note that you will need a credit or debit card account to subscribe.

Medical Transportation

5. What if I need help getting to doctor's appointments?

If you have Apple Health (Medicaid) and have limited access to transportation, you may be eligible for transportation assistance to and from medical appointments.[2] The Washington State Health Care Authority (HCA) might provide financial assistance to pay for gas, mileage, public transportation, or they may provide actual transportation to and from appointments depending on your situation and needs. To qualify for transportation assistance, you must:

- Have a current ProviderOne services card;
- Have no other way to reach your medical appointment; and
- Ensure that the appointment is covered by your Apple Health plan.

To request non-emergency medical transportation, you should contact the HCA to find out who your Regional Broker is and call them at least 7-14 days prior to your appointment to arrange a ride. When you call your Regional Broker, you should have the following information available:

- Your ProviderOne Services Card;
- Your pick-up address;
- The name, address, and phone number of your medical provider;
- The date and time of your medical appointment;
- The type of appointment (i.e., dialysis, OB, dental, etc.); and
- The approximate return time (if known).

To find out contact information for your Regional Broker, you can contact the Medical Assistance Customer Service Center at 1-800-562-3022, or find information online: www.hca.wa.gov/free-or-low-cost-health-care/apple-health-medicaid-coverage/transportation-services-non-emergency#transportation-broker-directory. You can also email HCA's Transportation Services department at: HCANEMTTRANS@hca.wa.gov.

Personal Transportation

6. What if I want to drive my own car? What should I know before buying a car?

To drive your own car, you will need a driver's license and auto insurance. See section 8 below for information on insurance, and see the *Getting or Reinstating Your Driver's License* chapter for information on licensing.

If you want to buy a car, make sure you do your research. Below you will find some general advice if you are thinking about buying a car, and there are several more comprehensive guides on this topic linked in the Resources section at the end of the chapter.

Test-drive any car you are thinking about buying, and have a mechanic inspect it if you can. If you have the Vehicle Identification Number (VIN), you can use the National Motor Vehicle Title Information System, available at www.vehiclehistory.gov, to check the vehicle's history and make sure the information the seller is providing is accurate and complete.

Make sure you understand the contract before you sign it; it is very difficult to cancel a sale if you change your mind, so be very sure you understand and agree to all of the terms. If you have to take out a loan, remember that interest payments on your loan can as much as double the sticker price of the car, so a $10,000 car could end up costing you as much as $20,000 in payments and interest by the time you finish paying for it.

After you purchase your car, you will need to transfer the title into your name. If you buy from a dealer, they will transfer title for you if you show your driver's license.[3] If you buy a car from a private party, you will have fifteen days to transfer ownership into your name. The owner must be able to transfer a clean (no liens) certificate of title to you. You will need to submit the following items at a Department of Licensing (DOL) office:

- Vehicle Bill of Sale completed by the seller (available at www.dol.wa.gov/forms/420065.pdf);
- Vehicle Title Application (available at www.dol.wa.gov/forms/420001.html), which you must sign in front of a notary public or in front of a licensing agent at a DOL office;
- The current vehicle title; and
- Payment (you can find out the amount by contacting a DOL office).



You can find a DOL office near you by visiting https://fortress.wa.gov/dol/dolprod/vehoffices/ and selecting your county. You will also need to register your vehicle and get Washington license plates. You can find out more about registration and license plates by visiting www.dol.wa.gov/vehicleregistration/registervehicle.html.

7. How do I get a disabled parking placard?

If you are disabled, either temporarily or permanently, you may be eligible for a disabled parking placard, which will allow you park in certain designated areas. In order to obtain a placard, you will need a doctor's signature verifying your disability. Not every disability qualifies you for a placard, so talk to your doctor about whether you are eligible. You can see the full eligibility rules at www.dol.wa.gov/vehicleregistration/parkingreqs.html.

You can apply for a disabled parking placard online through the Washington State Department of Licensing by visiting www.dol.wa.gov/vehicleregistration/parkingget.html.[4] While you can get certification of your disability from your doctor after you are released, you may be able to speed up the process by getting verification from prison doctors ahead of time (though you will not be able to actually submit your application until after you are released).

