

HOME FOR GOOD:

OVERCOMING LEGAL BARRIERS TO REENTRY
in
GEORGIA



Fourth Edition
2022

Fourth Edition
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An Atlanta-based domestic nonprofit corporation dedicated to transformational reforms in why and how we incarcerate in America. To drive measurable accountability over ineffective punishment. To correct, repair and restore futures and families.

Highlights of Home for Good: Overcoming Legal Barriers to Reentry 4th Edition

- The Identification and Paperwork section has been revised to provide more specific information regarding the addition of online access for suspension and/or reinstatement of driver's license.
- Updated Criminal History section with new laws for record restriction and mug shot removal.
- The Record Restriction section (previously the Expungement 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.
- Added Ban the Box provisions in the Employment section.
- Updated Family Matters section on paternity and child support.
- The Resource List has been expanded to include additional providers.
- Updated Education section with new rules for drug convictions and financial aid.
- A new Early Termination of Probation section was added.
- The Mental Health Services Directory has been added.
- Updated Basic Needs section to include new rules for food stamps.
- Voting and Veterans sections have been updated.
- Added statewide resources.
- The Detention and Arrest section has been updated.

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 April 2022 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. Recognize that laws are different in other states. This guide only cites Georgia and Federal laws. 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 Dr. Bridgett Ortega, M.A., J.D., D.M., Associate Dean of Career Services and Professional Development. Please do not call the law school about individual legal problems. However, if the information in this book needs updating, please notify us at bortega@johnmarshall.edu.

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

First Steps after Release

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Identification and Personal Records

Having approved identification is a critical tool for successful reentry. You should be thinking carefully about the documents you will have upon your release and/or how you will get them. 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. 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.

You should receive documentation upon release that identifies you. 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 documents you need to obtain employment. This includes birth certificates, state ID cards, Driver's License, social security cards. Be sure to ask and take advantage of this program prior to release if at all possible. You should also be able to access this program post release through the Georgia Department of Community Supervision. The Department of Corrections also has agreements with various agencies such as the Department of Driver's Services, the Department of Public Health, and the Social Security Office that are designed to assist you with your identification requirements upon reentry.

What documents do I need to have on hand upon release?

The most important documents you should have on hand are:

- An original birth certificate (certified)
- Social Security Card
- Driver's license
- Marriage certificate
- Court orders and judgments
- Passport

How do I obtain these documents?

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. The Georgia Department of Corrections provides certified copies of birth certificates (BC) at no cost to reentering citizens born in Georgia.

If you have been out awhile and need to obtain a birth certificate for yourself or your children, please follow the instructions below.

Cost:	\$25 request fee <ul style="list-style-type: none"> • Certified Check or Money Order (mail or walk-in) • Visa or Mastercard (walk-in and online only) • Cash or Debit Card (walk-in only)
Items Needed:	<ul style="list-style-type: none"> • Completed and Signed Request Form • Photocopy of Valid Government Issued ID
Requesting a Birth Certificate:	<p>1. Mail your request, fee (\$25 at time of publication) and photocopy of valid ID to:</p> <p>Georgia Department of Public Health State Office of Vital Records 1680 Phoenix Boulevard, Suite 100 Atlanta, GA 30349 <i>Response time is 8-10 weeks</i></p> <p>2. Request a birth certificate in person at the state Vital Records Office or an County Vital Records Office:</p> <p>State Office of Vital Records 1680 Phoenix Blvd., Suite 100 Atlanta, GA 30349</p> <p>Walk-in lobby hours: 9:00 a.m. to 4:00 p.m., Monday, Wednesday, Friday Except State Holidays</p> <p>Every county in Georgia also has a walk-in Vital Records office. Your county office can be found at https://dph.georgia.gov/locations/vital-records-office</p> <p>3. The State Office of Vital Records has provided several options for you to order birth and death records online. Please see a list of approved third party and state approved vendors below. The following options are available for requesting a vital record:</p> <p>GO Certificates (Third Party Vendor) https://www.gocertificates.com/new/Georgia.aspx</p> <ul style="list-style-type: none"> • Order online with your major credit card

Requesting a Birth Certificate (Continued):	<ul style="list-style-type: none"> Standard requests are mailed within 8-10 weeks. Expedited requests are shipped within 5 business days. Regular orders will be shipped within 10 weeks. A surcharge and expedite fee applies for credit card payments. Only birth and death certificates are available. <p>ROVER (State of Georgia) https://gta.georgia.gov/gta-services/data-sales/birthdeath-certificates</p> <ul style="list-style-type: none"> Order online with your major credit card Standard requests are mailed within 8-10 weeks. Expedited requests are shipped within 5 business days. Regular orders will be shipped within 10 weeks. A surcharge and expedite fee applies for credit card payments. Only birth and death certificates are available. <p>VitalChek (Third Party Vendor) https://www.vitalchek.com/v/vital-records/georgia/georgia-department-of-public-health?lp=1&click_id=578150035955974146&ppc=0&ScenarioName=Scenario-WebPlatformRedirect</p> <ul style="list-style-type: none"> Order online with your major credit card Standard requests are mailed within 8-10 weeks. Expedited requests are shipped within 5 business days. Regular orders will be shipped within 10 weeks. A surcharge and expedite fee applies for credit card payments. Only birth and death certificates are available.
For More Information:	Georgia Department of Public Health (404) 679-4702

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/>

The Department of Corrections will help you to obtain your social security card before or upon release. These services are available through the transitional centers and the TOPPSTEP program.

If you are trying to obtain a social security card on your own for yourself or your children please follow the following instructions.

Cost:	Free
Items Needed:	<ul style="list-style-type: none"> <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, Health insurance card, or U.S. military ID) <input type="checkbox"/> Interview at a local Social Security branch office <p><i>*Note: All documents must be either originals or certified copies by the issuing agency. Photocopies will not be accepted.</i></p>
How to Apply:	<p>1. If you are over 18 and have never applied for a social security card you must apply in person.</p> <p style="text-align: center;">Or</p> <p>2. If you have a social security number but have lost it you can apply in person or by mail.</p> <p>Call the Social Security Administration for help at 1-800-772-1213</p>

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.

The Georgia Department of Corrections (GDC) Transitional Services, in collaboration with the Department of Driver Services (DDS), are now able to provide returning citizens a DDS Identification Card (ID) or DDS renewed Driver's License (DL) to returning citizens upon their release. You should receive this universally accepted state identification card PRIOR to your release.

If you are out and have never had a state ID or Driver's license the Georgia Department of Corrections will help you to obtain the necessary documentation to get one.

My driver's license has been suspended. How do I get it reinstated?

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 (404) 657-9300.

Reinstatement requirements vary depending on the type of suspension and the circumstances of the conviction(s). Multiple offenses can also impact your requirements and what you need to pay. If your license is suspended, create an Online Account or download the DDS 2 GO Mobile App and view your requirements. You can check your license status and get step-by-step instructions on what it will take to reinstate your license.

You can also check the status of your license and the requirements for reinstatement on the DDS website: https://dds.drives.ga.gov/_/#1

You will be required to create an account.

List of Suspension & Fees

Suspension	Cost by Mail	Cost in Person
Child Support Non-Compliance	\$25.00	\$35.00
DUI (First Offense for Age 21 and Over)	\$200.00	\$210.00
Failure to Appear (FTA)	\$90.00	\$100.00
No Proof of Insurance (First Offense)	\$200.00	\$210.00
No Proof of Insurance (Second/More)	\$300.00	\$310.00
Points Violation (First Offense)	\$200.00	\$210.00
Points Violation (Second Offense)	\$300.00	\$310.00
Points Violation (Third Offense)	\$400.00	\$410.00
Super Speeder	\$50.00	
**after payment of the \$200.00 Super Speeder Fee.		

Pay Fees Online <https://dds.drives.ga.gov/?link=payfees>

How do I obtain my credit report?

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 at 877-322-8228 or www.annualcreditreport.com or creditkarma.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.

Am I required to register for Selective Service?

