This workshop was held at the 2018 Equal Justice Conference in San Diego, California.

Title:
Integrating Financial Empowerment to Advance Outcomes for Legal Services

Presenters:
Mary Griffin, Consumer Financial Protection Bureau, Washington, DC
Susan Ingles, South Carolina Legal Services, Greenville, SC
Chiquisha Robinson, D.C. Public Defender Services' Community Defender Division, Washington, DC

Demonstrating the value of financial empowerment in civil and criminal legal aid settings, this session will provide an overview of CFPB’s financial empowerment initiative (Your Money, Your Goals) and will highlight the use of its Focus on Reentry companion guide in drug court settings. To assess the value of financial empowerment in improving outcomes, the CFPB’s Financial Well-being Scale will be presented with a demonstration of the digital and mobile version of the scale. Incorporating the validated and tested scale into the work of legal aid organizations can help provide a reliable and easy way to track financial well-being outcomes of clients.
Integrating Financial Empowerment to Advance Outcomes for Legal Services

Equal Justice Conference 2018
May 12, 2018
Speakers

- Mary Griffin
  Bureau of Consumer Financial Protection, Office of Community Affairs, Washington, DC

- Susan Ingles
  South Carolina Legal Services, Greenville, SC - South Carolina

- Chiquisha Robinson
  D.C. Public Defender Services' Community Defender Division, Washington, DC - District of Columbia
What we’ll cover

- Background on the three organizations
- Financial empowerment and financial well-being
- An overview of the Bureau’s *Your Money, Your Goals* and managing money tools
- An overview of *Focus on Reentry*
- How integration works – examples and uses from the field
- Improving outcomes
Disclaimer for the Bureau of Consumer Financial Protection

This presentation is being made by a Bureau of Consumer Financial Protection representative on behalf of the Bureau. It does not constitute legal interpretation, guidance or advice of the Bureau of Consumer Financial Protection. Any opinions or views stated by the presenter are the presenter’s own and may not represent the Bureau’s views.

This document was used in support of a live discussion. As such, it does not necessarily express the entirety of that discussion nor the relative emphasis of topics therein.
The Bureau’s Statutory Objectives - DFA

OBJECTIVES. – The Bureau is authorized to exercise its authorities for the purposes of ensuring that, with respect to consumer financial products and services –

1) Consumers are provided with timely and understandable information to make responsible decisions about financial transactions;

2) Consumers are protected from unfair, deceptive, or abusive acts and practices and from discrimination;

3) Outdated, unnecessary, or unduly burdensome regulations are regularly identified and addressed in order to reduce unwarranted regulatory burdens;

4) Federal consumer financial law is enforced consistently, without regard to the status of a person as a depository institution, in order to promote fair competition; and

5) Markets for consumer financial products and services operate transparently and efficiently to facilitate access and innovation.
# Meet Consumer Education & Engagement

## Financial Education
- Provide targeted educational content
- Identify and provide effective financial education practices

## Consumer Engagement
- Create interactive, informative relationships with consumers

### Servicemembers
- Improve financial protection
- Monitor complaints
- Coordinate with Department of Defense and military service organizations

### Older Americans
- Protect against financial abuse
- Improve financial literacy
- Help with planning for life events

### Students and Young Consumers
- Increase awareness of debt in college choice
- Monitor complaints
- Build campus awareness

### Office of Community Affairs
- Empowering economically vulnerable consumers to make informed financial decisions
- Work with non-profit, public, and private organizations

### Audience
- Servicemembers: 2.2 million military personnel and 22.6 million veterans
- Older Americans: 50 million aged 62+
- Students and Young Consumers: 22-28 million (age 16-26)
- Office of Community Affairs: 33% of Americans earn less than twice the poverty line

- 68 million unbanked or underbanked
**Ultimate goal - financial well-being**

A state of being reflecting a person’s ability to meet current and ongoing financial obligations, feel secure in their financial future, and make choices that allow enjoyment of life.

