

# Home *for Good:*

Overcoming Legal Barriers  
to Reentry in Georgia

**THIRD EDITION**

*A publication of Atlanta's John Marshall Law School Office of Experiential Learning*



Home for Good: Overcoming Legal Barriers to Reentry in Georgia

Third Edition

Written and Edited by

Bridgett E. Ortega, M.A., J.D., Assistant Dean

Atlanta's John Marshall Law School Office of Experiential Learning

Student Contributors

Akua Amaning

S. Kent Buis

Eufemia Cabrera-D'Amour

Sharon Fowler

Sharee Malcolm

Jason Mitchell

Yesenia Muhammad

**Generous Support for Publication provided by**



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Greater Atlanta**

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We would also like to extend our appreciation to the Georgia Justice Project for their amazing work with their Coming Home program and their phenomenal “Guide to Understanding and Correcting Criminal Records in Georgia.” People who have a criminal history and any organization providing services to people with criminal histories need to have this valuable resource.

Be sure to visit their website at <http://www.gjp.org/>



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Additionally, we would like to thank Positive Promotions for assisting us with the publication and reproduction of this valuable resource.

## Highlights of Home for Good: Overcoming Legal Barriers to Reentry in Georgia 3rd Edition

- Added page numbers to Table of Contents
- Added first steps after release section.
- The ID section has been revised to provide more specific information and also a disclaimer regarding those without any form of identification. If you have no identification it will be very difficult to obtain any in Georgia. Added new law regarding suspensions for drug offenses.
- Added section on Selective Service Registration.
- The Record Restriction (previously the expungement section) section has been revised to eliminate the word expungement and replace it with record restriction as reflected in the new laws passed during the 2014 legislative session. The new laws have been summarized.
- Link to Sample letters to employers are included to assist job seekers.
  - o How to explain your criminal history
  - o How to explain your status as a first offender
- The Resource List has been expanded to include additional providers.
- Housing section has been moved and updated.
- The probation section has been modified.
- Mental Health Services Directory has been added.
- Reworked the Voting section to reflect the new law.

*Disclaimer: The Home for Good guide is intended to be a general resource guide. All documents, instructions, and samples are provided for educational purposes only and are not intended to create an attorney-client relationship with Atlanta's John Marshall Law School, its students or the authors of this publication.*

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## Introduction

If you are a person reentering the community from prison or jail you probably have many legal questions and concerns. This self-help guide is designed to answer practical, legal questions to help you successfully remain in your community. Everyone must find their own way, but we encourage you to use this little book to guide your reentry to the community. The book is not intended to replace your lawyer. If you have a lawyer, consult them for legal advice and expert opinions. Ask questions, explain your situation, and tell the lawyer what you need.

This guide is based on Federal and Georgia law as of January, 2015 and is subject to change without notice. Atlanta's John Marshall Law School will continue to modify and update our materials. Whenever possible, you should check to make sure the information is accurate. Laws are different in other states. We know that it can be painful and discouraging at times but the purpose of this guide is to empower you to make the best decisions for yourself as you chart your course in a world that is sometimes hostile to reentering citizens. As an institution of higher education we firmly believe that knowledge is power and knowledge of the law is power that can help you stay home for good.

This guide is information only and is not legal advice or a substitute for legal advice in any particular situation. If you need legal help or have questions about your particular situation, call a lawyer. Only licensed attorneys can interpret the law for you. See the resource section at the end of this booklet.

This resource guide was researched and written by students of Atlanta's John Marshall Law School and Bridgett E. Ortega, J.D., Assistant Dean of the Office of Pro Bono and Experiential Learning. Please do not call the law school about individual legal problems. However, if the information in this book needs updating, contact [bortega@johnmarshall.edu](mailto:bortega@johnmarshall.edu)



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The Home for Good: A Self-Help Guide for Overcoming Legal Barriers to Reentry in Georgia can be found at [www.johnmarshall.edu/homeforgood](http://www.johnmarshall.edu/homeforgood)

## First Steps after Release

When you are released, take it...



- Find and stay in positive living situation (Page 22-24)
- Get Identification (Pages 8-15)
- Selective Service Registration (Page 14)
- Get credit report and Military Records (Page 13-14)
- Keep in touch with parole or probation officer (Page 46-48)
- Take care of mental health needs (Page 55)
- Make arrangements for child support (Page 32-37)
- Get more training or education (Page 29-31)
- Find a job (Page 25-28)
- Deal with your criminal history (Pages 16-21)
- Get legal help (Page 53-54)
- Register to vote (Page 42-43)

## Identification and Personal Records

### *What paperwork will I need upon being released from a correctional institution?*

Proper identification is required to function in our society. You will need certain papers to get a job, get help from social service agencies, and get a driver's license as well as find a place to live. Hopefully you were able to get some of these documents before you were released. Identification proves to others who you are. Below are a few examples of acceptable identification which are highly recommended in order for you to transition smoothly into society. Please be aware that if you are starting out with no identification at all, this process may prove to be both challenging and time consuming.

Any documentation or information that you receive upon release that identifies you (D.O.C. ID, Bracelet, etc...) you need to hang onto and not destroy it, especially if you do not have any other type of identification. The Department of Corrections, has a program in place known as TOPSTEPP which is responsible for retrieving the primary identification documents you need to obtain employment. Be sure to ask and take advantage of this program prior to release if at all possible.

- ***Birth Certificate***- Provides proof of when and where you were born. A certified (official) birth certificate is necessary for applying for a driver's license, retirement benefits, passport or federal, state and local assistance programs.

Cost:	\$25 request fee (Certified Check or Money Order)
Items Needed:	- Completed and Signed Request Form - Photocopy of Valid Government Issued ID
Requesting a Birth Certificate:	1. Mail your request, fee (today it is \$25) and photocopy of valid ID to: <ul style="list-style-type: none"><li>• <b>Georgia Department of Public Health Vital Records</b> 2600 Skyland Drive, NE Atlanta, GA 30319</li></ul> 2. Request a birth certificate in person at the state Vital Records Office or an County Vital Records Office: <ul style="list-style-type: none"><li>• <b>Walk in lobby Hours:</b> Monday – Friday 8am- 4:30pm</li></ul> 3. Submit Birth Certificate requests online at: <a href="http://health.state.ga.us/programs/vitalrecords/birth.asp">http://health.state.ga.us/programs/vitalrecords/birth.asp</a>
For More Information:	Georgia Department of Public Health- 404-679-4702

The state passed SB365 in April 2014 which gives judges judicial discretion to



not automatically suspends driver's licenses for drug offenders who committed a non-driving related offense. If your license was suspended for a non-driving related offense you may be able to get back in court for a modification of sentence.

- **State ID and Driver's License**- You will need either a state ID card or driver's license to help prove who you are. You will also need an ID card or license to get a job. If you have or can get a driver's license use that as your ID. If you can't get a driver's license for any reason, you'll need to get a state ID card.

Cost:	\$20 for a card valid 5yrs. or \$32 for a card valid 8yrs. *Same price for both state ID and driver's license
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**Checklist**

The following documents are required to obtain a state ID card or Driver's license. Please be sure to bring the required documents in each section of the checklist with you when you visit a DDS Customer Service Center to either form of identification.

Primary Identification (You must present one (1) of the following unless otherwise noted):	<p><b>Citizens</b></p> <ul style="list-style-type: none"><li><input type="checkbox"/> U.S. Passport or Passport Card that has been expired for less than 10 years.</li><li><input type="checkbox"/> An original or certified copy of a US Birth Certificate/ Amended Birth Certificate filed with the State Office of Vital Statistics or equivalent agency in the Applicant's state of birth</li><li><input type="checkbox"/> Consular Report of Birth Abroad</li><li><input type="checkbox"/> Certificate of Naturalization</li><li><input type="checkbox"/> Certificate of Citizenship</li><li><input type="checkbox"/> SSA Numident Record</li><li><input type="checkbox"/> Original US Military Discharge Papers</li></ul> <p><b>Non-Citizens</b></p> <ul style="list-style-type: none"><li><input type="checkbox"/> Visa Waiver (with unexpired Foreign Passport)</li><li><input type="checkbox"/> Unexpired Foreign Passport with a valid US Visa and valid I-94 or I-797; also requires 1-766, I-20, or DS-2019</li><li><input type="checkbox"/> 1-766 (TPS- Temporary Protected Status)</li><li><input type="checkbox"/> 1-766 (non TPS); also requires unexpired Foreign Passport</li><li><input type="checkbox"/> I-551 or I-551 Stamp with photo on I-94 form</li><li><input type="checkbox"/> I-551 Stamp; also requires unexpired Foreign Passport</li><li><input type="checkbox"/> I-94 (Asylee status)</li><li><input type="checkbox"/> I-94 (Refugee status)</li></ul>
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	<input type="checkbox"/> Certificate of Citizenship <input type="checkbox"/> Certificate of Naturalization <input type="checkbox"/> Unexpired Foreign Passport with Immigration Status of A, B, E, H, I, L, O, P, Q, R, or S  <p>Note: DDS will only issue a driver's license in a name that exactly matches the original immigration documents</p>
Proof of Social Security Number (You must present one (1) of the following unless otherwise noted):	<input type="checkbox"/> Social Security Card (original, laminated original, or copy) <input type="checkbox"/> W-2 form with Applicant's name & full or partial SSN <input type="checkbox"/> SSA-1099 form with Applicant's name & full or partial SSN <input type="checkbox"/> Non-SSA 1099 form with Applicant's name & full or partial SSN <input type="checkbox"/> Pay stub with Applicant's name & full or partial SSN <input type="checkbox"/> SSN Denial Letter/ SSA Refusal Letter <input type="checkbox"/> SSA Print-out containing office stamp and SSA employee signature as well as Applicant's name & SSN <input type="checkbox"/> I-797C with Applicant's name, demographic info & <input type="checkbox"/> SSN (For non-citizens only) <input type="checkbox"/> Federal/ State Tax Return with Applicant's name & SSN <input type="checkbox"/> Medicare/Medicaid card with Applicant's name & SSN <input type="checkbox"/> Social Security Annual Statement <input type="checkbox"/> Selective Service Notice with Applicant's name & SSN
Proof of Residential Address (You must present two (2) of the following unless otherwise noted): *Document for proof of residency, which must be issued within the last two (2) years.	<input type="checkbox"/> Applicant's unexpired GA driver's license, permit or ID card showing your current residential address. <input type="checkbox"/> * Employer verification issued within the last two years (ex. Paycheck or paycheck stub, letter from employer on company letterhead, W-2 for earnings, Military orders) <input type="checkbox"/> A GA driver's license, permit, or ID card issued to parent, guardian, spouse or other immediate family member residing in the same household (immediate family member must be present) <input type="checkbox"/> * Health insurance statement or explanation of benefits (EOB) for claim or a health care bill/invoice. <input type="checkbox"/> * State of GA or Federal income tax return or refund check. <input type="checkbox"/> * Social Security documentation including Social Security Annual Statement, Numident record, or Social Security check. <input type="checkbox"/> Statements for Federal, State, and Local assistance programs, including Medicare, Medicaid, unemployment insurance claims, or WIC

