

# *Removing Legal Barriers to Economic Stability*

*Fun with Lawyers!*

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2015 Poverty Matters! Conference  
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Country Springs Hotel, Pewaukee, WI



# Theme: Helping Others Help Themselves – Giving Legal Information

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- Categories of Problems Discussed
  - Consumer
  - Housing
  - Employment
  - Child Support
- We will discuss how to access resources available to everyone and how to approach the courts.



# *Credit Reporting*

## Free Credit Reports

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- Find out if you have issues - get free credit reports
  - Annual Credit Report (only *official* service!)
  - You can use this service to request a free copy of Equifax, Experian, and TransUnion credit reports at one time.
  - (877) 322-8228;  
[www.annualcreditreport.com](http://www.annualcreditreport.com)
  - One free from each company every 12 months – can stagger requests



# *Credit Reporting*

## Denials of Credit

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- Consumers are eligible for a free report also if they were denied credit because of a report.
- Denying creditors must give name and address of credit reporting agency they used.
- Each consumer reporting agency shall send a free report to the consumer if, not later than 60 days after receipt by such consumer of an adverse action, the consumer makes a request.
  - Send a letter by mail with a copy of the denial. Keep copies.
  - Call designated phone number for such requests.



# *Credit Reporting*

## Time Limits on Reporting

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- Bankruptcy = 10 years
- Lawsuit/judgment = the longer of the statute of limitations on the claim/judgment or 7 years
- Any other unfavorable information = 7 years
  - 7-year period begins after the 180-day period after the start of the delinquency
- No limit for unfavorable information if a report is requested in connection to:
  - a job application where the salary is \$75,000 or more
  - an application for \$150,000 or more in life insurance
  - an extension of credit of \$150,000 or more
- No limit for criminal convictions



# *Credit Reporting* Disputing Errors

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- Consumer should send a dispute to the credit reporting agency (CRA).
  - Most CRAs have standard forms.
  - Include copies of your proof.
  - Send copy to creditor/furnisher so it sees all documents you supplied to CRA.
  - Can do this on your own! Watch out for credit repair scams.
  - FTC pamphlet – Credit Repair: How To Help Yourself -  
<https://www.consumer.ftc.gov/articles/pdf-0034-credit-repair.pdf>



# *Credit Reporting* Disputing Errors

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- Timelines:
  - CRAs have 5 business days to send notice to creditor about the dispute.
  - CRAs have 30 days from the date of receipt of the dispute to make a “reasonable investigation.”
  - CRAs have 5 business days after the investigation to send notice to the consumer.
- What if that doesn't work?
  - Call a lawyer who handles credit reporting cases.
  - [www.naca.net](http://www.naca.net)



# *Identity Theft*

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- Is this Identity Theft?
  - Yes, if a person uses your name or personal identifying information to open an account, get a license, or get benefits.
- Act quickly!
  - Contact creditors, banks, DMV and credit reporting agencies
  - File a police report
  - Contact the WI Office of Privacy Protection for assistance and to file a complaint





# *Identity Theft* Fraud Alerts

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- Put a fraud alert on your credit reports
  - CRAs must indicate the alert on your report for 90 days
  - CRAs must notify consumers of their right to free reports
  - CRAs must send those free reports within 3 business days of a consumer's report
  - CRAs must notify other CRAs
- For an extended fraud alert (7 years), an identity theft report is needed (i.e. police report)
- FYI – The FTC has an “ID Theft Affidavit” on its website that is accepted by CRAs.



# *Identity Theft*

## **Credit freeze**

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- Consumers can place temporary freezes on credit that will not allow CRAs to release information or allow for new extensions of credit
- Consumers must pay \$10 to each CRA, unless they provide a police report showing they are victims of ID theft
- Consumers damaged by failure to comply with statute can sue for actual damages and costs, including attorney fees



# *Wage Garnishment* Earnings Garnishment

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- How come I'm getting garnished?
  - Action brought in court and plaintiff won
  - Plaintiff knows where you work
  - Plaintiff filed a Garnishment Notice
  - Plaintiff sent Earnings Garnishment notice and fee to garnishee (employer) and to the debtor's last-known address
    - That may be why the debtor didn't get this.
  - Employer must deduct money from paycheck unless debtor files a Debtor's Answer



# Wage Garnishment Exemptions

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- What if I can't afford to have 20% of my check taken to pay this debt?
  - Determine if you are eligible for a **complete exemption** by filing out the Debtor's Answer (**Form CV-424**) for example, if:
    - Receive or have been eligible for public benefits in the last 6 months (FoodShare, BC+, MA, SSI)
    - Disposable income is below federal poverty level
    - Judgment has been paid or is void
    - Garnishing 20% of disposable income would put income below poverty level
      - Already paying 25% of income to child support
  - Delivery the Debtor's Answer to your employer – they must stop garnishing your paycheck