<table>
<thead>
<tr>
<th></th>
<th>Present</th>
<th>Future</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Security</strong></td>
<td>Control over your day-to-day, month-to-month finances</td>
<td>Capacity to absorb a financial shock</td>
</tr>
<tr>
<td><strong>Freedom of choice</strong></td>
<td>Financial freedom to make choices to enjoy life</td>
<td>On track to meet your financial goals</td>
</tr>
</tbody>
</table>
# The BCFP Financial Well-Being Scale

<table>
<thead>
<tr>
<th>Questions</th>
<th>Response Options</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>How well does this statement describe you or your situation?</strong></td>
<td>• Describes me completely</td>
</tr>
<tr>
<td>1. I could handle a major unexpected expense</td>
<td>• Describes me very well</td>
</tr>
<tr>
<td>2. I am securing my financial future</td>
<td>• Describes me somewhat</td>
</tr>
<tr>
<td>3. Because of my money situation, I feel like I will never have the things I want in life</td>
<td>• Describes me very little</td>
</tr>
<tr>
<td>4. I can enjoy life because of the way I’m managing my money</td>
<td>• Does not describe me at all</td>
</tr>
<tr>
<td>5. I am just getting by financially</td>
<td></td>
</tr>
<tr>
<td>6. I am concerned that the money I have or will save won’t last</td>
<td></td>
</tr>
</tbody>
</table>

| **How often does this statement apply to you?**                          | • Always                                         |
| 1. Giving a gift for a wedding, birthday or other occasion would put a strain on my finances for the month | • Often                                          |
| 2. I have money left over at the end of the month                         | • Sometimes                                      |
| 3. I am behind with my finances                                          | • Rarely                                         |
| 4. My finances control my life                                           | • Never                                          |
Find out your financial well-being

consumerfinance.gov/consumer-tools/financial-well-being

- Ten questions to show consumers their financial well-being score, with tips for improving it
- Links to background on financial well-being, what it means, and what affects it
- Optimized for mobile use
- Privacy is protected; no answers or scores are collected or stored

Shows quick comparisons by age, household income, and employment status
Average financial well-being scores by financial behaviors and attitudes

Confidence in ability to achieve a financial goal
- Not High: 50
- High: 63

Have a habit of saving
- Yes: 60
- No: 48

Effective day-to-day money management behaviors
- Above median level: 61
- At or below median level: 48
The core set

<table>
<thead>
<tr>
<th>Description</th>
<th>Core One Planning and goals</th>
<th>Core Two Savings</th>
<th>Core Three Bill payment</th>
<th>Core Four Credit profile</th>
<th>Core Five Financial well-being</th>
</tr>
</thead>
<tbody>
<tr>
<td>Setting up a plan or goal</td>
<td></td>
<td></td>
<td></td>
<td>Improvement in credit profile; thin file/no score to demonstrated credit history</td>
<td>Individual’s sense of financial security and freedom of choice</td>
</tr>
<tr>
<td>Having savings or habit</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Improvement in bill paying</td>
<td></td>
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<td></td>
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<tr>
<td>Improvement in credit profile</td>
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<td>Individual’s sense of financial security and freedom of choice</td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Examples of indicators             | Core One Planning and goals |
| (not exclusive list)               | Plan in place               |
|                                    | Goal in place               |
|                                    | Plan execution              |
|                                    | Goal achieved               |
| Plan in place                      |                             |
| Goal in place                      |                             |
| Plan execution                     |                             |
| Goal achieved                      |                             |
| Regularity of savings              |                             |
| Automaticity of saving             |                             |
| Setting up a rainy day or emergency fund |                             |
| On-time bill payment               |                             |
| Fewer late fees                    |                             |
| Fewer late payments/Number of delinquent payments |                             |
| How person prioritizes if insufficient funds |                             |
| Increase in credit score or credit quality tier |                             |
| CFPB Financial Well-Being Scale    |                             |
| 10 item (standard) version          |                             |
| or 5 item (abbreviated) version    |                             |
Your Money, Your Goals: Resources

- **Toolkit**
- **Online resources**
- **Issue-focused tools**
  - Behind on bills?
  - Debt getting in your way?
- **Companion guides**
  - Native communities
  - Reentry
  - People with disabilities
Why Reentry?