	<ul style="list-style-type: none"> <li><input type="checkbox"/>* School record or transcript, report card, student loan application, or form DS-1</li> <li><input type="checkbox"/>* Homeowners insurance policy or premium bill</li> <li><input type="checkbox"/>* Mortgage, payment coupon, deed, escrow statement or property tax bill</li> <li><input type="checkbox"/>* Voter Registration Card</li> <li><input type="checkbox"/>* Auto-Insurance Policy with Applicant's name and address</li> <li><input type="checkbox"/>* Auto-Registration with Applicant's name and address</li> <li><input type="checkbox"/>Unexpired Firearms License (Gun Permit)</li> <li><input type="checkbox"/>Unexpired Merchant Marine License</li> <li><input type="checkbox"/>I-797A</li> <li><input type="checkbox"/>I-797C</li> <li><input type="checkbox"/>Other Documents issued by the Federal/State/Municipal Government</li> <li><input type="checkbox"/>Refugee Address Verification Affidavit (DS-20)—a second document for verification of residency is not required with this document</li> <li><input type="checkbox"/>Georgia Department of Corrections Residency Verification Form (DS-752)—a second document for verification of residency is not required with this document</li> <li><input type="checkbox"/>Correspondence from DSS</li> <li><input type="checkbox"/>*Current, valid rental contract/agreement and/or rent payment receipts</li> <li><input type="checkbox"/>*Any postmarked mail showing your name and delivered by the U.S. Post Office to your current address within the last two (2) years.</li> <li><input type="checkbox"/>Mail forwarded to your new address by the U.S. Post Office displaying the yellow re-routing sticker</li> </ul>
Name Change	<p>If your name has changed from your original birth record, you must present official certified documents supporting the name change, including but not limited to:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/>Marriage license, marriage certificate or marriage license application (Note: by law, same sex marriage certificates cannot be accepted for name changes)</li> <li><input type="checkbox"/>Divorce decree, original or certified copy</li> <li><input type="checkbox"/>Court Adoption Decree/Document, original or certified copy</li> <li><input type="checkbox"/>Court Petition for Legal name change, original or certified copy</li> <li><input type="checkbox"/>Amended birth certificate</li> </ul>

- **Social Security Card-** You must have this card to get a job, open a bank account, collect benefits and receive government services. There is no charge. After applying it will take several weeks for your card to be mailed. You will be given a receipt that shows you applied for a card. For more information visit <http://www.ssa.gov/atlanta/>

Items Needed (no cost):	<div> <div> <input type="checkbox"/>Proof of Citizenship (U.S. birth certificate or U.S. passport)           <input type="checkbox"/>Proof of Age: Birth Certificate (If a birth certificate does not exist the following may be acceptable: Religious records before the age of 5 showing your date of birth; U.S. hospital record or birth; or U.S. passport)           <input type="checkbox"/>Proof of Identity: U.S. driver's license, State-Issued ID, or U.S. Passport (If applicant does not have any of the following and cannot get a replacement for one of them within 10 days, other documents may be requested (i.e. Employee ID card, School identification card, Heath insurance card, or U.S. military ID           <input type="checkbox"/> Interview at a local Social Security branch office         </div> <div> <p>*Note: All documents must be either originals or certified copies by the issuing agency. Photocopies will not be accepted.</p> </div> </div>
How to Apply:	<div> <div>           1. If you are over 18 and have never applied for a social security card you must apply in person.           <div>Or</div>           2. If you have a social security number but have lost it you can apply in person or by mail.         </div> <div>           Call the Social Security Administration for help at 1-800-772-1213         </div> </div>

***Other papers that help prove who you are***

Bank cards or account statements, paychecks, pay stubs, lease agreements, public benefits card or documents issued by government agencies, school records, documents issued by the government such as voter registration card. If you have any of these documents keep them in a safe place so you will not lose them.

***Reinstatement of suspended license***

If you want to make sure that you have a valid Georgia driver's license or you want to know what suspensions or blocks you have on your license, you may contact the

Department Of Driver Services 678-413-8400, or toll-free 866-754-3687 (inside Georgia but outside Metro Atlanta Area). Representatives are available Monday through Friday, 7:00 am until 5:15 pm to assist with reinstatement questions. <http://www.dds.ga.gov/>

OR

You may submit a letter requesting reinstatement requirements to: Georgia Department of Driver Services, Post Office Box 80447, Conyers, Ga. 30013. This request must contain your name as it appears on your driver's license, license number, date of birth, correct mailing address, and your signature.

OR

You may visit one of the Department of Driver Services Customer Service Centers that offers full reinstatements. <http://www.dds.ga.gov/>

*License reinstatement fees*

The reinstatement fees listed below have been set by the Georgia General Assembly. Keep in mind, the effective conviction date, possibility of multiple convictions and/or suspensions plus other factors in your specific case, may contribute to a different fee. Over the next year, DDS will be adding additional Online Reinstatement Options including personalized step-by- step instructions for getting your license reinstated.

<b>Child Support Non-Compliance</b>	\$25.00 by mail, \$35.00 in person
<b>DUI (First Offense for Age 21+)</b>	\$200.00 by mail, \$210.00 in person
<b>Failure to Appear (FTA)</b>	\$100.00 by mail, \$90.00 in person
<b>No Proof of Insurance (First Offense)</b>	\$200.00 by mail, \$210.00 in person
<b>No Proof of Insurance (Second/More)</b>	\$300.00 by mail, \$310.00 in person
<b>Points Violation (First Offense)</b>	\$200.00 by mail, \$210.00 in person
<b>Points Violation (Second Offense)</b>	\$300.00 by mail, \$310.00 in person
<b>Super Speeder</b>	\$200.00 Super Speeder Fee
	Additional \$50.00 fee if not paid by due date

Note: Your license will be automatically revoked or suspended for at least 6 months if you are convicted for any drug offenses, not just those related to driving. A restricted license may be granted after 2 years for individuals convicted for a third time, for purposes of transportation to and from school, work, medical care, or addiction support groups.

*Credit reports*

A credit report is a detailed history of how you pay your bills (on-time or late) and how you manage your debt. You should review your credit report for accuracy. It is not unusual for mistakes to occur. A bad credit report can affect your ability to get a

job, rent an apartment, buy a home or get a credit card. To get a free copy of your credit report every 12 months contact Annual Credit Report Request Service – 877-322-8228 or [www.annualcreditreport.com](http://www.annualcreditreport.com)

DO NOT call any other advertised service; they are usually trying to get money out of you even if they say it is free.

### ***Selective Service Registration***

The Selective Service System is the agency of the U.S. Government that exists to register men who could be asked to serve in the military in times of war or other national crisis. Almost all male U.S. citizens, and male aliens living in the U.S., who are age 18-25 are required to register. Registration is free and the forms are available at the post office or online. Once someone reaches age 26, they can no longer register. Failure to register before turning 26 may render you ineligible for certain Federal benefits including student financial aid. The failure to register must be knowing and willful for you to be denied benefits. If you were incarcerated you can request a “status information” letter from the Selective Service. You will have to describe what stopped you from registering between your 18th and 26th birthdays. This letter is needed to obtain benefits. The final decision is made by the agency granting the benefit and not the Selective Service. For more information about Selective Service issues contact:

**The Selective Service System**  
**P.O. Box 94638, Palatine, IL 60094-4638    [www.sss.gov](http://www.sss.gov)**

### ***How do I obtain my military records?***

DD-214 (Military Discharge Papers) – DD214's are official discharge papers. This is proof that you were discharged from military service. If you do not have a certified copy of your DD-214, it is important that you get and keep a copy. This is important to access services available to veterans. To get a copy of your DD-214 contact:

**National Archives and Records Administration**  
**National Personnel Records Center**  
**Military Personnel Records**  
**9700 Page Ave., St. Louis, MO 63132-5100**  
**866-272-6272**

You can also request your records online at <http://www.archives.gov/veterans/>

Once you have your DD-214 have it recorded with the County Recorder's Office.

They will keep it on file for you. Once recorded, you can always go there to obtain a certified replacement copy.

### ***Obtaining a Passport***

Generally speaking a felony conviction will not bar a felon from obtaining a U.S. passport but the final authority is the US Government. Even after you obtain a passport you still have the problem of being allowed to enter other countries. Many will restrict felons from entering (Australia) and some restrict based on the crime(s) involved (Canada, Great Britton/UK). Some require that you only stay for a certain length of time and/or register upon arrival. It is very difficult for felons to permanently re-locate to another country. Most countries require a background check of some sort. The nature of the crime makes a huge difference. If you were convicted of a federal or state drug felony and used a passport to cross an international boundary or some other way to further the offense more than likely you will be disqualified.

The passport office also checks your name against a list. Basically, if you have any outstanding warrants, or child support owed over \$5,000, you will be on this list. Also, any law enforcement can request your name to be placed on this list if they do not want you to get a passport, for example if they feel that you will flee to avoid prosecution, etc. Generally, just because you got convicted does not mean you cannot get a passport, except for the child support issue. You can contact the Federal Passport Agency for information related to your specific situation. The toll free number is 1-877-487-2778. <http://travel.state.gov/passport/>

# **Your Criminal History**

## ***What does a criminal record consist of and where is this information found?***

Your criminal history report is also known as a GCIC report. It is your official criminal record kept by the State of Georgia. When a prosecutor or law enforcement runs your record, they are running your GCIC report. Prosecutors and law enforcement all have access to your criminal record through GCIC and NCIC the National database. Therefore even if your record is restricted, these agencies can still view the information.

Jail records are the arrest and booking information kept by jails in Georgia. This too is a huge source of criminal record information. Jails are now obligated to seal or remove your arrest information if your case records have been restricted. If you have an order restricting your criminal history there is a process for asking jails to remove embarrassing mug shots and other jail records from your arrest.

Court records, like jail records are difficult to shield from the public but Georgia does have a process in place that allows for the removal of court records if your record has been restricted.

## ***Is it important to review my criminal record or GCIC Report?***

Yes it is very important to review your criminal record, i.e. GCIC report as soon as you can upon release. You might need it to answer questions about your convictions to get a job or housing. If you don't fill out the forms correctly because you don't know what is on your record, people might think that you are lying. You could also be fired for lying. Also, lots of criminal histories have errors. If yours is wrong, it could lead to a lot of problems. It could be even harder to find a job or a place to live. Sometimes records are wrong because someone made a mistake. But records could also be wrong because someone else is using your name and personal information. Also, if you have a family member with the same name, it could create a problem.