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:

Selective Service's Registration Information Office Hours
Monday - Friday 9:00 a.m. to 5:00 p.m. Eastern Standard Time
847-688-6888 or 1-888-655-1825 toll-free
P.O. Box 94638
Palatine, IL 60094-4638
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 Personnel Records Center
Military Personnel Records
1 Archives Drive
St. Louis, MO 63138
(314) 801-0800**

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.

Can a convicted felon obtain 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 Britain/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 relocate 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, child support owed over \$2,500, or owe certain loans to the government. The State Department will deny you a passport if a court order, a probation order or a parole order states that you are not to leave the country. 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 issues. You can contact the Federal Passport Agency for information related to your specific situation. The toll free number is 1-877-487-2778 or <http://travel.state.gov/passport/>

Are there other ways to help prove who I am?

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

***Because of my incarceration I am having problems establishing residency.
What should I do?***

If you are having problems establishing residency due to a recent release, talk to your Probation or Parole Officer. In cooperation with the Department of Driver's Services, you may ask for a form that your Officer can sign to verify your residency.

~

Your Criminal History Record

What is a Georgia criminal record?

Criminal records in Georgia are documents that detail the criminal activity of a person who was convicted of a crime. These are commonly known as "rap sheets." Criminal records hold information related to the crime, such as the details of the arrest, parameters of indictments, pending dispositions, conviction information, and more. These records are gathered from all levels of government, state, county, and municipal.

Criminal records are one of several police records that law enforcement creates in Georgia. Others include arrest records, arrest warrants, incident reports, and police records. Of these, criminal records are the most comprehensive and show a person's definitive proof of involvement in a crime. Other police records contain supplementary information if a requester wishes to access detailed information about a crime, incident, or police activities.

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.

Who can see my criminal history and how is the information stored?

Your criminal history report is also known as a GCIC report. It is your official criminal record kept by the State of Georgia. The Georgia Crime Information Center (GCIC) holds all criminal history records for all local law enforcement and criminal justice agencies. 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 by the state of Georgia 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 mugshots and other jail records stemming from your arrest.

Georgia law allows criminal history record information showing in-state felony convictions, pleas and sentences held by law enforcement agencies, the Georgia Bureau of Investigation and GCIC to be requested and released electronically to public agencies, political subdivisions, authorities, and instrumentalities, including state or federal licensing and regulatory agencies or their designated representatives, without fingerprint comparison or consent of the person whose record is requested if the person requesting it can provide personal information that is sufficient enough to identify you.

Note: GCIC may not provide records of arrests, charges, or sentences for crimes relating to first offenders in cases where offenders have been exonerated and discharged without a finding of guilt except in situations where you are applying for certain jobs such as police officer, school employment, child care, nursing homes, or other positions where you are responsible for taking care of people. If you have been charged with child abuse, child molestation, sexual battery, enticing a child for indecent purposes, sexual exploitation of a child, pimping, pandering, or incest and exonerated your record may still be disclosed to a public agency or employer where old or young people are served.

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.

Where are Federal records stored and who can see them?

Federal records are maintained by the FBI. The national report is only available to you, the individuals you give consent to, and a specific list of employers and agencies.

Is it important to review my criminal history records?

Yes it is very important to review your criminal record, also known as a GCIC report and/or federal criminal record. This should be done 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 or an individual with the same name has been misclassified.

How can I check my criminal history?

It is important that you have a copy of your criminal history. Criminal records in Georgia are official documents that are created and managed by the jurisdiction in charge of the case and held by GCIC. In a federal case, the record is held by the FBI. The best and quickest way to obtain your record is through the agency that arrested you. An interested person can make a criminal record search at the county sheriff's office at the local level. At the state level, members of the public can make a criminal record search at the state police department. You can do the same. 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 to deny you. You should make this request in writing. Again, Georgia criminal history records can usually be obtained from Sheriff's Offices or Police Departments that conducted the arrest. You can contact the Georgia law enforcement agency who made your arrest about specific requirements for obtaining a copy of your Georgia criminal history record. There may be a fee involved.

Questions regarding record inspection should be directed to GCIC's Criminal History/Identification Services team at gacriminalhistory@gbi.ga.gov. They can also be reached by calling the Help Desk at (404) 244-2639 Monday thru Friday from 9:00 a.m. to 4:00 p.m., excluding holidays.

When it comes to federal criminal records, only you and a specific list of employers and agencies may request a copy of your federal criminal history (Identity History Summary), or proof that one does not exist. You would typically make this request for personal review, to challenge information on record, to meet a requirement for adopting a child, or to meet a requirement to live, work, or travel in a foreign country. The best way to obtain your record is to electronically submit your request directly to the FBI at <https://www.edo.cjis.gov>. If you submit a request electronically directly to the FBI, you will receive a response electronically and an option to receive a response by First-Class Mail via the U.S. Postal Service.

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.

What if the information on my criminal record is not accurate?

Once you receive a copy of your criminal record, if you see that something is wrong, the arrest information or the final disposition of the case, it is the responsibility of the agency that placed the information on your record to make the correction. It is your responsibility to make them aware of the error because they are the only one that can fix it. For incorrect arrest information, report the incorrect charge to the arresting agency. For incorrect or missing outcome/final disposition information, report the incorrect information to the clerk of court for the court in which your case was resolved. See O.C.G.A. 35-3-37 (e)-(g) for more information.

Please note: The information on Record Restriction below has been updated.
Please go to GJP.org/resources for the latest law changes.

Record Restriction and Pardons

What are the rules regarding record restriction?

Record restriction refers to what people commonly think of as expungement. Technically there is no such thing as expungement in Georgia because the record never goes away completely. Over the past few years many changes in the law have made it easier to get felony and misdemeanor convictions and arrests restricted from view by the public. With the enactment of HB 1176, the old expungement law has been replaced with a new law that became effective July 1, 2013. 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 made available to any private persons or businesses or the public.

Under the new laws, The Georgia Crime Information Center (GCIC) is responsible for restricting criminal records under the appropriate circumstances. Under current Georgia law, felony convictions are eligible for restriction under certain

circumstances. If you have been convicted of a felony and restriction is not available, you may still be eligible for a pardon from the State Board of Pardons and Paroles.

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

1. If your arrest is not referred for prosecution, it will be restricted from your GCIC criminal history record automatically after a period of two (2) years for misdemeanors, four (4) years for most felonies, and seven (7) years for serious violent and sex-related felonies. These automatic provisions of the law apply to arrests before and after July 1, 2013. If a record is automatically restricted, however, and later a disposition is entered that does not qualify for restriction, the law requires that the record be “unrestricted” by GCIC.
2. If a person’s case has been on the dead docket for more than 12 months and there is no active warrant, the person may request that GCIC restrict information regarding that case as well.
3. 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.

How do I get a felony or misdemeanor conviction off my record?

If you were eligible for First Offender at the time of sentencing, but were not aware of your eligibility and did not receive it, you might be able to go back and be sentenced as a First Offender if the prosecutor consents to filing and the judge grants your petition.

If you received a pardon for an eligible offense you may petition the court to restrict and seal the record.

If you are a survivor of sex or labor trafficking you can petition the court to vacate or seal convictions that were committed while you were being trafficked.

You may also petition the court to restrict and seal up to 2 eligible misdemeanor convictions if you completed all sentences at least 4 years ago and haven’t been convicted of anything else.

Things to make note of:

- Georgia law does not allow for the restriction of an entire criminal history.

You must apply separately for record restriction for each arrest.

- Felony convictions are not eligible for restriction – no matter how much time has passed.
- 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.
- Time served is a sentence and it means you were convicted.
- Alford Pleas are a conviction.
- No Contest Pleas are a conviction.
- 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. Georgia law provides protection from responsibility for employers when your criminal history is not relevant, has been pardoned or restricted, or concerns an arrest that did not lead to a conviction.
- Record restriction generally will not be granted for convictions for:
 1. Sex offenses involving children
 2. Pimping
 3. Sexual Battery
 4. Grand Theft
 5. Serious Traffic Offenses (reckless driving, DUI, vehicular homicide, serious injury by vehicle, feticide by vehicle, hit and run, eluding, aggressive driving, etc....)
 6. And other miscellaneous sex crimes and crimes involving children

What types of criminal history information can be restricted from the public?

