

A Newsletter
Dedicated to
Helping
Women Face
the Challenges
of Prison Life

Essentials of Life

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A Word from the Executive Director

By Karen Murtagh, Esq., Executive Director



Karen Murtagh,
Executive Director

This month, we lost a beloved spirit and leader, Maya Angelou. Dr. Angelou was a poet and writer, educator and historian, filmmaker and civil rights activist. A true Renaissance woman - though she did not start out that way.

Like so many, Dr. Angelou knew suffering. Her parents separated when she was young, resulting in her moving to the segregated South. When she was only 8, she was sexually abused by her mother's boyfriend. After his murder, she quit talking for nearly six years - believing that she caused his death by disclosing the abuse. But she did not remain quiet.

Dr. Angelou went on to travel the world, become a famous Calypso dancer, serve as the first African-American woman to drive a cable car in San Francisco, be the first African-American woman to have her play turned into

a movie, and to write numerous beloved books, including *I Know Why The Caged Bird Sings*, her first autobiography, in which she disclosed the abuse and trauma she experienced as a child. She also taught the world how to be brave.

It is always difficult to imagine where you will be in one, five or 10 years, especially when you are in a bad place, emotionally, physically, or spiritually. If we have learned anything from Maya Angelou, we have learned that our futures are not predetermined.

This issue of *EOL* is dedicated toward successful reentry and, to that end, and in the memory of Dr. Angelou, I encourage you to dream big. Do not limit yourself by your current situation or box yourself into the reality of your past. Anything is possible.

Until next time, *Karen*

Legal Eagle - Employment Discrimination in New York

By Samantha Howell, Esq., Director of Pro Bono & Outreach

In New York it is illegal for an employer to discriminate against an employee or job applicant due to his/her religion, age, race, color, sex, sexual orientation, national origin, marital status, disability, military status, domestic violence victim status, criminal or arrest record, or predisposing genetic characteristics.

The NYS Human Rights Law, which lays out the above, applies to any employer with four or more employees.

Also in NY, a person cannot be automatically disqualified from a job unless there is a direct relationship between the prior conviction and the job sought by the applicant or hiring the employee would pose a safety risk or an unreasonable risk to property. NY Corr. Law § 752.

Investigation by the Office of the Attorney General

Following a complaint that, at a job fair, a Bed Bath & Beyond employee was advising individuals that the company did not hire persons with felony records, the New York State Attorney General's Office began an investigation into the company's hiring practices.

On April 22, 2014, The NYS Attorney General's Office announced that it had settled a case involving Bed Bath & Beyond. As a result of the settlement, the retailer promised to comply with New York State employment laws, which prohibit employers from automatically rejecting applicants with criminal convictions in their past. Bed Bath & Beyond also agreed to pay \$125,000,

some of which will help organizations who assist formerly incarcerated persons find employment.

NOTE: While employers *can* ask questions about prior criminal convictions, they cannot ask about cases that were sealed or cases that were resolved in your favor.

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FAQs About the Termination of Parental Rights (TPR)

By Jennifer Cunha, Esq., Pro Bono Attorney

The last two articles in this series discussed the rights and responsibilities of incarcerated parents with children who are in foster care or at risk of going into the foster care system. We said that exercising your parental rights under the Adoption and Safe Families Act (ASFA) could help you keep your parental rights. In this issue, we will go over some frequently asked questions about the first stages of termination of parental rights cases.

Who can ask the judge to terminate your parental rights?

Only the state can ask a judge to terminate your parental rights. The state may do so through the Administration for Child Services (ACS) or a foster care agency. Private civilians (like the child's father or grandparents) do not have the power to take away your parental rights.

When can the state or foster care agency try to terminate your parental rights?

There are three circumstances when the state or foster care agency can try to terminate your parental rights:

1. Your child has been in foster care for 15 months out of the

last 22 months;

2. You were convicted of specific serious crimes of which your child was the victim; or
3. You have had no contact with your child for 6 months.

How will I know if the state is trying to terminate my parental rights?

As the mother of the child, you *must* receive notice of the TPR case and a copy of the state's petition before any court hearing on the matter. In certain circumstances, your child's father also has a right to know about the TPR case. You have a right to respond to the state's accusations and to attend any court hearing on the issue.

