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This guide is not intended to be used as a substitute for legal advice.
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 October, 2011 and is subject to change without notice. Whenever possible, you should check to make sure the information is accurate. Laws are different in other states. We know that it can be painful and discouraging at times but the purpose of this guide is to empower you to make the best decisions for yourself as you chart your course in a world that is sometimes hostile to reentering citizens. As an institution of higher education we firmly believe that knowledge is power and knowledge of the law is power that can help you stay home for good.

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

This resource guide was researched and written by students of Atlanta’s John Marshall Law School and Bridgett E. Ortega, J.D., Assistant Director of Pro Bono Outreach and Externships. Please do not call the law school about individual legal problems. However, if the information in this book needs updating, contact us at bortega@johnmarshall.edu

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Identification and Paperwork

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

Proper identification is required to function in our society. You will need certain papers to get a job, get help from social service agencies, and get a driver’s license as well as find a place to live. Hopefully you were able to get some of these documents before you were released. Identification proves to others who you are. Examples of acceptable identification are:

- **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. In order to obtain a Georgia birth certificate you need to provide your full birth name, date of birth, city of birth, and your mother and father’s names. The following options are available for requesting a birth certificate:
  - Mail your request, fee (today it is $25) and photocopy of valid photo ID to:
    Vital Records
    2600 Skyland Drive, NE
    Atlanta, GA 30319
  - Request a birth certificate in person at the state Vital Records Office or any County Vital Records Office.

- **Other papers that help prove who you are** – bank cards or account statements, paychecks, pay stubs, lease agreements, public benefits cards or documents issued by government agencies, school records, documents that are issued by the government like a voter registration card. If you have these documents keep them in a safe place so you don’t lose them.

- **Social Security Card** – if you are over 18 and have never applied for a social security card you must apply in person. If you have a social security number but have lost it you can apply in person or by mail. You must have this card to get a job, open a bank account, collect benefits and receive government services. There is no charge. You will need a picture ID (not a prison ID). You must be interviewed at a local Social Security branch office. Call the Social Security Administration 1-800-772-1213 for help. The cost is free. It will take several weeks for your card to be mailed. They will give you a receipt that shows you applied for a card. If you believe someone stole your social security number call the toll-free number and report it right away.

- **State ID card 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 need to get a state ID card. To apply for an initial Georgia driver’s license, identification card, or instruction permit, you must present one of the following:
Original birth certificate (State issued, Hospital birth certificates are not acceptable).
Certified copy of birth certificate (Issued from Vital Statistics with affixed seal)
Certificate of birth registration
Certified copy of court records (adoption, name changes or sex changes.)
Certified naturalization records
Immigration I.D. card
Valid Passport
If your name has changed from your original birth record, you must present official
certified documents supporting the name change, including but not limited to:

- Marriage license, marriage certificate or marriage license application
  Please note; by law, same sex marriage certificates cannot be accepted for
  name changes.
- Divorce decree
- Adoption
- Legal name change
- Amended birth certificate

Anyone applying for a Georgia identification card or Driver’s License must provide a social
security number at the time of issuance. It is not necessary to have your original social security
Card. However, penalties will occur if an incorrect social security number is provided. Any
customer who is not eligible to obtain a Social Security Number must provide a letter of
ineligibility for a Social Security number (Form SSAL 676).

U.S. citizens must furnish proof of citizenship. Non-U.S. citizens must present proper
immigration documentation. Documents presented must be either in English or translated into
English by a translator approved by the Department of Driver Services.

As of October, 2011 the cost of a Georgia Class C Driver’s License and Identification Card are the
same: **$20.00 for 5 years or $32 for a card valid 8 years.**

**My license has been suspended can it be reinstated?**

If you want to make sure that you have a valid Georgia driver’s license or you want to know what
suspensions or blocks you have on your license, you may contact the Department Of Driver Services
678-413-8400, or toll-free 866-754-3687 (inside Georgia but outside Metro Atlanta Area).
Representatives are available Monday through Friday, 7:00 am until 5:15 pm to assist with

**OR**

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

**OR**

You may visit one of the Department of Driver Services Customer Service Centers that offers full

