

Virginia Prisoner Reentry Policy Academy

Financial Obligations, Housing, Financial & Community Resources Subcommittee

Presentation to SJR 126 Joint Subcommittee

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Financial Issues of Reentry

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- Men and women are leaving Virginia prisons with financial obligations that can contribute to reducing their chances for successful reentry to the community.
- Many individuals being released from correctional facilities are immediately faced with a housing crisis as they cannot find affordable housing or long term housing options.
- Individuals reentering society have identified the lack of financial resources as a major barrier to successfully transitioning back into their respective communities.

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The Financial Obligations, Housing, Financial & Community Resources Subcommittee of the Virginia Reentry Policy Academy:

- **Identified financial barriers to successful reentry**
- **Established goals to address these**
- **Developed strategies & recommendations for change**

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Financial barriers or obligations include:

- **Lack of access to and/or resources for housing that can lead to homelessness**
- **Fines, court costs and restitution**
- **Child Support obligations and arrearages**
- **Consumer credit**

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“Where will I sleep tonight?”

- **Family member or friend**
- **Transitional housing**
- **Federally subsidized housing**
- **Rental market**

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Public housing authorities have the discretion to deny admission to three categories of applicants:

- Those who have been evicted from public housing because of drug-related criminal activity for a period of three years following eviction
- Those who have in the past engaged in a pattern of disruptive alcohol consumption or illegal drug use, regardless of how long ago such conduct occurred
- The catch-all category of those who have engaged in any drug-related criminal activity, any violent criminal activity, or any other criminal activity if deemed a safety risk

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The private housing market is often not an option for those who have been incarcerated.

- Lack of money is the first barrier. Most individuals leave prison without enough money for a security deposit on an apartment, house or even a room. In Virginia those released are provided \$25 of “gate money” for transportation or immediate needs.
- Landlords usually require proof of employment, housing references and criminal history information. This often eliminates former prisoners.

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Work with local Housing Authorities and support adoption of admission policies that will take into consideration:

- **evidence of rehabilitation**
- **the effect of denial on family reunification**
- **whether denial will leave the applicant homeless**

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- **Baseline data from homeless coalition on number of ex-offenders in Virginia's homeless population**
- **Support development of transitional housing**
- **Assistance in completing housing applications and link to community support systems**
- **Identify available resources for rental assistance**
- **Development a listing of permanent housing resources**
- **Outreach plan for landlord associations and property owners on reentry issues**

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“How much do I own?”

- **Court Costs/Restitution**
- **Child Support**
- **Consumer Credit**

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- Virginia will use civil vs. criminal sanctions in court ordered collections where appropriate.
- Virginia will have uniform guidelines for assisting offenders to work out payment plans or substitute community service for obligations.

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- Virginia inmates will better understand their financial obligations.

New DOC Information System will capture fines, costs and restitution included in the recorded sentence summary

Standard court order now includes this information

Any changes will be included in legal updates provided to those incarcerated

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- Virginia will develop interagency agreements and procedures for identifying financial obligations:

Phase II and Phase III of the DOC Information System development includes a goal of an interface with DMV to obtain information on DMV fines

Phase II and Phase III of the DOC Information System development includes a goal of an interface with VDSS to share information on child support obligations

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- Virginia will explore ways to increase child support revenues by enhancing the ability of incarcerated and recently-released non-custodial parents (NCPs) to discharge their financial and medical support obligations toward the children in their child support cases.