- 70 to 100 million individuals with criminal records\(^1\)
  - Impact on access to employment, housing

- Financial challenges
  - Background screening reports and employment
  - Consumer and criminal justice debt

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\(^1\) Bureau of Justice Statistics, *Survey of State Criminal History Information Systems, 2014* at 2 (U.S. Department of Justice, 2015), available at [https://www.ncjrs.gov/pdffiles1/bjs/grants/249799.pdf](https://www.ncjrs.gov/pdffiles1/bjs/grants/249799.pdf) (stating “Forty-nine states, the District of Columbia, Guam, and Puerto Rico report the total number of persons in their criminal history files as 105,569,200, of which 100,024,400 are automated records.”) The report also acknowledges that this number of persons includes some individuals who may have criminal history files in more than one state. Recognizing that the 100 millions may overestimate the number, organizations have been using a 70-100 million estimate based on various methodologies. *See*, e.g., Michelle Natividad Rodriguez and Maurice Emsellem, “65 Million ‘Need Not Apply’: The Case For Reforming Criminal Background Checks For Employment” (New York: National Employment Law Project, 2011), available at [http://www.nelp.org/page/-/ SCLP/2011/65_Million_Need_Not_Apply.pdf?nocdn=1.](http://www.nelp.org/page/-/ SCLP/2011/65_Million_Need_Not_Apply.pdf?nocdn=1.)
Focus on Reentry

Purpose:

- To help frontline staff and volunteers working with justice-involved individuals address some of the specific financial challenges they may face.

Available at: consumerfinance.gov/your-money-your-goals
Helping frontline staff help people to...

- Have a conversation about money
- Identify financial challenges to successful transition
- Create goals and identify steps to achieve them
- Obtain documents related to identification to help ease the transition process
Helping frontline staff help people to...

- Identify and prioritize their debt, including criminal justice system debt
- Access and review credit reports
- Understand their rights regarding the criminal background screening process during the employment application process
Getting started

1. Have the money conversation
   - Reflect on values around money and current financial situation

2. Set specific goals and plan for them
   - Set SMART goals and define steps to achieve them

3. Get documentation of identity
   - Many financial activities require documentation of identity
Have the money conversation:
My money picture worksheet

- Help the individual assess their financial goals and challenges
- Identify which topics, in the Your Money, Your Goals toolkit or the Focus on Reentry to cover
- Focus the discussion on the individual’s values or financial situation
Set specific goals and plan for them:
Setting goals worksheet

- Help people set SMART goals
- Define the steps to achieve them
- These goals may be short term or longer term
Get documentation of identity: Documents and identification checklist

- Applying for a job or benefits, opening a bank account, and many other activities require identity documents

- Help the individual identify sources for identification documents and possible barriers to getting them
Getting free, annual credit reports

- **Online:** Get a free copy of your credit report at [AnnualCreditReport.com](https://AnnualCreditReport.com)

- **By mail:** Download and complete the [Annual Credit Report Request Form](https://AnnualCreditReport.com) and mail it to:
  Annual Credit Report Request Service
  P.O. Box 105281
  Atlanta, GA 30348-5281

- **By phone:** 877-322-8228

- **By mail from inside an institution:** Process for incarcerated individuals without internet
Credit report review checklist

- Help people review a credit report for information that:
  - does not belong to them
  - is incorrect
  - is outdated—should no longer be reported
Disputing errors in your credit report

- Help people step-by-step to get errors fixed

REENTRY TOOL
Disputing errors on your credit report

If you find an error on your credit report, it’s important to get it fixed. To dispute an error, follow these steps.

1. Review your credit report. Circle any mistakes.

2. Submit a dispute to the credit reporting company that provided the report with the error. You can dispute the error with each credit reporting agency either by submitting your dispute online or by sending it in the mail (which means you’ll have a record). You can use the CFPB’s letter template or find information for specific credit reporting companies here:
   - Equifax: equifax.com/cp/MailInDisclosureRequest.pdf
   - TransUnion: transunion.com/docs/personal/investigationRequest_Chester.pdf
   - Experian: experian.com/disputes/experian-mailing-address.html

3. In your letter to the company, explain the error. Include a copy of your credit report with the incorrect information circled. If you can, include copies (never send originals) of anything that proves there is an error. For example, if your report incorrectly shows that you are late on payments on an account, send copies of bills or cleared checks (money order stubs) that show you have paid them on time.