## ***How can I check my criminal history?***

You will need a copy of your criminal history. If you didn't get a job or apartment because of your record, you can ask the employer or landlord for a copy of the record they used. The Georgia Crime Information Center (GCIC) holds all criminal history records for all local law enforcement and criminal justice agencies. Georgia criminal history records can usually be obtained from Sheriff's Offices or Police Departments. Please contact a Georgia law enforcement agency about specific requirements for obtaining a copy of your Georgia criminal history record or go to the Georgia Felon Search website ([www.felonsearch.ga.gov](http://www.felonsearch.ga.gov)) There is a fee for each transaction.



Federal records are maintained by the FBI. The national report is only available to you, the individual and a specific list of employers and agencies. To learn more about this check out <http://gcicweb.gbi.state.ga.us/document/public-law-92-544-authorizing-statutes>

Please be aware that many private companies are now making money by doing background checks for a fee. These are usually advertised on websites and may have information not in your official criminal history report. You can usually order these online.

Law enforcement agencies also may provide felony conviction records for a fee. The person's full name, race, sex, and date of birth must be provided at the time of the request. With the person's consent, a Georgia record, which includes Georgia arrests and convictions reported to the Georgia Crime Information Center, may be obtained. A signed consent form from the individual whose record is being sought must be provided to the local agency.

### ***What information is contained in a Georgia criminal history record?***

The criminal history record includes the person's identification data (name, date of birth, social security number, sex, race, height, weight, etc.), arrest data (including arresting agency, date of arrest, and charges), final judicial disposition data submitted by a court, prosecutor or other criminal justice agency and custodial information if the offender was incarcerated in a Georgia correctional facility. This record contains information about every incident for which you were arrested or charged.

### ***What are the rules regarding record restriction?***

With the enactment of HB 1176, the old expungement statute has been replaced with a new law that became effective July 1, 2013. This new law does away with the term "expungement" and the process altogether. The new law focuses on restricting the criminal history information on people who are eligible. Under the statute, the term "restrict" means that the information will be available only to judicial officers and criminal justice agencies for law enforcement or criminal investigative purposes or to criminal justice agencies for purposes of employment in accordance with procedures established by the agency and shall not be disclosed or otherwise made available to any private persons or businesses.

Under the new law, The Georgia Crime Information Center (GCIC) is responsible for restricting criminal records under the appropriate circumstances.

While this new law is lengthy and full of exceptions, the three main provisions that you should know are the following:

(1) In general, if a case is never indicted or accused, and never referred to the prosecutor by the arresting agency, the arresting agency shall contact GCIC and inform them that the record should be restricted. There are remedies if this is not done properly;

(2) After an indictment or accusation, GCIC shall restrict the record if: the case is dismissed, the offender was sentenced under the conditional discharge act (the first offender provision for drug cases), and successfully completed the terms and conditions, or the individual successfully completed drug court treatment or a mental health court treatment program (there are some significant exceptions to this provision); and

(3) If a person's case has been on the dead docket for more than 12 months, the person may request that GCIC restrict information regarding that case as well.

It is also important to note that record restriction shall not be appropriate if the individual was convicted of certain sexual and other serious offenses listed in the statute.

Generally the new law requires that you file an action in superior court to restrict the following types of records:

- 1) Charges placed on the dead docket;
- 2) Felony charges when convicted of an unrelated misdemeanor;
- 3) Convictions that are vacated or reversed;
- 4) Youthful offender convictions.

### **Things to make note of:**

1) Georgia law does not allow for the restriction of an entire criminal history. You must apply separately for record restriction for each arrest.

2) Felony convictions are not eligible for restriction – no matter how much time has passed.

3) If you are arrested after July 1, 2013 and successfully complete a drug court or mental health court treatment program, the charges handled in that court will be restricted (5) years after you complete the program if you have no arrests within that (5) year period.

4) Time served is a sentence and it means you were convicted.

5) Alford Pleas are a conviction.

6) No Contest Pleas are a conviction.

7) Georgia law does not allow you to deny the fact that you were arrested. So you must disclose this to your employer or you run the risk of not being hired or fired for lying. Be aware that they are more likely than not to find out this information on the internet.

8) Record restriction generally will not be granted for convictions for:

- a. Sex offenses involving children
- b. Pimping
- c. Sexual Battery
- d. Grand Theft
- e. Serious Traffic Offenses (reckless driving, DUI, vehicular homicide, serious injury by vehicle, feticide by vehicle, hit and run, eluding, aggressive driving, etc....)
- f. And other miscellaneous sex crimes and crimes involving children

Although it is not required that you have a lawyer to restrict your record you might want to seek counsel. The law has so many exceptions and complicated scenarios, that it is impossible to detail each of its sections and subsections in this guide. Please contact the Georgia Justice Project [www.gjp.org](http://www.gjp.org) or other legal counsel to discuss your specific situation or purchase the “Guide to Understanding and Correcting Criminal Records in Georgia” published by the Georgia Justice Project.

### ***If I am not eligible for record restriction can I get a pardon?***

The short answer is maybe. A Pardon is an official statement attached to the criminal record that states that the State of Georgia has pardoned the crime. It “forgives” but does not “forget.” A pardon does not overturn a judgment of conviction. It does not erase the fact that a person was once convicted of a crime. It does not relieve a convicted sex offender of the requirement to register on the Sex Offender Registry.

### ***When am I eligible to apply for a pardon?***

You must have completed all sentences imposed upon you at least five (5) years prior to applying and have lived a law-abiding life since the completion of your sentences, meaning off parole or probation for 5 years. You can have no pending charges against you. Your fines and restitution must be paid in full.

### ***Will my record be cleared once pardoned?***

No, a pardon does not remove, restrict, or clear the conviction from your criminal

record.

***If I receive a pardon, and then I am asked by an employer or future employer whether I have been convicted of a crime, do I answer “no” since I received a pardon?***

You must answer “yes” to your employer or future employer. Explain that you have received a pardon and provide a copy of your pardon paperwork.

***I was convicted of a sex offense and I was pardoned. Do I still have to register on the Sex Offender Registry?***

Yes, even if you received a pardon, you must continue to register on the Sex Offender Registry for 10 years after the termination (end) of your sentence.

***What is the difference between a restoration of civil and political rights and a pardon?***

Restoration of civil rights, if granted, will fully restore citizenship. It removes all civil disabilities and disqualifications imposed as a result of a felony conviction. These rights include:

- the right to run for and hold public office
- to serve on a jury
- to serve as a Notary Public

Restoration of rights does not include the right to possess, own or to carry a firearm. A pardon is an act of official forgiveness and is granted only in exceptional cases. It may serve as a means for you to advance in employment or education.

***How do I get my civil rights restored?***

Pardons and restoration of civil and political rights are granted by the State Board of Pardons & Parole. To request a pardon or a restoration of civil and political rights you must obtain an application form from the Parole Board. If you have access to a computer you can obtain the form from <http://pap.georgia.gov/pardons-restoration-rights> or you can provide a written request or pick up a form from:

**2 Martin Luther King, Jr. Drive, SE  
Suite 458, Balcony Level, East Tower  
Atlanta, Georgia 30334-4909  
(404) 656-5651 phone  
(404) 651-8502 fax**

If your case is a federal case, information and the form can be obtained from the U.S. Department of Justice, Office of the Pardon Attorney website:  
<http://www.usdoj.gov/pardon>

You do not need an attorney to apply and there is no application fee.

***How long will it take to for my application to be processed?***

On average, processing an application takes approximately nine to twelve months and may take longer if you have convictions in multiple counties and/or other states.

***When am I eligible to apply for a restoration of civil rights?***

You must have completed all sentences imposed upon you. You must currently live in Georgia if you were convicted in another state. You must have completed all sentences imposed upon you at least two (2) years prior to applying, and you must have lived a law-abiding life since the termination of your sentence(s).

***Is a restoration of rights a separate process from a restoration of firearms rights?***

Yes, these are different processes. If you would like to have your firearms rights restored, you must check the line on the application for “Restoration of the Right to Receive, Possess or Transport in Commerce a Firearm.”

***Do I have to apply with the Parole Board to restore my right to vote?***

No, you do not have to apply to restore your right to vote. Your right to vote is automatically restored upon termination of your sentence (which includes parole and probation). However, you must re-register with your local county registrar’s office in your county of residence.

## Housing

### ***Where can I live upon my release?***

Most people live with family or friends after their release. Understand that you may not be able to live with certain people. If you are on parole your parole officer must approve where you live before you are released. You can move in with other people as long as it is ok with your parole officer. If you are on probation your probation conditions may specify where you can or cannot live. Be sure to speak with your probation officer about your conditions of probation or parole so that you are not hit with a violation. If you do not have restrictions on where you live, think hard about moving back into the old neighborhood. When looking for housing, keep in mind where it is relative to work, transportation and stores.

If you are looking for housing A good place to start is the Transitional Housing for Offender Reentry (THOR) Directory, an on-line directory of community-based housing for persons releasing from prison or on probation or parole. The sites contained there have met the State Board of Pardons and Paroles' standards regarding safety, communication with agency staff, programming, employment, and other factors. This director is accessible to anyone with internet access and Internet Explorer. You do not need a user ID or password. Just click on Facility search (authorized user) then click on Log in as a guest. The URL is <https://pap.georgia.gov/transitional-housing-offender-reentry>

Many of the providers contained in the directory help with employment, developing an independent living plan and other support services such as counseling and food as well as shelter for up to one year.

### ***Can a landlord ask about my criminal history?***

Yes. A landlord can ask about your convictions. A landlord may also be able to ask about arrests. A landlord can refuse to rent to you because of your criminal history. But, if you have a current lease, the landlord cannot evict you just because you have a criminal record unless the lease says so or you lied on the application.

### ***Can I be denied housing because of my criminal record?***

One of the hurdles you will face in obtaining housing is the impact of your criminal record. Many private leasing offices run background checks on prospective tenants, prohibiting those with a felony conviction from occupancy. Further, if you are seeking public housing you may run into the problem of Public Housing Authority's limited capacity and multiple restrictions. If you were evicted for drug-related criminal activity you are banned from public housing for three years (unless you

complete an approved rehabilitation program), while lifetime registered sex offenders and anyone convicted of manufacturing methamphetamines on public housing property are banned for life.

If you plan to rent your own place be aware that people with criminal records may not be allowed to reside in some apartment complexes, mobile home parks, etc...

Some landlords may screen out tenants who have criminal records, assuming that they will not be trustworthy renters, regardless of the nature of the crime, the circumstances surrounding the conviction, and the amount of time that has passed since the criminal activity occurred. If you have a criminal record, you might want to be upfront about it in order to avoid paying screening costs for a unit where the landlord refuses to accept tenants with criminal records.

