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		Parole Programming Fees	

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EFFECTIVE: July 01, 2003
 REVISED: August 31, 2005
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SUMMARY of REVISION/REVIEW

Minor changes throughout to clarify wording and correct grammar. Paragraph I. – removed a reference to interstate parolees coming to Nebraska. Paragraph VII., Subparagraph E., Section 1. – explained parole officer responsibility in more detail. Paragraph VII., Subparagraph E., Section 2. – Added subsection c.

APPROVED:



 SCOTT FRAKES, Director
 Nebraska Department of Correctional Services

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PURPOSE

To establish a policy and procedure for the collection and processing of programming fees.

GENERAL

Collection of programming fees is applicable to all parolees received under the supervision of Adult Parole Administration on or after July 1, 2003. Funds collected under this provision will be placed in a special fund with the State Treasurer and used to purchase services and develop community resources for the benefit of the parole population. Funds remitted to the Nebraska Department of Correctional Services (NDCS) under the requirements of this Administrative Regulation (AR) shall not be used for other debts incurred by inmates/parolees with NDCS.

PROCEDURES

I. APPLICABILITY

This AR shall apply to all Nebraska and Interstate parolees received under the direct supervision of Adult Parole Administration on or after July 1, 2003. All parolees who receive income will be required to pay the monthly programming fees unless waived.

II. EFFECTIVE DATE

Programming fees will become effective beginning the second calendar month of parole supervision. The second calendar month shall be defined as the calendar month (May, June, July, etc.) following the month the inmate was paroled.

III. DUE DATE

Programming fees for each month will be due and payable during that month but no later than the tenth of each month following the month for which the programming fees were applicable. As an example, fees for July must be paid no later than the tenth of August.

IV. MONTHLY PAYMENTS

- A. Regular monthly payments shall be in the amount of \$25.00 unless the Board of Parole sets a lesser amount due to a hardship for the inmate to pay the entire fee.
- B. No parolee shall be required to pay more than one monthly parole programming fee per month unless the parolee voluntarily chooses to do so or is behind in payments. Parolees will be allowed to submit payments greater than \$25.00 to satisfy outstanding delinquent obligations for monthly programming fees or to voluntarily pay ahead of schedule. If a parolee is also under the supervision of Nebraska Probation, a request to waive parole programming fees may be made through the Administrative Hearing process.
- C. Programming fees will be paid only by money order made payable to NDCS.
- D. All money orders will be placed in an envelope provided by the parolee; this sealed envelope will then be given by the parolee to the District Secretary or Parole Officer who will immediately place it in a larger envelope designated for only parole program

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fees. The larger envelope, with all program fees paid during that day, will be mailed to NDCS Accounting via interoffice mail, if available, or US mail.

- E. The parole fees may also be paid by US mail by the parolee if necessary.
1. The parole officer will furnish the parolee with a self-addressed envelope.
 2. The parolee will be required to furnish postage for the envelope and will be responsible for mailing the envelope to the Nebraska Department of Correctional Services Accounting Division. PO Box 94661, Lincoln, NE 68509-4661.
 3. By the 15th day of each month, the Assistant Adult Parole Administrator will direct District Supervisors to review parolees' programming fee information for their assigned officers in Siebel.
 - a. The Administrator/designee will monitor status reports for parolees who are delinquent in their monthly programming fees and notify each supervising parole officer through his/her supervisor of any delinquent payments. The District Supervisor will direct parole officers to work with each of their parolees who are delinquent in their fees to resolve the issue. Payment schedules, disciplinary action and waiver of fees would be considered for each delinquent parolee as is appropriate.
 - b. When notification is received, parole officers will contact parolees delinquent in their programming fees to determine the reason for the delinquency and when the parolee will be able to pay.
 - c. The parole officer will then discuss with the district supervisor whether to allow additional time during the month for the payment to be submitted or to hold an administrative hearing.
 4. The NDCS Accounting Division will be responsible for keeping current, accurate records for each parolee's programming fees that are assessed, collected, waived in whole, or in part, waived in lieu of community service or delinquent. The Accounting Division will also keep a record of community service hours completed by each parolee. The assigned parole officer must forward community service hours completed to accounting to be credited to the parolee's account (see VII E).
 5. The District supervisors are required regularly to review program fees owed and speak with parole officers about parolees who are significantly behind in programming fees.