# *Wage Garnishment* Lowering the Amount

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- What if I'm not completely exempt but still believe 20% is too much?
  - Complete the Garnishment Exemption Worksheet ([Form CV-426](#)) to figure the amount subject to garnishment
  - If the worksheet shows you can pay less, fill out the Debtor's Answer and delivery it to your employer – they must stop garnishment
  - A hearing may be held to determine how much you are able to pay



# *Asset Garnishment*

## **Non-earnings Garnishment**

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- How come I'm getting garnished?
  - Action brought in court and plaintiff won
  - Plaintiff knows where you bank or that you are a LL/self-employed/farmer
  - Plaintiff filed a Non-Earnings Garnishment Complaint
  - Plaintiff served Non-Earnings Garnishment notice on garnishee and debtor
  - Garnishee must answer and hold debtor's money



# Asset Garnishment Exemptions

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- What if I can't afford the garnishment?
  - Determine if you are eligible for a **complete exemption** by filing out the Debtor's Answer ([Form CV-303](#)) – for example, if:
    - Judgment has been paid, is void, discharged in bkcy
    - If account garnishment - Depository accounts total under \$5000 per person; funds exempt bc SS/VA/UI/W-2
    - If income – less than 30 times the minimum wage per week (if not, 75% of net income is exempt)
  - Delivery the Debtor's Answer to garnishee, court, plaintiff
  - A hearing will be held to determine the exemption



# *Modification of Child Support Orders*

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- Frequent Issues
  - Loss of employment
  - Decreased income
  - Disability
  - Receipt of SSI/SSDI
  - Informal agreement to change placement
- Negative Consequences if Not Addressed
  - Excessive Income Withholding
  - Arrears
  - Driver License Suspension
  - Lien on vehicle
  - Civil Contempt
  - Criminal Non-support
  - Incarceration





# *Modification of Child Support Orders*

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- How do you address these issues?
  - Court Order Needs to Be Changed
    - Notify other parent of situation
      - Agree to make a change – Stipulation and Order
    - Notify Child Support Agency
      - May assist in negotiating an agreement
      - May refer to Children First or similar program
      - DL, Lien, Contempt
    - File a Motion asking the Court to Modify the Order
    - The ORDER MUST BE CHANGED
- [www.wicourts.gov](http://www.wicourts.gov)
- FA-604 – Stipulation and Order (Agreement)
  - FA-4170-Motion to Change Order (Go to Court)
  - FA-4171 –Order to Show Cause to Change Order (Go to Court)
  - CV-410 –Petition and Waiver for Fees (Request to waive filing fee)

# Modification of Child Support Orders

Wisconsin Court System - Circ... x

www.wicourts.gov/forms1/circuit/ccform.jsp?FormName=&FormNumber=&beg\_date=&end\_date=&StatuteCite=&Category=56&SubCat=Post-judgment

home > forms > circuit court > family > post-judgment

## Circuit court forms

### Family - Post-judgment

Below are the forms that match your search criteria. Click the underlined summary link to view and/or save the form summary. Click the underlined form link to view and/or save the form. MS Word documents are in either Word 97 or Word 2000 format and require Microsoft Word 97/Word 2000. Adobe PDF documents require [Adobe Acrobat Reader](#).

Page 1 of 1 [Search again](#)

Number	Form name	Revised	Mark/view
FA-604	Stipulation and Order to Amend Judgment for Support/ Maintenance/ Custody/ Placement Allows parties to stipulate to certain modifications of an original family court judgment for child placement, custody and support issues. Eliminates need for a court hearing.	02/11/10	<input type="checkbox"/> <a href="#">Form English</a> <input type="checkbox"/> <a href="#">Form English</a> <input type="checkbox"/> <a href="#">Summary English</a>
FA-606	Order to Establish Account and Authorize Transfer To order an individual to identify and/or establish a deposit account and to authorize transfers of funds from that account for support orders.	06/01/00	<input type="checkbox"/> <a href="#">Form English</a> <input type="checkbox"/> <a href="#">Form English</a> <input type="checkbox"/> <a href="#">Summary English</a>
FA-608	Family Medical History Questionnaire Medical history completed by child's noncustodial parent and transmitted to child's physician in case of future medical needs concerning the child.	03/09/12	<input type="checkbox"/> <a href="#">Form English</a> <input type="checkbox"/> <a href="#">Form English</a> <input type="checkbox"/> <a href="#">Summary English</a>
FA-609	Notice of Hearing and Motion to Enforce Physical Placement Order To allow a parent who has been awarded periods of physical placement to seek enforcement of a physical placement order.	01/17/08	<input type="checkbox"/> <a href="#">Form English</a> <input type="checkbox"/> <a href="#">Form English</a> <input type="checkbox"/> <a href="#">Summary English</a>
FA-611	Order to Enforce Physical Placement Order Court order to enforce an order of a court of family court commissioner which has provided periods of physical placement.	11/21/13	<input type="checkbox"/> <a href="#">Form English</a> <input type="checkbox"/> <a href="#">Form English</a> <input type="checkbox"/> <a href="#">Summary English</a>
FA-4138	Income and Expense Statement Income and asset Statement for post judgment proceedings.	01/04/07	<input type="checkbox"/> <a href="#">Form English</a> <input type="checkbox"/> <a href="#">Form English</a> <input type="checkbox"/> <a href="#">Summary English</a>
FA-4170	Notice of Motion and Motion to change: Legal Custody, Physical Placement, Child Support or Spousal Maintenance Notice of change - post divorce	02/11/10	<input type="checkbox"/> <a href="#">Form English</a> <input type="checkbox"/> <a href="#">Form English</a> <input type="checkbox"/> <a href="#">Summary English</a>
FA-4171	Order to Show Cause and Affidavit: Change of Legal Custody, Physical Placement, Child Support, Maintenance, Other Order to show cause.	02/11/10	<input type="checkbox"/> <a href="#">Form English</a> <input type="checkbox"/> <a href="#">Form English</a> <input type="checkbox"/> <a href="#">Summary English</a>
FA-4172	Order to Show Cause and Affidavit for Finding of Contempt Order to show cause and affidavit for finding of contempt	01/17/08	<input type="checkbox"/> <a href="#">Form English</a> <input type="checkbox"/> <a href="#">Form English</a>