4. Send a letter to the business or individual that provided the incorrect information. The address may be found on your credit report. Include a copy of your credit report with the incorrect information circled. If you can, include copies (never send originals) of anything that proves there is an error.

5. If sending letters by mail, you may wish to use certified mail, return receipt requested if that is available to you. The post office will send a postcard telling you when your dispute letter was received.
Background screening report checklist

- Help people review background screening reports and dispute errors
Closer look handout: Obtaining your criminal records

- Background screening reports (and other types of consumer reports) may include criminal record information
- Help people check their criminal record for mistakes
Tracking your debt worksheet

- Help people list and prioritize debts

This tool will give you a clearer picture of your debt. Write down to whom you owe the debt, how much is owed in total, and how much you can afford to pay. Then check off the potential consequences of delaying payment.

<table>
<thead>
<tr>
<th>To whom do you owe the debt?</th>
<th>How much do you owe in total?</th>
<th>How much can you afford to pay?</th>
<th>What could happen if you do not pay off the debt?</th>
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</thead>
<tbody>
<tr>
<td>$</td>
<td>$</td>
<td>$</td>
<td>☐ Reincarceration</td>
</tr>
<tr>
<td>☐ Weekly</td>
<td>☐ Monthly</td>
<td>☐ Weekly</td>
<td>☐ Repossession (of something you own)</td>
</tr>
<tr>
<td>☐ Monthly</td>
<td></td>
<td>☐ Monthly</td>
<td>☐ Loss of driver’s license</td>
</tr>
<tr>
<td>☐ Monthly</td>
<td></td>
<td></td>
<td>☐ Loss of housing</td>
</tr>
<tr>
<td>☐ Monthly</td>
<td></td>
<td></td>
<td>☐ Garnishment (a portion of your paycheck or money in an account is taken to pay what you owe)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>☐ Loss of service (utilities cut off or loss of cell phone service)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>☐ Lawsuit or other collection effort from a creditor or debt collector</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>☐ Negative report to credit reporting company</td>
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<tr>
<td></td>
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<td></td>
<td>☐ Other _________</td>
</tr>
<tr>
<td>☐ Monthly</td>
<td></td>
<td></td>
<td>☐ Reincarceration</td>
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<td>☐ Monthly</td>
<td></td>
<td></td>
<td>☐ Other _________</td>
</tr>
</tbody>
</table>
Ways to help with your debt checklist

Use the following checklist to help you manage your debts, especially if you find that you cannot afford to pay all of them now. Review the list below and check off the strategies that you would like to try out.

- **Prioritize your debts**
  List your debts starting from those with the most serious consequences first. Use Reentry Tool: Tracking your debt and toolkit Module 6: Dealing with debt to prioritize your debts based on the consequences of not paying.

- **Negotiate a payment plan or a reduction of your debt**
  Contact the governmental organizations, courts, and businesses you owe money to. See if they are willing to set up a payment plan or reduce the amount you owe. Before beginning to negotiate, figure out what you can afford to pay each month. Don’t agree to a repayment plan that you cannot afford.

  If you owe money on a debt that is in collections, you may want to contact an attorney through a legal aid organization before contacting the creditor or debt collection company. See last box below for your rights in debt collection.

  Be sure you are not setting a debt without understanding the potential impact. If you settle a debt, any savings you get from paying less than the full amount owed may be considered income and taxable. If you make a small payment on an old debt, one that is past the statute of limitations, it may restart the clock for suing you on that debt.

- **Watch out for businesses that state they can eliminate your debts**
  Watch out for debt settlement or consolidation businesses that:
  - Charge any fees before they settle your debts.
  - Tell that there is a “new government program” to bail out personal credit card debt.
  - Guarantee to make your debt go away or that unsecured debts can be paid off for pennies on the dollar.
  - Tell you to stop communicating with the creditors.
  - Tell you they can stop all debt collection calls and lawsuits.