**Do I have to pay a fee to get my license reinstated?**

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

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<tr>
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<td>$90.00</td>
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<td>No Proof of Insurance (First Offense)</td>
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<tr>
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<td>$300.00</td>
<td>$310.00</td>
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<tr>
<td>Points Violation (First Offense)</td>
<td>$200.00</td>
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<td>Points Violation (Second Offense)</td>
<td>$300.00</td>
<td>$310.00</td>
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<tr>
<td>Super Speeder</td>
<td>$200.00 Super Speeder Fee</td>
<td>Additional $50.00 fee if not paid by due date</td>
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Note: Your license will be automatically revoked or suspended for at least 6 months if you are convicted
for any drug offenses, not just those related to driving. A restricted license may be granted after 2 years
for individuals convicted for a third time, for purposes of transportation to and from school, work,
medical care, or addiction support groups.
**Will I need a 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 – 877-322-8228 www.annualcreditreport.com

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

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

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

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

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

Once you have your DD-214 have it recorded with the County Recorder’s Office. They will keep it on file for you. Once recorded, you can always go there to obtain a certified replacement copy.

**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 Britton/UK). Some require that you only stay for a certain length of time and/or register upon arrival. It is very difficult for felons to permanently re-locate to another country. Most countries require a background check of some sort. The nature of the crime makes a huge difference. If you were convicted of a federal or state drug felony and used a passport to another country. Most countries require a background check of some sort. The nature of the crime makes a huge difference. If you were convicted of a federal or state drug felony and used a passport to cross an international boundary or some other way to further the offense more than likely you will be disqualified.

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

**Your Criminal History**

**Is it important to review my criminal history?**

It is important to review your criminal history. 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 mistakes. 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.

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

You will need a copy of your criminal history. If you didn’t get a job or apartment because of your record, you can ask the employer or landlord for a copy of the record they used. The Georgia Crime Information Center (GCIC) holds all criminal history records for all local law enforcement and criminal justice agencies. Georgia criminal history records can usually be obtained from Sheriff’s Offices or Police Departments. Please contact a Georgia law enforcement agency about specific requirements for obtaining a copy of your Georgia criminal history record or go to the Georgia Felon Search website (www.felonsearch.ga.gov) There is a fee of $15.00, payable by credit card only, for each transaction.

Law enforcement agencies also may provide felony conviction records for a fee not to exceed $20.00. The person’s full name, race, sex, and date of birth must be provided at the time of the request. With the person’s consent, a Georgia record, which includes Georgia arrests and convictions reported to the Georgia Crime Information Center, may be obtained. A signed consent form from the individual whose record is being sought must be provided to the local agency.

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

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

**My record is wrong, can I change it?**

In Georgia you can only apply for expungement of arrest records that did not result in a conviction. Your convictions will stay on your record for the rest of your life under current Georgia law. A guilty or nolo contender (no contest) plea is a conviction.

Georgia law does provide procedures for changing or deleting information contained on a person’s criminal record where the charges were dismissed or the record contains inaccurate, incomplete or misleading information. This process is called expungement or expunging the record.

Arrest records can only be expunged if:
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.

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.

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

When am I eligible to apply for a pardon?
You must have completed all sentences imposed upon you at least five (5) years prior to applying and have lived a law-abiding life since the completion of your sentences. You can have no pending charges against you. Your fines must be paid in full.

Will my record be cleared once pardoned?
No, a pardon does not remove, expunge, 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 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?
To request a pardon or a restoration of civil and political rights you must obtain an application form to request a pardon or a restoration of civil and political rights from the Parole Board. If you have access to

The process for expunging records is:

1) Go to the agency that arrested you, (Police or Sheriff’s Department). If you have several arrests by different agencies you must go to each agency.
2) Complete a form requesting the agency to delete, modify or supplement the record and to notify the Georgia Crime Information Center. The forms are usually free. The fee for submitting the request by Georgia law cannot be more than $50. Note: each county has its own forms and process. You will need to provide your name, date of birth, social security number and address. You will also need to know the name of the arresting agency, the date of the arrest, and the offense for which you were arrested.
3) Once you complete the form make a copy for yourself and give the originals to the agency. The agency will send the papers to the district attorney or the solicitor general’s office who will determine whether you meet the criteria for expungement.
4) If they approve your request the agency will notify the Georgia Information Crime Center. It could take months for the information to be removed from your record.
5) If your request is denied you have the right to file a lawsuit in Superior Court in the county where the arresting agency is located within (30) days of the denial. If this happens get an attorney.

