

Barriers to Employment for Justice-Involved Individuals

Christopher Moeller, MPA, JD
Senior Lafayette Staff Attorney
Indiana Legal Services, Inc.

Michael Martin Drain
Director of Career Coaching & Special Projects
Ivy Tech Indianapolis Community College

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INDIANA MENTAL HEALTH AND ADDICTION CONFERENCE

Learning Objectives

- What is a Medical Legal Partnership (MLP)?
- How a referral to Project CLeAR can help people living with substance use disorder with legal issues that affect the person's mental or physical health, and which cannot be addressed through provisions of recovery treatment
- How the MLP focuses on legal issues related to social and environmental determinants of health and uses legal remedies to eliminate and reduce the negative impact social and environmental factors have on patients' health outcomes

What Is Indiana Legal Services?

- Indiana Legal Services, Inc. (ILS) is a not for profit law firm and largest provider of free civil legal assistance to low-income people in Indiana.
- **ILS's Mission:** To use the law to fight poverty and racism, empower clients, and improve access to justice.
- ILS *does not* handle any criminal matters.

Who Does ILS Serve?

- ILS has 8 regional offices that serve all 92 Indiana counties
- There are more than 800,000 people in Indiana who live with household incomes below the federal poverty level.
- In 2022, ILS served over 15,000 low-income people. Services range from full representation in a court or agency action to giving legal advice about individuals' rights and provide options and suggestions for relief.

How Is Low Income Determined?

To be eligible, applicants must be under 125% of the federal poverty guidelines or up to 200% with qualifying expenses and have under \$8,000 in countable assets.

HH Size	LSC Income Guidelines (125% of FPG)*		
	Weekly	Monthly	Yearly
1	\$350.48	\$1,518.75	\$18,225.00
2	\$474.03	\$2,054.16	\$24,650.00
3	\$597.59	\$2,589.58	\$31,075.00
4	\$721.15	\$3,125.00	\$37,500.00

HH Size	Guidelines with Factors (200% of FPG)**		
	Weekly	Monthly	Yearly
1	\$560.77	\$2,430.00	\$29,160.00
2	\$758.46	\$3,286.66	\$39,440.00
3	\$956.15	\$4,143.33	\$49,720.00
4	\$1,153.84	\$5,000.00	\$60,000.00

What Is Project CLeAR?

Project CLeAR is a civil legal services project that provides free civil legal services to eligible persons living with opioid and other substance use disorders. The project works with recovery houses and programs to provide “Know Your Rights” trainings and on-site outreach.

Project CLeAR receives referrals from recovery houses and programs for eligible persons who have a civil legal issue that is preventing a person from gaining or maintaining their sobriety.

How Are Legal Aid and Project CLeAR Referrals Different?

- A legal aid organization accepts applications for assistance from the community at large.
- Unlike a legal aid organization, Project CLeAR only accepts referrals for persons living with opioid use and other substance use disorders whose ability to gain or maintain their sobriety is being affected by a civil legal problem.
- Project CLeAR clients are clients of the recovery houses and programs from which they are directly referred to Project CLeAR.

How Does a Referral to Project CLeAR Help?

A referral to Project CLeAR can help people living with substance use disorder with legal issues that affect the person's mental or physical health and which cannot be addressed through the provision of recovery treatment.

Lindsey Kreps, Clinician for Meridian Health Services and Home with Hope said, *"Without this service they often feel incredibly defeated so adding this to the mix just really puts them in a place where they can sort through all of their different issues and continue moving forward."**

* "Legal Aid Program Helping People Maintain Sobriety" by Marvin Bills www.wlfi.com Sep 3, 2021

Obstacles of Health

A person's health is determined by a lot more than high quality health care services and personal behavior.

It is shaped by the environment where someone lives, works, plays and learns.

Low-income and other vulnerable communities have less access to basic needs and opportunities because of the ways in which deep-rooted, inequitable systems and practices shape their environments.

In turn, people in these communities do not have an equal opportunity to thrive or reach their optimal health



Social Determinants of Health

Research shows 60% of a person's health is determined by social factors including:

- Income & Health Insurance
- Housing & Utilities
- Education & Employment
- Legal Status
- Personal & Family Stability

Spending Too Much or Not Enough?

The U.S. spends more money on healthcare than any industrialized country, but it ranks 42nd in life expectancy; and-169th in low-birth weight.

These poorer outcomes aren't the result of spending too little; they are the result of where the money is spent.

- The U.S. spends \$0.90 on social services for every \$1 it spends on healthcare.
- Other first-world countries with better outcomes spend \$2 on social services for every dollar they spend on healthcare.

MLP Model & Improved Patient Outcomes

The MLP focuses on legal issues related to the social and environmental determinants of health and uses legal remedies to eliminate or reduce the negative impact social and environmental factors have on patients' health outcomes.