8. Do I need auto insurance in order to drive in Washington?[5]

You are required by law to carry auto insurance in Washington State. Auto insurance provides coverage for property, medical expenses, and liability. Under Washington State's mandatory auto insurance law, anyone who drives a motor vehicle in our state must do one of the following:

- Carry **auto insurance** (by far the most common option that will apply to nearly everyone) with liability limits of at least:
    - » $25,000 for bodily injury or death of one person in any one accident;
    - » $50,000 for bodily injury or death of any two people in one accident;
    - » $10,000 for injury or destruction of property of others in any one accident;
- Carry **self-insurance** if you own more than 26 vehicles. For more information about self-insurance, contact the DOL;
- Obtain a **certificate of deposit** by making a deposit of at least $60,000. You must submit the Financial Responsibility Application and Affidavit form available online: www.dol.wa.gov/forms/210005.pdf. If you qualify, the DOL will contact you with further instructions; or
- Be covered by a **liability bond** of at least $60,000.[6]

Note that of these options, auto insurance is the right choice for the vast majority of people and almost certainly the right choice for you unless special circumstances apply. To obtain an auto insurance policy, contact a private insurance company. Some common insurance companies are:

- State Farm (www.statefarm.com);
- Geico (www.geico.com);
- Allstate (www.allstate.com);
- Progressive (www.progressive.com);

- USAA (www.usaa.com) (for military veterans and their families);
- Farmers (www.farmers.com); or
- Nationwide (www.nationwide.com).

Insurance rates will vary based on your driving record and different insurance companies may offer different rates. You may wish to contact several companies to get quotes and compare rates to see which will be the most affordable for you.

When you purchase an auto insurance policy from an insurance company, you will be issued an insurance card. If you are pulled over while driving, law enforcement will ask to see your insurance card, so you should be prepared to show it any time you are driving (many people keep the card in the glove compartment of their car for this reason). Failing to show your insurance card when required is a traffic violation, and you may be issued a ticket.[7]

Resources

Documents:

- *Tips for buying a vehicle*, Washington State Department of Licensing, www.dol.wa.gov/vehicleregistration/tipsbuyingcar.html
- *Tips for Buying a Used Car*, Northwest Justice Project, www.washingtonlawhelp.org/resource/tips-for-buying-a-used-car
- *Auto Insurance*, Office of the Insurance Commissioner, www.insurance.wa.gov/auto-insurance

Other resources to help with transportation:

- Information about public transportation in your area is available from **Washington State Department of Transportation**; visit www.wsdot.wa.gov/transit/.
- To find a Department of Licensing office in your area, visit https://fortress.wa.gov/dol/dolprod/vehoffices/ and enter your zip code.
- To check a vehicle's history using the VIN, use the **National Motor Vehicle Title Information System** at www.vehiclehistory.gov.

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1 *WorkFirst Transportation Initiative,* Agency Council on Coordinated Transportation, Washington State Department of Transportation, www.wsdot.wa.gov/ACCT/workfirst.htm (last visited Nov. 1, 2017).

2 *Transportation services (non-emergency),* Washington State Health Care Authority, www.hca.wa.gov/free-or-low-cost-health-care/apple-health-medicaid-coverage/transportation-services-non-emergency (last visited Nov. 1, 2017).

3 *Transfer ownership when buying from a dealer,* Washington State Department of Licensing, www.dol.wa.gov/vehicleregistration/transferdealer.html.

4 *Disabled parking: Permanent,* Washington State Department of Licensing, www.dol.wa.gov/vehicleregistration/parkingperm.html (last visited Nov. 1, 2017).

5 *Auto Insurance,* Office of the Insurance Commissioner, www.insurance.wa.gov/your-insurance/auto-insurance/ (last visited Nov. 1, 2017).

6 *Getting a driver license: Mandatory insurance,* Washington State Department of Licensing, www.dol.wa.gov/driverslicense/insurance.html (last visited Nov. 1, 2017).

7 *Id.*

Chapter 16: Work Release

The Bottom Line:

- Work release is an opportunity to spend the last few months of your incarceration in a less restrictive setting. While you are in work release you may work a job in the community and may be permitted to leave the facility to look for work, go to doctor's appointments or substance abuse treatment, or visit family. Work release can help you gain work experience, stabilize your personal relationships, and prepare for your release.
- Work release is not the same as being released. Failing to follow the rules of your work release facility could result in disciplinary action, including being returned to prison for the remainder of your sentence or losing good time credit (which could push your release date back). If you leave the facility without authorization, or are not back at the facility when you are supposed to be, you could face additional felony charges. When you arrive, you will be given a Resident Handbook outlining the rules of your facility; make sure that you read and understand the rules, and follow them at all times.

WORK RELEASE

Introduction

Work release is a special opportunity for a small percentage of incarcerated people to complete up to the last six months of their confinement time in the community. It allows you to seek and maintain employment and helps you build work skillsets, estatblish pro-social support with family and friends, and network with any transitioning agencies and/or sober support groups. While you are on work release, you must comply with additional rules.