An arrest alone should not be grounds for denial of housing. If you were denied housing because of previous criminal charge for which you were not convicted, that could be a violation of fair housing laws.

A criminal charge alone is not a determination of fault under the law and may be reported to a Civil Rights Office. In addition, it is discrimination for a landlord to only run criminal background checks on protected class groups, or not to select applicants consistently based on the same criteria. It also may be discrimination for landlords to have outright bans on all people with criminal records, because it disparately impacts groups that are incarcerated more heavily for discriminatory reasons. Landlord should consider how long ago the crime occurred, any extenuating circumstances surrounding the arrest or conviction, whether the crime has any relevance towards the tenant's ability to be a good renter, and any evidence of rehabilitation.

***Can I receive public housing or subsidized housing (Section 8) if I have a criminal conviction?***

It depends. The housing authority has broad discretion over whether you can receive public housing benefits. You should apply. Housing Authorities generally look at the type of criminal offense. Violent and drug related offenses are looked at very closely. Housing Authorities follow the Federal HUD rules which provide that you can be denied or your lease terminated if you or any member of your household:

- Has been evicted from federal housing for drug-related offenses within 3 years prior to the application;
- Currently uses illegal drugs;
- Has been convicted for producing or manufacturing methamphetamine on federal housing premises;

- Is currently subject to state required sex-offender registration for life; or
- Abuses alcohol in such a way that “may threaten the health, safety, or right to peaceful enjoyment of the premises” by other residents.

You can also be denied admission or evicted if any member of the household is reasonably believed to be engaged in any violent or drug-related activity or if you lied on the application. If you are denied housing, please seek legal advice immediately to see if you are eligible for an informal hearing.

***Where can I go if I feel I’ve been the victim of discrimination in housing?***

HUD [http://portal.hud.gov/hudportal/HUD?src=/complaints\\_home](http://portal.hud.gov/hudportal/HUD?src=/complaints_home) handles complaints about housing discrimination, bad landlords in federal housing and many other issues.

Metro Fair Housing Services, Inc. (Metro) is a private, not-for-profit, fair housing organization whose primary purpose is to prevent housing discrimination in the metropolitan Atlanta area and throughout the state of Georgia. They can be reached at <http://www.metrofairhousing.com/> (404) 524-0000

You may file a complaint or notify the Georgia Commission on Equal Opportunity’s Fair Housing Division located at 2 Martin Luther King Jr. Drive S.E. West Tower-Suite 1002 Atlanta, GA 30334; however, the complaint must be filed within one year after the alleged violation occurred. The Georgia Commission on Equal Opportunity will be glad to answer any questions or concerns related to housing discrimination.

See the resources listed at the back of this guide for assistance involving legal issues.



# Employment

## ***Ban the Box***

The State of Georgia will no longer require those seeking work with state agencies to disclose their criminal histories on employment forms. The “ban the box” policy would prohibit those agencies from using a prior criminal history as an automatic disqualifier for job applicants. Those applicants will have the opportunity to discuss and explain their criminal records in person. The law allows only relevant convictions to be used to deny employment.

## ***Can an employer find out about my criminal conviction?***

Yes. Currently, ban the box only applies to state and other public agencies (and a few private employers). Most employers almost always conduct a background check for employment and licensing. Employers in Georgia can and do obtain arrest and conviction records from the Georgia Crime Information Center by submitting a consent form usually signed by you as the applicant or employee that includes your name, address, Social Security number, race, sex and date of birth. The employer can also obtain access to felony conviction records without your permission.

Records of Department of Corrections inmates dating from 1984 are available on the internet for anyone to see.

An employer who denies you employment based on the report they get must tell you what information they used to deny you the job. According to Georgia law they must tell you:

- that a criminal history record check was conducted
- the specific contents of the record
- the effect the record had upon their decision

If the employer fails to provide this information they can be charged with a misdemeanor. It is also illegal for them to share this information with anyone else.

## ***Are there jobs I cannot hold as a result of my criminal record?***

Yes. There are some jobs that the law says you cannot have because of your criminal record. For example the Department of Transportation cannot hire you if you have recent convictions for driving under the influence or using a commercial vehicle in a crime because you cannot get a commercial driver's license. If you have more than one of these convictions you may be precluded for life. Credit unions cannot hire people who were convicted of a crime involving dishonesty or they may lose their

license to operate. These are federal restrictions.

In spite of these provisions there are more jobs that you are eligible for than not.

### ***Will my criminal record automatically keep me from getting a job?***

No. Title VII of the Civil Rights Act of 1964 makes it unlawful for an employer to discriminate in employment. If an employer is aware of a conviction or incarceration, the information should only bar you from employment when the conviction is closely related to the job, after considering:

- the nature of the job
- the nature and seriousness of the offense
- the length of time since it occurred

While employers are generally not allowed to outright discriminate based on your conviction, they are permitted to consider the relationship between the conviction and the job you are seeking. The types of jobs that you may be banned from tend to be in the fields of childcare, education, security, nursing and home healthcare, where “vulnerable” people are involved.

### ***Can I get a government job if I have a criminal record?***

Yes. A criminal record will not automatically bar you from getting a local, state or federal employment. You have no special status because you have been convicted. All applicants follow the same guidelines and application process.

### ***Can I get a professional license if I have a criminal record?***

In Georgia if you are convicted of a felony involving “moral turpitude” conduct that is considered immoral i.e. involved lying, sexual misconduct, fraud, perjury and other crimes of the sort, you may be denied a license for the practice of law, a broker, mortgage agent, insurance agent, psychologist and other professional licenses.

The Georgia Legislature passed HB328 during the 2015 legislative session which provides returning citizens who have completed a drug court program to be eligible for obtaining professional licensing.

### ***What incentives do employers have to hire me?***

Georgia participates in the Federal Bonding Program which is like an insurance policy for loss of money or property that may occur due to dishonest acts by their employers. In essence, the Federal Government bonds you free-of-charge as an incentive for people to hire you.

## ***How do I talk about my conviction record?***

The hardest part of the job search may be talking about your record. If you lie on your application and are found out you will be fired, not so much because of the record but for lying. It is important to tell the truth. Most employers will want to know what happened. In more cases than not, honesty is the best policy. How you communicate the information can make the difference between you getting the job and not. These steps that may help you:

- Own up to it. Do not blame others. People respect you when you say things like “I made some bad choices” “I was young and foolish” “I made a mistake.”
- Talk about the positive things you’ve done and accomplished since the incident happened. Focus on education and skills.
- Tell them what you learned from the experience.
- Talk about the new goals you have in your life.

If asked about your time while incarcerated, talk about how you used that time to get focused and educated. Sell yourself. Tell them how you can benefit the company if hired. Don’t volunteer information about the criminal activity and don’t get defensive.

Sample letters to potential employers to explain your situation and criminal history can be found at

[http://www.gjp.org/wp-content/uploads/Sample\\_1-Explanation-Letters.pdf](http://www.gjp.org/wp-content/uploads/Sample_1-Explanation-Letters.pdf)

## ***Can I do anything if I am discriminated against because of my record?***

People with convictions do have some protection from discriminatory use of their criminal record. The Fair Credit Reporting Act is the statute that allows employers to perform background checks. The Fair Credit Reporting Act requires employers who are considering not hiring an applicant because of information regarding criminal offenses to notify the applicant and advise him or her how to obtain a copy of the report containing the information that may be disqualifying. The employer must then give you, the applicant, a chance to dispute the accuracy of the information. When you dispute a criminal history record, the Consumer Reporting Agency (that is the agency that made the report) has a legal obligation to reinvestigate using all available information. The employer should not make a final determination of the applicant’s suitability for a job until the investigation is complete. The bottom line is that you should insist on a pre-adverse or post-adverse action letter. This letter allows you to obtain the information from the Consumer Reporting Agency.

### **Four things to remember:**

- Employer must request your permission to conduct the background check and notify you that they have used the report to make a hiring decision
- You are entitled to a pre-action or post-action adverse action letter
- If they violate the law, you can file an EEOC complaint
- Arrests and non-convictions are limited to 7 years just like adverse credit actions

## Education

### ***Can I receive Federal student financial aid?***

There are restrictions on the receipt of financial aid while incarcerated, but in general, restrictions on federal student aid eligibility are removed once you are released, even if you are on probation, on parole, or residing in a halfway house.

### ***Does the type of offense matter for purposes of receiving financial aid?***

Yes. If your incarceration was for a drug-related offense, or if you are subject to an involuntary civil commitment for a sexual offense, your eligibility may be limited as indicated below:

If you are convicted for the possession or sale of illegal drugs your eligibility will be suspended if the offense occurred while you were already receiving federal student aid (grants, loans, or work-study). When you complete the Free Application for Federal Student Aid (FAFSA), you will be asked whether you had a drug conviction for an offense that occurred while you were receiving federal student aid. If the answer is yes, you will be provided a special worksheet to help you determine whether your conviction affects your eligibility for federal student aid. You may preview the worksheet in the FAFSA Information section at [www.studentaid.ed.gov/pubs](http://www.studentaid.ed.gov/pubs).

If you have been convicted of a forcible or non-forcible sexual offense, and you are subject to an involuntary civil commitment upon completion of a period of incarceration for that offense, you are ineligible to receive a Federal Pell Grant.

### ***Can I ever receive financial aid if I was convicted of drug possession or drug sales?***

Yes. Federal law says that if you are in school and are convicted of any offense involving the possession or sale of illegal drugs while receiving Title IV federal financial aid, you will become ineligible for federal financial aid. Federal aid includes Federal Direct Loans, Federal Direct PLUS Loans, Federal Direct Graduate PLUS Loans, Federal Pell Grants, Federal Supplemental Educational Opportunity Grants, Federal ACG Grants, Federal SMART Grants, Federal TEACH Grants, Federal Work Study, and Perkins Loans.

If you had an old conviction or received a conviction and served your time before or after applying for school you can receive federal funding for school.

## ***What are the Penalties for Drug Convictions?***

### **Possession of Illegal Drugs:**

- First Offense: you have to wait 1 year from the date of conviction to receive federal financial aid.
- Second Offense: you have to wait 2 years from the date of conviction to receive federal financial aid.
- Third and Subsequent Offenses: You will never be able to receive federal financial aid.

### **Sale of Illegal Drugs:**

- First Offense: you must wait 2 years from the date of conviction to receive federal financial aid.
- Second and Subsequent Offenses: You will not be able to receive federal financial aid.

## ***How can I regain eligibility for federal student aid?***

You can regain eligibility for federal student aid funds by successfully completing a drug rehabilitation program.

### ***What is an acceptable drug rehabilitation program?***

An acceptable drug rehabilitation program must include two unannounced drug tests. It must also:

Be qualified to receive funds from federal, state, or local government, or a state-licensed insurance company.