Improved patient outcomes:

- People with chronic illnesses are admitted to the hospital less frequently.
- People more commonly take their medications as prescribed.
- People report less stress and experience improvements in mental health.
- People are more stably housed, and their utilities are less likely to be shut off.
- People have access to greater financial resources.
- Less money is spent on healthcare services for the people who would otherwise frequently go to the hospital, and use of preventative healthcare increases.
- Clinical services are more frequently reimbursed by public and private payees.



Benefits for the Patient

- “One-stop shop” for legal needs
- Ease and simplicity of referral process
- One dedicated staff member on the project
- Less money spent on healthcare services
- Legal needs met through advice or representation

Project CLeAR History

Project CLeAR launched in July 2020 during the middle of the COVID pandemic.

Since its inception, I have been its only full-time staff member.

Project CLeAR is tasked with serving the ILS regions of Lafayette and Merrillville.

I started by writing 75 introductory letters to the drug courts and recovery organizations inviting them to learn more about Project CLeAR.

As the Project CLeAR attorney, I completed outreach weekly at the Recovery Café in Lafayette and the Liberty Café in Gary.

I was able to give presentations by ZOOM and in-person and build a network of providers sending intakes.



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What Types of Cases Can Project CLEAR Handle?

It is easiest to explain the types of cases we cannot handle:

- Criminal cases involving a decision of guilt or innocence
- Challenges to jail or prison conditions, or reductions in sentences
- Cases that are fee-generating (ex: personal injury claims)
- Immigration cases

Anticipated Areas of Need for Recovery Organizations

- Housing (evictions, habitability, accommodations)
- Family Law (child support, custody modification, divorce with domestic abuse)
- Expungements
- Obtaining a Specialized Driver's License



Ability to Drive

According to a 2016 study by the McKinney School of Law*, approximately 420,000 Hoosiers had suspended driver's licenses due to various issues such as driving offenses, unpaid traffic fines, non-payment of child support and inability to pay the reinstatement fees.

Many of these individuals face barriers to maintaining employment and supporting their families from such suspensions.

Project CLeAR has had success in assisting individuals in getting BMV reinstatement fees waived and being granted Specialized Driver's Licenses.

*ROADBLOCK TO ECONOMIC INDEPENDENCE: How Driver's License Suspension Policies in Indiana Impede Self-Sufficiency, Burden State Government & Tax Public Resources by Ryan T. Schwier and Autumn James
https://mckinneylaw.iu.edu/practice/clinics/_docs/DL_Rpt_2-1-16.pdf

David's Story

David was in recovery for opioid use disorder. After his release from jail. David struggled with maintaining his sobriety due to the added pressures of having a suspended driver's license, along with other life stressors such as attempting to regain custody of his children. Project CLeAR was able to represent David in filing to get his driving privileges restored by petitioning the court for a Specialized Driver's License.

Having his driving rights restored has helped David focus on his work as a recovery coach as he works toward his goal of getting credentialed as a Certified Recovery Specialist. He was also able to work toward regaining custody of his children. He is able to financially support his family now and has found a new purpose in life.



Cathy's* Story

Cathy was residing in a recovery house due to past opioid use disorder. She even began working for the recovery home as her sobriety progressed. She had several infractions, court fees and lifetime suspensions of her driver's license which prevented her from legally driving. Cathy had several health problems that required frequent appointments with specialists. Cathy had to rely on others for transportation which became burdensome to both parties. She was referred to Project CLeAR through the recovery home.

With our representation, Cathy was able to get over \$3,000 in reinstatement fees waived and her two lifetime suspensions rescinded. Cathy was able to take her driver's exam and begin driving herself to doctor appointments and other commitments.

*Name changed for confidentiality purposes.

Expungement of Arrests and Charges Without a Conviction

This includes arrests where charges were not filed, dismissed charges, charges where the defendant was acquitted or found not guilty, or charges where the defendant has completed a diversion program.

There is no filing fee for this type of case and no limit to how many times this type of expungement can be filed.

Requirements for expungement of non-conviction records include:

- Waiting period of 1 year from the date of arrest or earlier if the Prosecutor agrees,
- Defendant must have no pending charges

Criminal Record Expungement

Criminal records can be a barrier to employment and obtaining housing amongst other things. Getting a person's criminal record expunged or sealed can help create opportunities.

Criminal record expungement may be granted **once in a lifetime**. All criminal records expungements must be filed within a 1-year period.

To be eligible for a criminal expungement, a person:

- Must not have pending criminal charges;
- Must pay all court costs, fines, fees, and restitution; AND
- Must meet the relevant waiting periods.

There are two types of waiting periods. Both must be met prior to filing a petition:

- Waiting Period 1-Begins on the day you are convicted of a crime. Must be X years since conviction of **that** crime.
- Waiting Period 2-Must be X years since conviction of **ANY** crime in **ANY** state.