What do I have to prove in a TPR case?

Nothing. ACS and/or the foster care agency must show:

1. At least 1 of the above described circumstances is true;
2. The foster care agency tried to reunite your family and to get you the program(s) that the agency thinks you need to be a good parent;
3. That even with the agency's help, you did not cooperate with or complete

programming; AND

4. That you did one of the following:
 - A. Permanently neglected your child (meaning that you did not help the foster care agency plan for your child's future AND that you did not work with the agency for at least one (1) year after your child entered foster care);
 - B. Severely or repeatedly abused your child;
 - C. Abandoned your child (meaning you have had no contact with your child for at least six (6) months); OR
 - D. That you do not have the mental strength to care for your child now or in the foreseeable future.

The state must show that each of these four things are more likely true than not true. The state will need less evidence in a TPR than it would need to convict you of a crime, but much more than DOCCS needs to find you guilty of a disciplinary infraction.

Dear Annabelle . . . A column to answer your questions

This column will feature your questions about legal matters, reentry opportunities/programs and rehabilitation issues.

Dear Annabelle,

I have lost a lot while incarcerated. My parents have passed away and I have no relationship with my child or his father. I am sad all the time and don't know what to do. Is this normal?

Sincerely,

Sometimes Awfully Down

Dear S.A.D.,

I am sorry to hear that you are having a rough time. I hope you

know that you are not alone - we all deal with depression, grief and loss.

We should never underestimate the impact that grief and sadness can have on our lives. They can make us not care what happens to ourselves or others. They can also keep us trapped in a state of status quo - where we fail to make progress.

There is also no "one-size-fits-all" approach for dealing with grief and sadness. These feelings can range from fairly harmless and isolated to quite severe, affecting a person's ability to function day to day.

It may help to know that many believe there are five stages to grief -

denial and isolation, anger, bargaining, depression and acceptance - and that being aware of the stages will help you work through them. These stages can happen in any order and can last for any amount of time.

If you are having feelings of depression or grief, you should speak to a mental health professional or counselor to determine what, if any, further help you may need.

"One's life has *value* so long as one attributes value to the life of others, by means of love, friendship, indignation and compassion."
-Simone de Beauvoir

Finding Employment Upon Reentry in Albany

By Kelly O'Donovan, Law School Graduate, Volunteer Contributor

Upon release from incarceration there are many obstacles an individual must overcome to find employment and housing. Incarceration leaves gaps in employment history and can interfere with an individual's education. Effective reentry into the community can be difficult, especially when attempting to balance obtaining employment and housing with conditions of release and barriers to employment, like finding childcare. Managing finances can also be difficult for recently released individuals because many jobs start at minimum wage, which is \$7.25 in New York State. In Albany there are several programs that assist individuals with finding permanent employment and housing.

The **Albany Center for Employment Opportunity** (CEO) helps parolees reenter the workforce by providing life skills classes, paid transitional employment, placement in a job, and one-year post-placement support. An individual must be referred to CEO through a parole officer. The program begins with a life skills class, where participants will receive help with writing resumes and interview skills, proper work conduct, and how to manage finances. After the first week of the program, each participant is given a pair of steel toed boots and starts transitional work, which



consists of grounds maintenance at the Empire State Plaza four days a week for 6.5 hours a day. Participants are paid minimum wage for transitional work and receive daily paychecks. Based on the participant's cooperation with supervisors and co-workers, effort, personal presentation, and punctuality, a participant can continue onto a job-readiness assessment, where they discuss what type of job they are best suited for, their job history, and any education or training they received while incarcerated.

The average number of days between when a client starts transitional work and when he/she finds a permanent job placement is 24 days and the average wage for job placement with CEO is \$10. Most of CEO's job placements are in food service, custodial services, retail, and stocking. Participants who keep a twenty hour a week job after the program are eligible for gift check rewards from CEO.

The **Albany Community Action Program** offers many services that can help with finding employment

upon reentry, including childcare, a career training program, and interview clothing. ACAP's Career Pathways Program is free to income-qualifying participants and provides education, training services, and assistance in finding employment. Participants in ACAP's Career Pathways Program will undergo 6-8 weeks of training in one of four career fields—Culinary Arts, Hotel Operations, Healthcare, or Janitorial—and will then receive assistance with searching for a job and support during the first year of employment. ACAP also provides job-ready women, by referral only, with clothing for interviews through Dress for Success Albany.