- **Visit a nonprofit Consumer Credit Counseling Service agency**
  They can often give you advice or create a Debt Management Plan (DMP) for you. They may also negotiate with your creditors on your behalf. There may be fees for these services. To find a Consumer Credit Counseling Service (CCCS) agency in your community, visit [nfcc.org/agency-locator](http://nfcc.org/agency-locator).

- **For court-related debts, explore payment plans, reductions, and waivers**
  Payment plans involve creating an installment plan of the amount owed where an individual will make regular payments on the debt. Reductions are a lessening of the amount owed. Waivers are a setting aside of the fee or fine.

  Court-ordered debt related to your involvement in the criminal justice system may affect the terms of your supervision/probation and failure to pay this debt may lead to reincarceration. If you do not know whether you owe fees, fines, or restitution, contact the court(s) and/or ask your lawyer or probation officer.

- **Know your rights in debt collection**
  A debt collector covered by the FCICPA cannot:
  - Call repeatedly with intent to abuse or harass you.
  - Use obscene language.
  - Threaten you to take actions they can’t or don’t really plan to take.
  - Publish your name for not paying a debt.
  - Lie to you about the debt.

  If debt collectors harass you, they may be breaking the law. It’s a good idea to keep a file of all letters or documents a debt collector sends you and anything you send to a debt collector. Record the dates and times of your conversations and take notes about what you discussed. These records can help you if you have a dispute with a debt collector, meet with a lawyer, or go to court.

  Need to submit a complaint? Visit [consumerfinance.gov/complaint](http://consumerfinance.gov/complaint) or call 855-411-CFPB(2372).

  Note: If debt collection efforts seek to recover criminal-justice debt, these protections may not apply.
Webpages at the website
consumerfinance.gov/your-money-your-goals
SCLS is a statewide law firm with 9 offices throughout the state serving all of South Carolina’s 46 counties and providing civil legal services to protect the rights and represent the interests of low income South Carolinians. In 2017, 15.3% of our population of 4,820,419 fell below the poverty line—735,960 in poverty.
Use Your Money Your Goals
To Integrate Financial Empowerment Into Your Civil Legal Aid Work

Cases Where YMYG Financial Toolkit Is Especially Useful

• Re-entry and barriers to employment
• Victims of Crime
• Domestic Violence
• Foreclosure Legal Assistance
• Elder Financial Abuse, Scams and Predatory Lending
• Debt Collection and Other Predatory Lending and Consumer Cases

Collaboration and Project Examples

• Free Medical Clinics
• Rural initiative
• Community Development Organizations
Financial Empowerment Outcomes

- Provided tools and information to improve financial literacy
- Obtained counsel and advice on financial ways to avoid legal problem in the future
- Provided tools and information to improve financial stability
- Client was educated using Your Money Your Goals toolkit and resources
- Served client’s need for financial empowerment by providing YMYG tool for solution to specific problem
- Provided client with financial well-being calculation tool
Using Eye Openers and The Financial Well-Being Calculator

• EYE OPENERS
  • Information on legal issues
  • Used as “hooks” in combination with YMYG Toolkit for specific audiences

• FINANCIAL WELL BEING CALCULATOR
  • Use for groups/outreach as a teaching tool and and/or a useful exercise
  • Use for individuals to start the money/finance conversation before you close their case
ADVANCING FINANCIAL OUTCOMES FOR CLIENTS WITH CRIMINAL RECORDS

EQUAL JUSTICE CONFERENCE 2018

PDS Community Defender Division
Prisoner & Reentry Legal Services Program
Chiquisha Robinson, Esq.

“Defending your liberty from the courtroom to the community.”
HOW DO WE CHANGE FINANCIAL OUTCOMES?