**Or**

Be administered or recognized by a federal, state, or local government agency or court, or a state-licensed hospital, health clinic, or medical doctor.

You will regain eligibility on the date of successfully completing the program.

Question 23 on the Free Application for Federal Student Aid (FAFSA) form asks if the student has ever been convicted of a drug related offense. Failure to answer this question will automatically disqualify the student from receiving federal aid. Falsely answering this question, if discovered, could result in fines up to \$20,000, imprisonment, or both.

### ***What happens if I am convicted while I am enrolled in school?***

According to the United States Department of Education, if a student is convicted of a drug offense after receiving federal aid, he or she must notify the Financial Aid Department immediately and that student will be ineligible for further aid and required to pay back all aid received after the conviction.

# Family Matters

## Child Support

This section will help you understand the laws related to child support. It is very important to pay your child support. If you don't pay your child support, you can lose your driver's license, be taken to court, and be put in jail. The state can also take all the money out of your bank account. If you can't pay your support, you need to make sure the Court knows this and adjusts your payment amount.

In March 2015, the Division of Child Support Services revised their policy concerning releasing suspended driver's licenses to those who are behind in child support payments in order to remove a barrier to work.

### ***If I go to jail or prison do I still have to pay child support?***

Yes. Going to jail or prison does not excuse you from paying child support. You must continue paying unless you got a new order lowering, suspending or ending your child support payments. If you do not pay child support, you could be held in contempt of court.

### ***I can't afford to pay my support. What can I do?***

You must contact the Georgia Department of Human Resources Division of Child Support Services immediately when you do not think you will be able to make a child support payment. You can request a hearing to change the amount of child support you must pay. Until that time you must continue making payments.

The request may change what you pay in child support going forward, but it does not change what you already owe.

### ***Does it matter whether I am married to the mother of the child?***

No. It does not matter if you were married to the mother of your child when the child was born. You still must pay child support.

### ***What happens if I do not pay my child support?***

If you do not pay your child support you will be held in contempt and could face further jail time.



## **Your Children**

### ***Can I see my children?***

Your rights to see your children will depend in part on your probation or parole conditions. You should always make sure you understand exactly what you can or cannot do. You also need to see if there are any other court papers saying what you can and cannot do with your children.

Depending on what your crime was and how long you were locked up, a court may have taken away all your rights as a parent. If they did this, you don't have any rights to see or talk to your children.

If you are a biological father, your rights to see your children depends on whether or not you were married to their mother. If you were not married to their mother, you have no legal right to see your children if you never legitimated them. Signing their birth certificate does not give you any rights to them.

### ***How do I Establish Paternity for my Child?***

Establishing paternity for a child in Georgia may be done in one of the following ways:

1. The child's mother and father are legally married to each other at the time of the child's birth;
2. If unmarried, mom and dad sign a Voluntary Paternity Acknowledgment Form
  - a. at the hospital when the child is born, or later at either
  - b. the State Office of Vital Records in Atlanta or
  - c. the Vital Records Office in the county where the child was born;
3. Court order (divorce decree, separation agreement, or other judicial or administrative order).

Paternity establishment by the Division of Child Support Services (DCSS) may be processed through a local Superior Court or through an Administrative Court, depending on the county of your residence. Genetic testing is available in both these processes.

Additionally, if unmarried parents have established paternity through the Voluntary Paternity Acknowledgment Program, the DCSS will take action(s) to obtain and enforce other services for you; i.e., monetary child support and/or health insurance for your child.

There is no cost to you for establishing paternity through the DCSS except for the application for services fee and the cost of genetic testing (if the test results indicate the alleged father is the biological parent of the child). Currently, the cost for genetic testing is \$29.65 per person. For mother, father and child, the total cost of genetic testing through DCSS is \$88.95. The website for further information is: <http://medicalboard.georgia.gov/portal/site/DHS-OCSE/menuitem.6c28cdf-ba73e1fca7da1df8dda1010a0/?vgnnextoid=d46a10ad92000010VgnVCM100000b-f01010aRCRD>

Also see: [dcss.dhs.georgia.gov/paternity-establishment](http://dcss.dhs.georgia.gov/paternity-establishment)

### ***How can I make sure that my child is legitimate?***

The child is automatically legitimate if the parents are married.

If the mother and father are not married when the child is born, establishing paternity for a child in Georgia may be done in one of the following ways:

1. the child's parents are legally married to each other at the time of the child's birth;
2. unwed parents sign a Voluntary Paternity Acknowledgment Form
  - a. at the hospital when the child is born, or later at either
  - b. the State Office of Vital Records in Atlanta or
  - c. the Vital Records Office in the county where the child was born;
3. Court order (divorce decree, separation agreement, or other judicial or administrative order).

Paternity establishment by the Division of Child Support Services (DCSS) may be processed through a local Superior Court or through an Administrative Court, depending on the county of your residence. Genetic testing is available in both these processes.

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There is no cost to you for establishing paternity through the DCSS except for the application for services fee and the cost of genetic testing (if the test results indicate the alleged father is the biological parent of the child). Currently, the cost for genetic testing is **\$29.65** per person. For mother, father and child, the total cost of genetic testing through DCSS is **\$88.95**.

## *What is a legitimization proceeding?*

Legitimation is a legal action in which a child becomes legitimate. It is the only way, other than by marrying the mother of the child, that the father of a child born out of wedlock may establish legal rights to his child. Only the father of the child may file a petition to legitimate his child. Once established, it creates a legal relationship between the father and the child. This also gives the father the right to petition for custody and visitation.

## *Where do I file the petition for legitimization?*

The father of the child born out of wedlock must petition the superior court of:

- The county of the mother's residence;
- The county of the child's residence;
- The county of the residence of the child's legal custodian or guardian;
- The county where an adoption petition is filed if the adoption petition is pending; or
- The county of the father's residence only if the mother or the child's legal custodian does not live in Georgia.

## *The other parent has custody. How can I see my kids when I am released?*

First, find out whether the other parent has a custody order. If there is a court order, it probably gives you visitation rights. You should check with the local Family Court to see what the order says and find out how you can get a copy. If you have visitation rights, you should contact the other parent after you are released to arrange times to see your children according to the court order. You should not take the children on an overnight visit unless you have a safe and suitable place for them to stay. If you have not seen the children for a while, you may want to talk to the other parent about the best way to help them become comfortable with you again. If there is no custody or visitation order, then you should contact the other parent to see what can be arranged.

## *What if the other parent and I cannot agree on visitation?*

You can ask for help in solving the situation. If the other parent is willing to meet with you, contact the Community Dispute Resolution Center. A trained mediator may be able to help the two of you work out a schedule. Many counties have Family Law Information Centers (FLIC) housed within the court building. These centers assist people who wish to represent themselves in domestic legal matters or educate themselves about domestic issues.

Note: You can only file a modification of visitation when it has been **two (2) years**

since a judge signed an order for visitation unless you can show that there has been a material change in circumstances.

***I don't know where my children are. How can I find out?***

It depends. If there aren't any court orders saying otherwise, you can contact the person who had your children last. If you don't know where that person is, try contacting people who know where he or she might be. You can also check the court records where your child last lived. If there is a child support order, you might be able to find out where your children are from the Court who is monitoring that order.

***I want to get custody of my children. How do I do it?***

Getting custody of your children can take a long time and cost a lot of money. You should have a way to support yourself and your child and a suitable place to live before you file papers to ask for custody. If you and the other parent have never been to court, you'll have to file for custody. If you have been to court and there's a court order, you'll have to file a motion with the court asking them to change the order so that you have custody. You may need to hire a lawyer to help you do this.

***I think my children have been taken away. How can I find out?***

The Division of Family and Children Services is the agency in charge of protecting children.

If you think your children may have been taken you should contact the Georgia Department of Human Services Division of Family & Children Services, Constituent Services 404-651-9361. Depending on the status of the case, DFCS might not tell you anything.

If DFCS took away your children, but has not yet ended your rights as a parent, you might be able to work with DFCS. They are supposed to help you develop a plan to return your children to you. It might take a long time. You may have to make changes in your life and you will have to report regularly to your DFCS worker.

If DFCS wants to take away your rights to your children, they must tell you this. You also have the right to a court-appointed attorney if you cannot afford one. An attorney should have been appointed for you if DFCS got involved in a court case. Always be sure to tell the Court you want a court-appointed attorney if DFCS is involved.

***I lost custody of my children because I went to jail/prison and now I would like to regain custody of the children, what should I do?***

Typically, the agency (i.e. Department of Family and Children Services) that obtained custody of the children following your arrest has a legal duty to reunite families when possible. The agency is also charged with the duty of acting in the best interest of the child/children. The agency will seek to be convinced that you are a suitable parent. You should meet with a representative of the child protective service to determine what steps may be necessary to regain custody; this will likely include parenting classes. Ultimately, it would be in your best interest to obtain legal counsel to help you through the process.

***Can my children receive PeachCare for Kids if I have a criminal conviction?***

Yes. If your children do not have health care insurance and you and the child's other parent meet the income eligibility requirements your child will not be denied PeachCare for Kids. The benefit is available based on income and participation and does not depend on whether a child or his/her parents have criminal convictions.

***Where can I obtain a copy of my child's birth certificate?***

You can order your child's birth certificate in person from the State Office of Vital Records, a local Vital Records Office, or Probate Court in the county of the child's birth.

You can also order birth certificates online at <http://dph.georgia.gov/birth-records>

**\*\*** If you are unable to afford attorney services check the list of legal resources at the back of this guide.

## Basic Needs

### ***Can I receive food stamps or welfare i.e. Temporary Assistance to Needy Families (TANF) if I have a felony conviction in Georgia?***

Maybe. Federal law prohibits anyone convicted of a drug-related felony from receiving federally funded food stamps and cash assistance (also known as TANF – Temporary Assistance for Needy Families). This is a lifetime ban even if you have completed your sentence or overcome an addiction. Georgia has adopted this rule. Georgia law also provides that you cannot receive these benefits if you are convicted of a serious violent felony. A serious violent felony is: murder or felony murder, armed robbery, kidnapping, rape, aggravated child molestation, aggravated sodomy, or aggravated sexual battery. These bans apply only to drug-related felonies and serious violent offenses.

### ***Where do I apply for TANF or Food stamp benefits?***

Call your county Department of Family and Children Services (DFCS) office. A list for the Atlanta metro area is included in this booklet. For all others call dial 1.800.georgia (1.800.436.7442) for immediate assistance.  
<http://dfcs.dhr.georgia.gov/portal/site/DHS-DFCS/>

### ***Can my family member receive food stamps or welfare if I have a felony conviction in Georgia?***

Yes. If your family member applies for TANF and food stamps they will be required to disclose their own or a household member's drug-related or serious violent convictions in writing. A family's benefits will be reduced by the amount that would have been provided for the individual with these felony convictions. This provision applies only to TANF and food stamps and does not affect eligibility for Medicaid or other federal benefits.