**Navigate this section**

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- [Self representation](#)
- [Probate](#)
- [Small claims](#)
- [Other languages](#)



# ***SECURITY DEPOSITS***

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Sum of money – usually equivalent of one month's rent – held by landlord during rental term

- Landlord allowed to retain all or a portion for damages when tenant moves out
- Move-in: Check-in list, Note defects, take pictures
- Repairs while occupying unit: Notify, follow-up in writing
- Move-out
  - Give written notice that includes date you will be moving and a forwarding address to send security deposit
  - Note defects, take pictures
  - Surrender keys
- Landlord has 21 days to return entire security deposit or send letter stating why not returning all or portion of it.
- Keep letter AND envelope showing postmark if letter mailed on or after 21<sup>st</sup> day



# ***SECURITY DEPOSITS***

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- Contact landlord to discuss if do not receive letter or believe amount returned is incorrect
- Send a letter requesting return of the security deposit
- File an action in small claims court for return of the security deposit
- File a complaint with DATCP
- Can file an action in court AND file a complaint
- Wisconsin law provides for double damages if landlord fails to return security deposit or send letter within 21 days

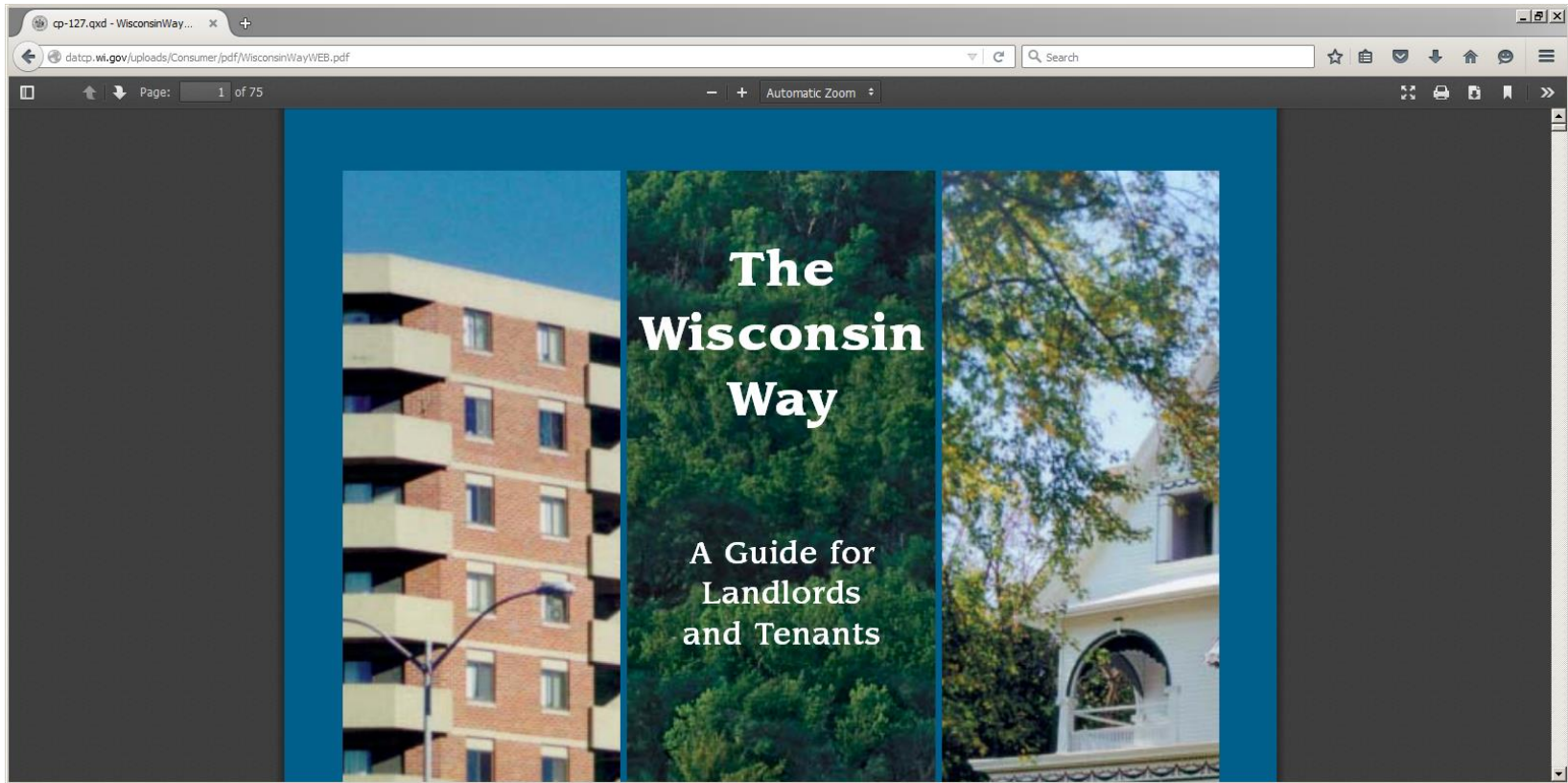
# LANDLORD TENANT RESOURCES

The screenshot shows a web browser window with the URL [datcp.wi.gov/Consumer/Wisconsin\\_Way/Index.aspx?AspxAutoDetectCookieSupport=1](http://datcp.wi.gov/Consumer/Wisconsin_Way/Index.aspx?AspxAutoDetectCookieSupport=1). The page header is green with the text "Wisconsin Department of Agriculture, Trade and Consumer Protection ~ Working for You All Day Every Day". A navigation menu includes links for Home, Consumer, Licenses, Business, Farms, Food, Animals, Environment, Plants, and Programs. Below the menu, a breadcrumb trail reads "You are here: Home > Consumer > Wisconsin\_Way" and a search box is present.

The main content area features a sidebar on the left with links: About Us, Newsroom, File a Complaint, MyDATCP, Boards & Councils, Notices & Comments, A to Z Topics, and Contact Us. Below these are social media icons for Facebook, Twitter, YouTube, and a sign-up box for email updates. At the bottom of the sidebar are icons for "Print this page" and "Wisconsin.gov".

