Criminal Record

Clean Slate Mini-Grant

Process of Criminal Background Expungement

Clean Slate Team and Presenters
Janice Hardman & Chad Behl
What is the Clean Slate Mini-Grant?

▪ Assists individuals served by Peckham with removing the barrier of a criminal background

▪ Why?
  – Nearly 1/3 of working adult population has criminal record
  – 2012 survey found 86% of employers use criminal background checks to screen candidates
  – Studies found having criminal record reduces likelihood of job callback or offer by at least 50%

*Society for Human Resource Management*
What is Expungement? How does it work?

▪ Expungement (also called "expunction")
  – Court-ordered process
  – Legal record of arrest or a criminal conviction is "sealed"
  – Erased in the eyes of the law
  – When a conviction is expunged, the process may also be referred to as "setting aside a criminal conviction"
What is Expungement? How does it work?

- Once expungement is successfully completed:
  - Individual can legally and truthfully answer “No” to the question of “have you been convicted of a felony/misdemeanor?”
Barriers for those within our communities...

- Cost!
  - Per personalfinance.costhelper.com
  - Hiring an attorney to handle expungement starts around $400-$1,000 for single criminal charge can run $1,000-$4,000 or more depending on number and nature (misdemeanor or felony) of charges,..."
Barriers for those within our communities...

- **Knowledge**
  - Many don’t know about options or intimidated by process
  - “In analyzing criminal cases in Baltimore last year, Maryland lawyer and software programmer Matthew Stubenberg found 23,386 instances of people convicted of crimes that could have had their records expunged.”
  - *From pbs.org article “Here’s why many Americans don’t clear their criminal record”*
What the Clean Slate Mini-Grant offers

▪ Free services and full funding assistance for Peckham team members
▪ Assistance and background check verification for those within community (funding unavailable for those outside Peckham)
▪ Deaf and disabled resources
▪ Letters of explanation assistance
▪ Request for removal letters
▪ Wrongful conviction “record challenge” assistance
▪ Employment opportunities and resources
▪ Moral support within court rooms and at hearings
▪ *Example handouts in packets
STEP 1: Eligibility – Clean Slate

- As of January 12, 2015, Michigan enhanced eligibility guidelines allow more to be served and use expungement resources
- To be eligible record can not have more than one felony and two misdemeanors
- A case manager/career coach or walk-in’s (walk-in’s pay own fees) must complete eligibility referral form (A)
- An appointment is scheduled and information run through Criminal History Tool
- Free service provided to Peckham Team Members/Participants
- If found eligible, individual will move forward for fingerprinting
**F A Q: Eligibility – Clean Slate**

Types of offenses **NOT** eligible?
- Ineligible Offenses In Packet (A)
- Criminal Sexual Conduct (any or certain degrees?)
- Traffic Violations (including OWI, DWI)
- Multiple Domestic Violence
- Human Trafficking

Juvenile offense?
- A letter may be sent to judge with court documents

Federal Offense?
- Not possible in MOST cases. Go through [https://www.justice.gov/pardon](https://www.justice.gov/pardon)

Timeline for expungement eligibility?
- Not eligible if offenses occurred in last **FIVE** (5) years
- Based off of last contact with law enforcement (i.e. parole/probation)
STEP 2: Fingerprinting

Eligible individual have fingerprints processed, two options in Ingham County

- Lansing Police Department
- Michigan State Police

Fingerprinting fee $20.00

- ($10 each – one copy for court and one copy for the State Police)
- Fees **waived** if individual brings Clean Slate referral form (A)

- Fingerprinting fee’s vary depending on location
STEP 3: Certified Copy of Conviction (CCC) Clean Slate

Individual must go to county courthouse where conviction happened

- Request a Certified Copy of Conviction (CCC)
- This can also be referred to as a “Judgement of Sentence”

CCC has a $10 fee

- Individual is responsible for fees, they vary per county/court
STEP 4: Follow up with Clean Slate Team

- Once CCC obtained a follow up appointment must be scheduled with the staff member
- During appointment individuals complete all required paperwork for court submission (A)
- Following appointment
  - Money Order submitted for Michigan State Police processing fee $50.00 from the Clean Slate Mini-Grant
  - *Individuals within Peckham programming have no cost to them*
STEP 5: Submission of Court Documents

- Paperwork completed at follow up meeting must be submitted to court, there will be **FIVE (5) copies** total
  - The Court that processed the individual.
  - Prosecuting Attorney
  - State Police
  - State Attorney
  - The individual seeking expungement

- Individual may receive court date that day, or it will be mailed to address provided
STEP 6: Follow Through & Expectations

- Once court date established a Clean Slate Team Member may accompany individual, if requested

- **Strongly** encouraged that individual take a written letter for judge to further explain criminal record, request for expungement, and any other relevant information (assistance provided)

- Start to finish process can take up to six months (case-by-case basis)
Benefits of Criminal Expungement

▪ Can finally pass dreaded background check!
▪ Opens doors to new job opportunities, careers, personal growth, and greater income!
▪ Educational opportunities and training opportunities
▪ Relief and peace of mind, finally criminal convictions removed from your record and off your back
Additional Resources & Information

- (A) Fidelity Bonding
- (B) Work Opportunity Tax Credit (WOTC)
- “Ban the Box” Per crainsdetroit.com
  - “In all, 24 states and more than 150 cities and counties have adopted ban-the-box policies, according to the National Employment Law Project,... The city of Detroit has removed the box from its job applications and requires contractors to do the same, according to the employment law project.”
Additional Resources Continued...