### ***Can I participate in Georgia programs and receive assistance if I am elderly, blind and disabled and have a felony conviction?***

Yes. The old age and blind programs deny aid to incarcerated individuals, but the disable program does not disqualify you because you have a conviction of a crime or have been incarcerated in the past.

### ***Can I receive Medicare if I have a criminal record?***

Yes. A criminal record will not stop you from getting Medicare if you are eligible. You cannot however, receive the benefit if you are incarcerated.

### ***Can I receive Medicaid if I have a prior felony conviction?***

Maybe. There is nothing in the Georgia law that says you are ineligible because of a criminal record, however, it is up to The Department of Community Health to determine who is eligible and who is not.

### ***Can I receive my social security retirement benefits upon if I have a felony conviction?***

Yes. If eligible you can receive your retirement benefits. The government does not deny these benefits as a consequence of your conviction. You are only ineligible while incarcerated. After release you are eligible unless you violate the terms of your parole.

### ***Can I receive social security disability benefits if I have a felony conviction?***

If you can prove you can't work because you're disabled, there are programs that can help you support yourself. This section will help you understand some of those programs.

- Supplement Security Income (SSI) is a program of the Social Security Administration (SSA). It's for people who are disabled and don't have much money. Some people get both SSI and "Social Security Disability benefits." Social security disability benefits are based on the taxes you paid at any jobs you had. If you qualify for SSI you will also get Medicaid based on disability.

### ***Am I considered disabled because I just got out of prison?***

You will not be considered "disabled" just because you are coming out of prison. The Social Security Administration ("Social Security") decides if you are disabled based on your medical records, education and job record. Even if you think you can't work, Social Security may deny you SSI, if your medical records don't meet Social Security's disability rules. In general, you must have medical records that show that there is no job you can do (even a "sit down" job) for 12 months. Or they must show you are likely to die from your condition within 12 months.

### ***How long does it take to get SSI or SDA?***

It can take several months and sometimes years to start getting SSI. If you need money right away, you can ask Social Security for up to \$200 in emergency benefits. If you get this money, it'll be taken out of the first check.

## ***How do I apply for SSI?***

If you have not applied before getting out of prison, call 1-800-772-1213 to apply over the phone or find the nearest local Social Security office where you can apply in person. Or log onto [www.ssa.gov](http://www.ssa.gov). When you apply, the Social Security office will run a national warrant search. If you have outstanding felony warrants or are violating a condition of your parole or probation, you can't get SSI. You might also get arrested.

## ***I was getting SSI before I went to prison. Can I still get my checks?***

Maybe. If you were getting SSI before you were locked up, your checks were automatically stopped when you went to prison. You must show the social security office proof that you have been officially released before the checks can start up again.

## ***Can I get SSI based on a disability that started when I committed a felony?***

Probably not. If you became disabled as a result of committing a felony on or after October 19, 1980, you will never be able to get SSI based on that disability.

## ***Can I get SSI based on a disability that started or got worse in prison?***

Maybe. You won't be able to apply until 30 days before you are released. If your disability is related to your commission of a felony, you won't be able to get SSI based on that condition.

## ***I was disabled before I was locked up, but never applied. Can I apply now?***

Yes you can apply for SSI anytime starting 30 days before your release of date.

## ***I'm living in a half-way house as a condition of my parole. Can I get SSI?***

Probably not. Social Security doesn't pay SSI to people living in halfway houses under the control of the Department of Corrections. You can apply 30 days before you're released from the halfway house or if you switch to a house arrest program.

## ***Where can I get help with obtaining my social security disability benefits?***

It can be very difficult to get SSI unless you have an attorney or paralegal helping you. If you are denied SSI call Legal Aid.



### ***What documentation will I need to apply for assistance?***

If you have it, you will need to take some or all of the following documents:

- Certified Birth Certificate (no copies accepted)
- Driver's License or Government ID Card
- Social Security Card

If you do not have any of these documents, contact DFCS for assistance or see ID Section at the front of this booklet.

# Voting

## *Can I vote if convicted of a Felony?*

In Georgia, those convicted of a felony, who have completed their sentence, paid all fines, and are no longer on parole or probation, CAN VOTE!\* In order to vote you must register at least 30 days prior to Election. If you would like to vote but cannot afford the fines, fees, and/or restitution related to your sentence please contact: ACLU Voting Rights Project <http://www.acluga.org/your-rights/file-a-complaint/>

## **Prior to Election Day**

- 1) Register. Voter registration applications are free and available at most libraries and post offices. Contact: Secretary of State Elections Division (404) 656-2871.
- 2) Check the poll locator to see if you are registered [www.sos.ga.gov/mvp](http://www.sos.ga.gov/mvp) or 1-877-254-VOTE (1-877-524-8683).  
Or, Call your local Voter Registration Office:  
Fulton: (404) 730-7072, DeKalb: (404) 298-4020, Clayton: (770) 477-3372, Cobb County: (770) 528-2581, Gwinnett County: (678) 226-7210, Fayette County: (770) 305-5408
- 3) Vote early, (Absentee in Person) at your local elections office during normal business hours. You have to provide an ID for voting early (Absentee in Person) and do not have to provide a reason. Early Voting takes place 21 days before a primary, general, or special election until the Friday before election day. It takes place only in the Elections & Voter Registration Office. Hours for early voting polling places may vary by county in Georgia so be sure to check before you go in!
- 4) Vote Absentee by mail if you can't vote in person. No reason or ID required for voting absentee by mail! Absentee ballots must be postmarked and received by Board of Elections by election day. In order to get an absentee ballot you must request one from Georgia. You can do so here: <http://www.longdistancevoter.org/georgia#.VaAPIPIViko>
- 5) Request and review a sample ballot from your local elections office. This ballot will be the same as the one you receive on election day and can help you organize your thoughts.

## **Election Day**

- 1) Take ID to the polls (A Georgia driver's license, even if expired • Any valid state or federal government photo ID, including by the Department of Driver Services or your Voter Registrar • Valid U.S. passport • Valid employee photo ID from any branch, department, agency, of the U.S.

Government, this state, or county, municipality, board, authority or other entity of this state • Valid U.S. military ID • Valid tribal photo ID).

IF you DO NOT have one, you can receive a FREE Georgia Voter ID card. Contact your county registrar's office or a Department of Driver Services. MORE INFO, call 1-877-725-9797, or go to [www.GaPhotoID.com](http://www.GaPhotoID.com)

\*To be on the safe side take your release from supervision papers with you showing you have satisfied your sentence and supervision.

- 2) If there is a question regarding your eligibility to vote you have the right to cast a provisional ballot. Provisional ballots will be counted after eligibility is confirmed.
- 3) Vote.
- 4) If you encounter problems on Election Day and cannot get them resolved by the poll worker, call 1-866-OUR-Vote or 1-877-524-VOTE for assistance or [aclu.org/letmevote](http://aclu.org/letmevote)

Note: IF you are concerned about possible outstanding warrants please do your own criminal background check before voting or register to vote absentee by mail. You can access your criminal record as described starting on page 16 of this guide.

\*Note: The right to vote is automatically restored upon completion of your sentence. No application is needed.

## Information for Veterans

The Veterans Administration and the Department of Labor personnel along with various Veterans Service Organizations, Certified Service Officers, provide guidance and assistance to incarcerated and recently released veterans on:

- Filing a claim for VA compensation or pension benefits
- Resumption of previously awarded VA compensation or pension benefit

### ***Will Your VA Benefits Be Automatically Resumed When You Get Out Of Prison?***

No. Your VA Benefits will not automatically resume upon release. You must submit release paperwork for disability or pension to be corrected to original amount prior to incarceration and that can be done with the assistance of a county VA office, DAV, VBA, or any Veteran service organizations.

### ***How Will Your Imprisonment Affect The Payment Of: VA Disability Compensation?***

Compensation is reduced 60 days after you are found guilty of a felony. If you were receiving 20% to 100%, it is reduced to 10%. If you were receiving 10% compensation, it is reduced to half. If you receive full amount of their disability past 60 days after conviction, you will have a balance you have to repay the VA before you can start receiving compensation again. The VA will set up a payment plan for you.

### ***What about my VA Disability Pension?***

Pension will be ceased 60 days past conviction of a felony. It is the responsibility of the Veteran to inform the Regional Office in Atlanta of a conviction.

### ***Where can I get help if I just got out of prison or jail and I am a vet?***

For assistance in obtain VA transitional housing, Compensated Work Therapy Program, VA Medical, Section 8 housing for Veterans with felonies and their families, substance abuse or any other VA services contact the VA Re-entry specialists numbers below:

2675 North Martin Street, Bldg 700, Suite A East Point, GA 30344  
(404) 321-6111 ext 3290,  
South Metro (404) 699-6900,  
North Metro (404) 679-5200,  
DeKalb (404) 298-3970),

Cobb (770) 528-6100,  
Clayton (678) 479-5886

**Veterans Websites:**

<http://www.va.gov> U.S. Department of Veteran Affairs  
<http://sdvs.georgia.gov> Georgia Department of Veteran Service  
<http://www.nchv.org/> National Coalition for Homeless Veterans  
<http://www.vfw.org/> Veterans of Foreign Wars  
<https://www.dav.org/> Disabled American Veterans  
<http://www.legion.org/> The American Legion  
<http://www.purpleheart.org/> The Military Order of the Purple Heart  
<http://www.pva.org> Paralyzed Veterans of America

## Department of Community Supervision

### ***What is the difference between probation and parole?***

Parole and probation are different forms of supervision after sentencing. Parole is supervision that begins after someone is released from prison or jail after serving part of a sentence. Parole is a privilege, not a right. While only a judge can sentence someone to a prison or jail term, the judge doesn't decide how much of that sentence a person will have to serve before being released back into the community. This decision is usually determined by Georgia Law. In Georgia the parole board decides whether to release a person once they are eligible for parole. Probation is a sentence that a judge can give instead of jail or in addition to jail or prison time. Like parole, it has conditions attached.

### ***Can I be on probation and parole at the same time?***

Yes. You could max out your prison sentence and have probation to follow, or you may parole out and have probation to follow or parole and probation can be served at the same time. You should check with The Department of Community Supervision upon release to set up the details of your Probation supervision and/or Parole supervision.

### ***What happens if I violate my probation or parole?***

If a person violates the terms of his parole, he can be sent back to prison to finish serving their original sentence.

If a person violates the terms of probation, the judge can give them any sentence the judge could have originally given him, including a prison term.

### ***Can I be sent back to prison or jail if I did not commit a new crime?***

Each year a large number of people on probation or parole are returned to prison or jail. Most do not commit a new crime but are sent back for failing to abide by the technical terms of their conditional release.