- Records of a case that was dismissed or otherwise closed without conviction and seal the court records
- Records of a vacated or reversed conviction and seal the court records
- Records of a case placed on the dead docket and seal the court records
- Youthful offender convictions (court records can also be sealed)
- A felony charge when only convicted of an unrelated misdemeanor (court records can also be sealed)
- Records of charges handled in Superior Court (usually felonies)
- Records of charges NOT handled in Superior Court (usually misdemeanors)
- Records kept by the jail
- Mug shots

Mug shot companies must remove photos free of charge if an arrest is eligible for restriction or has been restricted. The websites must remove photos within 30 days of receiving a written request. Websites that fail to comply will face civil and criminal penalties. If a company fails to remove your arrest booking photograph

within 30 days, you can submit a complaint with the Georgia Department of Law's Consumer Protection Division. Visit www.consumer.georgia.gov/consumer-topics/mugshot-websites for details. Georgia law also prohibits law enforcement from publishing mug shots online and prevents mug shot companies from accessing booking photos for the purpose of publishing them online and charging removal fees.

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 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. To apply for Georgia Justice Project services, contact their Criminal Records Intake line at 404-827-0027 ext. 238, and a member of their intake staff will send you an intake application and consent forms.

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 have been convicted of a felony offense* in Georgia, completed all sentences at least five (5) years before applying (this means that you have been off parole or probation for this period); you have lived a law-abiding life (no convictions) in the last five (5) years; not have any pending charges (open cases); and all of your fines or restitution are paid in order to be eligible for a pardon.

*Occasionally, the State Board will grant an exception to these requirements, but they are rare. Exceptions may be considered for adoption/custody/foster care/daycare, section VIII housing, truck driving into Canada, education, employment, immigration, Peace Officer Standards and Training Council (POST).

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 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. Your right to vote is automatically restored upon termination of your sentence (which includes parole and probation). More detailed information can be found in the Voting section of this guide.

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Housing

Where can I live upon my release?

Most people live with family or friends after release, but some people may not be able to live with certain people. It is important if you are on parole to check in with your parole officer to make sure where and who you are living with is ok. If

you are on probation be sure to contact your probation officer to get the specifics on where you can and cannot live. If you do not have any restrictions on where to live after your release, think hard before moving back into the old neighborhood. When looking for your residence, be sure to consider where you work, transportation, and stores.

When starting the search for housing a good place to begin is the Transitional Housing for Offender Reentry (THOR) Directory, an online directory of community-based housing for persons released from prison or those on probation or parole. The directory is available to those with internet access. You can visit the site and log in as a guest. The URL is <https://pap.georgia.gov/transition-al-housing-offender-reentry>.

The resources on the directory also help with employment, developing independent living plans, counseling, food, shelter for up to a year, and other resources.

There are several different types of housing that may be available to you. Recovery Residences if you need support for substance abuse. Reentry Partnership Housing (RPH) provides temporary housing for parolees who do not have a valid residence plan. You get room and board and two meals a day for up to three months.

Can a landlord ask about my criminal history?

Yes, a landlord may ask about your criminal history and this information can be used to refuse rent to you. This does not mean that landlords can freely discriminate against prospective tenants with criminal history. Landlords must provide proof that their tenant criteria are legitimate and meant to protect the safety of the community. The laws tend to lean in favor of the landlord. If you have a current lease, the landlord cannot evict you due to your criminal record unless the lease says this is allowed or you lied on the application.

What do Property Managers look for when renting?

- Past rental history
- Employment history
- Credit history
- Criminal history

Have this information available and be prepared to explain. Honest, straightforward responses are always best.

Can I be denied housing because of my criminal record?

Yes, you may be denied housing based on your criminal record. Many leasing

offices run background checks on prospective tenants, and they may prohibit those with felony convictions from renting. If you are looking at public housing as an option, you may be faced with limited capacity and various restrictions. Prospective tenants can be banned from public housing for drug related criminal activities, lifetime registered sex offenders, and anyone convicted of manufacturing methamphetamines on public housing property are banned for life. Public housing allows some criminal offenses to still be eligible for public housing but it is at the discretion of the Public Housing Authority.

Some apartment complexes, mobile homes, landlords may not allow people with criminal records to reside. Some landlords screen tenants with criminal records, it is best to be upfront about any criminal activity to avoid the possible excess cost for tenant screenings.

An arrest alone is not grounds for denial of housing. If you were denied housing based solely on previous charges 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 if you are discriminated against for that reason you may report it to a Civil Rights Office. Landlords may 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, because the Public Housing Authority has discretion on whether a person with a criminal conviction can receive public housing benefits. The Housing Authority typically reviews the type of criminal offense. Violent and drug related offenses are reviewed very closely. The Housing Authority may deny your tenancy if you and 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 may also be denied tenancy 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 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 handles complaints about housing discrimination, bad landlord in federal housing, and many other issues. They can be reached at http://portal.hud.gov/hudportal/HUD?src=/complaints_home

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/> or (404) 524-0000.

You may file a complaint or notify the Georgia Commission on Equal Opportunity Fair Housing Division located at 2 Martin Luther King Jr. Drive S.E. West Tower-Suite 1002 Atlanta, GA 30332; 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.

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Employment

What is 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 prohibits state agencies from using prior criminal history as an automatic disqualifier for job applicants. Applicants will have the opportunity to discuss their criminal record in person. The ban the box law removes questions about your criminal history from employment applications for state employment and holds the background check until the interview stage. Employers may only check for criminal records related to the job you are applying for.

Can an employer find out about my criminal conviction?

Yes. Ban the box only applies to state agencies. Most employers conduct background checks for employment and licensing. Employers in Georgia can obtain arrest and conviction records from Georgia Crime Information Center by submitting a consent form usually signed by you as an applicant or employee. These forms include name, address, social security number, race, sex, and date of birth. The employer can obtain access to felony conviction records without your permission.

The Records Department of Correction allows records dating from 1984 to be accessible to anyone on the internet.

An employer who denies employment based on the report they received 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 content of the record
- The effect the record had upon their decision

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

Georgia law requires that you are told if your criminal record is going to be used to deny you a job. You can dispute incorrect information reported by a Consumer Reporting Agency. If a Consumer Reporting Agency fails to comply with this law, it may be the cause for a lawsuit.

Can an employer see criminal history records when there was no conviction?

Yes, the Federal Credit Reporting Act (FCRA) allows employers to use arrest records when making hiring decisions. Employers can consider the arrest that occurred within the last seven years. The new law affords conditions that must be met for the arrest records to be restricted. They include: the case was never referred for further prosecution by the arresting agency; if the case was referred and later dismissed; if the grand jury twice refused to indict the charge; or if the individual is acquitted of all the charges.

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, credit unions cannot hire people who were convicted of crimes involving dishonesty or they may lose their license to operate. 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. 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

Employers are not permitted to discriminate based on your conviction, they are permitted to make the above mentioned considerations. The types of jobs that you may be banned from tend to be in the fields of childcare, education, security, nursing, and home healthcare.

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

Yes. A criminal record does not ban you from getting local, state, or federal employment. All applicants follow the same guidelines and application process.

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

Yes. Georgia law now requires licensing boards to use Ban the Box principles when you apply for a state occupational license. Licensing boards have to consider how a conviction relates to a license you are applying for, how much time has passed since the conviction, and the nature of the conviction. You are entitled to hearing if you are denied

What incentives do employers have to hire me?

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

Employers are encouraged to hire people on parole. The state is giving employers a \$2,500 income tax credit for each parolee hired.

How do I prepare for and find a job with a felony?

A great resource for preparing and finding a job with a felony is the Jobs for Felons guide which can be found at: www.JobsForFelonsHub.com. This website also gives tons of job results that you are not likely to find anywhere else.

How do I talk about my conviction record?