V. FEES PRORATED

Parole program fees for that portion of the last calendar month a parolee is under supervision will be prorated at a daily rate of 83.3 cents, per day rounded to the nearest penny. Supervising parole officers will track the discharge dates of parolees on their caseload and will contact each parolee one month prior to his/her discharge to inform them of the amount

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owed for the portion of the last calendar month the parolee is under supervision. The total amount due will be due no later than two weeks prior to the parolee's discharge date.

The supervising parole officer will use the following formula to calculate the prorated amount owed by each parolee for that portion of the last calendar month of their parole supervision:

Day of month of discharge, minus 1, multiplied by 83.3 cents, rounded to the nearest penny, equals amount owed. For example, if a parolee discharges on January 14th, the formula would look like this: $14 - 1 \times \$.833 = \10.829 . Rounding the amount to the nearest penny, the parolee would owe \$10.83.

When rounding of a tenth of a penny, any amount that ends in one tenth through four tenths should be rounded downward to the nearest penny and any amount that ends in five tenths through nine tenths of a penny should be rounded upward to the nearest penny.

VI. HARDSHIP SITUATIONS

The Nebraska Board of Parole may waive the monthly programming fee in whole or in part if a determination is made that such payment would constitute an undue hardship on the parolee due to limited income, employment, school status, or physical or mental handicap.

A. Limited income shall be defined as follows:

1. At or below the Federal Poverty Guidelines as posted on the U.S. Department of Health and Human Services web-page <http://aspe.os.dhhs.gov/poverty> and computed on a weekly basis;
2. Electronic monitoring cases where gross income minus the cost of electronic monitoring is at or below Federal Poverty Guidelines;
3. Case where the parolee is paying for a service which is required by a special condition of his/her parole agreement, when deducting the cost of the service from the parolee's gross income, puts his/her income at or below the Federal Poverty Guidelines; and
4. Where the parolee is the sole support of any legal dependent and earns less than the Federal Poverty Guidelines for the number of dependents including the parolee. A parolee claiming to support dependents must show proof of support by providing a copy of the W-4 form filed with his/her employer and proof of relationship of dependents in order to qualify for Family Status of more than one under the Federal Poverty Guidelines. Supervising parole officers will be required to verify W-4 forms with the parolee's employer.
5. Limited Income shall not apply to the following:
 - a. Parolees who are unemployed due to circumstances under their control; and/or
 - b. Parolees who receive income and who have moved into a self-supporting household not previously supported by the parolee.

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- B. Unemployment Status shall be defined as unemployment due to no fault of the parolee and shall include but is not limited to the following:
1. Very limited job market verified by parole officer; or just granted parole and is currently seeking employment;
 2. While in a residential treatment program where the parolee is not allowed to work;
 3. A verified period of hospitalization;
 4. A period of disability verified by a doctor and the parolee is not on Supplemental Security Income; or
 5. Any time the parolee is in jail and not working, including those paroled to detainers.

- C. Student Status shall mean any parolee enrolled as a full-time or part-time student at an accredited post-secondary educational institution whose reasonable out-of-pocket education related expenses when subtracted from the parolee's gross income plus any scholarships, student loans or stipends places the parolee's income at or below the Federal Poverty Guidelines.

(Gross Income + scholarships + loans + stipends (-) out of pocket education related expense = Federal Poverty Guidelines or less)

- D. Physically or Mentally Handicapped. Parolees who would be considered for this category are those eligible for Supplemental Security Income, Social Security Disability, or have a physical or mental condition. The condition must be verified by medical, mental health or government experts preferably by NDCS Social Workers, before the inmate paroled from the facility; and has resulted in a disability which would interfere in their ability to earn an income with the following stipulation.
1. Gross income minus (-) reasonable out-of-pocket expenses directly related to their disability places their income at or below the Federal Poverty Guidelines. Examples of directly related expenses are:
 - a. Special transportation for the physically disabled; or
 - b. Psychotropic prescription medication for the mentally disabled.
 2. All out-of-pocket expenses must be verified by the parole officer for amount and reasonableness.

VII. DEFAULT PROCEDURE

- A. When a parolee defaults on his/her monthly programming fee and does not pay by the tenth of the month following the month the fee is due, the supervising parole officer will direct the parolee to immediately go to the nearest location to buy a money order and return to the parole office with a money order for the amount due.