- **Section 74-11 – Public Health Code**

- **Michiganlegalhelp.org**

- **Mitalent.org**

- **HYTA – Holmes Youthful Trainee Act**
  - HYTA is available to someone who commits a crime after his or her 17th birthday, but before the 21st.
Questions?
Clean Slate Contacts

Janice Hardman
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Capital Area Michigan Works!
517.492.5533
jhardman@camw.net

Chad Behl
Community Specialist & PATH Instructor, Peckham, Inc.
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Clean Slate Contacts

Janice Hardman  Chad Behl
Crew Coach, Peckham, Inc.  Community Specialist & PATH Instructor,
Capital Area Michigan Works!  Peckham, Inc.
517.492.5553  517.492.5524
ihardman@casmu.net  chbehl@casmu.net
Application Practice:

1. Have you ever been convicted of a felony or a misdemeanor? If yes, please explain.

Example answer:
Yes, I have been convicted of a felony. This took place over 10 years ago. I take full responsibility for my poor choices at that time. I have since taken several steps toward self improvement including:
   1. Completing my GED
   2. Participating in counseling
   3. Re-uniting with my family
   4. Volunteering

I’m confident in my abilities and decision making skills now, and I am excited about the possibility of working for your company.

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If an individual has a conviction on their record that is not theirs, they can get the conviction removed through the process of a “Record Challenge”.

To submit a “Record Challenge” individuals will need to:

- Submit a copy of their ICHAT (Internet Criminal History Accessing Tool)
- Submit copy of fingerprints
- Submit copy of I.D.

Send above documents to:

*CJIC*

*Attn: Record Challenge*

*P.O. Box 30634*

*Lansing, MI 48909*

Process will take 3-5 weeks.
To whom it may concern:

Over the past three years, I have grown as both a citizen and as a man. The things I value most are honesty, integrity, and directness. Therefore, upon conducting a background check, you will find that I have felony convictions for possession with intent to deliver. This incident occurred over three years ago and although I take full responsibility for these actions, I have changed drastically from the individual I was during that time.

From this experience I have grown and taken personal responsibility for my actions. With change being the utmost importance in my life, I changed my peers from negative to positive, I changed my address and my lifestyle. Now, instead of allowing my past to determine my future, I am determined to continually make positive changes in my life, others' lives and contribute to the betterment of community.

I am eager to pursue this or other opportunities with your company. I believe my experience will allow me to contribute to the successful day-to-day operations with your company. I very much recognize that prospective employers may not be so eager to take a chance on hiring somebody with a past like mine. I simply wish to point out that I have taken huge steps in moving forward with a successful, fulfilling and honest life. I very much would like the opportunity to continue on this path, and have many positive references – people who will generously attest to my accomplishments over the last three years. I am smart, hardworking, and would be a positive, valuable addition to your business.

If (insert employer) can look pasty my past, to the person I’ve become and afford me the opportunity to become a partner, I know that I will meet and or exceed all of your expectations of me.

I greatly appreciate your time and consideration.

Sincerely,

(Name)
Name
Address
Lansing, MI

Date

Honorable Judge (name)
54-A District Court
124 W. Michigan Ave. #54A
Lansing, MI, 48933

RE: Request for Conviction Expungement

Dear Honorable Judge (name):

This letter is a request to have a conviction removed from my record. I currently have three misdemeanors, which have been greatly limiting me from employment opportunities. During the time of the incident I am trying to remove in 2009, I had recently found out that my ex-husband (husband at the time) was cheating and I made a poor decision in the heat of the moment. This did not involve damage to any property or bodily injury and it is something that I have paid for dearly. The incident is stated as a Misdemeanor – Telecommunication Service – Malicious Use, and if I can get this set aside, I would be eligible for expungement of the convictions from over 20 years ago. Since the incident, I have bettered myself in numerous ways. I have been able to find odd and end jobs but am trying to better myself through training and programming offered through Capital Area Michigan Works! And have been informed that this could limit my progress. I have been a positive, productive member of society and am asking with sincerity, for your assistance with this matter.