You cannot expunge your record because of dismissal if the following apply:

- You pled to another charge arising out of the same transaction;
- A material witness refused to testify;
- The government was barred from introducing evidence on legal grounds such as a motion to suppress;
- You were incarcerated on another charge and the prosecuting attorney decided not to prosecute you to save the court time and money;
- You completed a pre-trial diversion program but your agreement did not include anything about expunging your arrest record;
- You had similar crimes prosecuted in another court in or out of this state;
- You had immunity from arrest or prosecution.

Remember that under current law convictions may not be expunged, even if old or minor. Be aware that records of currently incarcerated persons, persons under supervision, and released individuals within the last fifteen days are on the Internet.

If I am not eligible for expungement can I get a pardon?
A pardon is an order granted to those individuals who have maintained a good reputation in their community, following the completion of their sentence for a criminal offense.

No other criminal charges are pending against you;
You have not been convicted of the same or similar offense within the last 5 years.

What is the difference between a restoration of rights and a pardon?
a computer you can obtain the form from http://www.pap.state.ga.us/Pardon Applicationjuly2010.pdf or you can provide a written request or pick up a form from:

2 Martin Luther King, Jr. Drive, SE
Suite 458, Balcony Level, East Tower
Atlanta, Georgia 30334-4909

(404) 656-5651 phone
(404) 651-8502 fax

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

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

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

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

**When am I eligible to apply for a restoration of 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.”

**Can I bow-hunt even if I do not receive a pardon or restoration of rights?**

Yes, you may bow-hunt without a pardon or restoration of rights.

**Is a muzzle loader considered a firearm?**

Yes, a muzzle loader is considered a firearm.

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

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

### Employment

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

Yes. Employers in Georgia can obtain arrest and conviction records from the Georgia Crime Information Center by submitting a consent form usually signed by you as the applicant or employee that includes your name, address, Social Security number, race, sex and date of birth. The employer can also obtain access to felony conviction records without your permission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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**Education**

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

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

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

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

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

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

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

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

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

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

Possession of Illegal Drugs:

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

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

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

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

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

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

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

Or

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

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

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

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

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

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**Family Matters**

**CHILD SUPPORT**

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

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

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

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

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

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

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

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

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

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

**YOUR CHILDREN**

**Can I see my children?**

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

Depending on what your crime was and how long you were locked up, a court may have taken away all your rights as a parent. If they did this, you don’t have any rights to see or talk to your children.
If you are a biological father, your rights to see your children depends on whether or not you were married to their mother. If you were not married to their mother, you have no legal right to see your children if you never legitimated them. Signing their birth certificate does not give you any rights to them.

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

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

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

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

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

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

http://medicalboard.georgia.gov/portal/site/DHS-OCSE/menuitem.6c28cdfba73e1fca7da1df8dda1010a0/?vgnextoid=d46a10ad92000010VgnVCM100000bf01010aRCRD

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

The child is automatically legitimate if the parents are married. If the mother and father are not married when the child is born, then there are 3 ways the child can be deemed legitimate under Georgia law:

1) The mother marries the father and the father recognizes the child as his;
2) The father petitions the court for legitimation and the court grants the father’s petition;
3) The mother and the father consent to voluntary legitimation of the child.

**What is a legitimation 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 legitimation?**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Can I receive Medicare if I have a criminal record?

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

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

Maybe. There is nothing in the Georgia law that says you are ineligible because of a criminal record, however, it is up to The Department of Community Health to determine who is eligible and who is not.
Can I receive my social security retirement benefits upon if I have a felony conviction?

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

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

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

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

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

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

How long does it take to get SSI or SDA?

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

How do I apply for SSI?

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

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

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

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

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

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

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

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

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

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

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

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

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

What documentation will I need to apply for assistance?

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

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

If you do not have any of these documents, contact DFCS for assistance.

Where can I live after my release?

If you are on parole your parole officer must approve where you live before you are released. You can move in with other people as long as it is ok with your parole officer. If you are on probation your probation conditions may specify where you can or cannot live. Be sure to speak with your probation officer about your conditions of probation.