The main content area is titled "A Guide for Landlords and Tenants" in green. The text below the title reads: "More than 1.5 million Wisconsin residents live in rental housing. It is important to both tenants and landlords that rules ensure that these rental transactions are conducted fairly." A second paragraph states: "State law provides a legal framework for the relationship between landlords and tenants. Many disputes between landlords and tenants can be avoided if both parties understand their legal rights and responsibilities. The [Guide for Landlords and Tenants](#) answers commonly asked questions about landlord-tenant rights and responsibilities in simple language. The guide is intended to help landlords and tenants avoid common problems and resolve them when they do occur. It is not intended to be a comprehensive guide or a substitute for legal advice." A third paragraph notes: "Questions can be directed to the Bureau of Consumer Protection at: Toll-free Hotline: 800 422-7128 Email: [datcphotline@wi.gov](mailto:datcphotline@wi.gov)" A final paragraph says: "DATCP also provides a .pdf download of a [Tenants Rights factsheet](#)."

# ***LANDLORD TENANT RESOURCES***



# LANDLORD TENANT RESOURCES

The screenshot displays the State Bar of Wisconsin website's 'Landlord/Tenant' page. The browser address bar shows the URL: [www.wisbar.org/forPublic/INeedInformation/Pages/Landlord-Tenant.aspx](http://www.wisbar.org/forPublic/INeedInformation/Pages/Landlord-Tenant.aspx). The page features the State Bar of Wisconsin logo and navigation links for Lawyer Search, Legal Research, Directories, Contact Us, myStateBar, and a shopping cart icon. A search bar and a 'Log in here' link are also present. The main navigation menu includes 'About Us', 'for Members', 'Marketplace', 'News & Publications', and 'for Public'. The breadcrumb trail reads: Home > For Public > I Need Information > Landlord/Tenant. The main heading is 'Landlord/Tenant Law: Answering Your Legal Questions'. Below this, there are links to 'Legal Action of Wisconsin - Tenant Sourcebook', 'Tenant Resource Center', and 'What You Should Know about Wisconsin Law: Your Legal Rights & Responsibilities' (with a 'DOWNLOAD (422 KB)' button). A paragraph of text discusses tenant rights and landlord responsibilities. A small graphic of keys is labeled 'landlord/tenant law'. On the right side, there is a 'FOR PUBLIC I NEED INFORMATION!' section with a 'Common Legal Questions' list including Agriculture, Alternative Dispute Resolution, Arrest, Attorneys/Fees, Bankruptcy, The Bill of Rights: An Introduction, Business, Buying/selling Real Estate, Child Support/Residential Custody/Placement, Client's Bill of Rights, Court, and Divorce. A 'Live 1' indicator is visible in the bottom right corner.

