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FY 2025 Houston EMA/HSDA Ryan White Part A/MAI Service Definition Other Professional Services Approval Date: October 2024	
HRSA Service Category Title: RWGA Only	Other Professional Services (Legal Services/Permanency Planning)
Local Service Category Title:	Legal Assistance – Expungement of Criminal Record
Budget Type: RWGA Only	Fee for Service
Budget Requirements or Restrictions: RWGA Only	Only time spent by the Attorney working on a client’s case may be billed under this contract. Travel time to and from a client’s residence is not billable.
HRSA Service Category Definition: RWGA Only	<p>Other Professional Services allow for the provision of professional and consultant services rendered by members of particular professions licensed and/or qualified to offer such services by local governing authorities. Such services may include:</p> <p>Legal services provided to and/or on behalf of the HRSA RWHAP-eligible PLWH and involving legal matters related to or arising from their HIV disease, including:</p> <ul style="list-style-type: none"> • Assistance with public benefits such as Social Security Disability Insurance (SSDI) • Interventions necessary to ensure access to eligible benefits, including discrimination or breach of confidentiality litigation as it relates to services eligible for funding under the HRSA RWHAP • Preparation of: <ul style="list-style-type: none"> ○ Healthcare power of attorney ○ Durable powers of attorney ○ Living wills <p>Permanency planning to help clients/families make decisions about the placement and care of minor children after their parents/caregivers are deceased or are no longer able to care for them, including:</p> <ul style="list-style-type: none"> • Social service counseling or legal counsel regarding the drafting of wills or delegating powers of attorney • Preparation for custody options for legal dependents including standby guardianship, joint custody, or adoption
Local Service Category Definition:	Ryan White allowable legal assistance in expungement of criminal record by an Attorney licensed to practice in Texas in accordance with 55.02, Texas Code of Criminal Procedure: https://statutes.capitol.texas.gov/Docs/CR/htm/CR.55.htm . Services include an assessment to determine the client’s eligibility for expungement of criminal record.
Services to be Provided:	Legal assistance with expungement of criminal record.

Target Population (age, gender, geographic, race, ethnicity, etc.):	Persons living with HIV within the Houston Eligible Metropolitan Area (EMA).
Service Unit Definition(s): RWGA Only	A unit of service is defined as one (1) hour of service provided by an Attorney licensed to practice law in the State of Texas.
Financial Eligibility:	Refer to the RWPC's approved <i>FY 2025 Financial Eligibility for Houston EMA Services</i> .
Client Eligibility:	Persons living with HIV in the Houston EMA/HSDA.
Agency Requirements:	Not applicable.
Staff Requirements:	Attorney must be licensed to practice law by the State of Texas.
Special Requirements: RWGA Only	<p>To the extent that expunging a client's record is done to assist in obtaining access to services and benefits that will improve HIV-related health outcomes, Ryan White funds can be used to pay for the expungement of criminal records and associated costs.</p> <p>Must comply with Houston EMA/HSDA Part A/B Standards of Care.</p> <p>No direct payments to clients are allowed.</p>

NOTE: It is advisable that RWHAP recipients and subrecipients partner with legal service professionals and consult their own state and local laws to determine eligibility for expungement assistance.

FY 2028 RWPC “How to Best Meet the Need” Decision Process

Step in Process: Council		Date: 06/12/2025
Recommendations:	Approved: Y: _____ No: _____ Approved With Changes: _____	If approved with changes list changes below:
1.		
2.		
3.		
Step in Process: Steering Committee		Date: 06/05/2025
Recommendations:	Approved: Y: _____ No: _____ Approved With Changes: _____	If approved with changes list changes below:
1.		
2.		
3.		
Step in Process: Quality Improvement Committee		Date: 05/13/2025
Recommendations:	Approved: Y: _____ No: _____ Approved With Changes: _____	If approved with changes list changes below:
1.		
2.		
3.		
Step in Process: HTBMTN Workgroup #3		Date: 04/16/2025
Recommendations:	Financial Eligibility:	
1.		
2.		
3.		