Can a landlord ask about my criminal history?

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

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

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

- Has been evicted from federal housing for drug-related offenses within 3 years prior to the application;
- Currently uses illegal drugs;
- Has been convicted for producing or manufacturing methamphetamine on federal housing premises;
- Is currently subject to state required sex-offender registration for life; or
- Abuses alcohol in such a way that “may threaten the health, safety, or right to peaceful enjoyment of the premises” by other residents.

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

### Information for Veterans

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

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

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

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

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

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

**What about my VA Disability Pension?**

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

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

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

2675 North Martin Street, Bldg 700, Suite A East Point, GA 30344, (404) 321-6111 ext 3290
South Metro (404) 699-6900,
North Metro (404) 679-5200,
Dekalb (404) 298-3970),
Cobb (770) 528-6100,
Clayton (678) 479-5886

### Veterans Websites

- [http://sdvs.georgia.gov Georgia Department of Veteran Service](http://sdvs.georgia.gov)
- [http://www.nchv.org/ National Coalition for Homeless Veterans](http://www.nchv.org)
- [http://www.vfw.org/ Veterans of Foreign Wars](http://www.vfw.org)
- [https://www.dav.org/ Disabled American Veterans](https://www.dav.org)
- [http://www.legion.org/ The American Legion](http://www.legion.org)
- [http://www.purpleheart.org/ The Military Order of the Purple Heart](http://www.purpleheart.org)
- [http://www.pva.org Paralyzed Veterans of America](http://www.pva.org)
Probation and Parole Supervision

What is the difference between probation and parole?

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

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

Yes. You could max out your prison sentence and have probation to follow, or you may parole out and have probation to follow or parole and probation can be served at the same time. You should check with 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, the judge can give them any sentence the judge could have originally given him, including a prison term.

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

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

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

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

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

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

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

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

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

The Board automatically revokes your parole if you fail to show up at the hearing.

If your probation officer issues a warrant, you will be arrested and held in jail until your probation revocation hearing. Usually you do not have the right to appointed counsel. If you want a lawyer, you’ll have to hire one. The probation revocation hearing must be conducted at the earliest possible date. The appellate courts have said that a hearing held within 30 days satisfies this requirement.

Guilt or innocence at a revocation hearing is not at issue (you’ve already been convicted). The judge just has to determine if you willfully violated your probation. Courtroom rules and procedures must be followed. Remember that a probation violation is taken seriously by the court because the judge may feel that you disrespected the court’s order.
Detention and Arrest

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

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

• You have the right to remain silent. If you wish to exercise this right, say so out loud.
• If you do not wish to remain silent, anything you say may be used against you in a court of law.
• You have the right to an attorney if you are arrested. Ask for one immediately.
• If you cannot afford an attorney, one will be appointed for you.
• These are your “Miranda” rights. If you are not given these rights, your attorneys can ask that any statements you made to the police not be used against you in court. This does not necessarily mean that your case will be dismissed however. This also does not apply if you volunteer information without being questioned by the police.
• If you are on probation or parole you do not have the right to refuse to consent to a search of yourself, your car or your home. If you are off probation or parole you do have the right to refuse to consent to search of your home, yourself, your car or your home unless the officer believes that a crime has been committed by you or someone in your car or home.
• If you commit an infraction such as speeding, instead of taking you into custody, they may only ask you to sign a citation or notice. If you sign the citation, you are not
• If you have no identification or refuse to sign however, an officer may place you under arrest.

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

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

If you are stopped for questioning:

• Again try to stay calm, do not run, argue, resist, or obstruct the police. Questioning is a process with many steps. Your innocence will be earned legally and not due to instant decisions. Keep your hands where police can see them.
• When the police are done asking questions, ask if you are free to leave. If the officer says yes, calmly and silently move away. If the officer says no, ask if you are under arrest and why. You have a right to know.

• During questioning, you have a right to remain silent and cannot be punished for refusing to answer. If you wish to remain silent, tell the officer out loud.
• The police may pat down your clothing for security reasons. You should not physically resist. Remember, you do not have the right to refuse any further search if you are on probation or parole. The police or sheriff will know that you have been arrested before by running your name and date of birth on their computer.