Landlord/Tenant

www.wisbar.org/forPublic/INeedInformation/Pages/Landlord-Tenant.aspx

Allow www.wisbar.org to run "Silverlight"?

Continue Blocking Allow...

STATE BAR OF WISCONSIN

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Home > For Public > I Need Information > Landlord/Tenant

## Landlord/Tenant Law: Answering Your Legal Questions

Legal Action of Wisconsin - Tenant Sourcebook

Tenant Resource Center

What You Should Know about Wisconsin Law: Your Legal Rights & Responsibilities [DOWNLOAD \(422 KB\)](#)

What are my rights as a tenant? What are the landlord's rights? How are security deposits handled?

Rental relationships involve expectations on both sides. As a landlord, you've made a sizable investment, and you expect the tenant to treat the premises with care and pay rent on time. As a tenant, you expect the landlord to provide a livable, safe home in return for the rent you pay. Whether you're a landlord or a tenant, it's important that you understand the legalities involved. This brochure looks at common questions you may have.

landlord/tenant law

[OPEN ALL](#)

FOR PUBLIC

### I NEED INFORMATION!

**Common Legal Questions**

- Agriculture
- Alternative Dispute Resolution
- Arrest
- Attorneys/Fees
- Bankruptcy
- The Bill of Rights: An Introduction
- Business
- Buying/selling Real Estate
- Child Support/Residential Custody/Placement
- Client's Bill of Rights
- Court
- Divorce

Live 1



# ***DOMESTIC VIOLENCE***

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- **Housing Protections**

- **VAWA**

- Designated HUD and LIHTC funded
    - Prohibits denial of admission and termination of a victim of domestic violence
    - No imminent threat exception

[http://www.nhlp.org/files/VAWA%20Housing%20Materials\\_0.pdf](http://www.nhlp.org/files/VAWA%20Housing%20Materials_0.pdf)

<http://www.azcadv.org/azcadv2014wp/wp-content/uploads/2014/06/ACESDV-Fact-sheet-on-VAWA-2013-Housing.pdf>





# ***DOMESTIC VIOLENCE***

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- **Housing Protections**

- **Wisconsin**

- Landlord required to give statutory domestic violence notifications
    - Allows landlord to terminate tenancy of the “offending tenant”
    - Allows victim tenant to terminate lease based on “imminent threat”
    - Requirement of landlord to change locks within 48 hours of notification and proper documentation

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# ***DOMESTIC VIOLENCE***

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- TERMINATION of LEASE
- Tenant or child of tenant faces imminent threat of serious physical harm from another person if remain on premises
- Proper documentation: certified copy of injunction, criminal no contact condition, criminal complaint
- Injunction: child abuse, domestic abuse, stalking, sexual assault, harassment,
- Actual or threatened
- Provide required documentation and notice that vacating or that have vacated and liability for future rent is limited to the month in which notice is given and the following month

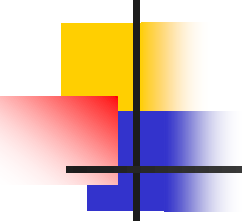


# *Domestic Violence*

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- Unemployment Compensation
  - DV/harassment exception to voluntary quit
    - Self or a family member
    - Obtains a TRO or Injunction prior to quit
    - Demonstrates likely to be violated

# COMMON BARRIERS TO EMPLOYMENT IN LOW INCOME COMMUNITIES

- 
- The inability to find and keep full-time jobs that pay a family sustaining wage often reflects two problems: a lack of positive credentials and the existence of negative credentials.
  - Examples of positive credentials include
    - degrees, skills training, occupational license, and valid driver's licenses
  - Examples of negative credentials include
    - Arrests and conviction history
    - Interactions with the justice system that produce stigmatizing court records such as eviction cases, money judgments, domestic abuse injunctions
    - Municipal citations and warrants
    - Bad credit histories
  - Non-lawyer advocates can help people recognize and manage some of these problems



# ***VALID DRIVER'S LICENSES ARE EXTREMELY IMPORTANT FOR IMPROVING EMPLOYABILITY***

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- Access to training programs (WRTP)
- Qualification for employment
- Ability to manage family and work responsibilities (job maintenance)
- Prevent outcomes that increase negative credentials (police contact, court debt, warrants)

# ***INFORMATION ABOUT REVOKED AND SUSPENDED DRIVER'S LICENSES***



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- Most people know whether their driver's licenses is valid
- Many people don't know exactly why their license is suspended or revoked
- DOT website provides a great tool for helping someone understand what the need to do to reinstate their driving privileges
- SO ALWAYS GO FIRST TO

<https://trust.dot.state.wi.us/orism/customerSearchPage.do>

valid or not

able to reinstate

point suspensions

FPFs

Who to contact

# USING PUBLIC RESOURCES TO DETERMINE WHY A LICENSE IS REVOKED OR SUSPENDED



## Reinstatement Eligibility Results

Reinstatement eligibility applies to the following as of 11-10-2015 11:10AM:

Probationary Classes: D  
Wisconsin residency indicated

As your record now appears, you are **NOT ELIGIBLE** for reinstatement of your driving privilege until **03-30-2017**.