### ***What are some of the most common violations of parole and probation?***

- Hanging out with people or at places you were told not to
- Failure to report to your parole or probation officer as directed
- Failure to do a drug test or failing a drug test
- Failure to work or seek employment
- Moving in or out of state without permission of the parole or probation officer

- Failure to pay child support
- Failure to complete a program (drug treatment or mental health) when ordered to
- Failure to pay fees and/or restitution
- Failure to register as a sex offender
- Failure to cooperate with parole release intervention plan designed by the parole officer (i.e. work, be drug tested, lying to parole officer)
- Possession of a firearm, ammunition, explosive or other deadly weapon
- Leaving the state without permission this is called absconding
- New arrest even if only a traffic violation NOTE: Your parole officer or any other parole officer or your probation officer may, at any time, search your person, papers, and place of residence, automobile, or any other property under your control.
- Failure to pursue a general education diploma (GED), a high school diploma, or a trade at a technical/vocational school.
- Not complying with special conditions in your personal release plan.

### ***What happens if I am accused of violating my probation and I am on parole?***

When a parolee has reportedly violated a condition of his release, a Board warrant may be issued for his arrest.

### ***Am I entitled to a hearing if accused of violating my probation or parole?***

Yes. If you are arrested on a Board warrant for allegedly violating a parole condition, you will have a preliminary hearing within a reasonable time at or near the place of the alleged violation before a Board hearing officer not directly involved in the case. The purpose of the preliminary hearing is to determine whether there is probable cause to believe you violated a parole condition and whether you should be held under arrest pending the Board's decision on revocation.

If you are charged with violating a parole condition you can also have a final hearing within a reasonable time before the Board. The purpose of the final hearing is to determine whether you violated a parole condition and whether your parole should be revoked.

The Board automatically revokes your parole if you fail to show up at the hearing. If your probation officer issues a warrant, you will be arrested and held in jail until your probation revocation hearing. Usually you do not have the right to appointed counsel. If you want a lawyer, you'll have to hire one. The probation revocation hearing must be conducted at the earliest possible date. The appellate courts have said that a hearing held within 30 days satisfies this requirement. Guilt or innocence at a revocation hearing is not at issue (you've already been

convicted). The judge just has to determine if you willfully violated your probation. Courtroom rules and procedures must be followed. Remember that a probation violation is taken seriously by the court because the judge may feel that you disrespected the court's order.

***I do not want to mess up again, can I be in the company of others with supervision or felonies?***

Yes, you can be in the company of others with felonies for the purposes of receiving services, reentry support, mentoring or life coaching. You can also be in the company of others with felonies if you are living in approved transitional housing, substance abuse housing and training programs.

***Am I legally required to attend a reentry program upon my release?***

No you are not legally required to attend a reentry program upon your release unless it was court ordered or recommended by a case manager or supervision officer. Attending support groups and reentry sessions may help you to gain insight to help with relationships and your ability to cope with barriers and rejects should they come. It may also be an environment that helps with training, employment, housing and other opportunities and services.



## Detention and Arrest

While on probation or parole you will have encounters with law enforcement. One of the most stressful experiences you could face is that of being confronted by a police, sheriff, probation or parole officer. These suggestions could help you to get through the process of being detained and arrested without hurting yourself.

***Your rights when being confronted by a law enforcement officer (this includes police, sheriff, probation and parole officers):***

- You have the right to remain silent. If you wish to exercise this right, say so out loud.
- If you do not wish to remain silent, anything you say may be used against you in a court of law.
- You have the right to an attorney if you are arrested. Ask for one immediately.
- If you cannot afford an attorney, one will be appointed for you.
- These are your “Miranda” rights. If you are not given these rights; your attorneys can ask that any statements you made to the police not be used against you in court. This does not necessarily mean that your case will be dismissed however. This also does not apply if you volunteer information without being questioned by the police.
- Probation officers and parole officers may generally search the home, car, or person of a probationer or parolee without a warrant.
- Many people who are on probation or parole have a search clause which will allow any law enforcement officer to conduct a search without probable cause or a search warrant. If you have a search clause, you have not right to refuse to consent to a search of your person, your car, or your home.
- If you are off probation or parole you do have the right to refuse to consent to search of your home, yourself, your car or your home unless the officer believes that a crime has been committed by you or someone in your car or home.

***When being confronted by a law enforcement officer (this includes police, sheriffs, probation and parole officers):***

- It is hard, but try to stay calm and be polite. Emotion, profanity, and disrespect towards an officer will always lead to a worse situation for you.
- Do not lie or give false documents. Falsifying information may lead to more charges being brought against you as well as less cooperation from officers in the future.
- Have a plan ready in advance for the chance that you may be detained for questioning or arrested. Let your family know ahead of time the name and contact information for your attorney if you have one. The sooner your attorney is notified of your situation, the sooner he or she can start to work on dealing

with your problem.

- Remember the details of your detention or arrest, the more information that you can supply to your attorney the better. The details will also be helpful if you must file a complaint.

### ***If you are stopped for questioning:***

- Again try to stay calm, do not run, argue, resist, or obstruct the police. Questioning is a process with many steps. Your innocence will be earned legally and not due to instant decisions. Keep your hands where police can see them.
- When the police are done asking questions, ask if you are free to leave. If the officer says yes, calmly and silently move away. If the officer says no, ask if you are under arrest and why. You have a right to know.
- During questioning, you have a right to remain silent and cannot be punished for refusing to answer. If you wish to remain silent, tell the officer out loud.
- The police may pat down your clothing for security reasons. You should not physically resist. Remember, you do not have the right to refuse any further search if you are on probation or parole, and you are subject to a search clause. The police or sheriff will know that you have been arrested before by running your name and date of birth on their computer.

### ***If you are stopped for questioning in your car:***

- Stop the car in a safe place as quickly as possible. Turn off the car, turn on the internal light and headlights, open the window halfway and place your hands on the wheel.
- If the officer asks for documentation, show the police your driver's license, registration and proof of insurance.
- If the officer asks to look inside your car, if you are the driver and are on probation or parole and you have a search clause you cannot refuse to consent to the search. If you are not on probation or parole you can refuse any search. If the officer believes your car contains evidence of a crime your car will probably be searched.
- Both drivers and passengers have the right to remain silent. If you are a passenger, you may ask if you are free to leave. If the officer says yes, sit silently or calmly leave. If the officer says no, you still have the right to remain silent.

### ***If you are placed under arrest:***

- All law enforcement officers can arrest you whether they are on or off duty even if they do not have an arrest warrant.
  - This may only happen if they have probable cause or a good reason to believe that you have committed a felony.

- In order for an officer to arrest you for a misdemeanor, they must have seen you commit the crime.
- You can also be arrested for violating your conditions of probation or parole.
- If you commit an infraction such as speeding, instead of taking you into custody, they may only ask you to sign a citation or notice. If you sign the citation, you are not admitting guilt, but are just promising to appear in court.
  - If you have no identification or refuse to sign however, an officer may place you under arrest.
- If you are about to be placed under arrest, do not resist. Even if you think the arrest is unfair. Remember to stay calm. Sudden movement or resistance will only make the situation worse. Your freedom will be won in court, not with force.
- Say that you wish to remain silent and ask for an attorney immediately.
- Do not give explanations or excuses; remember that any voluntary statements may be used against you in a court of law.
- Have the contact information for your attorney ready. If you do not have the money to afford a private attorney, one will be provided to you for free.
- Prepare yourself and your family ahead of time in case you are arrested. Memorize the phone numbers of your family in case you are arrested. Once you are taken into custody you may not have access to your cell phone.
- Make emergency plans ahead of time if you have children, take medication, or have any other interests that require your presence.
- If during questioning and before a charge is filed, the police are convinced that you have not committed a crime, they will give you a written release. Your arrest then will be considered a detention and not recorded as an arrest.
- Once you are booked, which means that your arrest is written into the official police records and you are fingerprinted and photographed, you have the right to make a local phone call. The police may not listen if you call an attorney.

***If you feel that your rights have been violated:***

- Remember: police misconduct cannot be challenged on the street. Do not physically resist officers or threaten to file a complaint. Keep a calm mind and refrain from sudden movements. Police misconduct will never be addressed in one night, there is a process and that process must be adhered to in order for justice to prevail.
- Write down everything you remember, including officers' badge numbers, patrol car numbers, which agencies the officers were from, and any other details.
- Get contact information for witnesses. If you are injured, take photographs of your injuries (but seek medical attention first).
- File a written complaint with the agency's internal affairs division or civilian complaint board. In most cases, you can file a complaint anonymously if you wish.

- Supply your attorney with a copy of the information as well. It may be needed for the complaint process.

## **For immigrants:**

### ***If you are questioned about your immigration status:***

- You have the right to remain silent and do not have to discuss your immigration or citizenship status with police, immigration agents or any other officials.
- You do not have to answer questions about where you were born, whether you are a U.S. Citizen, or how you entered the country.
- If you are not a U.S. Citizen and an immigration agent requests your immigration papers, you must show them if you have them with you.
- If you are over 18 years of age, carry your immigration documents with you at all times.
- If you do not have your immigration papers, say that you want to remain silent.

### ***If you are taken into immigration (or “ICE”) custody:***

- If you are taken into custody, you have the right to an attorney; however the government does not have to provide one for you.
- If you do not have an attorney available, ask for a list of free or low-cost legal services.
- You have the right to contact your consulate or have an officer inform the consulate of your arrest.
- Tell the ICE agent you wish to remain silent. Do not discuss your immigration status with anyone but your attorney.
- Do not sign anything, such as a voluntary departure or stipulated removal, without talking to an attorney. If you sign, you may be giving up your opportunity to stay in the United States.
- Remember your immigration number (“A”) number and give it to your family. It will help family members locate you.
- Keep a copy of your immigration documents with someone your trust.

## Legal Resources

(<http://www.unitedwayatlanta.org/wp-content/uploads/2014/03/Greater-Atlanta-Resource-Directory.pdf>)

The following agencies provide low-cost legal advice, counseling in civil and criminal matters to people who cannot afford an attorney and who meet eligibility requirements.