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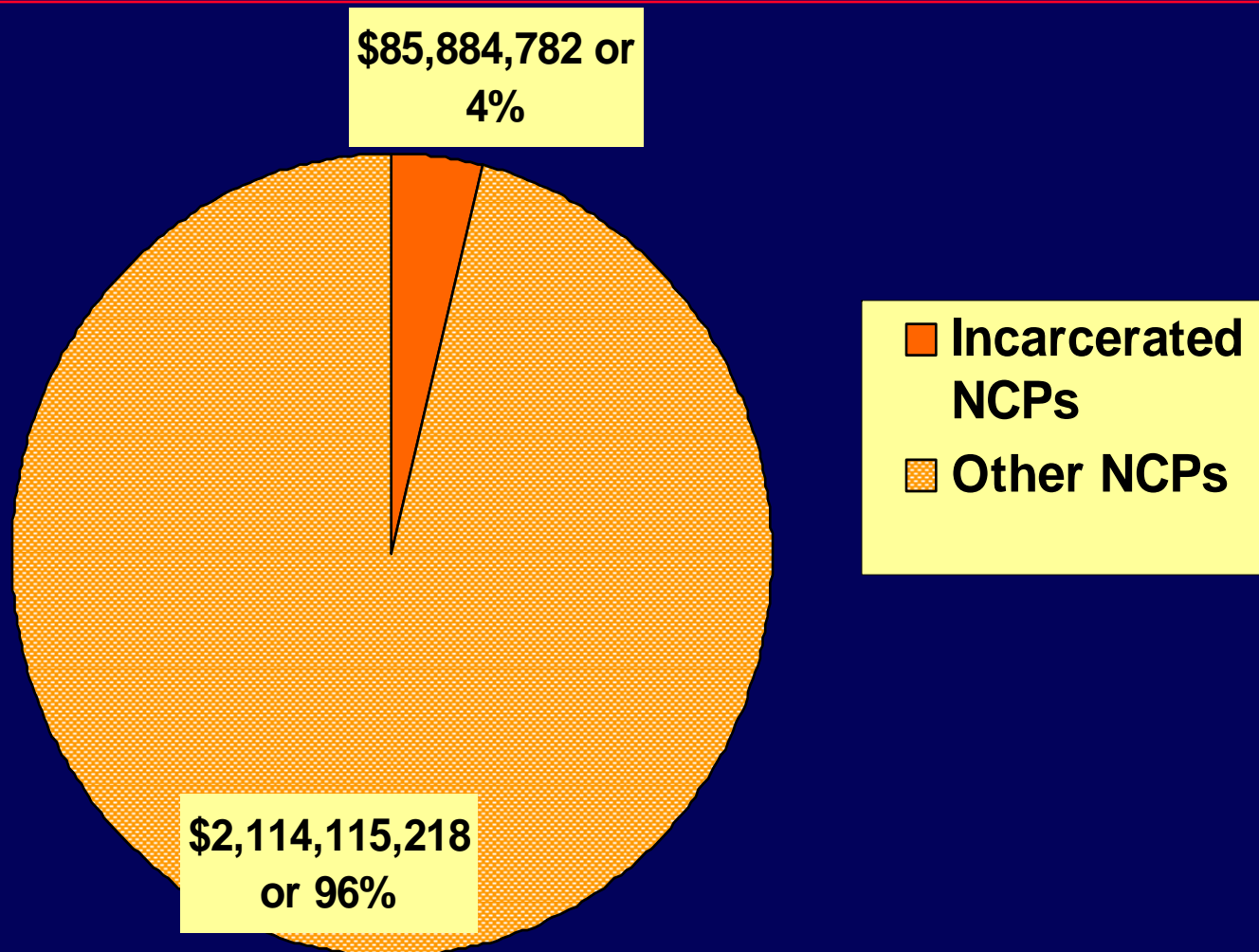
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- 55% of state inmates are parents.
- 1/2 of parents in prison have an open child support case.
- On average, parents owe \$10,000 entering prison and \$20,000+ upon release.