1. Where are Work Release facilities located in Washington State?

Work release facilities are located throughout the state of Washington. Each facility has specific counties of jurisdiction where they will accept people, and some facilities are specifically for men or women. Work release is available in the following places:

- Benton County: Tri-Cities Work Release (men and women)
- Cowlitz County: Longview Work Release (men and women)
- King County: Bishop Lewis Work Release (men only); Helen B. Ratcliff Work Release (women only); Reynolds Work Release (men only)
- Kitsap County: Peninsula Work Release (men and women)
- Pierce County: Progress House Work Release (men and women)
- Spokane County: Brownstone Work Release (men only); Eleanor Chase House Work Release (women only)
- Thurston County: Olympia Work Release (men and women)
- Whatcom County: Bellingham Work Release (men and women)
- Yakima County: Ahtanum View Work Release (men and women)[1]

2. What are the eligibility requirements for work release?

Work release is not an option for everyone. While in prison, your classification counselor can submit your request to transfer to a work release within one year of your earned release date. Your request to transfer to Work release will be screened by either the facility Supervisor or by the facility's local Screening Committee. They will determine whether you will be approved or denied for Work release.

You can be referred to work release 12 months prior to your earned release date. If you are approved for work release, Headquarters will determine when you are eligible to transfer to work release. You must be promoted to a minimum level of security based on a behavior-driven classification determination and be within six months of your earned release date to transfer to work release. Finally, work release is space-limited, so you can be transferred only if bed space is available.[2]

3. Am I still "in prison" while in work release?

Work release is considered partial-confinement where you are serving the remainder (less than 6 months) of your sentence. You will be issued a Resident Handbook containing all the rules, expectations and policies. You may be authorized to leave the facility on an approved pass to go job searching, conduct personal essential business, or go on a social outing with your approved sponsor to visit family members.[3]

While in work release, you must obey the facility rules. You must search for a full-time job ("full-time" means 32 hours or more per week). You may leave the facility only for work or other approved activities such as medical appointments, drug treatment, or supervised visits with family. You can be referred for chemical dependency evaluation and treatment, or other programming, and required to participate. You are prohibited from drug and alcohol use and will have routine drug testing.

If you do not comply with these rules, you may be subject to disciplinary action, which could result in being removed from the work release program and returned to prison for the remainder of your sentence. You can also lose good conduct time (GCT) for a violation of work release conditions.[4] Further, if you fail to return to the facility by your due-back time and/or your whereabouts is unknown, you will be placed on "escape" and could be facing a new felony charge. That is why it is so important to know and adhere to the rules in the Resident Handbook at work release.

4. Is a work release program right for me?

In order to qualify for work release, you must be six months from your earned release date and you must be classified as minimum security. Even if you meet these conditions, only you can decide if work release is a good idea for you. Work release presents both opportunity and risk. While in work release, you can gain work experience, stabilize your family relationships, and build a bridge to re-entering the community. Doing these things in an incremental fashion, you are more likely to succeed. There is evidence that people who participate in work release gain better job-readiness skills and are less likely to commit crimes in the future.[5] On the other hand, work release is a less controlled environment than prison. You must be ready to be responsible for your own conduct and show initiative to make work release a success.

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1 *Wash. Dept. of Corrections,* Work Release Facilities, www.doc.wa.gov/corrections/incarceration/work-release/locations.htm (accessed Nov. 2, 2017).

2 *Wash. Dept. of Corrections,* About Work Release, www.doc.wa.gov/corrections/incarceration/work-release/default.htm (accessed Nov. 2, 2017); Wash. Dept. of Corrections, Work Release Data Sheet, www.doc.wa.gov/docs/publications/fact-sheets/400-FS001.pdf (March 1, 2017).

3 *Wash. Dept. of Corrections,* About Work Release, www.doc.wa.gov/corrections/incarceration/work-release/default.htm (accessed Nov. 2, 2017)

4 *Wash. Dept. of Corrections,* About Work Release, www.doc.wa.gov/corrections/incarceration/work-release/default.htm (accessed Nov. 2, 2017)

5 *Wash. Dept. of Corrections,* Work Release Data Sheet, www.doc.wa.gov/docs/publications/fact-sheets/400-FS001.pdf (March 1, 2017).

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Nanette Sorich, Pioneer Human Services
Gina Stark, Washington State Treasurer's Office
Belinda Stewart, Washington State Department of Corrections
Robert Story, Washington State Department of Corrections
Susan Sundahl, Washington Corrections Center for Women
Sarah Sytsma, Washington State Department of Corrections
Rhona Taylor, Columbia Legal Services
Ted Thornton, Washington State Department of Social and Health Services
Becky Turner, STAR Project
Ann Vining, Northwest Health Law Advocates
Brian Walsh, Washington State Board for Community and Technical Colleges
Patrick Whalin, Washington State Department of Social and Health Services
Lindsey Wilson, Unloop
Hilary Young, Pioneer Human Services

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