June 6, 2024

Dear Ryan White HIV/AIDS Program Colleagues,

Experiences with the legal system can pose a significant barrier for people with HIV in many critical areas, including housing, employment, and access to public benefits. The Health Resources and Services Administration's (HRSA) HIV/AIDS Bureau (HAB) is committed to ensuring that people with HIV who have had legal system involvement (defined as any person who is engaged at any point along the continuum of the legal system as a defendant, including arrest, incarceration, and community supervision) have access to core medical and support services to improve their HIV-related health outcomes.

As described in [*HRSA HAB Policy Clarification Notice \(PCN\) #18-02 The Use of Ryan White HIV/AIDS Program \(RWHAP\) Funds for Core Medical Services and Support Services for People Living with HIV Who Are Incarcerated and Justice Involved*](#), RWHAP funds may be used to support people with HIV who are incarcerated and are expected to be eligible for HRSA RWHAP services upon their release.¹ HRSA HAB funded two specific RWHAP Part F Special Projects of National Significance (SPNS) Program initiatives which included a focus on people who have been involved with the legal system: [*Supporting Replication of Housing Interventions in the RWHAP \(SURE\)*](#) and [*Using Innovative Intervention Strategies to Improve Health Outcomes among People with HIV \(2iS\)*](#), and HRSA HAB continues to learn best practices for supporting people with legal system involvement.

The expungement² of criminal records is an effective way to remove barriers to care and services, protect privacy, mitigate stigma, and support successful reentry into community.³ RWHAP funds may be used to aid in the expungement of criminal records.

The scope of allowable legal services as outlined under the "Other Professional Services" service category in [*HRSA HAB PCN #16-02 Ryan White HIV/AIDS Program Services: Eligible Individuals and Allowable Uses of Funds*](#) includes matters "related to or arising from [an individual's] HIV." To the extent that expunging a client's record is done to assist in obtaining access to services and benefits that will improve HIV-related health outcomes, RWHAP funds can be used to pay for the expungement of criminal records and associated costs. As policy and legal landscapes vary by geographic area, it is advisable that RWHAP recipients and subrecipients partner with legal service professionals and consult their own state and local laws to determine eligibility for expungement assistance.

¹ A case study of RWHAP funds being used for expungement: <https://publications.partbadap-2019.nastad.org/>

² Expungement is the process by which a defendant's criminal record is destroyed or sealed and thus treated as if it had never occurred. See https://www.americanbar.org/groups/public_education/publications/teaching-legal-docs/what-is-expungement/

³ https://www.americanbar.org/groups/criminal_justice/publications/criminal-justice-magazine/2024/winter/evolving-landscape-sealing-expungement-statutes/

RWHAP recipients and subrecipients providing expungement services should develop policies and procedures to determine how RWHAP clients will receive expungement services.

In doing so, RWHAP recipients and subrecipients must ensure that:

- Such services are available and accessible to all eligible clients who seek them.
- The payor of last resort requirement⁴ is met.

HRSA HAB remains committed to serving individuals involved with the legal system and strives to improve health outcomes and reduce disparities for people with HIV across the United States. We remain committed to addressing barriers to care and appreciate the community input we have received in this area. Thank you for your ongoing efforts and dedication to providing HIV care and treatment to more than half a million people with HIV across the country and continuing to provide a whole-person approach to improving the lives of people with HIV.

Sincerely,

/Laura W. Cheever/

Laura Cheever, MD, ScM
Associate Administrator, HIV/AIDS Bureau
Health Resources and Services Administration

⁴ The Payor of Last Resort Requirement is described in HRSA HAB PCN #21-02 Determining Client Eligibility & Payor of Last Resort in the Ryan White HIV/AIDS Program at <https://ryanwhite.hrsa.gov/sites/default/files/ryanwhite/grants/pcn-21-02-determining-eligibility-polr.pdf>

The Use of Ryan White HIV/AIDS Program Funds for Core Medical Services and Support Services for People Living with HIV Who Are Incarcerated and Justice Involved

Policy Clarification Notice #18-02

Replaces Policy Notice #07-04

Scope of Coverage

Health Resources and Services Administration (HRSA) HIV/AIDS Bureau (HAB) Ryan White HIV/AIDS Program (RWHAP) Parts A, B, C, and D and Part F, where funding supports direct care and treatment services.