The most difficult part of the job search is talking about your record. Lying on your application about your conviction record could lead to you being fired. It is important to tell the truth because most employers will want to know what happened. How you communicate that information can be the difference between securing a job and not. These steps may help you:

- Own up to what happened. People respect you when you admit to making bad choices or mistakes.
- Talk about the positive things you have accomplished since the incident happened such as education and skills acquired.
- Tell them what you learned from the experience.
- Talk about your new goals for employment and your life.

If asked about your time while incarcerated, talk about how you used that time to focus, set goals, and educate yourself. Tell them how you would benefit their company if hired. Do not volunteer information about your criminal activity and don't get defensive.

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

Returning citizens like you 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 and then take legal action if appropriate.

Remember: An employer must request your permission before conducting a back-

ground check and notify you that they have used the report to make a hiring decision. You are entitled to a pre-action or adverse decision letter. If they violate the law, you can file an EEOC complaint.

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Education

<https://studentaid.ed.gov/sa/eligibility/criminal-convictions>

Continuing your education is one way to increase your chances of getting a good paying job. However, most people do not have the money to go to school without financial help. Getting scholarships, grants or loans are one way to pay for your education. Grants and scholarships you do not have to pay back but many students are trying to get this money and there is only so much but you should apply for them. Financial aid also includes loans which you do have to pay back. The best way to find out about scholarships, grants and student loans is to contact the Financial Aid Office of the school you want to attend.

If I am incarcerated, can I receive federal student aid?

Yes, but your eligibility for federal student aid is limited if you are incarcerated.

<i>If you are in a federal or state institution:</i>	<i>If you are in an institution other than a federal or state institution:</i>
<p>You can't get a Federal Pell Grant or federal student loans.</p> <p>You are eligible for Federal Supplemental Educational Opportunity Grant (FSEOG) and Federal Work-Study (FWS), but you probably won't get it while incarcerated because</p> <ul style="list-style-type: none">• priority for FSEOGs must be given to those students who also will receive a Federal Pell Grant (for which you're not eligible),• the logistical difficulties of performing a FWS job while incarcerated would likely be too great for you to be awarded FWS funds	<p>You can't get federal student loans.</p> <p>You can get a Federal Pell Grant.</p> <p>You can get FSEOG and FWS, but you probably won't because</p> <ul style="list-style-type: none">• schools are limited in the amount of FSEOG funds available, and because• the logistical difficulties of performing a FWS job while incarcerated would likely be too great for you to be awarded FWS funds

If I am on probation or parole, can I get federal student financial aid?

Yes. Once you're released, most eligibility limitations will be removed. You should apply for aid before you're released so your aid is processed in time for you to start school. If you are on probation or parole or living in a halfway house, you may be eligible for federal student aid. However, if you are subject to an involuntary civil commitment for a sexual offense, your eligibility may be limited.

Even if you are ineligible for federal aid, you should complete the Free Application for Federal Student Aid (FAFSA®) form, (which you will need for any financial aid) because most schools and states use FAFSA information to award non federal aid, and you might be able to get some of those funds.

Is it true that drug convictions might affect my ability to get federal student financial aid?

No; your eligibility for financial aid won't be suspended. Drug convictions no longer affect federal student aid eligibility. When you complete the FAFSA form, you will be asked whether you had a drug conviction for an offense that occurred while you were receiving federal student aid. If the answer is yes, you will be provided a worksheet. Please do answer the questions on the worksheet; however, your answers won't affect your federal student aid eligibility.

What convictions might affect my student financial aid?

If you have been convicted of a forcible or nonforcible sexual offense, and you are subject to an involuntary civil commitment upon completion of a period of incarceration for that offense, you cannot receive a Federal Pell Grant.

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Family Matters

CHILD SUPPORT

It is not uncommon for returning citizens to leave prison owing tens of thousands of dollars in child support arrears. 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. Failure to pay child support is a crime. The state can also take

all the money out of your bank account if you have one. If you can't pay your support, you need to make sure the Court knows this and adjusts your payment amount. This is a request for modification.

Under Georgia law, if you fail to pay child support for a period of 60 days or more, the Georgia Department of Driver Services (DDS) can suspend your driver's license.

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 get 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 and receive more jail time.

Can back child support be waived, dropped, or forgiven by the parent who has custody?

No. In Georgia, child support arrearage cannot be waived, dropped, or forgiven by the custodial parent. The debt will continue to exist even after the child has become an adult.

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

You must contact the Georgia Department of Child Support Services (DCSS) immediately when you do not think you will be able to make a child support payment. You can request a modification hearing before a judge to change the amount of child support you must pay. Until that time you must continue making payments if you can. The modification may change what you pay in child support going forward, but it does not change what you already owe.

There are programs in Georgia that can help you if you are struggling with past or current child support. The Fatherhood Program administered by the Georgia Department of Child Support Services (DCSS) helps parents stay out of court by offering support services. Georgia also has the Parental Accountability Court Program that helps parents who cannot pay child support deal with these problems by providing substance abuse treatment, job assistance and placement, short-term training, coaching and mentoring, educational services, and Georgia Work Ready. Information about these programs can be found at <https://childsupport.georgia.gov/programs-services>

Does it matter whether I am married to the custodial parent of the child?

No. It does not matter if you were married to the parent who has custody of your child when the child was born. You still must pay child support if you are the mother or father of the child.

YOUR CHILDREN

Can I see my children after I get out of prison?

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.

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 if you are not married to the mother.

How do I Establish Paternity for my Child?

Establishing paternity for a child in Georgia, also known as legitimation, 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 Acknowledgement 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: dcss.dhs.georgia.gov/paternity-establishment

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.

There is a basic filing fee (check with the Clerk of Superior Court) and there may be Sheriff fees if the mother must be served with a petition. If you don't have the money to pay the fees, request the court to waive the fees by filing a poverty affidavit.

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's 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 even if you are incarcerated. 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.

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.

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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. A Criminal Justice Reform bill was passed allowing individuals with drug related felonies to be eligible for food stamps (SNAP). However, cash assistance (also known as TANF – Temporary Assistance for Needy Families) is still unavailable for felons. 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/SNAP benefits?

To apply for TANF or food stamp benefits visit your local Department of Family and Children Services (DFCS) office. For SNAP you can also call the Customer Care Center at 1-877-423-4746 or visit <https://dfcs.georgia.gov/food-stamps>

To find your local DFCS office, you can also visit <https://dfcs.georgia.gov/locations>

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 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 the felony convictions if they were drug related or violent felonies. This provision applies only to TANF and does not affect eligibility for Food Stamps (SNAP) unless convicted of a serious violent felony. Medicaid or other federal benefits are not affected.

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

Yes. Programs for the elderly, blind, and disabled are denied to incarcerated individuals, but these programs become available once you have served your sentence.

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.

Visit local DFCS office or call (1-877-423-4746) for additional information about Medicaid.

Can I receive my social security retirement benefits 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. (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 may 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?

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. Only SSI applicants who are experiencing extreme hardships qualify for emergency payments. If you get this money, it'll be subtracted from your monthly benefits in up to 6-month installments.

How do I apply for SSI?

If you have not applied before getting out of prison, call 1-800-772-1213 (or TTY 1-800-325-0778 if you are deaf or hard of hearing) 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. 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 not 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 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. Technically, you are still locked up. You can apply 30 days before you're released from the halfway house or if you switch to a house arrest program.

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.

What can I do if I am denied disability benefits?

It can be very difficult to appeal denial of SSI benefits or disability unless you

have an attorney or paralegal helping you. If you are denied SSI call Legal Aid.

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Voting

Can I vote if I was previously convicted of a felony?

If you've been convicted of a felony, but you have completed your sentence (including incarceration, probation, parole, and any period on non-report status) - your right to vote has been automatically restored if you are "off paper." But in order to vote, you must first re-register. Also, if you are serving a felony First Offender or Conditional Discharge sentence and the status hasn't been revoked, you can vote while serving that sentence.

What does it mean to be "Off Paper"?

Off Paper means that if you've completed your sentence (including incarceration, probation, parole, including any period on non-report status).

How do I know if I am "Off Paper?"

