



Department of Human Resources
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FIA ACTION TRANSMITTAL

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**TO: DIRECTORS, LOCAL DEPARTMENTS OF SOCIAL SERVICES
 DEPUTY/ASSISTANT DIRECTORS FOR FAMILY INVESTMENT
 FAMILY INVESTMENT SUPERVISORS AND ELIGIBILITY STAFF**

FROM: CHARLES E. HENRY, EXECUTIVE DIRECTOR

**RE: CLARIFICATION OF FLEEING FELON AND PAROLE VIOLATORS
 POLICY**

**PROGRAM AFFECTED: FOOD STAMPS (FS) AND TEMPORARY CASH
 ASSISTANCE (TCA)**

ORIGINATING OFFICE: OFFICE OF POLICY, RESEARCH AND SYSTEMS

Since the Food and Nutrition Service issued the final rule on the Personal Responsibility Provisions of PRWORA, we have received questions from local departments regarding what constitutes a fleeing felon or a parole violator. A fleeing felon was defined as an individual fleeing prosecution or custody for a crime or attempt to commit a crime that would be classified as a felony. A parole violator was determined to have violated a condition of his parole or probation under federal or state law. Both parole violators and fleeing felons are ineligible for FS and TCA.

There are **no policy changes** regarding fleeing felons or parole violators. **However**, we have a clarification of the definition of what a fleeing felon is and what actions local departments must take.

Note: Medical Assistance eligibility is not affected by the fleeing felon or parole violator policy.

Definition of a Fleeing Felon

Recently, federal courts have interpreted federal law to require that, in order for an individual to be considered a fleeing felon, the individual **must know** that a warrant has been issued for his arrest **and, with the knowledge of the warrant**, the individual must be fleeing to avoid prosecution.

Local Department Action

In some instances, local departments may become aware of outstanding warrants on applicants or recipients through data matches or through third party information. Local departments must verify that the individual suspected of being a fleeing felon has knowledge of the outstanding warrant either because the individual was served the warrant personally or because the individual was advised of the warrant by the local department. The individual is not a fleeing felon until he knows of the warrant for his arrest. At the time the individual becomes aware of the warrant, he technically becomes a fleeing felon.

Local departments should provide individuals the opportunity to submit documentation that any outstanding warrants have been satisfied prior to the individual being determined ineligible for benefits as a fleeing felon.

If the **customer denies** he is a fleeing felon, the case manager must **allow adequate time (minimum 10 days) for the customer to submit documentation** substantiating his denial. If the customer does not submit documentation the case manager should send a Notice of Adverse Action. At the end of the adverse action period the case manager will either remove the individual from the household or close the case, whichever is appropriate.

Note: The medical assistance should trickle to F04 and remain open when the TCA is closed.

CARES

There are no changes to CARES procedures.

INQUIRIES

Please direct food stamp questions to Marilyn Lorenzo (410) 767-7333 and Temporary Cash Assistance to Jo-Ann Showalter (410) 767-7956.

cc: DHR Executive Staff
FIA Management Staff
Constituent Services
OIM Help Desk
RESI