By clearing up all items marked with → you may become eligible for reinstatement **IMMEDIATELY.**

→ You are suspended for: Failure to pay a fine or forfeiture

Court Case#: 14010923

Case ends: 03-30-2017 or when DMV receives acceptable documents showing the fine or forfeiture has been paid.

For Questions Contact: MILWAUKEE CITY MUNICIPAL COURT (information follows)

→ You are suspended for: Failure to pay a fine or forfeiture

Court Case#: 14000921

Case ends: 01-28-2017 or when DMV receives acceptable documents showing the fine or forfeiture has been paid.

For Questions Contact: MILWAUKEE CITY MUNICIPAL COURT (information follows)

→ You are suspended for: Failure to pay a fine or forfeiture

Court Case#: 13079967

Case ends: 12-11-2015 or when DMV receives acceptable documents showing the fine or forfeiture has been paid.

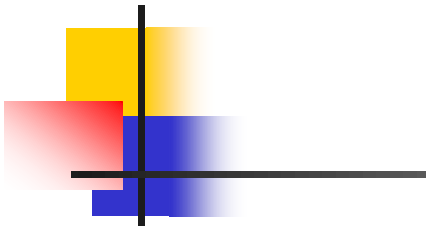
For Questions Contact: MILWAUKEE CITY MUNICIPAL COURT (information follows)

→ You are suspended for: Failure to pay a fine or forfeiture

<https://trust.dot.state.wi.us/orsm/eligibilityResultsPage.do>

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# READING DOT RECORDS PART II



For Questions Contact: MILWAUKEE CITY MUNICIPAL COURT (information follows)

→ You are suspended for: Failure to pay a fine or forfeiture

Court Case#: 13079966

Case ends: 12-11-2015 or when DMV receives acceptable documents showing the fine or forfeiture has been paid.

For Questions Contact: MILWAUKEE CITY MUNICIPAL COURT (information follows)

→ You are suspended for: Failure to pay a fine or forfeiture

Court Case#: 13079968

Case ends: 12-11-2015 or when DMV receives acceptable documents showing the fine or forfeiture has been paid.

For Questions Contact: MILWAUKEE CITY MUNICIPAL COURT (information follows)

- Your driver license has expired. To renew your license, you MUST visit a DMV Service Center. Renewals are unable to be processed by mail or online. You must take a vision exam and pay for the renewal in addition to your reinstatement fee. You will be required to show proof of identity. [Proof of identity](#)
- You must pay the required fee. Visit 'Driver Licensing Fees' on our website at [www.wisconsin.dmv.gov](http://www.wisconsin.dmv.gov).
- When you are required to appear at a DMV Customer Service Center, you will need to complete application form MV3001. See: [www.wisconsin.dmv.gov](http://www.wisconsin.dmv.gov).
- If you choose, you may reinstate by mail. Send a check or money order for the total amount due made payable to "Registration Fee Trust" to the Driver Information Section, PO Box 7983, Madison, WI 53707-7983. Please include your driver license number, name, address and date of birth with your request.

#### **Court Information:**

MILWAUKEE CITY MUNICIPAL COURT

951 N JAMES LOVELL ST

MILWAUKEE, WI 53233

(414) 286-3800 for unpaid fine or forfeiture

Exit

Version A - 31

<https://trust.dot.state.wi.us/orsm/eligibilityResultsPage.do>

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## *Helping Self-Represented Parties Approach A Court*

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- Letter is okay
- Identify case prominently (number/name i.e. City of West Allis v. John Doe)
- Say what you want (reopen my cases/s, lift DL suspension, do community service)
- Provide relevant facts



*Relevant factors if  
inability to pay is a  
factor*

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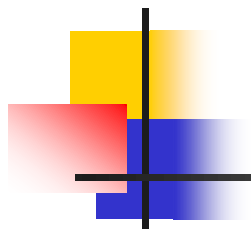
- Current income
- Any means-tested benefits received
- Debts/monthly obligations
- Employment situation
- Why you need to regain your driving privileges, reduce points, reopen your case etc.