I successfully completed probation and paid all my fines. I do not use any drugs, have not been in any trouble at all, and continue to better myself and continue to be a positive role model for my two children. I regularly volunteer at my child’s school, at a local basketball organization, and am an active member of my church.

I have learned from my poor decisions and do not want to have this negativity continue in my life. I am truly trying to better myself in any way I can. I ask that you please consider this when deciding my outcome. I want nothing more than to be a helpful, useful member to society and to continue to be a great mother to my children.

Thank you for your kind consideration in this matter, it is greatly appreciated.

Sincerely,

Name
Peckham Clean Slate Referral Form

Date of Referral: ____________________ VSS/CC: ____________________ WALK-IN

Please attach a copy of the ICHAT

Program:  □ AW  □ DW  □ PATH  □ Youth  □ Other: __________

Participant Name: ____________________________________________

Address: ____________________________________________________

City: __________________________ State: ______  Zip Code: _______

Phone: _______________ D.O.B ________ Race: __________

1. Do you have a criminal conviction from a federal court? □ Yes □ No

2. Do you have a criminal conviction in another State? □ Yes □ No

3. Do you have another adult criminal conviction in Michigan, excluding those for which judgment was deferred and excluding up to two minor offenses as defined in MCL 780.621(10)(b)?

4. Were you convicted of felony criminal sexual conduct (first, second, or third degree), or assault with intent to commit criminal sexual conduct?

5. Is the conviction you want to have set aside a misdemeanor or felony traffic offense? A traffic offense is a violation of the Michigan Vehicle Code or local ordinance substantially corresponding to that act that involves the operation of a vehicle.

6. Has it been less than five years since the date of your conviction, or if you were imprisoned, has it been less than five years since you were released, including probation/parole?

If all the above questions are checked no, you may be eligible to have your conviction set aside/adjudicated. If any box is checked yes, you are not eligible to have your Michigan criminal conviction set aside.

Clean Slate Staff Use Only:

□ Eligible  □ Not Eligible, Reason: __________________________________________

Signature: _______________________________  Date: ____________________

[Peckham logo]
Convictions for the following offenses cannot be set aside:

- A violation, or an attempted violation, of engaging in child sexually abusive activity or producing, distributing, or possessing child sexually abusive material, MCL 750.145c
- A violation, or an attempted violation, of using a computer to solicit a minor, MCL 750.145d
- A violation, or an attempted violation, of first degree Criminal Sexual Conduct (CSC), second degree CSC, or third degree CSC, MCL 750.520b, 750.520c, or 750.520d
- A violation, or an attempted violation, of an assault with the intent to commit CSC involving penetration, MCL 750.520g
- A violation, or an attempted violation, of first or second degree child abuse, MCL 750.136(b)(2) or 750.136(b)(3)
- A violation, or an attempted violation, of child abuse in the presence of another child, MCL 750.136d(1)(b) or 750.136d(1)(c)
- A traffic offense, including Operating While Intoxicated
- A felony conviction for domestic violence when you have a previous misdemeanor conviction for domestic violence
- A violation of human trafficking, MCL 750.462A to 750.462J and 750.543A to 750.543Z
- Any felony offense that is punishable by life in prison (even if your actual sentence was shorter)
- A conviction for fourth degree CSC, MCL 750.520e, on or after 01/12/15 cannot be set aside. (Any fourth degree CSC convictions prior to 01/12/15 can be set aside so long as you have no other convictions, other than up to two minor offenses.)

*Further information can be found at:
http://michiganlegalhelp.org*
Date______________________________

Chad Behl/ Janice Hardman  
Capital Area Michigan Works!-Peckham  
2110 S. Cedar  
Lansing, Michigan 48910  
517-492-5533-Janice  
517-492-5524-Chad

To Whom It May Concern:

_____________________________________________________________________________________

Is participating in the Clean Slate Grant which is a part of Peckham, Inc. Please allow the above named person to retain their fingerprints free of charge due to the fact that they are in the process of a conviction set aside. Thank you in advance.

Sincerely,

_____________________________________________________________________________________

THE PEOPLE OF

[Blank]

V

The State of Michigan

[Defendant's name, address, and telephone no.]

[CTN/TCN] [SID] [DOB]

[Date of Offense] [Charge]

Instructions: An order may not be entered until receipt of the report of the Michigan State Police. Copies of the order must be sent to the Michigan State Police and the prosecuting official. See other side for a list of offenses in MCL 780.621(3) that may not be set aside.

This order should not be used with applications to set aside a conviction under MCL 780.621(4), involving victims of human trafficking.

1. An application to set aside ______________ was filed on ______________.

THE COURT FINDS:

☐ 2. The Michigan State Police has reported the required information from its records to the court.

☐ 3. The applicant has not been convicted of more than one felony and two misdemeanors as defined in MCL 780.621.

☐ 4. The conviction is not for an offense listed in MCL 780.621(3) as a conviction that may not be set aside.

