

# Essentials of Life

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

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## A Word from the Executive Director

By Karen Murtagh, Executive Director



*Karen Murtagh,  
Executive Director*

Anytime I think about February, Valentine's Day immediately comes to mind. It is a day that is meant to bring a smile to everyone's face, but for many people, it is a sad and lonely day, one that highlights the heartbreak of being separated from loved ones or feelings of being unloved or unloveable. Thus, many people cannot wait for the day to pass. Which begs the question, why do we celebrate Valentine's Day?

Valentine's Day is named after a patron saint, but because the Catholic Church recognizes at least three different saints named Valentine or Valentinus, history is a bit unclear as to which one is related to Valentine's Day.

One legend is that a priest named Valentine performed secret marriages for young lovers after a Roman Emperor, Claudius II, outlawed marriage for young men. Upon discovery of

Valentine's actions, Claudius ordered him to death.

Another suggests that Valentine may have been killed for attempting to help Christians escape harsh Roman prisons, where they were often beaten and tortured. Yet another legend claims that Valentine was imprisoned when he fell in love with a young lady, possibly the jailer's daughter, and sent her a letter signed "From Your Valentine," before being executed.

Although we may never know which legend is true, the message in each story is that human beings are uniquely endowed with the ability to rely on their hearts, spirits and sense of justice to transcend their circumstances. It is in that spirit that I would like to wish all of our readers a very, very Happy Valentine's Day!

## Your Rights Under the Adoption and Safe Families Act (ASFA)

By Jennifer Cunha, Pro Bono Attorney

Many incarcerated mothers have a hard time staying in contact with their children. To make matters worse, the foster care system requires you to stay in touch with your child, his or her caretaker(s) and caseworkers if you want to keep your parental rights.

Under the 2010 Adoption and Safe Families Act (ASFA), parents of children in foster care should be able to get more information about their child's situation. Importantly, the ASFA also gives a parent more time to show the foster care agency that she plays a "meaningful role" in her child's life.

The information below summarizes your rights under the ASFA. We adapted it from informational handouts produced by the Women in Prison Project. You can request a copy of these handouts by writing to Women in Prison Project, Correctional Association of New York, 2090 Adam Clayton Powell Boulevard, Suite 200, New York, NY 10027.

You have the right to:

- Be informed of -
  - ◇ Why your child is in foster care.
  - ◇ The name and contact information for your child's caseworker and his/her supervisor.
  - ◇ Timely updates if your child's caseworker changes.
  - ◇ Updates about your child's health, development and progress in school.
  - ◇ What you have to do to reunify with your child.
  - ◇ Your child's family service plan, including the foster care agency's permanency goal for your child (e.g. to return to you, to be adopted).
- Be heard regarding -
  - ◇ Who you want your child to live with or be the child's foster care parents.
  - ◇ Participation in creating and reviewing the agency permanency goals and service.
  - ◇ Access to a Family Court attorney.

- ◇ Notification of upcoming Family Court dates and to be present for your Family Court dates.
- Advocate for yourself -
  - ◇ About your legal rights and responsibilities.
  - ◇ About what services your facility has that can help you meet your service plan.
  - ◇ To receive services that will help you care for your child on the outside (e.g. parenting classes).
  - ◇ For visitation - at least monthly. Visits may be in-person or by video-conference, depending on the facility.
  - ◇ About visitation and other services to help you stay in touch with your child.

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## Legal Eagle: Recap of 2013 Domestic Violence Laws

By Samantha Howell, Esq., Pro Bono & Outreach Coordinator

As noted in our last issue, we want to provide helpful information to incarcerated women, particularly about the laws that affect them while incarcerated and once released. To this end, we are providing a summary of domestic violence-related laws that became effective in 2013.

The first bill restricts the visitation and custody options for persons convicted of certain sex offenses. In cases of rape first/second degree, course of sexual conduct against a child first degree, predatory sexual assault and predatory sexual assault against a child, where a child is conceived as a result of these offenses, the law presumes that granting custody to, or visitation with, the offender is not in the child's best interest. The law also prohibits the offender from being notified about certain proceedings involving the child (e.g. foster care or adoption proceedings). This law became effective on September 27, 2013.

The second bill allows local and state corrections officers, and parole officers, access to the statewide order of protection registry. This will allow officers to determine whether an inmate or parolee is subject to a protective order and what conditions apply. This law became effective on October 27, 2013.

The third bill adds the crimes of identity theft, larceny and coercion to the list of family offenses in the Family Court Act and criminal procedure law. The law also allows for the return of specified identification documents - like passports, immigration papers, social security cards, benefits or insurance cards, etc. - to be specified as a condition of an order of protection. This law became effective on December 18, 2013.

The fourth bill requires phone companies to provide a new phone number to victims of domestic violence with an order of protection within 15 days of such a request

and at no charge. This law applies only to land lines - not cell phones. This law became effective on July 31, 2013.

The last bill we want to discuss prohibits victims of domestic violence from being held responsible for the violation of an order of protection, where they are the protected party. As a result of this bill, the protected party on an order of protection cannot be arrested or held to be in violation of the order of protection. This law applies to all orders of protection in effect and shall be explicitly stated on New York State's order of protection forms. This law took effect on November 13, 2013, but the State had until January 12, 2014, to revise the order of protection forms.