### **The ACLU of Georgia**

<http://www.acluga.org/your-rights/file-a-complaint/> (770) 303-9966

*Takes cases that affect the civil liberties of large numbers of people rather than those involving disputes between two parties. Civil liberties include voting rights, discrimination, police reform.*

### **Atlanta Bar Association**

[www.atlantabar.org](http://www.atlantabar.org) (404) 521-0777

*Matches clients with attorneys according to the type of legal problem and geographic area.*

### **Atlanta Legal Aid Society**

[www.law.emory.edu/pi/alas](http://www.law.emory.edu/pi/alas) (404) 524-5811

151 Spring Street, NW, Atlanta, GA 30303-2097

*Legal representation, advice and referrals for housing problems, foreclosure fraud, consumer disputes, family law matters, public benefits, nursing/boarding home complaints, AIDS Legal Project, projects for the homeless, mental health, and Hispanic outreach.*

### **Atlanta Legal Aid Society for Clayton County**

(404) 366-0586

1000 Main Street, Forest Park, GA 30296

### **Atlanta Legal Aid Society for DeKalb County**

(404) 377-0701

### **Atlanta Legal Aid Society for Gwinnett County**

(678) 376-4545

180 Camden Hill Rd. Suite 250, Lawrenceville, GA 303045

### **Atlanta Legal Aid Society: Southside Office**

(404) 669-0233

1514 East Cleveland Avenue, SW, Suite 100, East Point, GA 30344

### **Atlanta Volunteer Lawyers Foundation, Inc.**

<http://avlf.org/> (404) 521-0790

235 Peachtree Street NE, Suite 1750, Atlanta, GA 30303

### **Cobb County Legal Aid**

[www.georgialegalaid.org/organization/legal-aid-of-cobb-county](http://www.georgialegalaid.org/organization/legal-aid-of-cobb-county) (770) 528-2565

30 S. Park Square Marietta, GA 30060

**Georgia Justice Project, Inc.**

[www.gjp.org](http://www.gjp.org)

(404) 827-0027

438 Edgewood Avenue, SE, Atlanta, GA 30312

*Legal representation to low-income people with pending criminal cases.*

**Georgia Legal Services Program**

[www.glsp.org](http://www.glsp.org)

(404) 206-5175

104 Marietta St. Suite 250, Atlanta, GA 30303

*Legal services to low-income people in civil matters, welfare rights assistance, housing/employment discrimination assistance, landlord/tenant dispute resolution, and migrant and seasonal farm worker representation, serves the State of Georgia except the counties served by Atlanta Legal Aid. (Cobb, Clayton, DeKalb, Fulton and Gwinnett)*

**Justice Center of Atlanta**

[www.justicecenter.org](http://www.justicecenter.org)

(404) 523-8236

976 Edgewood Avenue, NE, Atlanta, GA 30307

*Dispute resolution through mediation.*

**Georgia Law Center for the Homeless**

[www.galawcenter.org](http://www.galawcenter.org)

(404) 681-0680

100 Edgewood Avenue, NE, STE 1625, Atlanta, GA 30303

*Free civil legal assistance/advocacy for homeless people, housing/education/employment discrimination assistance, public entitlements appeals, complaints, wage and hour disputes, identification replacement assistance, outreach to HIV infected homeless people.*

## State of Georgia Mental Health Services

[www.behavioralhealthlink.com](http://www.behavioralhealthlink.com)

The Georgia Crisis & Access Line via Department of Behavioral Health & Developmental Disabilities is 1-800-715-4225 website is: [mygal.com](http://mygal.com). Operates 24 hours a day.

Other Mental Health Resources shared at the meeting:

- NAMI Georgia- National Alliance on Mental Illness- [www.namiga.org](http://www.namiga.org) (offer individual and family support free of charge)
- NAMI National- National Alliance on Mental Illness-[www.nami.org](http://www.nami.org)
- Warmline Support- A peer-run listening line staffed by people in recovery themselves . Warmlines in GA listed below:

### **Decatur Peer Support, Wellness and Respite Center**

888-945-1414; Warmline: (404) 371-1414

Operates 24 hours a day

### **Cartersville Peer Support, Wellness and Respite Center**

(770) 276-2019

Operates 24 hours a day

### **Cleveland Peer Support, Wellness and Respite Center**

(855) 482-2933; Warmline: (706) 865-3601

Operates 24 hours a day

### **McDonough Peer Support, Wellness and Respite Center**

(678) 782-7666

Operates 24 hours a day

### **Moultrie Peer Support, Wellness and Respite Center**

(229) 873-9737

Operates 24 hours a day

## Department of Family and Children Services

### **Clayton County DFCS**

dfcs.dhs.georgia.gov/clayton-county-dfcs-office  
877 Battlecreek Road  
Jonesboro, Georgia 30236-1942

(770) 473-2300

### **Cobb County DFCS**

dfcs.dhs.georgia.gov/cobb-county-dfcs-office  
325 Fairground Street, SE  
Marietta, Georgia 30060-2355

770) 528-5000

### **DeKalb County DFCS**

dfcs.dhs.georgia.gov/dekalb-county-dfcs-office  
178 Sams Street  
Decatur, Georgia 30030-4134

(404) 370-5000

### **Douglas County DFCS**

dfcs.dhs.georgia.gov/douglas-county-dfcs-office  
8473 Duralee Lane  
Suite 100  
Douglasville, GA 30134

(770) 489-3000

### **Fayette County DFCS**

dfcs.dhs.georgia.gov/fayette-county-dfcs-office  
905 Highway 85 South  
Fayetteville, Georgia 30215-2005

(770) 460-2555

### **Forsyth County DFCS**

dfcs.dhs.georgia.gov/forsyth-county-dfcs-office  
426 Canton Road  
P. O. Box 21  
Cumming, Georgia 30028-0021

(770) 781-6700

### **Fulton County DFCS**

dfcs.dhs.georgia.gov/fulton-county-dfcs-office  
1249 Donald Lee Hollowell Pkwy  
Atlanta, Georgia 30318

(404) 206-5600

**\*\*Fulton County has several DFCS so call for the closest location.**



**Gwinnett County DFCS**

dfcs.dhs.georgia.gov/fulton-county-dfcs-office  
446 West Crogan Street  
Suite 300  
Lawrenceville, GA 30046-2475

(678) 518-5500

**Henry County DFCS**

dfcs.dhs.georgia.gov/henry-county-dfcs-office  
125 Henry Parkway  
McDonough, Georgia 30253-6636

(770) 954-2014

**Paulding County DFCS**

dfcs.dhs.georgia.gov/paulding-county-dfcs-office  
1387 Industrial Blvd N.  
P. O. Box 168  
Dallas, Georgia 30132-0168

(706) 295-6014

**Rockdale County DFCS**

dfcs.dhs.georgia.gov/rockdale-county-dfcs-office  
975 Taylor Street, S.W.  
Conyers, Georgia 30012

(770) 288-8989

IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA

State of Georgia	)	
	)	
vs.	)	Case No.: _____
	)	
_____	)	
	)	
Defendant.	)	

**MOTION FOR TERMINATION OF PROBATION**

COMES NOW Defendant \_\_\_\_\_, pro se, and hereby files this Motion for early termination of probation. In support of this Motion, Defendant shows as follows:

1. On \_\_\_\_\_, 20\_\_\_\_, Defendant entered was sentenced to a term of \_\_\_\_\_ years on probation, payment of a fine of \$\_\_\_\_\_, and ordered to perform \_\_\_\_\_ hours of community service. Defendant's fine and community service have been satisfied.
2. Defendant has been on probation since the time of the sentence imposed by this Honorable Court with no violations of same.
3. Defendant is eager to complete probation and avail himself/herself of the privileges of O.C.G.A. § 16-13-2(a) so that he/she may take steps to further his/her \_\_\_\_\_.
4. The sentencing Court is empowered to modify or change the probated sentence, during the term of the person's probated sentence. See O.C.G.A. § 42-8-34.
5. In the interest of justice, Defendant respectfully requests this Honorable Court to terminate Defendant's probation.

WHEREFORE, Defendant respectfully requests a hearing on this Motion and at the conclusion of same, asks this Honorable Court to terminate probation.

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Submitted by:

\_\_\_\_\_  
\_\_\_\_\_  
Defendant

IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA

State of Georgia	)	
	)	
vs.	)	Case No.: _____
	)	
_____ ,	)	
	)	
Defendant.	)	

ORDER

WHEREAS the above filed case came before the court for a motion to terminate probation on \_\_\_\_\_, 20\_\_\_\_, and  
WHEREAS the court heard argument on this motion, Defendant’s motion is granted.  
It is hereby ordered that the Defendant’s sentence of probation is terminated.

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Hon. \_\_\_\_\_  
Judge of Superior Court  
\_\_\_\_\_ County

Submitted by:

\_\_\_\_\_  
\_\_\_\_\_  
Defendant

## Guide to Completing This Motion to Terminate Probation

1. Write or type in the name of the county in which you were sentenced on the top of the page.
2. Write or type in your name in the top left blank where it says State of Georgia v. \_\_\_\_\_.
3. Write or type in the case number of the case you were sentenced on.
4. After “COMES NOW Defendant” write or type in your name.
5. Where it says “he/she” or “himself/herself” you should circle the one that applies.
6. In #1, write or type in the date that you were sentenced on. Write in the amount of any fine you received. If you did not receive a fine, write N/A. If you were ordered to complete community service, write in the number of hours you were ordered to complete. If you were not ordered community service write N/A.
7. In #3, write or type the reason you are seeking to terminate probation. For example: “to further his/her career,” or “to further his/her education.”
8. Where it says, “This \_\_\_\_\_ day of 20\_\_\_\_” write or type in the date you are filing the Motion.
9. Where it says “Submitted by:” on the first line, sign your name. On the second line, clearly print your name.

## Guide to Completing the Order of Probation Termination

1. Write or type in the name of the county in which you were sentenced on the top of the page.
2. Write or type in your name in the top left blank where it says State of Georgia v. \_\_\_\_\_.
3. Write or type in the case number of the case you were sentenced on.
4. Write in the date that your Motion was heard before the court.
5. Where it says “Submitted by:” on the first line, sign your name. On the second line, clearly print your name.

## References for this Publication

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- Colgate-Love, Margaret (2006) Relief from the Collateral Consequences of a Criminal Conviction. William S. Hein & Co., Inc.
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## Georgia Laws Referenced in this Publication

Ga. Constitution Art. IV, Section 2, Paragraph II.

Ga. Constitution Art. II Section 1, para. III (a).

GA. Constitution Art. II, Section II, Section 2, para. III.

Article 2 of Chapter 13 of Title XVI “Georgia Controlled Substance Act”

HB328, 2015

SB365, 2015

Governor Nathan Deal Executive Order “Ban the Box” February 23, 2015

OCGA § 42-9-56

OCGA § 16-11-131(c)

OCGA § 43-1-19(a)(3), (6)

OCGA § 17-10-6.1

OCGA § 49-4-184

OCGA § 49-4-3

OCGA § 49-4-52

OCGA § 49-4-81

OCGA § 49-5-273

OCGA § 19-7-22(g)(2)

OCGA § 15-11-301

State v. Cauley, 282 Ga. App. 191, 194-95 (2006)





1422 West Peachtree Street NW  
Atlanta, GA 30309  
404 872 3593

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