☐ 5. It has been at least five years since the sentence was imposed or since the defendant was discharged from imprisonment, probation, or parole for the conviction, whichever is later.

☐ 6. An opportunity has been given to the Attorney General and prosecuting official to contest the application.

☐ 7. Circumstances and behavior of the applicant justify setting aside the conviction, and it is consistent with the public welfare.

IT IS ORDERED: (If any item from 2 through 7 is not checked, then item 8 must be checked.)

☐ 8. The application is denied. Applicant may file another application to have the conviction set aside

☐ three years after the date of this order. OR

☐ earlier than three years after the date of this order, but no sooner than ______________.

☐ 9. The conviction listed in item 1 in this case is set aside. Under MCL 780.623 the court clerk, the arresting agency, and the Michigan State Police shall maintain a nonpublic record of the order setting aside conviction and of the arrest, fingerprints, conviction, and sentence in this case. If the conviction is for a nontraffic offense that was reportable to the Secretary of State in accordance with MCL 257.732(22), the driving record shall not be expunged.

[Date] [Judge] [Bar no.]

NOTE TO APPLICANT: Under MCL 780.622, if this order sets aside a conviction for a listed offense as defined in MCL 28.722 of the Sex Offenders Registration Act, you are still considered to have been convicted of that offense and you must comply with the registration and reporting requirements of the act.

Under MCL 769.16a the clerk of the court shall advise the Michigan State Police Criminal Justice Information Center of the disposition.

MC 228 (10/15) ORDER ON APPLICATION TO SET ASIDE CONVICTION

MCL 780.621, MCL 780.623
Convictions that May Not Be Set Aside:

MCL 780.621(3) prohibits the court from setting aside certain convictions as follows:

(a) A felony for which the maximum punishment is life imprisonment or an attempt to commit a felony for which the maximum punishment is life imprisonment.

(b) A violation or attempted violation of section 136b(3), 136d(1)(b) or (c), 145c, 145d, 520c, 520d, or 520g of the Michigan penal code, 1931 PA 328, MCL 750.136b, 750.136d, 750.145c, 750.145d, 750.520c, 750.520d, and 750.520g.

(c) A violation or attempted violation of section 520e of the Michigan penal code, 1931 PA 328, MCL 750.520e, if the conviction occurred after the effective date of the amending act that added this subdivision.

(d) A traffic offense, including, but not limited to, a conviction for operating while intoxicated.

(e) A felony conviction for domestic violence, if the person has a previous misdemeanor conviction for domestic violence.

(f) A violation of chapter LXVIIA or chapter LXXXIII-A of the Michigan penal code, 1938 PA 321, MCL 750.462a to 750.462j and 750.543a to 750.543z.
STATE OF MICHIGAN
JUDICIAL CIRCUIT
JUDICIAL DISTRICT

APPLICATION TO SET ASIDE CONVICTION

Case No.

Date

Defendant's name, address, and telephone no.

Offense

A certified copy of the conviction is attached.

I request that the court issue an order to set aside the above conviction as provided by law. I consent to use of the nonpublic record created by MCL 780.823 to the extent authorized by MCL 780.823.

No other application has been filed to set aside this conviction. OR

An application was previously filed to set aside this conviction on Date.

The application was disposed of as follows:

No other application has been filed to set aside another conviction. OR

An application was previously filed in this court the Court to set aside a conviction for , in addition to the conviction in item 1. The application was disposed of as follows:

At least five years have passed since sentence was imposed or discharge from imprisonment, probation, or parole for this conviction, whichever is later.

I have not had any convictions deferred and dismissed. I have had the following conviction(s) deferred and dismissed:

There are no other criminal charges pending against me. There are criminal charges pending against me in the Court, case number:

I have not been convicted of more than one felony and two misdemeanors as defined in MCL 780.621.

Applicant Signature

Subscribed and sworn to before me on , . County, Michigan.

My commission expires: Date Signature: Deputy clerk/notary public

Notary public, State of Michigan, County of

MCL 780.821, MCL 780.822, MCL 780.772a, MCL 780.827a
APPLICATION TO
SET ASIDE CONVICTION

CASE NO: ________________________

NOTICE OF HEARING

TO: Michigan Attorney General and _____________________________

Prosecuting official

A hearing will be held on the above application to set aside conviction on ___________________________ at ___________________________

Date Time

at ___________________________ before ___________________________

Location Judge Bar no.

PROOF OF SERVICE

I certify that copies of this application, certified record of conviction, and notice of hearing were served on the

☐ prosecuting official on ___________________________ by first-class mail addressed to the last-known address.

☐ Attorney General on ___________________________ by first-class mail addressed to the last-known address.

I certify that copies of this application, certified record of conviction, and the fingerprint card, accompanied by the required fee, were served on the Michigan State Police on ___________________________ by first-class mail addressed to the last-known address.