If you are not sure if your sentence is complete you can request a Certificate of Sentence Completion from the Department of Community Supervision (DCS). This Certificate confirms you are no longer under felony supervision and have completed your sentence. To obtain a Certificate, contact your original DCS probation office or your local probation office. If you are eligible for the certificate, you are eligible to re-register to vote.

How do I exercise my right to vote?

It is important to have a voting plan. First, check your voter registration status and make sure you're registered. Next, figure out how you're going to vote. Will you vote by mail or in-person this year? If you're voting by mail, make sure you request your ballot by the deadline. Once you've completed your mail-in ballot (make sure you follow the instructions carefully!), you can either mail it back or drop it off at a ballot box.

If you plan on voting in person, here are a few questions to consider:

- Where is your voting center?
- What time will you arrive?
- How are you getting there? Do you need a ride?
- Who else can you bring with you?
- Do you need to take off work or secure childcare?
- Georgia has voter I.D. laws: Do you have all the necessary documents to vote?

You should answer all of these questions a few weeks before Election Day, it will make voting easier and more enjoyable for you. Also, you might want to consider voting early where the lines are typically shorter.

What if I get to the polls and am told that I cannot vote?

Call or text the election protection hotline. The Election Protection Hotline exists to help you resolve problems voting. They can be reached at the following numbers, 365 days a year. You can remain anonymous when you call, if you wish. Put these numbers in your contacts in your phone before you go vote.

English: 1-866-OUR-VOTE (1-866-687-8683)
Español: 1-888-VE-Y-VOTA (1-888-839-8682)
Text "Our Vote" to: 97779

The ACLU of Georgia would like to talk to you if...

- The Secretary of State's office has rejected your voter registration application form based on your felony conviction even though you have completed all of the terms of your sentence.

If you need assistance with restoring your voting rights contact:

- The ACLU Voting Rights Project at: 877-523-2792 or via email: vrp@aclu.org or;
- Georgia Justice Project at 404-827-0027 ext. 248. If you have any difficulty registering

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Information for Veterans

If you are or have previously been incarcerated and you are a veteran you may be eligible for VA benefits, such as disability compensation, disability pension, education and training, health care, home loans, insurance, vocational rehabilitation and employment, and burial.

How will my imprisonment affect the payment of VA Disability Compensation?

Disability Compensation is reduced if you are convicted of a felony and are imprisoned for more than 60 days. If you were receiving 20% to 100%, it is reduced to 10%. If you were receiving 0% to 10% compensation, it is reduced to half. Payments are not reduced for those participating in work release programs, residing in halfway houses, or under community control. If you receive the full amount of your 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 terminated on the 61st day after imprisonment in a Federal, State, or local penal institution for conviction of a felony or misdemeanor. It is the responsibility of the Veteran to inform the Regional Office in Atlanta of a conviction. If you fail to notify VA of your incarceration, you could risk loss of all financial benefits until overpayment is recovered.

If my VA disability benefits are suspended or reduced while incarcerated, when will they resume?

Veterans may inform VA to have their benefits resumed within 30 days or less of their anticipated release date based on evidence from a parole board or other official prison source showing the Veteran's scheduled release date. Your award for compensation or pension benefits shall be resumed the date of release from incarceration, if the VA receives notice of release within one year following release, otherwise it will be the date the VA receives notice. Depending on the type of disability, VA may schedule a medical examination to see if the disability has improved. Beneficiaries may visit their local VA regional benefits office for assistance at <https://www.benefits.va.gov/benefits/offices.asp>, or call 1-800-827-1000.

What is the impact of my incarceration on educational benefits?

If you were incarcerated for something other than a felony you can receive full monthly benefits, if entitled. Individuals convicted of a felony residing in halfway houses (also known as "residential reentry centers") or participating in work-release programs also can receive full monthly benefits. If you are incarcerated

for a felony conviction you can be paid only the costs of tuition, fees, and necessary books, equipment, and supplies. However, the VA cannot make payments for tuition, fees, books, equipment, or supplies, if another Federal, State, or local program pays these costs in full.

Am I eligible for VA medical care after release?

The VA may provide care once you have been released. Veterans interested in applying for enrollment into the VA healthcare system should contact the nearest VA healthcare facility upon their release. The Health Care for Re-entry Veterans (HCRV) Program is designed to help incarcerated Veterans successfully reintegrate back into the community after their release. A critical part of HCRV is providing information to Veterans while they are incarcerated, so they can plan for reentry. For more information, visit <https://www.va.gov/homeless/reentry.asp>. ***Where can I get help if I just got out of prison or jail and I am a vet?***

The Veterans Justice Outreach (VJO) program is designed to help Veterans avoid unnecessary criminalization of mental illness and extended incarceration by ensuring eligible justice-involved Veterans receive timely access to VA healthcare, specifically mental health and substance use services (if clinically indicated) and other VA services and benefits as appropriate. For more information, visit <https://www.va.gov/homeless/vjo.asp>. The VJO may also be of assistance if you require legal help.

For assistance in obtaining 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:

Atlanta VA Health Care System

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

A full list of VA Health Care Clinics can be found at https://www.va.gov/directory/guide/fac_list_by_state.cfm?State=GA&dnum=ALL

Veterans Websites

Note: VA considers a beneficiary to have been released from incarceration, if

paroled or participating in a work release or half-way housing. For specific benefit information, visit the following websites:

- Disability compensation benefits: <https://www.benefits.va.gov/compensation/index.asp>
- Pension benefits: <https://www.benefits.va.gov/pension/index.asp>
- Education benefits: <https://www.benefits.va.gov/gibill>
- Life insurance benefits: <https://www.benefits.va.gov/insurance/index.asp>
- Home loan benefits: <https://www.benefits.va.gov/homeloans/index.asp>
- Veteran readiness and employment benefits: <https://www.benefits.va.gov/vo-rehab/index.asp>

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 officer, sheriff, probation, or parole officer. The most important thing to remember is to stay calm. It could mean the difference between life and death.

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.

General rules:

- Probation officers and parole officers may generally search your residence, car, or you without a warrant or probable cause as long as you are on probation or parole. This is usually in your probation or parole orders and you have no right to refuse the search.
- If you are off probation or parole you do not have to consent to any search (of your body, car, house, or belongings) You can say- “I do not consent to a

search”

- You do not have to answer any questions (except name and address). Don’t be tricked.
- Do not ever touch an officer.
- Anything they can see in plain view may give officers the probable cause for a search or to arrest you.
- If arrested say “I have nothing to say until I speak with my lawyer”

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. Lies 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.
- 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 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 stopped in a 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:

- 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 statement 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 you 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 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 you trust.

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Probation and Parole Supervision

The Georgia Department of Community Supervision is responsible for supervising court ordered and previously incarcerated citizens on Felony probation and parole.

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. In Georgia, probation for felonies and certain juvenile offenses is governed by the Department of Community Supervision. All other offenses vary by county.

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 your Probation Office and Parole Office 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, incarceration is not automatic and is generally left to the discretion of the judge. The judge can implement any sentence available, not exceeding the original sentence.

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

Yes. 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 or-

dered 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
- 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?

If you have reportedly violated a condition of your release, a warrant may be issued for your arrest.

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

Yes. If you are arrested on a 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 under supervision or with a felony conviction?

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. You cannot be in the company of others under supervision or felony conviction if it is a condition of your probation or parole.

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.

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Updated Marijuana Laws

Is Marijuana legal in Georgia?