Vicki Turetsky Center for Law and Social Policy

Incarcerated NCP Arrears as a Percentage of Total Arrears

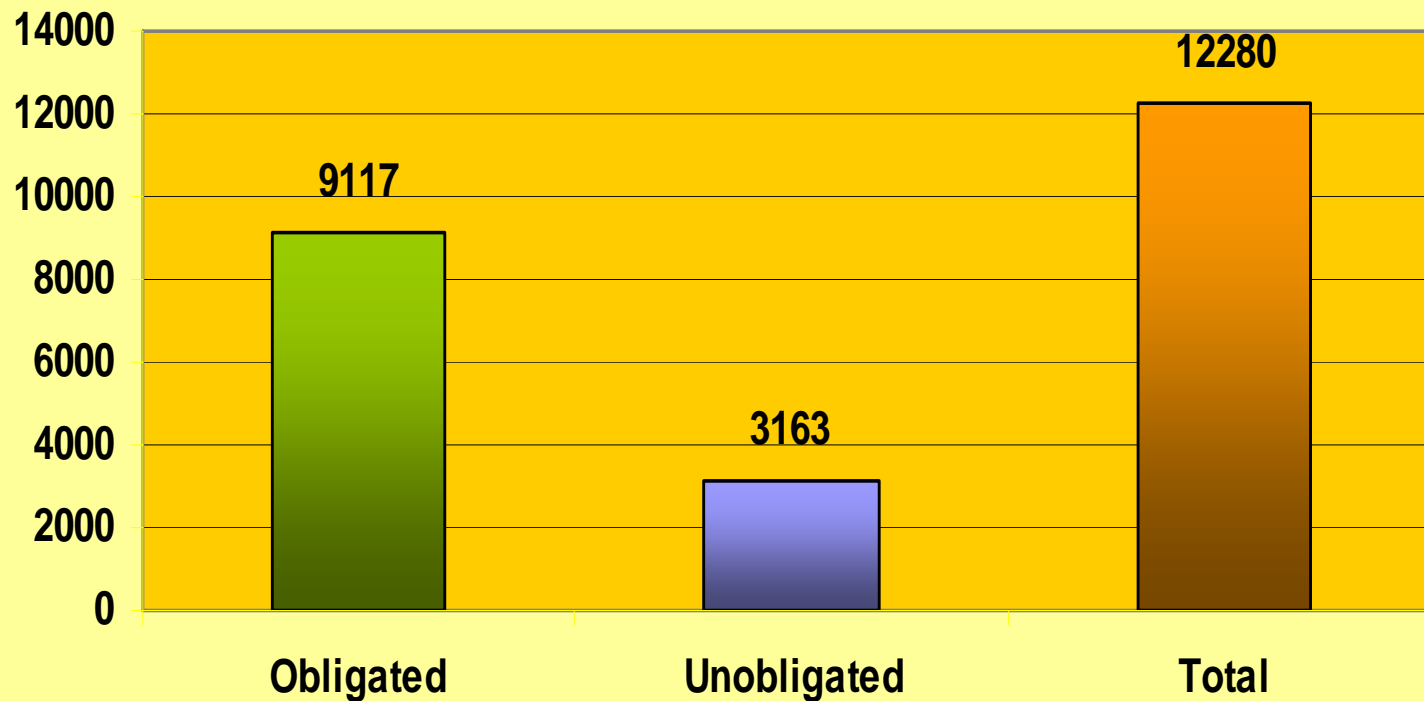
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Status of Incarcerated NCPs' Cases



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- In Virginia incarceration is considered voluntary unemployment.

Case law: *Layman v. Layman*

Edwards v. Lowery

- While incarcerated the rate of child support continues at the amount established prior to incarceration.
- During incarceration interest accrues on the child support debt.

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- Oregon – Upon request, orders are modified based on ability to pay. Prisoners with 6 months or more of incarceration remaining can request a review.
- North Carolina – Statutory authority to automatically suspend obligations for inmates with no income.

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- **Michigan – Piloted a project to enable prisoners to request modification in court hearings via audio and video teleconferencing.**
- **Maryland – Establishes a zero order in the absence of income. Adopted legislation allowing reduction of support if the NCP is incarcerated and has no other income.**

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- MODIFICATION OF EXISTING CHILD SUPPORT ORDERS

1. Incarcerated Non-custodial Parent (NCP) -

subject to an order for child support;

and confined in a correctional facility for at least six consecutive months from the date of a request to modify an existing order for child support.

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2. An incarcerated NCP may request a modification due to incarceration.

3. Upon request for modification due to incarceration, child support will be reduced to a minimum \$65 per month order.

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4. A modification because of the incarceration of the NCP is effective only during the period of the incarceration and for 60 days after release. The previous order is reinstated by operation of law on the 61st day after release.

5. These provisions do not apply to an NCP incarcerated for non-payment of support or any other offense against a child.

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■ SUPERVISED PROBATION

With agreement from numerous judges, DCSE has suggested legislation which would allow courts in both civil and criminal cases of non-payment of child support to make determinations of supervised probation instead of jail sentences.

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- Virginia will have improved access to public assistance for eligible ex-offenders.
- Ex-offenders in Virginia will have increased access to Food Stamp Employment Training (FSET) Program.

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- Those leaving Virginia prisons will have skills in money management and financial literacy
- Virginia will have a plan to maximize resources and identify shortfalls

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- **Successful reentry**

 - improves public safety**

 - supports families**

 - is good stewardship of tax dollars**