Purpose of PCN

This Policy Clarification Notice (PCN) replaces HRSA HAB policy notice #07-04. The purpose of this PCN is to provide guidance to HRSA RWHAP recipients and subrecipients on the use of program funds to provide HRSA RWHAP core medical services and support services: 1) on a transitional basis to people living with HIV (PLWH) who are incarcerated in Federal and State prison systems; and 2) on a short-term and/or transitional basis to PLWH who are incarcerated in other correctional systems (e.g., local prisons and jails) or under community supervision (e.g., parole or home detention).

Background

State and federal prison systems are generally responsible for providing health care services to all individuals incarcerated in their facilities. Other correctional systems, such as local prisons and jails, may be responsible for providing health care services to all individuals incarcerated in their facilities, and those under community supervision may receive health care services by the program providing community supervision. The RWHAP statute, codified at title XXVI of the Public Health Service Act, stipulates that HRSA RWHAP funds may not be used “for any item or service to the extent that payment has been made, or can reasonably be expected to be made under . . . an insurance policy, or under any Federal or State health benefits program. . . .” and other specified payment sources.¹ Thus, local

¹ See Sections 2605(a)(6), 2617(b)(7)(F), 2664(f)(1), and 2671(i) of the Public Health Service Act. The Indian Health Service is statutorily exempted from the payor of last resort provision.

payers, such as local jails, are not subject to the payor of last resort provision, and HRSA RWHAP may be the primary payor. All short-term and transitional basis services must be coordinated with the HIV care and treatment services the correctional systems are required to provide – which can vary across correctional systems in a jurisdiction.

Definitions

“Incarceration” refers to the involuntary confinement of an individual in connection with an alleged crime. It includes involuntary confinement, either where a sentence has been determined or where the individual is detained pending adjudication of the case, as well as community supervision, such as parole or home detention.

“Transitional basis” refers to the time-limited provision of appropriate core medical and support services for the purpose of ensuring linkage to and continuity of care for incarcerated PLWH that will be eligible for HRSA RWHAP services upon release, when such release is imminent. HRSA HAB defers to recipients/subrecipients for a determination of the time limitation, generally 180 days or fewer.

“Short-term basis” refers to the time-limited provision of core medical and support services that are not prohibited by the statutory payor of last resort requirements. HRSA HAB defers to recipients/subrecipients for a determination of the time limitation. HRSA HAB recognizes that, in some instances, the time limitation will be commensurate with the duration of incarceration.

Guidance on Allowable Uses of Ryan White HIV/AIDS Program Funds

HRSA RWHAP recipients and subrecipients may provide HRSA RWHAP core medical services and support services to PLWH incarcerated in Federal and State prison systems on a transitional basis only. The nature of these services must be defined by HRSA RWHAP recipients and subrecipients in collaboration with the Federal or State prison system. Additionally, HRSA RWHAP recipients’ and subrecipients’ definitions of transitional services must be based on the HIV-related needs and anticipated release date of the incarcerated person.

HRSA RWHAP recipients and subrecipients may also provide HRSA RWHAP core medical services and support services to PLWH incarcerated in other correctional systems including those under community supervision on a short-term and/or transitional basis. The nature of these services must be defined by HRSA RWHAP recipients and subrecipients in collaboration with the correctional institution to ensure there is no duplication of services. If RWHAP core medical services and

support services are provided on a short-term basis, HRSA HAB recommends that recipients and subrecipients also provide services on a transitional basis.

HRSA RWHAP funds are intended to support only the HIV-related needs of eligible individuals. To be an HRSA RWHAP allowable cost, HRSA RWHAP recipients and subrecipients must be able to make an explicit connection between any service supported with HRSA RWHAP funds and the HIV care and treatment of the incarcerated person and must adhere to established HIV clinical practice standards consistent with U.S. Department of Health and Human Services' Clinical Guidelines for the Treatment of HIV.² See [HRSA HAB PCN #16-02, Ryan White HIV/AIDS Services: Eligible Individuals and Allowable Use of Funds](#).

HRSA RWHAP funding may only be used to support PLWH who are incarcerated and expected to be eligible for HRSA RWHAP services upon their release.

Unallowable uses

The HRSA RWHAP generally cannot pay for services for which payment has been made or can reasonably be expected to be made by Federal or State sources. HRSA RWHAP recipients and subrecipients cannot use HRSA RWHAP funds to pay for HRSA RWHAP core medical services and support services provided to PLWH in Federal or State prison systems on a short-term basis, because such services are generally provided by the Federal and State prison systems. Similarly, if Federal and State prison systems provide services that are equivalent to HRSA RWHAP core medical services and support services to PLWH on a transitional basis, the HRSA RWHAP cannot pay for these services.