The City of Albany also has a one-stop employment center called **Career Central**, where the City lists job vacancies and provides personal assistance together with telephones, fax machines, copiers, and computers with internet access to help applicants in their job searches.

For more information, you can contact the above agencies at:

Albany CEO, 41 State Street, Suite M-109, Albany, New York 12207.

Albany Community Action Program, 33 Sheridan Avenue, Albany, New York 12206.

Career Central, 175 Central Avenue, Albany, New York 12206.

Don't forget to submit something for National Pro Bono Week!

It's not too late to submit a story or poem for National Pro Bono Week. Submissions should be no more than ten (10) pages and address one of the following topics: experiences in the Special Housing Unit; experiences of juveniles in prison; experiences of immigrants in prison; and/or how incarceration affects relationships with children.

Please initial on the appropriate line(s) and sign below:

_____ PLS may use my real name

_____ I authorize PLS to use my submission at their event.

_____ I authorize PLS to use my submission on their website, in *Pro Se*, and/or for other informational purposes.

I consent to PLS including this submission as part of its National Pro Bono Week event. I understand that my contribution will be retained by PLS and may be used by PLS for future events.

Signature

Date

Please mail your submission to: Director of Pro Bono & Outreach, PLS, 41 State St., Ste M112, Albany, NY 12207.

Understanding Your Access to Public Benefits

By Kevin Lee, Law School Graduate, Volunteer Contributor

If you are a New York resident who has been convicted of a felony, you may face restrictions when it comes to receiving public benefits (such as cash assistance or public housing).

Eligibility for certain public benefits will depend on the crime of which you were convicted, the type of benefit sought, and several other factors, including criminal history.

This article will help you determine whether you are eligible for benefits in New York State and, if so, how to apply for public housing, Temporary Assistance for Needy Families (TANF), the Supplemental Nutrition Assistance Program (SNAP, aka food stamps), and Medicaid.

TANF and SNAP

In New York State, if you have been convicted of a felony you may be eligible to receive TANF and SNAP benefits, unless:

- You are currently fleeing to avoid arrest for a felony or attempted felony;

- You are currently in violation of your parole or probation; or
- You have been found to have committed fraud in relation to public assistance.

Public Housing

The Public Housing Agency (PHA) determines eligibility for public housing. You are *not* eligible for public housing if you, or a member of your household:

- Have been convicted of manufacturing or producing methamphetamines in public housing.
- Are required to register as a sex offender for life.

You may also be *temporarily* ineligible for public housing if you or a member of your household currently uses illegal drugs, abuses alcohol, have a history of alcohol abuse, or were previously evicted for drug-related criminal activity.

Medicaid

The Affordable Care Act expanded Medicaid to allow for coverage of all adults under the age of 65 with an income at or below 133% of the federal poverty level (approximately \$15,520). 42 U.S.C. 1396a. The Supreme Court, however, allowed states to choose whether they wanted to expand Medicaid. *NFIB v. Sebelius*, 132 S.Ct. 2566 (2012). New York State subsequently chose to expand Medicaid.

Thus, if you are under 65 and your annual income is at or below 133% of the federal poverty line, you may be eligible for Medicaid, regardless of your felony conviction.

If you receive Medicaid while incarcerated, it will continue for 5 months after you are released, giving you time to renew.

For more information on applying for these benefits., contact the appropriate office in the county where you will be living upon release; note that some applications can only be submitted in person or on-line.



***Promoting justice,
fair treatment and humane
conditions since 1976.***

We want to hear from you! To submit your story, poem, picture, send to the below address. PLS reserves the right to edit content to fit the publication.

If you enjoyed reading this issue of *Essentials of Life* and would like to receive your own copies, free of charge, write to us and ask that we add you to our mailing list. You can write to us at:

Attention: EOL Staff
Prisoners' Legal Services of New York
41 State Street, Suite M112
Albany, New York 12207

Please notify *EOL* each time you are transferred. DOCCS will not forward *EOL*.

Essentials of Life Staff
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