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- B. Should a parolee claim that he/she is unable to pay, they may request a programming fee hearing before the district supervisor.
- C. The supervising parole officer must advise the parolee to present documented proof of hardship, if that is the case, and the parole officer will be required to verify the validity of the documentation.
- D. The District Supervisor will submit his/her recommendation for each request for waiver of fees. Recommendations may include any of the following:
 - 1. Allow additional time to pay fees with a defined installment plan;
 - 2. Waive the required monthly amount for a lesser amount per month;
 - 3. Waive the unpaid balance by revoking it in whole or in part;
 - 4. Waive monthly fees in lieu of performing community service work with a credit of \$5.00 per hour;
 - 5. Loss of one and one half months good time when default occurs and parolee has the means to pay;
 - 6. Refer the matter for Preliminary Hearing and Review Hearing when default is deliberate and parolee has the means to pay; and
 - 7. Other recommendations as may be applicable.
- E. Waivers of programming fees: waiver of programming fees will be in effect only during the time the hardship is in effect. When the hardship ceases, programming fees will resume in the same manner as when an offender was first received on parole with end date of the hardship considered the same as the parole date (See Section II. EFFECTIVE DATE).

Letter of Disposition: Whenever programming fees are waived in whole or in part or waived in lieu of community service work, a copy of disposition of the Program Fee Hearing or Parole Hearing will be provided by the Parole Supervisor to NDCS Accounting for its records.

- 1. Fees Waived by Dollar Amount: When fees are waived in whole or in part, the notice of disposition shall state the effective start date of the waiver and the effective stop date, if known. If the stop date is not known, the parole officer is responsible for notifying NDCS Accounting when to resume assessment of programming fees.
- 2. When parolees' programming fees are waived for performing community service, care must be taken to ensure proper documentation of community service performed and that record keeping to forward to inmate accounting.
 - a. A parolee will have any community service he/she performs documented on a Community Service Verification/AA card by the sponsoring organization's representative. The parolee must turn this card into his/her assigned parole officer at least monthly.

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- b. Parole officers will review the submitted card and verify the community service. The parole officer should randomly select some card entries each month and verify the community service by calling the provided phone numbers. Once verification is completed, the parole officer should total the volunteer hours allowed toward the waiver of fees and sign and date the card. The card should be sent to NDCS Inmate Accounting – Attn: Inmate Accounting Supervisor via interoffice mail.
 - c. Community Service hours in excess of the amount needed to cover programming fees may create a credit balance on the parole account, but this does not constitute funds due the parolee from NDCS.
3. When received by the Inmate Accounting Supervisor, he/she shall review the card for appropriate signatures and instruct inmate accounting staff to enter the waiver into the CIT. Monthly, a report of volunteer hours and amounts waived will be provided the Assistant Adult Parole Administrator.
 4. The Assistant Adult Parole Administrator will monitor the report and communicate with parole supervisors to ensure that all Parole Officers are aware of the procedure and are turning in all cards.

VIII. FINANCIAL OBLIGATIONS CONDITION

Parole officers will enforce the provisions of the Financial Obligations Condition of the parole agreement in order to reinforce compliance with programming fees. Failure to pay program fees will result in disciplinary action that will be resolved through Administrative Resolution or Review of Parole if necessary. Graduated sanctions and incentives will be used to encourage the payment of program fees.

A. Incentives

1. Parolees who do not owe past due programming fees will be allowed to travel out of the county for leisure purposes, until all fees are up to date.
2. Parolees who do not owe fees may be allowed to.
3. Parolees who owe fees will be seen by the supervising Parole Officer at least monthly.
4. Goodtime restoration may be considered for parolees who are current on programming fees.

B. Sanctions - Parolees will be sanctioned in accordance with the Violation Matrix - AR 410.03, *Adult Parole Administration: Parolee Non-Compliance*.

Sanctions for failure to pay will include, but is not limited to: attendance at financial management classes; turning in a weekly budget to his/her assigned parole officer for approval; assignment to cognitive programming; placement on curfew, and placement on house arrest.

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REFERENCES:

- I. Nebraska Revised Statute 83-1,107.01
- II. ATTACHMENTS:
 - A. Parole Program Fee Waiver Hearing Form