HRSA RWHAP recipients and subrecipients cannot use HRSA RWHAP funds to pay duplicatively for HRSA RWHAP core medical services and support services provided to PLWH in other correctional systems or subject to community supervision programs, if these services are provided by the other correctional system or community supervision program. HRSA RWHAP funds cannot pay for services for incarcerated persons who retain private, State or Federal health benefits during the period of their incarceration.

Additional Expectations

Familiarity with Federal and State Prison Systems, Other Correctional Systems, and Community Supervision Programs: HRSA RWHAP recipients and subrecipients should become familiar with Federal and State prison systems, other correctional systems, and community supervision programs and the established

² <https://aidsinfo.nih.gov/guidelines>

pre-release procedures applicable to these systems to the extent they wish to provide HRSA RWHAP core medical services and support services to PLWH, as described in this policy. HRSA RWHAP recipients and subrecipients should work with the appropriate corrections administrators and staff to determine:

1. What health services are legally expected to be provided within the correctional system;
2. How, and whether, the correctional system addresses the transitional needs of PLWH who are incarcerated, including: discharge planning, continuity of treatment, and community linkages, and;
3. What services will be provided with the HRSA RWHAP funds.

Communication: HRSA RWHAP recipients and subrecipients must ensure communication between the correctional system, the recipient or subrecipient, and/or qualified provider is in compliance with all applicable laws and regulations regarding privacy.

HRSA RWHAP recipients and subrecipients that provide RWHAP core medical services and support services to eligible incarcerated PLWH should establish clear expectations with the correctional system administrators and staff regarding communication of release dates to ensure continuity of care for newly released eligible PLWH. Specifically, recipients should know what services are provided in the correctional system and who is delivering them to ensure compliance with the RWHAP statutory payor of last resort requirements and to ensure there is no duplication of effort.

Effective Date

This PCN is effective for RWHAP Parts A, B, C, D awards issued on or after November 30, 2018. This includes competing continuations, new awards, and non-competing continuations.

Clear or seal your record? Expunctions vs. Nondisclosures in Texas

This article is an overview of differences between clearing (expunction) and sealing (nondisclosure) your criminal record in Texas.

Composed by [Texas RioGrande Legal Aid](#) • Last Updated on April 8, 2025

Expunctions (sometimes called expungements) can permanently remove entries from an adult criminal history record. Nondisclosure is when the court "seals" certain offenses from public disclosure.

What's the difference between expunction and nondisclosure?

Both are procedures used to clean up adult criminal history records, which can impact job searches, professional licenses, and credit scores. Laws differ by state.

- In Texas, an expunction can permanently remove entries from an adult criminal history record—but it is very limited.
- Nondisclosure (sealing) hides certain offenses from public disclosure, but they are still visible to criminal justice agencies, licensing agencies, and certain government entities.

Eligibility depends on the type of offense and type of community supervision. Texas has two types of community supervision: deferred adjudication and regular community supervision (probation). Offenses ending in conviction or regular community supervision are never eligible for expunction but may be eligible for nondisclosure.

- Use the [Fresh Start](#) app to see if you may be eligible for either an expunction or nondisclosure order.
- [How to Ask for a Nondisclosure Order](#) has forms and instructions for nondisclosure orders.
- The [Expunction Guide](#) has forms and Instructions for expunctions.

Will a deferred adjudication stay on my record?

Yes. At the end of deferred adjudication, the court will dismiss the charges without a conviction. However, the offense and sentence of deferred adjudication stays on your record and can show up in public and private background searches.

Expunction

In Texas, expunction applies to:

- Class C misdemeanors resulting in deferred adjudication, or
- Offenses not resulting in conviction regardless of level, where charges were not filed, charges were dismissed, or the person was acquitted or pardoned.

Even if there were no charges, there is a minimum waiting period before filing an application for expunction:

- Class C misdemeanors: 180 days
- Class A and B misdemeanors: One year
- Felonies: Three years

If charges were brought, the statute of limitations must expire for every crime for which you were arrested (not just those you were charged with).

How do I file for expunction?