Date

Date Applicant/Attorney's signature

INSTRUCTIONS:

1. Determine whether you are eligible to apply to have your conviction set aside according to MCL 780.621. You must complete a separate application for each conviction if you are applying to have more than one conviction set aside.

2. Find out the exact date of conviction and the charge from the court. Get a certified copy of the conviction.

3. Swear to the truth of the statements in this application and then sign it in the presence of the court clerk or a notary public.

4. Make four copies of all attachments and this application. Take all copies to the court clerk.

5. Depending on local practice, the clerk of the court may set a hearing date at the time of filing. If a hearing date is set at the time of filing, the clerk of the court will complete the Notice of Hearing.

6. Go to the local law enforcement agency for a fingerprint card and get fingerprinted on the applicant card (R 1-8). There may be a fee for fingerprinting. Fill out the card completely.

7. Make out a money order or check to the State of Michigan for the application. The application fee is $50.00. This fee is sent with the application packet to the Michigan State Police for processing.

8. Mail a copy of the application packet, application fee, and the fingerprint card to the Michigan State Police, Criminal Justice Information Center - Criminal History, PO Box 30266, Lansing, Michigan 48909.

9. Mail a copy of the application packet to the Attorney General of the State of Michigan by first-class mail to Office of the Attorney General, Criminal Appellate Division, PO Box 30217, Lansing, Michigan 48909.

10. Mail a copy of the application packet to the correct prosecuting official where the conviction occurred (county, city, or township) by first-class mail. See www.michiganprosecutor.org/about-us-manual/prosecutor-directory for the addresses of county prosecutors.

11. On both copies of the application, fill in the Proof of Service on the back of the form. After you fill out and sign the Proof of Service, mail or take one of the remaining application packets with the completed Proof of Service to the court. Keep the other copy of the application packet for your records.

For additional instructions, visit michiganlegalhelp.org.
FIDELITY BONDING PROGRAM

The Fidelity Bonding Program (FBP) of Michigan gives employers the peace of mind to safely provide job opportunities to all individuals, with limited risk. A fidelity bond is a business insurance policy of the Travelers Casualty and Surety Company of America that insures an employer against employee theft, forgery, larceny, and embezzlement.

Fidelity bonding provides an incentive for employers to hire job seekers who are qualified, but who are considered high risk because of a factor in their personal background. The Fidelity Bonding Program allows employers to obtain workers without taking a risk and allows high-risk job seekers to find work. The Fidelity Bonding Program minimizes the risk in employment and reduces the financial or employment faced by job seekers.

FEATURES OF THE FIDELITY BONDING PROGRAM
- Free bonding for the first six months of employment
- Bonds available in the amounts of $5,000-$25,000
- No deductible
- Easy application process
- Extended coverage available directly from the Travelers Casualty and Surety Company of America

WHO IS BONDABLE?
Those who cannot be commercially bonded:
- People with poor credit records including bankruptcies
- Economically disadvantaged youth and adults who lack a work history
- Welfare assistance recipients
- Recovering Substance abusers
- Ex-offenders
- Dishonorably discharged from military service
- Youth in apprenticeships

HOW TO OBTAIN A FIDELITY BOND
- The employer must offer 30 hours or more per week full-time employment for six consecutive months with the stipulation that the high-risk job seeker needs to be bonded.
- The employer must automatically deduct federal taxes from the job seeker’s wages.
- The high-risk job seeker must be at least the legal age of 18 years old.
- The employer must type a “Letter of Employment” on its letterhead that includes the following:
  1. The name, address, city, state, and zip code of the job seeker
  2. The date that employment was offered
  3. Job title, rate of pay, and conditions of work, i.e., job duties/responsibilities
  4. The statement must appear verbatim, i.e., word-for-word “employment is conditional upon the worker receiving a fidelity bond.”
  5. The amount of bonding needed must be stated: $5,000; $10,000; $15,000; $20,000; or $25,000
  6. Justification of why more bonding is needed if over $5,000
  7. Must state that employment is full-time (30 or more hours every week for at least six consecutive months; no independent contracting or self-employment)
  8. The starting date the job will begin
  9. The original signature of the person who has the authority to hire the job seeker. Type beneath the signature is the name and position of the hiring authority.

FIDELITY BONDING PROCESS
The job seeker will visit the local Michigan Works! Agency after obtaining a job offer from an employer. The Michigan Works! Bonding Coordinator will meet with job seeker and give them a checklist that needs to be completed by the employer ("Letter of Employment.") The Michigan Works! Agency Fidelity Bonding Coordinator will begin bonding process as soon as the "Letter of Employment" is received from the employer.

WHAT IS NOT COVERED?
The Fidelity Bonding Program:
- Is not a bail bond or court bond for the legal system.
- Is not a contract bond, performance bond, or license bond for the self-employed.
- Is not a business bond to start a business or enterprise.
- Does not cover liability due to poor workmanship, job injuries, or accidents.
- Does not cover self-employed people, independent contractors, or entrepreneurs.