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IF THE COURT RESPONDS BY SETTING A HEARING DATE ON YOUR REQUEST, YOU CANNOT MISS THAT DATE WITHOUT PRIOR NOTICE

***WHAT CAN THE COURT DO? GIVE YOU TIME TO PAY, ORDER COMMUNITY SERVICE, STAY OR REDUCE FINES***



*How can a non-lawyer help someone deal with their driver's license problems*

- 1. Identify the problem
- 2. Call DOT if there is something you do not understand
- 3. Contact courts for information
- 4. Decide what you want/need the court/courts to do
- 5. Communicate with the court/courts



***PUBLIC RECORDS, PUBLIC STIGMA,  
EMPLOYABILITY, AND POVERTY***

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# HELP CLIENTS UNDERSTAND HOW THEY ARE REPRESENTED ON CCAP

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- Criminal cases
- Active warrants/unpaid fines
- TROs/Injunctions
- Money judgments
- Eviction Records
- Identity theft issues
- Incorrect/incomplete information



# ***CRIME INFORMATION BUREAU CRIMINAL HISTORY RECORD REPORTS***

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- Over 800, 000 non-criminal justice requests a year
  - CIBs are used by many employers and are required to be used by most state agencies in employment or licensing decisions
- Employers can lawfully deny employment to any person who does not disclose his/her criminal record accurately
  - Both job seekers and employers often misunderstand criminal history record reports



# ORDERING A CIB

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- **By mail:**

Complete a request form [DJ-LE-250](#). Submit the form, payment, and a self addressed stamped return envelope to:
- Record Check Unit  
PO Box 2688  
Madison WI 53701-2688
- Or use the website
  - <http://wi-recordcheck.org/index.jsp>



## DEPARTMENT OF JUSTICE CRIME INFORMATION BUREAU

Request Date : 07/30/2015  
Report Date : 07/30/2015  
Order Number : 4649860  
Request Reason : Non Profit Org

This criminal background check was performed by searching the following data submitted to the Crime Information Bureau.

Name	[REDACTED]
Date of Birth	02/19/1969
Sex	U
Race	U



## Wisconsin Criminal History

### IMPORTANT EXPLANATION ABOUT HOW TO UNDERSTAND THIS RESPONSE

This response reports the results of a criminal history search conducted with the name, date of birth, and any other identifying data you provided. The identifying data you provided is printed above. If you submitted fingerprints with your search request see the statement below.

Read this entire explanation, the "How to Read the Following Criminal History Report" section and the "Notice to Employers" section. Read these sections carefully to understand how this response relates to the identifying data you provided.

Printed below these explanations is a Wisconsin criminal history record that has been identified as a possible match to the identifying data you provided.

A criminal history search based only on a name, date of birth, and other identifying data that is not unique to a particular person (like "sex" or "race") may result in:

1. Identification of criminal history records for multiple persons as potential matches for the identifying data submitted, or
2. Identification of a criminal history record belonging to a person whose identifying information is similar in some way to the identifying data that was submitted to be searched, but is not the same

# Reading A CIB 2

7/30/2015

Request Result

10/26/2008

02/25/1987 WI0415000 Milwaukee Police Department

## CRIMINAL HISTORY

### Cycle 1

EARLIEST EVENT DATE: February 25, 1987

*will be removed*

### ARREST DATA

SUBJECT NAME: [REDACTED] WILLIAMS  
TYPE: ADULT ONLY  
DATE: February 25, 1987  
ARREST AGENCY: WI0415000 MILWAUKEE POLICE DEPARTMENT

### CHARGE

SEQUENCE NUMBER: 01  
STATUTE NUMBER: 943.23  
LITERAL: OPERATE VEHICLE WITHOUT OWNER'S CONSENT  
NCIC CODE: 2411  
COUNTS: 1  
CLASSIFICATION:  
CHARGE SEVERITY: FELONY

### PROSECUTION

PROSECUTOR: UNKNOWN UNKNOWN

### CHARGE

SEQUENCE NUMBER: 01  
STATUTE NUMBER: 943.23  
LITERAL: OPERATE VEHICLE WITHOUT OWNER'S CONSENT  
NCIC CODE: 2411  
COUNTS: 1  
CLASSIFICATION:

CHARGE SEVERITY: FELONY

### PROSECUTION ACTION:

LITERAL: DISMISSED  
DISPOSITION DATE: February 26, 1987  
DISPOSITION: NO PROSECUTION

### Cycle 2

EARLIEST EVENT DATE: October 22, 1987

*will be removed*

### ARREST DATA

SUBJECT NAME: [REDACTED]  
TYPE: ADULT ONLY  
DATE: October 22, 1987  
ARREST AGENCY: WI0415000 MILWAUKEE POLICE DEPARTMENT

### CHARGE

SEQUENCE NUMBER: 01  
STATUTE NUMBER: 943.23  
LITERAL: OPERATE VEHICLE WITHOUT OWNER'S CONSENT

<https://wi-recordcheck.org/html/requestresult.jsp?cq=52308285&rt=a>

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# Reading A CIB 3

7/30/2015

Request Result

10/26/2008

02/25/1987 WI0415000 Milwaukee Police Department

## CRIMINAL HISTORY

### Cycle 1

EARLIEST EVENT DATE: February 25, 1987

*will be removed*

### ARREST DATA

SUBJECT NAME: [REDACTED] WILLIAMS  
TYPE: ADULT ONLY  
DATE: February 25, 1987  
ARREST AGENCY: WI0415000 MILWAUKEE POLICE DEPARTMENT