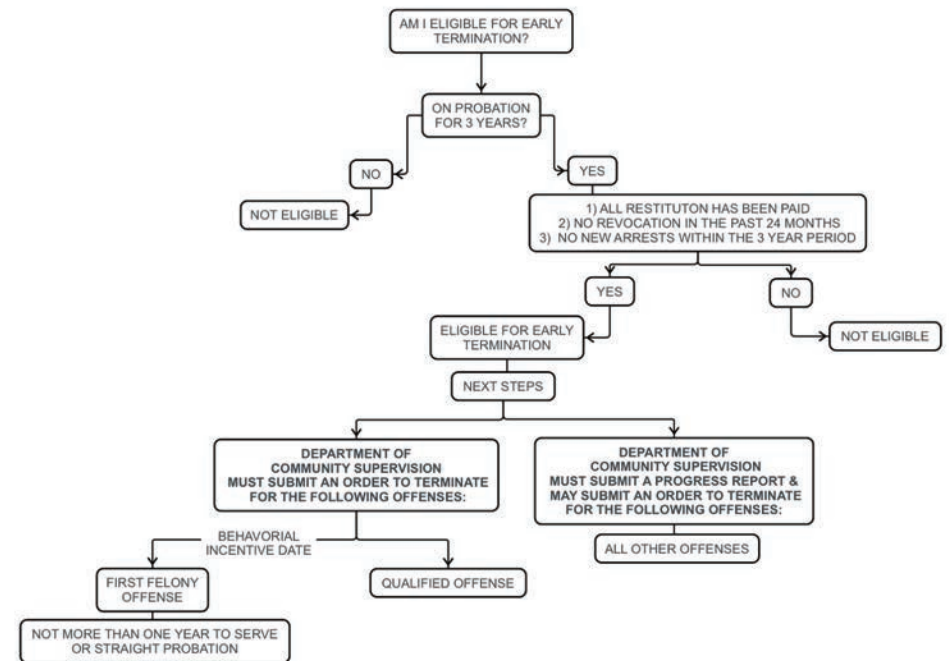
Short answer: No. In Georgia, Marijuana is a Schedule II drug and cannot be administered except by someone licensed to prescribe medication. Georgia has certain illnesses it recognizes for permissible marijuana use in the form of CBD Oil. O.C.G.A. § 16-13-30 provides that the punishment for possessing marijuana, unless eligible for the First Offender Program outlined in O.C.G.A. § 16-13-2, is a felony and carries a maximum incarceration period of 10 years.

Atlanta, Savannah, and a few other cities have decriminalized possession of up to 1 ounce of cannabis and set penalties at \$75 to \$300. Otherwise, possession of 1 ounce or less is a misdemeanor punishable by a year in jail and a \$1,000 fine.

What about Marijuana in the City of Atlanta?

City of Atlanta Ordinance 106-182 states that anyone who possesses less than one ounce of marijuana shall be guilty of a misdemeanor. The punishment shall not exceed a seventy-five (\$75) dollar fine. There is no term of imprisonment for possession of Marijuana less than one ounce under this ordinance. It should be noted that this ordinance, however, only applies within the city limits of Atlanta (this includes the part of Atlanta located in Dekalb, County).

Early Termination of Probation



Is there a process for terminating my probation early?

Early termination of felony probation for all individuals is allowed after serving 3 years of probation. You are eligible for early termination of probation if you meet all of the following:

- No new arrests
- No probation revocations within the last 24 months
- All restitution is paid

Probation must submit an order to terminate your probation if you have a Behavioral Incentive Date or you have been convicted of a qualified offense and

have not been arrested while you were on probation (most traffic tickets don't count), the state has not filed a motion to revoke in the last twenty-four months, and you have paid all required restitution. Fines and fees do not have to be paid to be eligible for early termination. But all restitution must be paid. If you have a Behavioral Incentive Date or you were convicted of a qualified offense, DCS should file the termination motion automatically.

What is a Behavioral Incentive Date?

A Behavioral Incentive Date (BID) is a form of early termination that enables a probation sentence to be reduced as a reward for good behavior while on supervision. You must meet these criteria to be eligible for this form of early termination: No arrests other than non serious traffic offenses (First offenders) Not had probation revoked within the last 24 months, or when the Court includes a BID less than two years from the date the sentence was imposed, not had probation revoked during such period; and Paid all restitution owed.

Who sets the BID?

At sentencing, the Judge is required to set a BID that cannot exceed three years from the date the sentence was imposed. If the individual has no prior felony convictions and receives a sentence of straight probation or a split sentence with no more than 12 months of imprisonment they are entitled to a Behavioral Incentive Date set. In these situations, according to the new law, the Department of Community Supervision "shall notify the prosecuting attorney and the court." Unless the prosecutor or the judge requests a hearing, the court must grant the order within thirty days.

This same process is to be followed for people convicted of a qualified offense. Qualified offenses are listed in GA Code Section 42-8-21 and are generally non serious felony offenses.

What if my case does not qualify for a BID or is not a qualified offense, can I still get early termination of probation?

Yes. Georgia law requires DCS to review every probation case of three years or more and provide a written report with the officer's recommendation as to early termination to the sentencing court at the three year mark and every year thereafter until the termination, expiration, or other disposition of the case. After serving three years on probation, DCS is required to make a recommendation on whether or not to terminate probation. If early termination is recommended, DCS is required to notify the prosecuting attorney and simultaneously provide the Court with an order to terminate probation.

If the Department of Community Supervision (DCS) will not submit the order of termination on your behalf, you or your attorney can pursue and seek early termination of probation before or after the three year mark. The court may not be willing to grant the termination if it is less than 3 years unless there is a compelling reason. A sample Motion for Termination can be found at the back of this guide.

Legal Resources

The links below are comprehensive resource guides for previously incarcerated returning citizens in the greater Atlanta metropolitan area.

https://www.unitedwayatlanta.org/wp-content/uploads/2022/03/Resources-for-Ex-offenders_2022.pdf

<https://www.unitedwayatlanta.org/need-help/>

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

<https://intake.acluga.org/ResourceList.pdf> Also, <https://acluga.org/prisoner-rights/> or more general <https://acluga.org/know-your-rights/> (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
(404) 521-0777

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

Atlanta Legal Aid Society

<https://atlantalegalaid.org/>
Downtown/ Headquarters, 54 Ellis St. NE, Atlanta, GA 30303
(404) 524-5811

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

(770) 528-2565

30 S. Park Square Marietta, GA 30060

Georgia Justice Project, Inc.

www.gjp.org

438 Edgewood Avenue | Atlanta, GA 30312 | 404-827-0027

GJP provides legal representation to low income incarcerated individuals throughout Georgia and to released individuals who reside in the Metro Atlanta area who are facing housing discrimination due to a criminal record, have a child support issue related to a criminal conviction, have a pending criminal case or seeking a criminal record restriction. as well as incarcerated individuals throughout Georgia

Georgia Legal Services Program

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

(404) 523-8236

976 Edgewood Avenue, NE, Atlanta, GA 30307

Dispute resolution through mediation.

Statewide Resources

State Bar of Georgia

104 Marietta St NW, Atlanta, GA 30303

support@reliaguide.com

Phone: (404) 527-8700

Georgia Department Of Community Affairs

60 Executive Park S., NE | Atlanta, GA 30329 | (404) 679-4840

This agency provides affordable housing opportunities for low and moderate income families and unemployed.

Columbus

Goodwill Career Center

2601 Cross Country Drive, Bldg. A | Columbus, GA 31906

1-(866) 325-8265 or (706) 256-1837

Goodwill provides free tax preparation services to the community through a partnership with the IRS. The program, known as VITA (Volunteer Income Tax Assistance), recruits and trains volunteers to prepare free tax returns for households that earn less than \$57,000 annually.

Housing Authority of Columbus

1000 Wynnton Rd | Columbus, GA 31906 | (706) 571-2800

Savannah

Neighborhood Improvement Association

1812 Abercorn St | Savannah, GA 31401

Neighborhood Improvement Association is open year-round for free tax help. Most VITA sites are only open during Tax Season (January to April).

Housing Authority of Savannah

1407 Wheaton Street | Savannah, GA 31404 | (912) 235-5800

This agency offers Housing Choice vouchers and public housing assistance.

Athens

Georgia Legal Services Program, Inc.

525 S. Milledge Avenue Athens, GA 30603 | (706) 227-5362

Offers low cost of FREE legal assistance with Family, Bankruptcy, Civil Rights and Divorce assistance

Athens Housing Authority

300 S. Rocksprings St. | Athens, GA 30606

The Athens Housing Authority ensures the affordable housing needs of low-and-moderate income families. The AHA administers and manages 1,134 public housing dwelling units in Athens-Clarke County GA and 30 in Comer GA.