DIRECT LEGAL SERVICES

COMMUNITY ENGAGEMENT

LEGISLATIVE ADVOCACY
PRISONER & REENTRY LEGAL SERVICES PROGRAM

PRISONER ADVOCACY
• Conditions of Confinement
• Disciplinary Hearings
• Sentence Computation, Designation, & Classification
• Child Support Modification

REENTRY ADVOCACY
• Parole Release Hearings
• Early Termination of Supervision
• D.C. Criminal Record Sealing
• Disputing inaccurate D.C. Criminal Records
• Employment & Housing Denials
• Occupational License Denials
• Social Service Referrals

“Defending your liberty from the courtroom to the community.”
Fighting the Collateral Consequences of a criminal record through direct Legal representation and Advocacy

While in prison, transitioning out of prison, and in the community.
70-100 Million people have a criminal record.

2.2 Million people are currently incarcerated.

Many leaving prison will not only face barriers to housing, employment, education, and public assistance, but they will also be subject to fines, fees, and CHILD SUPPORT.

— Center for American Progress

"Defending your liberty from the courtroom to the community."
CHILD SUPPORT

• Of the 2.2 million people in prison
• 50% Are Parents
• 20% have a child support obligation
• Long considered “voluntary impoverishment”
• Changed with an Obama “midnight” regulation that went into effect in 2017

D.C. RULES

• 2005 Law: Notice at Sentencing of Child Support Modification
  • Modification at sentencing
  • Modification during incarceration
• Federal law prohibits retroactive filing after one is released from prison
• Arrears (back child support) cannot be changed or modified

“Defending your liberty from the courtroom to the community.”
RELEASE ON PAROLE

“Defending your liberty from the courtroom to the community.”
PAROLE HEARING PREPARATION

• Do you have financial support, resources, and income available upon release?

• How much money/assets do you currently have?

• Do you know how to apply for and receive social welfare benefits, such as housing assistance, food stamps, or disability benefits?

• Please list any financial obligations: loans, fines, warrants, court costs, child support, etc.

• Do you have a birth certificate, social security card, state ID, Driver’s License, or Citizenship/Nationalization documentation.

“Defending your liberty from the courtroom to the community.”
D.C. CRIMINAL RECORD SEALING

• FINANCIAL IMPACT
  • The consequences of having a conviction in one’s past extend well beyond the completion of the sentence; a conviction can stifle opportunities for employment, housing, public benefits, student loans, serving as a foster parent, and visiting relatives in jail, even decades after the offense. Many people who had been convicted report a heavy psychological weight that inhibits them from fully integrating into society.

• ACTUAL INNOCENCE
• NO-PAPERED CASES
• SOME MISDEMEANOR OFFENSES
• ONE FELONY OFFENSE
• YOUTH-ACT SENTENCES
• CLIENT STORY

“Defending your liberty from the courtroom to the community.”
DISPUTING INACCURATE CRIMINAL RECORDS

• **FINANCIAL IMPACT**
  - EMPLOYMENT
  - HOUSING
  - LOANS

• **FORMAL ADVOCACY**
  - COURTS
  - BACKGROUND COMPANIES
  - FBI

• **INFORMAL ADVOCACY**
  - LETTERS
  - PHONE CALLS
  - PERSUASIVE PACKAGES

• **CLIENT STORIES**
EMPLOYMENT & HOUSING DENIALS

• CLIENT STORY

“Defending your liberty from the courtroom to the community.”
OCCUPATIONAL LICENSE

• More than **1/4 of U.S. workers require a state license for their occupation**, with the sectors in health care, legal, and education requiring the most licensure.

• The American Bar Association National Inventory of Collateral Consequences of Conviction has documented an estimated **32,000 laws specific to occupational licensing** and business licenses that include provisions regarding the consideration of criminal records.

• More than **1/3 of occupational and business license laws include automatic exclusions**, such as blanket bans on applicants with any type of a felony conviction.

“Defending your liberty from the courtroom to the community.”
LEGISLATIVE ADVOCACY

PENDING CRIMINAL RECORD SEALING LEGISLATION
BAN-THE-BOX - EMPLOYMENT
BAN-THE-BOX - HOUSING

“Defending your liberty from the courtroom to the community.” 46
Contact us

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