If you are stopped for questioning in your car:

• Stop the car in a safe place as quickly as possible. Turn off the car, turn on the internal light and headlights, open the window halfway and place your hands on the wheel.
• If the officer asks for documentation, show the police your driver’s license, registration and proof of insurance.
• If the officer asks to look inside your car, if you are the driver and are on probation or parole you cannot refuse consent to the search. If you are not on probation or parole you can refuse any search. If the officer believes you 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 placed under arrest:

• All law enforcement officers can arrest you whether they are on or off duty even if they do not have an arrest warrant.
  • This may only happen if they have probable cause or a good reason to believe that you have committed a felony.
  • In order for an officer to arrest you for a misdemeanor, they must have seen you commit the crime.
  • You can also be arrested for violating your conditions of probation or parole.
  • If you commit an infraction such as speeding, instead of taking you into custody, they may only ask you to sign a citation or notice. If you sign the citation, you are not admitting guilt, but are just promising to appear in court.
  • If you have no identification or refuse to sign however, an officer may place you under arrest.
• If you are about to be placed under arrest, do not resist. Even if you think the arrest is unfair. Remember to stay calm. Sudden movement or resistance will only make the situation worse.
• All law enforcement officers can arrest you whether they are on or off duty even if they do not have an arrest warrant.
• If you are arrested, 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.
• 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 do not have to discuss your immigration or citizenship status with police, immigration agents or any other officials.
• You do not have to answer questions about where you were born, whether you are a U.S. Citizen, or how you entered the country.
• If you are not a U.S. Citizen and an immigration agent requests your immigration papers, you must show them if you have them with you.
• If you are over 18 years of age, carry your immigration documents with you at all times.
• If you do not have your immigration papers, say that you want to remain silent.

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

• Tell the ICE agent you wish to remain silent. Do not discuss your immigration status with anyone but your attorney.
• Do not sign anything, such as a voluntary departure or stipulated removal, without talking to an attorney. If you sign, you may be giving up your opportunity to stay in the United States.
• Remember your immigration number (“A”) number and give it to your family. It will help family members locate you.
• Keep a copy of your immigration documents with someone your trust.

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.
Legal Resources
(Adapted from United Way Where to Turn To Guide January 2011)
www.unitedwayatlanta.org

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.

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 www.law.emory.edu/pi/alas (404) 524-5811
151 Spring Street, NW, Atlanta, GA 30303-2097
Legal representation, advice and referrals for housing problems, foreclosure fraud, consumer disputes, family law matters, public benefits, nursing/boarding home complaints, AIDS Legal Project, projects for the homeless, mental health, and Hispanic outreach.

Atlanta Legal Aid Society for: Clayton County (404) 366-0586
1000 Main Street, Forest Park, GA 30296

Atlanta Legal Aid Society for: DeKalb, Gwinnett County Offices (404) 376-4545
180 Camden Hill Rd. Suite 250, Lawrenceville, GA 30304

Atlanta Legal Aid Society: Southside Office (404) 669-0233
1514 East Cleveland Avenue, SW, Suite 100, East Point, GA 30344

Cobb County Legal Aid (770) 528-2565
30 S. Park Square Marietta, GA 30060

Georgia Justice Project, Inc. www.gjp.org (404) 827-0027
438 Edgewood Avenue, NE, Atlanta, GA 30312
Legal representation to low-income people with pending criminal cases.

Georgia Legal Services Program (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, serve 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.

Georgia Law Center on Homeless and Poverty (404) 681-0680
60 Walton Street, Suite 300, Atlanta, GA 30303
Free civil legal assistance/advocacy for homeless people, housing/education/employment discrimination assistance, public entitlements appeals, complaints, wage and hour disputes, identification replacement assistance, outreach to HIV infected homeless people.

Metro Atlanta Department of Family and Children Services

Fulton County DFCS
1249 Donald Lee Hollowell Pkwy
Atlanta, Georgia 30318
(404) 206-5600
**Fulton County has several DFCS so call for the closest location.