Macon**Georgia Legal Services**

241 3rd St, Macon, GA 31201 | (478) 751-6261

Macon Housing Authority

2015 Felton Ave | Macon, GA 31208 | 478-752-5000

This agency offers housing choice vouchers and public housing assistance.

Valdosta**Georgia Legal Services**

114 N Toombs St, Valdosta, GA 31601 | (229) 598-8100

Valdosta Housing Authority

610 East Ann St. | Valdosta, Georgia 31603 | (229) 242-4130

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State of Georgia Mental Health Services

Georgia Crisis and Access Line

(800) 715-4225

Operates 24 hours a day

www.mygcal.com

Behavioral Health Link Crisis Help 24/7

1-800-715-4225

www.behavioralhealthlink.com

NAMI Georgia- National Alliance on Mental Illness

www.namiga.org

Offers individual and family support free of charge

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

United Way

211 <http://211online.unitedwayatlanta.org/>

Positive Impact Health Centers

523 Church St, Decatur, GA 30030

(404) 589-9040

<https://www.positiveimpacthealthcenters.org/>

Mercy Care-Decatur Street

424 Decatur Street SE

Atlanta, GA 30312

(678) 843-8600

www.mercyatlanta.org

Mercy Care at City of Refuge

1300 Joseph E. Boone Blvd.

Atlanta, GA 30314

(678) 843-8790

Stand, Inc.

3486 Covington Hwy
Decatur, GA 30032
(404) 288-4668
www.standinc.com

Georgia Crisis & Access Line (GCAL)

There is a now a myGCAL App for iPhone and Android phones
<https://behavioralhealthlink.com/services/>

With Georgia's youth and young adults in mind, GCAL created the mobile app called myGCAL App. MyGCAL App connects users to the GCAL Crisis Contact Center staff. MyGCAL App allows people in Georgia to choose how they want to reach out to GCAL either through chat, text, or a phone call. MyGCAL App also helps people reach out without having to remember any long phone numbers or websites.

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Miscellaneous Resources

Technical College System of Georgia

5150 Sugarloaf Parkway, Lawrenceville, GA 30043
(770) 962-7580

This agency contributes to the economic, educational and community development of Georgia by providing quality technical education, adult literacy, education, continuing education and customized business and industry workforce training to the citizens of Georgia.

PAD 311 Community Referral Services

Community referral service for the city of Atlanta. The 311 non-emergency city services line is for those experiencing quality of life concerns related to mental health, substance use, and/or extreme poverty. Open Monday to Friday, 7:00 a.m. to 7:00 p.m. To submit a referral to ATL311 call (404) 546-0311.
<https://www.atlantapad.org/community-response-services>

New Life 2d Chance

<https://www.nlscoinc.org>
Offers Job Training Workshops and has a current and accurate list of background friendly jobs.

Georgia Department of Community Affairs – Homeless and Special Needs Housing

Help for people experiencing homelessness in Georgia is provided through the

Continuum of Care network, or CoCs for short. There are 8 CoCs in the state that serve local areas. The link below is the Continuum of Care contacts listed by county, and a link to an interactive map where you can identify local homeless services access points. If you are unable to identify resources using the information below, please contact the Toll-Free Hotline at 1-844-249-8367 or email HomelessInfo@dca.ga.gov. The interactive map of homeless services access points can be found at <https://georgia-dca.maps.arcgis.com/apps/webappviewer/index.html?id=1d28c562b3ba4390a66640db23f713fe>
<https://www.dca.ga.gov/safe-affordable-housing/homeless-special-needs-housing/georgia-balance-state-continuum-care>

Georgia Reentry Resource Guide (rev. 2/15/22)

This resource guide was compiled by the Southern Center for Human Rights Reentry division to better empower SCHR clients and others in Georgia by identifying statewide community resources that will effectively assist them in accessing the services needed to be successful in their reentry.
<https://www.nlscoinc.org/app/download/768740315/2022-SCHR-Georgia-Reentry-Guide-rev-Feb-15-2022.pdf>

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Department of Family and Children's Services

Clayton County DFCS

dfcs.georgia.gov/location/clayton-county
(770) 603-4600
877 Battlecreek Road Jonesboro, Georgia 30236-1942
Hours: M-F 8:00 a.m. to 5:00 p.m.

Cobb County DFCS

dfcs.georgia.gov/location/cobb-county
(770) 528-7683
325 Fairground Street, SE Marietta, Georgia 30060-2355
Hours: M-F 8:00 a.m. to 5:00 p.m.

DeKalb County DFCS

dfcs.georgia.gov/location/dekalb-county
(404) 370-5076
178 Sams Street Decatur, Georgia 30030-4134
Hours: M-F 8:00 a.m. to 5:00 p.m.

Douglas County DFCS

dfcs.georgia.gov/location/douglas-county
(770) 489-3000
8473 Duralee Lane Suite 100 Douglasville, GA 30134

Hours: M-F 8:00 a.m. to 5:00 p.m.

Fayette County DFCS

dfcs.georgia.gov/location/fayette-county

(770) 460-2555

905 Highway 85 South Fayetteville, Georgia 30215-2005

Hours: M-F 8:00 a.m. to 5:00 p.m.

Forsyth County DFCS

dfcs.georgia.gov/location/forsyth-county

(770) 781-6700

426 Canton Road P.O. Box 21 Cumming, Georgia 30028-0021

Hours: M-F 8:00 a.m. to 5:00 p.m.

Fulton County DFCS

dfcs.georgia.gov/location/fulton-county

(404) 206-5300

1249 Donald Lee Hollowell Pkwy Atlanta, Georgia 30318

*Office of Family Independence: (404) 206-5778

Hours: M-F 8:00 a.m. to 5:00 p.m.

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

Gwinnett County DFCS

dfcs.georgia.gov/location/gwinnett-county

(678) 518-5500

95 Constitution Blvd Lawrenceville, GA 30046-2475

Hours: M-F 8:00 a.m. to 5:00 p.m.

Henry County DFCS

dfcs.georgia.gov/location/henry-county

(770) 954-2014

125 Henry Parkway McDonough, Georgia 30253-6636

Hours: M-F 8:00 a.m. to 5:00 p.m.

Muscogee County DFCS

dfcs.georgia.gov/location/muscogee-county

(706) 321-2673

2100 Comer Ave Columbus, Georgia 31902

Hours: M-F 8:00 a.m. to 5:00 p.m.

Paulding County DFCS

dfcs.georgia.gov/location/paulding-county

(770) 443-7810

1387 Industrial Blvd N. P.O. Box 168 Dallas, Georgia 30132-0168

Hours: M-F 8:00 a.m. to 5:00 p.m.

Rockdale County DFCS

dfcs.georgia.gov/location/rockdale-county

(770) 388-5025

975 Taylor Street, S.W. Conyers, Georgia 30012

Hours: M-F 8:00 a.m. to 5:00 p.m.

SAMPLE PETITION TO TERMINATE PROBATION

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

STATE OF GEORGIA,)
)
)
Plaintiff,)
) INDICTMENT/WARRANT/
v.)
) CRIMINAL CASE NO.
_____,)
Defendant.)

PETITION TO TERMINATE PROBATION

COMES NOW, _____ (your name), *pro se*,
and files this Petition for Termination of Probation pursuant to O.C.G.A.
§ 42-8-37, and respectfully request this Honorable Court to terminate my
probated sentence, and in support thereof shows the following:

1.

I was convicted of

_____ (charges) on _____ (date).

2.

On _____ (date) I was sentenced to

_____ (sentence).

3.

I began my period of probation on _____ (date) and it
is scheduled to terminate on _____ (date). My period
of probation is governed by the Department of Community Supervision. As of
today's, date I have served ____ years of my probated sentence. Pursuant to
§ 42-8-37(c), I am eligible for termination of my probated sentence. Pursuant to
this subparagraph, you must have been sentenced to more than three years of
probation and completed at least three years of your probated sentence.

4.

Since my release I have engaged in community service activities at the following places:

Place	Begin Date (month and year)	End Date (month and year)

5.

As of the date of this petition,
I have completed _____ (number) hours of community service.