### CHARGE

SEQUENCE NUMBER: 01  
STATUTE NUMBER: 943.23  
LITERAL: OPERATE VEHICLE WITHOUT OWNER'S CONSENT  
NCIC CODE: 2411  
COUNTS: 1  
CLASSIFICATION:  
CHARGE SEVERITY: FELONY

### PROSECUTION

PROSECUTOR: UNKNOWN UNKNOWN

### CHARGE

SEQUENCE NUMBER: 01  
STATUTE NUMBER: 943.23  
LITERAL: OPERATE VEHICLE WITHOUT OWNER'S CONSENT  
NCIC CODE: 2411  
COUNTS: 1  
CLASSIFICATION:  
CHARGE SEVERITY: FELONY

### PROSECUTION ACTION:

LITERAL: DISMISSED  
DISPOSITION DATE: February 26, 1987  
DISPOSITION: NO PROSECUTION

### Cycle 2

EARLIEST EVENT DATE: October 22, 1987

*will be removed*

### ARREST DATA

SUBJECT NAME: [REDACTED]  
TYPE: ADULT ONLY  
DATE: October 22, 1987  
ARREST AGENCY: WI0415000 MILWAUKEE POLICE DEPARTMENT

### CHARGE

SEQUENCE NUMBER: 01  
STATUTE NUMBER: 943.23  
LITERAL: OPERATE VEHICLE WITHOUT OWNER'S CONSENT

<https://wi-recordcheck.org/html/requestresult.jsp?cq=52308285&ri=a>

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# CORRECTING AND COMPLETING A CIB

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- Arrest cycles that do not lead to a conviction or are completely dismissed can be expunged from a CIB Criminal History record report
- Conviction information that is incorrect can be changed
  - Use a fingerprint removal request form for the first
  - Use CIB challenge procedure for the second

# Expunging Arrest Information



STATE OF WISCONSIN  
DEPARTMENT OF JUSTICE

DJ-LE-250B (Rev. 1/09)

DIVISION OF LAW ENFORCEMENT SERVICES  
Crime Information Bureau

17 West Main Street.  
PO Box 2718  
Madison WI 53701-2718  
608/266-7314

## FINGERPRINT RECORD REMOVAL REQUEST

This form is used to request the removal of a fingerprint record pursuant to Wisconsin Statute 165.84(1). The use of this form is intended to safeguard the rights of the signatory and to ensure proper record removal. A legible inked fingerprint impression is mandatory and is used to verify identity of the signatory with the record, should one exist. Any law enforcement agency can assist in providing the inked, rolled fingerprint impression. If the right index finger is injured, etc., provide the impression of another finger, but clearly designate which finger was used for the rolled impression. *This form may not be submitted by fax.*

If you are requesting removal of a record consistent with completion of a first offender school (deferred prosecution), evidence of successful completion and/or documentation that there was no prosecution or dismissal *must accompany this request.*

\*\*\*\*\*

I hereby request the Crime Information Bureau, Division of Law Enforcement Services of the Wisconsin Department of Justice, to remove the following described fingerprint record, if it exists, pursuant to Wisconsin Statute 165.84(1). *This information must agree with the information furnished by the arresting agency at the time of the arrest.*

Name: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
(Last) (First) (Middle)

Sex/Race: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Arresting Agency: \_\_\_\_\_ Date of Arrest: \_\_\_\_\_

Arrest Charge: \_\_\_\_\_ Disposition: \_\_\_\_\_

Arrest Charge: \_\_\_\_\_ Disposition: \_\_\_\_\_

Arrest Charge: \_\_\_\_\_ Disposition: \_\_\_\_\_

Arrest Charge: \_\_\_\_\_ Disposition: \_\_\_\_\_

Arrest Charge: \_\_\_\_\_ Disposition: \_\_\_\_\_

Arrest Charge: \_\_\_\_\_ Disposition: \_\_\_\_\_

Arrest Charge: \_\_\_\_\_ Disposition: \_\_\_\_\_

### REQUESTER INFORMATION

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Signature: \_\_\_\_\_

(Complete Name)



Right Index Fingerprint  
Impression



# *Challenging Incorrect Information*

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- Read Department of Justice's website
  - <https://www.doj.state.wi.us/dles/cib/background-check-criminal-history-information#missing>
  - Remember basic principals: proving error is the challenger's responsibility, court records trump DOJ records
  - Complex problems may require an attorney



# *Expungement*

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- Wis. Stat. 973.015 now applies to some felonies and allows for expungement if the individual was under 25 at the time of the offense.
- But expungement must have been ordered at sentencing and sentence must have been successfully completed.
- There is a lot of confusion and misunderstanding about the law and how it applies.
- Consulting an attorney may be helpful,



# ***OTHER KINDS OF BACKGROUND CHECKS***

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- FCRA (commercial checks)
- Municipal record checks
- Mugshots.com and other web sources