DeKalb County DFCS
178 Sams Street
Decatur, Georgia 30030-4134
(404) 370-5000

Gwinnett County DFCS
446 West Crogan Street
Suite 300
Lawrenceville, GA 30046-2475
(678) 518-5500

Rockdale County DFCS
975 Taylor Street, S.W.
Conyers, Georgia 30012
(770) 388-5025

Clayton County DFCS
877 Battlecreek Road
Jonesboro, Georgia 30236-1942
(770) 473-2300

Fayette County DFCS
905 Highway 85 South
Fayetteville, Georgia 30215-2005
(770) 460-2555

Henry County DFCS
125 Henry Parkway
 McDonough, Georgia 30253-6636
(770) 954-2014
STATE BOARD OF PARDONS AND PAROLES
2 Martin Luther King, Jr., Drive, S.E.
Balcony Level, East Tower
Atlanta, Georgia 30334-4909
(404) 656-3615
www.papp.state.ga.us

APPLICATION FOR RESTORATION OF RIGHTS/PARDON

I have carefully read all of the instructions attached to this application. I understand that the State Board of Pardons and Paroles (SBPP) cannot pardon or restore firearm rights for offenses that occurred in other states. I understand that the SBPP cannot issue pardons for federal offenses. I understand that the SBPP cannot engage in any charges or convictions I have received nor can the SBPP seal my records. I understand a pardon may only be granted for a "State of Georgia" conviction. I am applying for (check the appropriate box(es)):

☐ Restoration of Civil and Political Rights
☐ Pardon
☐ Restoration of the Right to Receive, Possess or Transport in Commerce a Firearm

List ALL of your convictions, including any pending charges. Attach another sheet if necessary. Failure to disclose each and all of your convictions may cause denial of your request. Please include the following: length of the sentence, any probation, parole or suspension of the sentence, and any fine or restitution you currently pay or had to pay. You must provide certified copies of sentence information/termination dates on out of state convictions.

<table>
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<tr>
<th>Crime</th>
<th>*County of Conviction</th>
<th>Sentence Date</th>
<th>Sentence Length</th>
<th>Fine or Restitution</th>
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*Give location if sentenced in a federal court or a court in a state other than Georgia.

PLEASE PRINT:

Name (as it appears on court documents)  Social Security Number

Other names you are known by  Sex (M or F)  Race

Inmate Number (if applicable)  Date of Birth  Current County of Residence

Address  City  State  Zip Code

Home Telephone Number  Cell Phone Number  Daytime Phone Number

I have carefully examined all of the information I have placed on this application. On penalty of false swearing, I declare hereby that every statement by me is true and correct. I affirm that I have not omitted any requested information. I fully understand any order issued by the Board in reliance on false, inaccurate, or incomplete information will be null and void and of no effect at all. I have not concealed any convictions or unpaid fines or restitutions. I understand the Board's decision may not be appealed.

Signature

Date

Equal Opportunity Employer
Accredited by the Commission on Accreditation for Correctional/Rehabilitation Association
APPLICATION INSTRUCTIONS

To be considered for Restoration of Firearms Rights:
- You must have NEVER been convicted of any DRUG RELATED OFFENSE;
- You must have completed all sentences imposed upon you at least five (5) years prior to applying herein and have lived a law-abiding life during this five (5) year period; and
- You cannot have any pending charges against you; and
- Any fines imposed against you must be paid in full;
- You must attach letters of reference from three (3) citizens of unquestionable integrity who are not family members. Your references must be advised as to why they are writing a reference on your behalf to the SBPP,
- You must comply with instructions given to you by the SBPP investigator; and

Please Note: The State Board of Pardons & Paroles merely restores firearm rights to applicants whose offense involved the use of a firearm or the possession of a firearm.

To qualify for Restoration of Civil and Political Rights:
- You must have completed all sentences imposed upon you; and
- You must currently live in Georgia if you were convicted in another state; and
- You must have completed all sentences imposed upon you within two (2) years prior to applying herein, and have lived a law-abiding life during this two (2) year period.

Please Note: restoration of civil and political rights DOES NOT give a convicted felon the right to purchase, own or have in possession a firearm or other weapon.

To be considered for a Pardon (State of Georgia convictions only):
- You must have completed all sentences imposed upon you at least five (5) years prior to applying herein and have lived a law-abiding life during this five (5) year period; and
- You cannot have any pending charges against you; and
- Your fines must be paid in full.