6.

Since my release I have attended the following educational institutions:

School/Training Program	Begin Date (month and year)	End Date (month and year)

7.

As of the date of this petition,
I have completed _____ (number) hours of educational training.

8.

Since my release I have been employed at the following places:

Place of Employment	Begin Date (month and year)	End Date (month and year)

9.

Presently, I am employed.
My place of employment is _____
located in _____ (city), Georgia.
I have been employed here since _____ (date).

10.

I was ordered to pay \$_____. in restitution. As of the date of this petition, I have paid all of the restitution that was owed by me.

11.

Since my release, I have not been arrested for anything other than a non-serious traffic offense as outlined in O.C.G.A. § 35-3-37.

12.

From the start of my period of probation, I have not had my probated sentence revoked.

13.

I further assert that it is in the best interest of justice and the welfare of society that I be further discharged from supervision, thus, terminating my probated sentence.

14.

I am unsure if my current probation officer will oppose this petition. However, in the event that he/she does not I respectfully request that this Court terminate my or schedule a hearing within ninety (90) days pursuant to O.C.G.A. § 42-8-37(d)(2). **Please note that this paragraph is pursuant to Act 416. This law will not take effect until January 1, 2019. If your petition is dated prior to such date, please do not use this paragraph.**

Respectfully Submitted, this _____ day of _____, 20__.

(signature)
(printed name), *Pro Se*
Defendant

SAMPLE ORDER TO TERMINATE PROBATION

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

STATE OF GEORGIA,)
)
)
Plaintiff,)
) INDICTMENT/WARRANT/
v.)
) CRIMINAL CASE NO.
_____,)
Defendant.)
)

ORDER GRANTING PETITION TO TERMINATE PROBATION

WHEREAS, the above-captioned case came before this Court for a petition to terminate probation on _____, 20____, and:

WHEREAS, this Court heard argument on this petition, Defendant's petition is granted.

It is hereby ORDERED that Defendant's probated sentence be terminated pursuant O.C.G.A. § 42-8-37.

This _____ day of _____, 20____.

_____, Honorable Judge
_____, Superior Court

Submitted by:

(Your name), *Pro Se*
Defendant

Guide to Completing this Petition 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. In Paragraph 1, write the charges you were convicted with, and the date of your conviction.
6. In Paragraph 2, write your sentence including all fines, probation, suspensions, and community service.
7. In Paragraph 3, write the date you began your probated sentence, the date your sentence is scheduled to be complete and how many years of probation you have completed thus far.
8. In Paragraph 4, write all locations in which you have completed any community service. If you have not completed community service or you were not ordered to, please omit this paragraph.
9. In Paragraph 5, write the number of community service hours you have completed. If you have not completed any community service or you were not ordered to, please omit this paragraph.
10. In Paragraph 6, write all the locations you have completed or been enrolled into an education institution. This should include any and all trade schools, GED programs, and higher education. If you have not attended an education institution since your time on probation, please omit this paragraph.
11. In Paragraph 7, write the number of semester or credit hours you have completed since you have been on probation. If you have not completed any educational training, please omit this paragraph.
12. In Paragraph 8, write all places you have been employed since you began your probated sentence. If you have not been employed during your period of probation, please omit this paragraph.
13. In Paragraph 9, write your current employment and the date you began working with your present employer. If you are currently unemployed, please omit this paragraph.
14. In Paragraph 10, write the amount you were ordered to pay in fines or restitution. Circle whether this amount is for a fine, restitution, or both. Finally, place the amount you have paid thus far. If you were not ordered to pay fines or restitution, please omit this paragraph.
15. If the date of your Petition is prior to January 1, 2019, please omit Paragraph 14.
16. After "Respectfully Submitted," insert the date you will file this petition.
17. Sign and print prior to filing

Guide to Completing the Order Granting Petition 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. 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.

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Where To Turn Guide. United Way of Atlanta, January 2021.

What should I know about my criminal record in Georgia. Georgia Legal Aid Society. <https://www.georgialegalaid.org/resource/what-should-i-know-about-my-criminal-record-in-georgia>

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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 § 43-1-19 Occupational Licensing Reform

OCGA § 48-7-40.31 Tax Incentives for Parolee Hiring

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)

O.C.G.A. § 42-8-21. Qualified Offense

O.C.G.A. §35-3-37 Criminal History Record Information

Ga. Code Ann. § 35-1-18 New Mugshot Law

Ga. Code Ann. § 35-3-37 Sealing of Certain Records

Ga. Code Ann. § 42-8-62.1 Sealing of First Offender Records

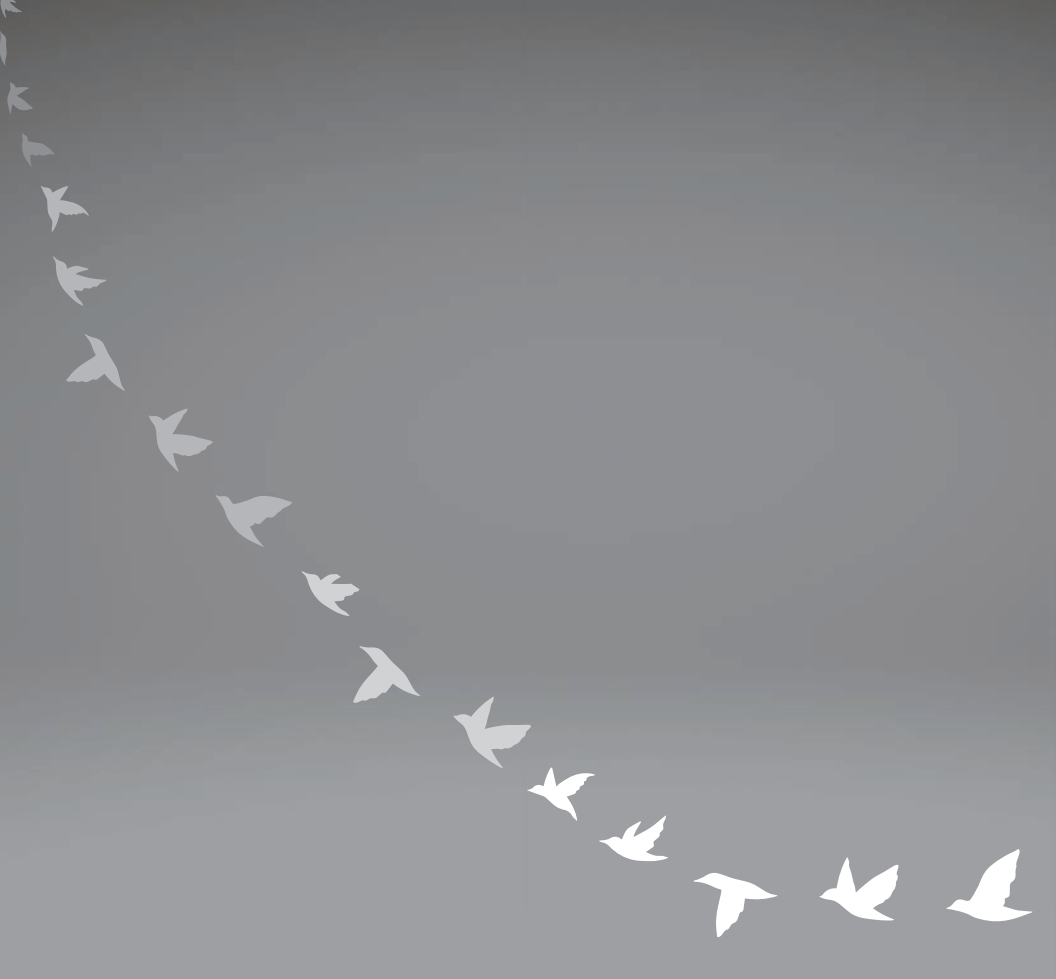
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Ga. Code Ann. § 42-3-2 Program and Treatment Completion Certificates

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Ga. Code Ann. § 42-8-66 Retroactive First Offender Clarification

Ga. Code Ann. Section 49-4-22 Removal of Food Stamp Ban



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