If you have any questions about how these laws (may) effect you, please feel free to write to us. \*Summaries are from the NYS Office for the Prevention of Domestic Violence website: <http://www.opdv.ny.gov>.

### ***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,  
How can I file for divorce while I am incarcerated?  
- Ready for a New Start**

Dear Ready - Divorce is never easy - especially when one person is incarcerated - but that does not mean it is not an option.

You must first figure out if you need an attorney or can proceed *pro se*. Factors you should consider are whether there is property that needs

to be divided, the custody and support of children, and whether the divorce will be contested (challenged) by your spouse.

There are 7 grounds for divorce in NY, but you need only select 1: cruel and inhuman treatment, abandonment, imprisonment, adultery, conversion of a separation judgment or separation agreement and irretrievable breakdown (aka "no fault").

There are several fees associated with filing for divorce including the index number and request for judicial intervention, which totals \$315. If you cannot afford the fees, you can apply for a reduced fee.

You must also have information

about your spouse, including his/her residence and social security number. The spouse *must* be personally served the paperwork.

To obtain a divorce packet to proceed *pro se*, contact the County Clerk where you want to file. You can file in your or your spouse's county of residence. Your county of residence is where you are incarcerated.

If you think you need an attorney, you can write to the NYS Bar Association's Lawyer Referral Service, 1 Elk St., Albany, NY 12207.

You can also write to PLS for more information. Be sure to provide as much information as possible in your letter.

# Budgeting for Reentry: Don't Forget to Plan!

By Samantha Howell, Esq., Pro Bono & Outreach Coordinator

Reentering society after being incarcerated can be challenging. There are a variety of obstacles - housing, transportation, employment, childcare - all of which you should consider in advance so that you are well-equipped for your release.

One way you can begin planning for your release is to budget. Making a budget is not always easy - it requires commitment, a realistic approach and an honest evaluation of the role money plays.

## Feelings and Values

Your "money feelings" refer to how you use money. Do you use it to feel better after you had a bad day? Do you use it to help others feel better? Do you use it to make others feel worse?

"Money values" refer to whether you think something is good or bad. Is spending money on fast food good? What about money on clothes? Pets?

Your parent's or guardian's spending habits may have influenced your perceptions about what was good/bad or how you should use money. For example, if parents buy presents to make their children happier, the children may develop an expectation that bad feelings will go away by treating themselves to something they want. Or, perhaps your parents or guardians never purchased things new because they saw it as wasteful. The way you feel and think about money will affect how you budget.

## Wants and Needs

You should also identify what you "want" versus what you "need." Most of us *need* food, housing and basic clothing, though we may *want* nicer clothing, a bigger house or to buy a

new car. One way to determine what you want/need is to make a list.

For the below list, mark (1) next to the most important area, (2) for the area next most important, etc., until you have identified where you need - and want - your money to go.

- Housing \_\_\_\_\_
- Transportation \_\_\_\_\_
- Television \_\_\_\_\_
- Internet \_\_\_\_\_
- Phone \_\_\_\_\_
- Saving \_\_\_\_\_
- Paying off Debt \_\_\_\_\_
- Going on Vacation \_\_\_\_\_
- Eating Out \_\_\_\_\_
- Clothing/Shoes \_\_\_\_\_
- Church Contributions \_\_\_\_\_
- Medical Care \_\_\_\_\_
- Helping Family \_\_\_\_\_
- Education \_\_\_\_\_
- Child Care \_\_\_\_\_
- Other (specify) \_\_\_\_\_
- Other (specify) \_\_\_\_\_

Small numbers indicate where you place value - where you want to spend your money, whereas the larger numbers indicate things that are not as important to you.



## The Dreaded "B" Word: Budget

To turn your wants and needs into a budget, you need to have an idea about what your income and expenses will be post-release.

Your budget should be realistic. If you have a job that pays \$7.25/hour, you probably will not be able to afford \$2500 a month in rent. But a budget can help you figure out how and where you can save so that, one day, you can afford it.

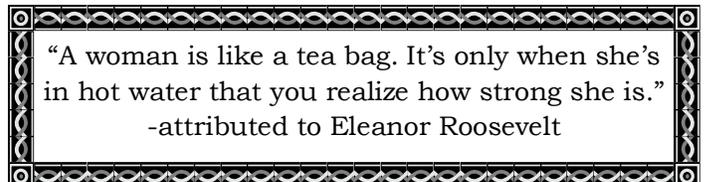
For the first few months, you should record *everything* you spend money on, such as coffee, eating out, or going to the movies, as well as your monthly bills.

After keeping a budget for several months, you can review your spending habits to see where you can cut costs, if at all.

## Final Tips

Unfortunately, we cannot always get what we want when we want it. No one understands this better than someone who is incarcerated. But, by developing a financial plan for your release, and by staying committed, you can reach your goals in time. Some final tips for economic independence (which will be discussed in future issues of EOL):

- 1) Pay bills on time.
- 2) Review and understand your credit report and score.
- 3) Review your budget annually.
- 4) Be creative. Instead of buying new, try to repurpose things you already own.



EOL

c/o Prisoners' Legal Services of New York

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***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  
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