If you are applying for a Pardon or a Restoration of Civil and Political Rights for any of the following reasons, you must provide a certified copy showing proof of application/acceptance:
- Adoption.
- Section VIII (8) Housing.
- Foster Care provider and/or adoption of a foster child.
- Custodial rights of a minor under the age of 18 years of age.
- Truck driver entry into Canada.
- Child care provider.
- Higher educational program or residency.
- Peace Officer Standards and Training Council (POST). For additional information on law enforcement qualifications, please see POST Council Rule 466-3-02(1)(g) at the following link: http://www.gapost.org/Rules/3effct.html.

-Continued on Next Page-
IN THE SUPERIOR COURT OF _________________ COUNTY

STATE OF GEORGIA

State of Georgia

)

)

vs.

)

Case No.: __________________

)

)

Defendant.

)

MOTION FOR TERMINATION OF PROBATION

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

1. On _________________, 20____, Defendant entered was sentenced to a term of _____ years on probation, payment of a fine of $__________, and ordered to perform ____________ hours of community service. Defendant’s fine and community service have been satisfied.

2. Defendant has been on probation since the time of the sentence imposed by this Honorable Court with no violations of same.

3. Defendant is eager to complete probation and avail himself/herself of the privileges of O.C.G.A. § 16-13-2(a) so that he/she may take steps to further his/her ________________.

4. The sentencing Court is empowered to modify or change the probated sentence, during the term of the person’s probated sentence. See O.C.G.A. § 42-8-34.

5. In the interest of justice, Defendant respectfully requests this Honorable Court to terminate Defendant’s probation.

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

This _____ day of _____________, 20____.

Submitted by:

_______________________________

_______________________________

Defendant
ORDER

WHEREAS the above filed case came before the court for a motion to terminate
probation on _____________, 20__, and

WHEREAS the court heard argument on this motion, Defendant’s motion is granted.

It is hereby ordered that the Defendant’s sentence of probation is terminated.

This _____ day of _____________, 20__.

________________________________

Submitted by:

Hon. __________________________
Judge of Superior Court

______________ County

Submitted by:

_______________________________

_______________________________

Defendant

Defendant
Guide to Completing This Motion to Terminate Probation

1. Write or type in the name of the county in which you were sentenced on the top of the page.

2. Write or type in your name in the top left blank where it says State of Georgia v. ____________.

3. Write or type in the case number of the case you were sentenced on.

4. After “COMES NOW Defendant” write or type in your name.

5. Where it says “he/she” or “himself/herself” you should circle the one that applies.

6. In #1, write or type in the date that you were sentenced on. Write in the amount of any fine you received. If you did not receive a fine, write N/A. If you were ordered to complete community service, write in the number of hours you were ordered to complete. If you were not ordered community service write N/A.

7. In #3, write or type the reason you are seeking to terminate probation. For example: “to further his/her career,” or “to further his/her education.”

8. Where it says “This _____ day of 20__” write or type in the date you are filing the Motion.

9. Where it says “Submitted by:” on the first line, sign your name. On the second line, clearly print your name.

Guide to Completing the Order of Probation Termination

1. Write or type in the name of the county in which you were sentenced on the top of the page.

2. Write or type in your name in the top left blank where it says State of Georgia v. ____________.

3. Write or type in the case number of the case you were sentenced on.

4. Write in the date that your Motion was heard before the court.

5. Where it says “Submitted by:” on the first line, sign your name. On the second line, clearly print your name.

References for this Publication


Community Voices Georgia Reentry website http://www.communityvoices.org/reentry-home.aspx


Where To Turn Guide. United Way of Atlanta, January 2011.

Georgia Laws Referenced in this Publication

Ga. Constitution Art. IV, Section 2, Paragraph II.
Ga. Constitution Art. II Section 1, para. III (a).
GA. Constitution Art. II, Section II, Section 2, para. III.
Article 2 of Chapter 13 of Title XVI "Georgia Controlled Substance Act
Ga. Code Ann. Section 16-ll-131(c)
Ga. Code Ann. Section 17-10-6.1
Ga. Code Ann. Section 49-4-184
OCGA Section 49-4-3
OCGA Section 49-4-52
OCGA Section 49-4-81
OCGA Section 49-5-273
OCGA Section 19-7-22(g)(2)
OCGA 15-11-106