ADDITIONAL RESOURCES
The Michigan Department of Talent and Economic Development (MTED) is a State of Michigan website developed to connect job seekers with employers. You can search for jobs, post your résumé, and learn about upcoming career events and job fairs at www.migoflight.com.

The Michigan Talent Investment Agency (TIA) is a federal credit available to private for-profit employers who hire from specific targeted groups of people who have in the past, experienced difficulty in securing employment, including a maximum credit of $2,400 for employing individuals who may qualify are: TANF recipients, disabled veterans, unemployed veterans, Food Stamp recipients, vocational rehabilitation work plan participants or ticket-to-work holders, SSI recipients, ex-felons convicted or released within one year of hire or designated community resident who is 18 39 years old. Eligible new hires cannot have a prior work history, cannot be a relative, and must be a U.S. citizen or permanent resident. Note: Applications must be postmarked within 28 days after the new hire start date. Program forms and more information is available online at www.migtia.org or by phone at 800-482-2959 or 313-456-2105. More information is available at www.migtia.org/fidelity-bonding-program or call 517-335-4316.

TIA is an equal opportunity employer/program. Auxiliary aids, services, and other reasonable accommodations are available upon request to individuals with disabilities. Printed with federal dollars. Updated: 7/27/2017
Who Doesn't Qualify

No tax credit can be claimed for wages paid to relatives.

No tax credit can be claimed for rehires.

No tax credit can be claimed for federally subsidized on-the-job training; however, the time accumulated while on-the-job training may be used for the employment period. Wages paid after the subsidy expires can be used to claim the tax credit.

WHERE TO GET MORE INFORMATION

To learn more about the WOTC program, you can call the WOTC Unit at 800-482-2959 or 313-486-2105 or visit our website: www.michigan.gov/uia.

For direct to Work information, call 1-866-985-7842 or visit www.yourtickettowork.com.

The WOTC Tax Credit’s Employer-Friendly Benefits

The Work Opportunity Tax Credit reduces an employer’s cost of doing business and requires little paperwork. The success and growth of this federal income tax credit for private sector employers depends on a strong public and private sector partnership. Helping those most in need find and retain jobs and gain on-the-job experience benefits all employers and increases America’s economic growth and productivity.

For information on hiring individuals who are members of the 9 target groups mentioned, contact the Michigan Works Agency at 1-800-285-6675 for an office location near your business, or visit their website at michiganworks.com.

Unemployment Insurance Agency
WOTC Unit
P.O. Box 8067
Royal Oak, MI 48068-8067
1-800-482-2959
1-313-486-2105
www.michigan.gov/uia
E-Mail Address: WOTCUnit@michigan.gov

Attention Employers!

9 Opportunities...
for Employers to Earn
Federal Income Tax Credits

WORK OPPORTUNITY TAX CREDIT

Employer-Friendly Benefits
for Hiring Job Seekers Most in Need of Employment

How to Earn Tax Credits for New Hires

How to Apply for the Tax Savings

Where to Get More Information

Michigan Talent Investment Agency
Unemployment Insurance Agency
April 2015
Earn the Work Opportunity Tax Credit

Employers make the hiring decision

No limit to the number of new hires who can qualify their employer for these tax savings

Minimal paperwork to claim the tax credits

Not only must the new hire be a member of a Work Opportunity Target Group, but the employer must also offer the new hire the first job in the first year of employment. In addition, the employer must offer the new hire a job at least 120 hours to claim a 25% credit and at least 400 hours to claim a 40% credit.

For most target groups, the credit is limited to the first $6,000 in gross wages paid to the employee in the first year of employment. However, the maximum gross wages paid in the first year of employment for the disabled or unemployed veteran are $12,000, for the long-term TANF recipient, $6,000. In addition, for hiring a long-term TANF recipient and working the required hours into a second year, the employer can claim a 50% credit on the first $6,000 in gross wages paid in the second year of employment. Therefore, for hiring one long-term TANF recipient, the employer could receive a $2,000 credit.

Qualified tax-exempt organizations are now eligible to claim the WOTC if their new hire meets the criteria for the WOTC. The WOTC can be claimed by the employer of up to $8,240.

Hire From Among These 9 Target Groups of Job Seekers to Qualify for the WOTC Credit

1. Qualified Veterans: To be a qualified veteran, the applicant must have served on active duty for more than 180 days or have a service-connected disability, and active duty of more than 90 days that did not end within 60 days of hire. In addition, the qualified veteran must meet the criteria set forth in (a), (b), (c), (d), or (e) below.