File the Application for Expunction in the arresting county, along with a fingerprint card from the Department of Public Safety. The clerk will notify DPS and set a court hearing no earlier than 30 days from the filing date.

For a free expunction packet with forms, see our [Expunction Toolkit](#).

Effect of Expunction: An Order of Expunction removes the entry from your criminal record. You are not required to mention it on job applications or anywhere else.

How do I file for nondisclosure?

There are two methods of nondisclosure in Texas:

1. Automatic nondisclosure for first-time misdemeanors: Automatic nondisclosure applies only to (1) first-time misdemeanors (other than traffic fines) (2) dismissed and discharged after August 31, 2017. If you meet all legal requirements, the judge must order nondisclosure once six months have passed after the date you were placed on deferred adjudication. You should not have to file anything.

In practice, though, you often have to remind the court to take this step. If you are eligible to automatically seal your record, you can use [these instructions for filing under 411.072](#) to ask the court to do so.

2. Nondisclosure with petition: A petition is required for all eligible offenses that don't qualify for an automatic order. See [How to Ask for a Nondisclosure Order](#) for forms and instructions.

What is the effect of nondisclosure?

A nondisclosure order means that government agencies may not inform unauthorized entities about your offense. Also, you are not required to disclose the offense information on job applications or anywhere else. However, the offense stays on your record and is visible to law enforcement and other government entities.

Why might I not be able to expunge or seal my record?

Expunction:

You cannot expunge any conviction. You can only expunge deferred adjudication for Class C misdemeanors. Class C misdemeanors are the lowest level of non-traffic offenses and never result in jail time.

Nondisclosure Orders:

You are not eligible for a nondisclosure order if you have **ever** been convicted or placed on deferred adjudication for any of the following:

- An offense requiring registration as a sex offender under [Chapter 62, Code of Criminal Procedure](#).
- Any offense involving family violence, as defined by [Texas Family Code 71.004](#).
- An offense under any of the following Texas Penal Code sections:
 - [20.04](#) (aggravated kidnapping)
 - [19.02](#) (murder)
 - [19.03](#) (capital murder)
 - [20A.02](#) (trafficking of persons)
 - [20A.03](#) (continuous trafficking of persons)
 - [22.04](#) (injury to a child, elderly individual, or disabled individual)
 - [22.041](#) (abandoning or endangering a child)
 - [25.07](#) (violation of court orders or conditions of bond in a family violence, sexual assault or abuse, stalking, or trafficking case)
 - [25.072](#) (repeated violation of certain court orders or conditions of bond in family violence, sexual assault or abuse, stalking, or trafficking case)
 - [42.072](#) (stalking).

Remember that these restrictions apply to your entire criminal history, including the offense you want to seal. You are never eligible to receive an order of nondisclosure for any offense if you have ever been convicted of or put on deferred adjudication for one of the above crimes.

See [Nondisclosure Orders and Sealing Your Criminal Record in Texas](#) for more information.

How long do I have to wait to expunge or seal my record?

The waiting period starts when you complete your sentence or your deferred adjudication.

Expunction:

If there was an arrest that did not result in charges:

- Class C misdemeanor: 180 days
- Class A and B misdemeanors: 1 year
- All felonies: 3 years

However, you may want to wait until the statute of limitations has expired for the offense. Otherwise, the prosecutor has the option to keep your records on file.

If charges were brought against you, the statute of limitation must have expired on all offenses arising from your arrest, unless you successfully completed a pretrial diversion program. Note that the statute of limitations is paused from the time you are charged until your case is resolved.

Nondisclosures:

The waiting period depends on the offense you want to seal.

- For most misdemeanors, you are eligible immediately or soon after you complete your sentence or deferred adjudication.
- You must wait two years for Chapter 20, 21, 22, 25, 42, 43, and 46 misdemeanors.
- You must wait five years for felonies.
- You must wait two to five years for DWIs, depending on whether it is a felony DWI and whether you had put a breathalyzer in your car.

Expunction, Nondisclosure, and Immigration

If you have a criminal record, like an arrest, you must list it on every immigration form and tell immigration officials—even if you received an expunction or nondisclosure order.

See [Expunctions, Nondisclosures, and Immigration Law](#).

Source URL: <https://texaslawhelp.org/article/clear-or-seal-your-record-expunctions-vs-nondisclosures-in-texas>