Waiting Periods for Expungements

Type of Conviction	Misdemeanor or Class D/Level 6 Felony that was reduced to a Misdemeanor	Class D/Level 6 Felony that did not result in bodily injury	Class A-C/Level 1-5 Felonies and Class D Felony that did not result in <u>serious</u> bodily injury	Class A-C/Level 1-5 Felonies and Class D Felony that resulted in <u>serious</u> bodily injury
Waiting Period 1	5 years from date of conviction	8 years from date of conviction	8 years from date of conviction OR 3 years from completion of sentence, whichever is later	10 years from date of conviction OR 5 years from completion of sentence, whichever is later
Waiting Period 2	5 years since conviction of ANY crime	8 years since conviction of ANY crime	8 years since conviction of ANY crime	10 years since conviction of ANY crime

Janet's* Story

Janet had a long past of drug use and dealing that led to a lengthy criminal history that spanned decades and multiple Indiana counties. She had also used various names over the course of the legal problems that made it very challenging to obtain a complete criminal history. Janet was referred to Project CLeAR for help obtaining an expungement. She wanted to seek better employment and expand her options for housing.

We were able to assist her with filing for expungement in several counties and represented her at the hearings. Janet has now gotten all of her criminal convictions sealed or expunged. She can now set a good example for her grandchildren that it's never too late to make better life choices and step on a brighter path.

*Name changed for confidentiality purposes.



I Got an Expungement, Now What?

- Civil rights to vote, hold public office, and serve as a juror have been restored.
- A person can answer “no” to the question on applications “Have you ever been arrested or convicted of a crime that has not been expunged by a court?”
- It is unlawful for any person, including employers, to discriminate against a person because of a conviction or arrest record that has been expunged or sealed under Indiana law. This includes suspension, refusal to employ, admit or grant/renew a license, permit, or certificate necessary to engage in any activity, occupation, or profession.

Who Can See My Expunged Records?

- Law enforcement agencies, courts, and prosecutors can still view expunged criminal records. These can be used as a sentence enhancement for any subsequent crimes and the expunged records will be unsealed.
- An expungement will not restore federal firearm rights.

Funding

Funding for Project CLeAR was exhausted in 2022. We are seeking out alternative funding but in the meantime are continuing to assist individuals in accordance with our regular ILS funding sources. ILS continues to search for alternative funding sources, so if you can help, let us know!

Applicants can apply online at

www.indianalegalservices.org

or by calling our intake line

Monday-Friday 10 a.m.-2 p.m. at (844) 243-8570.



INDIANA MENTAL HEALTH AND ADDICTION CONFERENCE

Thank you!

Christopher Moeller, MPA, JD

christopher.moeller@ilsa.net

(765) 423-5327 ext. 16236

Indiana Legal Services, Inc.

8 N. 3rd Street, Ste 102

Lafayette, IN 47901



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ELEVATE

CHANGE STARTS HERE

Reducing Recidivism through Workforce Development

**Michael Martin Drain- Director of Career Coaching
and Special Projects**



ELEVATE

CHANGE STARTS HERE

Educate

Empower

Engage

Impact- Restore-Intentionality



The Challenge

More than 85 million jobs could go unfilled because there aren't enough skilled people to fill them.

There are more unemployed workers with experience in their respective industry than there are open jobs.

The manufacturing skill gap in the U.S. could result in 2.1 million unfilled jobs by 2030

ELEVATE: Change Starts Here provides program participants access to high-quality education and/or training, community resources, and wrap-around services to help reduce the recidivism rate from a holistic approach. Program participants will be prepared for high-wage, high-demand careers in Marion, Boone, and Hendricks Counties.

ELEVATE works to understand and implement best practices surrounding employment and education engagement while becoming a leader in the field of restorative justice across the state.

Eligible Participants

- Justice-Involved Adults & Youth
- Incarcerated Individuals
- Individuals on Parole/Probation/Community Corrections
- Residents of Marion, Boone, or Hendricks Counties

EDUCATE

- Educate local and state stakeholders, university staff & educators, businesses, community leaders & organizers.
- Provide access to certifications, degreed and non-credit training cohorts that focus on men, women and juvenile completion
- Create metrics, study trends, best practices and results to improve upon successes and corrections.

ELEVATE
CHANGE STARTS HERE



EMPOWER

A dedicated career coach will work closely with students to ensure barriers are addressed by partnering with community resources to address areas of.

- Expungement
- Housing & transportation instability
- Food & Clothing
- Mental Health Counseling
- Student Support Needs
- Diversion Program for Adult & Juveniles

ELEVATE

CHANGE STARTS HERE



ENGAGE

- ✓ Ivy+ Career Link-Indianapolis
- ✓ Collaborate Cross Departmentally
- ✓ Community Based Organizations
- ✓ State Agencies
- ✓ Employer Partners
- ✓ School Systems

ELEVATE

CHANGE STARTS HERE



5 Easy Step Process to apply

1. Contact us! Indianapolis-ELEVATE@ivytech.edu
2. Complete Assessment/ Interview
3. Complete Individual Development Plan with ELEVATE Staff
4. Identify Training and/or Education Program with Career Coach
5. Time to ELEVATE!

Thank you!

Michael Martin Drain

317-916-7587

mmartindrain@ivytech.edu

Indianapolis-Elevate@ivytech.edu