   (a) Veteran on Food Assistance: must have received or be a member of a family that received food assistance, for at least 36 consecutive months during the 36-month period ending on the hire date, OR

   (b) Disabled Veteran: must be entitled to compensation for a service-connected disability and be hired not more than 1 year after discharge or release from active duty in the Armed Forces, OR

   (c) Disabled and Unemployed Veteran: must be entitled to compensation for a service-connected disability and has received unemployment compensation for aggregate periods totaling at least 6 months during the 12 months prior to hire, OR

   (d) Unemployed Veteran: must have received aggregate periods of unemployment compensation totaling at least 4 weeks, but less than 6 months during the 12 months prior to hire, OR

   (e) Unemployed Veteran: must have received aggregate periods of unemployment compensation totaling 6 months or more in the 12 months prior to hire.

2. Long-term TANF Recipients: must be on a family grant for Temporary Assistance for Needy Families (TANF). They must also have:

   Received TANF payments for any 18 months beginning after August 5, 1996 and the earliest 12-month period ending within the last 2 years of ...

   Stopped being eligible for TANF payments within the last 2 years because a Federal or state law limited the maximum time that payments could be made.

   3. Short-term TANF Recipients: must be on TANF for any 9 months within the last 18 months before hire.

   4. Food Assistance Recipients: must be ages 18 to 21 on or before hire and live in the Rural Development Office in Gratiot, Montcalm and Osceola人事, or the Designated Community Zone.

   5. Designated Community Residents: must be ages 18 to 21 on or before hire and live in the Rural Development Office in Gratiot, Montcalm and Osceola人事, or the Designated Community Zone.

   6. Vocational Rehabilitation Referral: must currently be on or complete within 3 years of hire, a work plan through Michigan Rehabilitation Services, Commission for the Blind, the Veteran’s Administration, or by an Employment Network approved by the Ticket to Work Program.

   7. Ex-felons: must either be employed or released from prison within 2 years of hire.

   8. SSI Recipients: must have received Supplemental Security Income benefits for any month ending 60 days before hire.

   9. Qualified Long-term Unemployment Recipient: any individual who is certified by the designated local agency as being in a period of unemployment which is not less than 27 consecutive weeks, and resides in a period in which the individual was receiving unemployment compensation under State or Federal law.

Applying for the WOTC Certification Takes 3 Simple Steps

Employers must apply for and receive certification from the Unemployment Insurance Agency, that their new hire is a member of one of the 9 target groups listed. Once verified, and the minimum required hours of work are met, the employer can claim the tax credit on their federal tax return – use IRS Form 5884, Work Opportunity Credit.

STEP 1: IRS Form 5884, "Pre-Screening Notice & Certification Request for the Work Opportunity Credit" can be used to pre-screen potential employees.

STEP 2: ETA Form 9061, "Individual Characteristics Form," must be completed and signed by the new hire whenever possible. However, the employer may complete and sign this form in place of the new hire.

STEP 3: Mail the original signed forms to UM's WOTC Unit no later than 30 calendar days after the new hire's start date.

Note: You should keep a copy of these forms with your IRS records. It is suggested that the forms be mailed by certified mail.

Mail forms to:

<table>
<thead>
<tr>
<th>Unemployment Insurance Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>WOTC Unit</td>
</tr>
<tr>
<td>P.O. Box 2007</td>
</tr>
<tr>
<td>Royal Oak, MI 48068-2007</td>
</tr>
</tbody>
</table>

You may also apply online through your MiWAM account at miwam.gov/uis.
Work Opportunity Tax Credit

The Work Opportunity Tax Credit is a federal credit available to private-for-profit employers who hire from specific targeted groups of people that have in the past experienced difficulty in securing employment in the past. For the first year of employment, WOTC allows maximum credits of $4,800 to $9,600 for disabled veterans, $4,000 for long-term recipients of Temporary Assistance to Needy Families (TANF), and $2,400 for all other target groups. There is an additional $5,000 credit for long-term TANF recipients who are employed for a second year. The maximum credit amounts for tax-exempt organizations can vary from $1,560 to $6,240. The credit, or any unused portion of the credit, can be carried back one year or forward 20 years from the year in which the employer claims the credit.

The VOW to Hire Heroes Act of 2011 changed the Work Opportunity Tax Credit (WOTC) program by adding two new categories to the existing qualified veteran targeted group. In addition to the employers that can currently benefit from the WOTC, certain tax-exempt employers can also apply for the credit if they hire a qualified veteran. The Act allows employers to claim the WOTC for veterans certified as qualified veterans and who begin work after November 21, 2011 and before January 1, 2015.

The American Tax Payer Relief Act of 2012 retroactively reauthorized the WOTC program from January 1, 2012 through December 31, 2014. In anticipation of possible retroactive reauthorization in 2015, employers should continue to submit WOTC applications for all target groups in a timely manner.

Eligible new hires cannot have any prior work history with the employer, cannot be a relative of the employer and must be a U.S. citizen or permanent resident.

WORK OPPORTUNITY TARGET GROUPS

- Short-term family TANF recipients
- Long-term family TANF recipients
- Veterans receiving Food Stamps
- Disabled veterans where the disability is service connected**
- Unemployed veterans**
- Food Stamp recipients, ages 18 to 39
- Vocational rehabilitation work plan participants or ticket-to-work holders
- SSI recipients (Supplemental Security Income)
- Ex-felons convicted or released within one year of hire
- Designated Community* residents, ages 18 to 39

*Michigan’s “designated communities” include the Rural Renewal Counties (RRC) of Gogebic, Marquette, Ontonagon and Detroit’s Empowerment Zone.

**Requirements** The disabled veteran discharged from service within one year prior to hire date or the unemployed disabled veteran w/aggregate periods of unemployment totaling six months or more in the 12 months prior to hire.

**The unemployed veterans w/ aggregate periods of at least four weeks but less than six months of unemployment compensation in the 12 months prior to hire or the unemployed veteran with aggregate periods of unemployment compensation totaling six months or more in the 12 months prior to hire.

Detailed target group information is available on www.michigan.gov/ula.
Not only must the new hire be a member of a WOTC target group, but the employer must also employ the new hire at least 120 hours to qualify for a 25 percent credit and at least 400 hours to qualify for a 40 percent credit in the first year of employment.

- For most target groups, the credit is for the first $6,000 in gross wages paid to the employee in the first year of employment. However, maximum gross wages paid in the first year of employment for the disabled veteran are $24,000 and $10,000 for the long-term TANF recipient.

- In addition, for hiring a long-term TANF recipient and working that employee into a second year, the employer can take a 50 percent credit on the first $10,000 in gross wages paid in the second year of employment. This is a potential $9,000 credit for hiring one long-term TANF recipient.

APPLICATION PROCEDURE

When applying for the credit, the employer must submit to the UIA two forms for each newly hired employee who may qualify as a target group member. Forms are available on the UIA’s website at www.michigan.gov/uia or by calling the agency’s WOTC Unit toll free at 1-800-482-2959.

1. **IRS Form 8850, “Pre-Screening Notice and Certification Request for the Work Opportunity Credit.”** — Employers use this non-discriminatory form at the time of hire to “pre-screen” applicants for potential target group membership. The signed original 8850 must be postmarked by the U.S. Postal Service no later than 28 days from the employee’s start date. If the 28th day falls on a Saturday, Sunday or federal holiday, UIA will accept the form on the next business day. Applications not fully completed and/or submitted late will be denied.

2. **ETA Form 9061, “Individual Characteristics Form”** – The employer completes this form after deciding to hire the job seeker. The form must be fully completed and signed by the person completing the form (see reverse side of form for who may sign). There is no time limit for submitting ETA Form 9061. Therefore, it may be mailed or faxed separately from IRS Form 8850. However, applications will be processed faster when both forms are mailed together.

3. **Obtaining documentation.** Employers may need to submit documentation to prove that the new hire is a target group member. Requirements for specific target group documentation may be obtained through the UIA website at www.michigan.gov/uia or by calling the WOTC Unit toll free at 1-800-482-2959.

**SPECIAL NOTE:** Application processing is faster when UIA receives a timely and correctly completed package that includes IRS Form 8850, ETA Form 9061 and documentation supporting the employee’s target group membership.

For expedited processing of your WOTC application, reduced paperwork and mailing, applications may be submitted online through the Michigan Web Account Manager (MiWAM) at michigan.gov/uia. For step by step instructions on how to apply for WOTC using MiWAM, download the MiWAM Toolkit for WOTC at michigan.gov/uia.
OTHER MAJOR PROGRAM FACTS

- Always list the employer's name and address on any correspondence.
- Employers using employer representatives to process their tax requests, may not have their certifications mailed to the employer representative until either a notarized original or notarized copy of the Power-of-Attorney is on file with UIA’s WOTC Unit.
- Upon receipt of the certification notice, the employer is responsible for employing the worker the required number of hours as specified for the target group listed on the notice. IRS Form 5884, Work Opportunity Credit, is filed with your federal tax returns. It is available through visiting the IRS website at www.irs.gov or by calling IRS toll-free at 1-800-829-1040.

NOTE: Photocopies of forms are acceptable. Fax transmissions of IRS Form 8850 cannot be accepted. Michigan can now accept WOTC applications electronically. Visit the web site indicated below and download the MIWAM Toolkit for WOTC.

Mail forms and documentation to:
Unemployment Insurance Agency
    WOTC Unit
    P.O. Box 8067
    Royal Oak, MI 48068-8067

Questions?
Call the WOTC Unit toll free at (800) 482-2959 or (313) 456-2105 or visit the UIA website (www.michigan.gov/ui).

TIA is an equal opportunity employer/program.