



Department of Human Resources
311 West Saratoga Street
Baltimore MD 21201

FIA ACTION TRANSMITTAL

Control Number:

00-57

Effective Date: July 1, 2000

Issuance Date: June 30, 2000

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

FROM: *Charles S. Henry*
CHARLES HENRY, ACTING EXECUTIVE DIRECTOR

RE: ELIGIBILITY FOR CUSTODIAL PARENTS CONVICTED OF A
DRUG-RELATED FELONY

PROGRAMS AFFECTED: TEMPORARY CASH ASSISTANCE, EMERGENCY
ASSISTANCE, WELFARE AVOIDANCE GRANTS AND
FOOD STAMPS

ORIGINATING OFFICE: OFFICE OF POLICY, RESEARCH AND SYSTEMS

SUMMARY:

Action Transmittal 97-56 described penalties and disqualifications resulting from provisions of Personal Responsibility and Work Opportunities Reconciliation Act (PRWORA) of 1996. The Balanced Budget Act of 1997 amended the section of PRWORA that denied benefits to individuals convicted of a drug-related offense. Action Transmittal 98-54 notified local departments that individuals with drug-related convictions for crimes committed since August 22, 1996 are permanently ineligible to receive Temporary Cash Assistance (TCA), Emergency Assistance (EA) or Food Stamps (FS).

The Welfare Innovation Act of 2000 changes provisions of the law that deny cash and food stamps benefits to certain individuals with a drug-related felony conviction. A drug-related felony is: **A felony that involves the possession, use, or distribution of a controlled substance.**

Effective July 1, 2000 custodial parents:

- Convicted of a drug-related felony for criminal actions since August 22, 1996, who agree to comply with the drug testing and treatment regulations are eligible for TCA, WAG, EA and food stamp benefits.

- Convicted of a drug-related felony on or after July 1, 2000 while receiving TCA, WAG, EA or food stamp benefits **are not eligible** for these benefits for one year from the date of the conviction and are subject to drug testing and substance abuse treatment requirements.

NEW POLICY:

DRUG TESTING AND TREATMENT REQUIREMENTS:

- Until local departments receive instructions regarding the drug testing and treatment provisions, consider the custodial parent **eligible pending** implementation of the testing and treatment requirements.
- A separate action transmittal is being issued that provides policy, procedures and penalties for the drug-testing and treatment requirements.

DEFINITION OF CUSTODIAL PARENT:

- **Custodial parents** for cash assistance (TCA, WAGs, Emergency Assistance) are defined as adult or minor biological, adoptive, step mothers and fathers, and other caretaker relatives who live with their related minor children.
- **Custodial parents** for food stamps are defined as:
 - Adult or minor biological, adoptive, step mothers and fathers who exercise parental control over children under 18 who live with them, or
 - Someone other than a parent who exercises parental control over children under 18 who live with them.

ACTION REQUIRED:

PREVIOUSLY DENIED CUSTOMERS

There are 942 cases on CARES statewide that had individuals who were denied cash assistance or food stamps since January 1, 1997 because of a drug-related felony. Unfortunately, the custodial parents among these individuals cannot be identified.

- Cases were identified through a CARES query and two reports (Attachments 3A & B) were generated:
 - Deliverable Addresses On Cases/Individuals Coded For Drug Felony and
 - Undeliverable Addresses On Cases/Individuals Coded For Drug Felony

- Reports were faxed to local departments to give advance notice on the number of people who may be applying in their offices.
- DHR central mailed a notice (Attachment 1) to the head of household for cases with the previously denied person on the “**Deliverable Addresses**” report (Attachment 3A) at the last known address on CARES that:
 - Explains that the rules for custodial parents who are drug felons have changed.
 - Instructs them to reapply, if the previously denied person is a custodial parent and still resides in the home with their children.
 - Advises them to call their case manager for an appointment or if unable to reach their case manager, to come into their district office and apply.
 - Asks them to bring their letter with them when applying in the local department to help facilitate their application.
- If a head of household is listed on the report more than once, only one notice was mailed.
- Of the 942, there are 79 cases listed on the “**Undeliverable Addresses**” report (Attachment 3B) for 6 district offices statewide that have the district offices’ address or have “HOMELESS” in the street address on CARES.
 - Notices were not mailed to these individuals.
 - If the whereabouts of any of the individuals listed are known, they must be notified by the district office to come in and reapply.
 - The attached notice (Attachment 2) may be used or you may develop a notice that meets the needs of customers in your jurisdiction.

ACTION DUE: Effective with applications (including Add-A-Person) on or after July 1, 2000.

NARRATE ALL CASE ACTIVITY CAREFULLY:

Local departments must ensure that narration of case activity is clear, concise, and complete according to the action taken by the case manager. Good narration also supports the local department decision in the event of a fair hearing or selection of the case for Quality Control review.

RIGHT TO APPEAL

As a reminder, local departments shall advise households of their right to appeal a local department decision and the procedures for requesting a fair hearing. Local departments must also advise households of any legal services that might be available to represent them during a fair hearing. To find out the number of their local Legal Aid office, customers may call Legal Aid's toll-free number, 1.800.999.8904.

INQUIRIES

Please direct TCA questions to Edna McAbier at 410.767.8805, substance abuse questions to Cynthia Davis at 410.767.7495, food stamp questions to Kay Finegan at 410.767.7939 and systems questions to Gina Roberts at 410.238.1297.

c: DHR Executive Staff
FIA Management Staff
Constituent Services
Help Desk
CTF

CARES PROCEDURES FOR ELIGIBLE DRUG FELONS

APPLICATIONS:

- From the **AMEN** screen chose Option J (Screening) to open a TCA or Food Stamp case.

Remember: If the customer was head of household in a prior TCA or FS case, use that AU number when J screening.

- On the **CLRE** screen, enter all demographic information. If you are using an existing TCA or FS AU, on the **NMCL** screen match the individual **exactly** to ensure that the same IRN will be used.
- On the **KIND** screen, put a **Y** next to the programs the customer is applying for.
- On the **INCH** screen, remember that the application date **must be** on or after July 1, 2000.
- In Option **O** (Interview), on the **DEM1** screen of the HOH or other individual previously denied, in the Hospital field enter **Drug Felon**. This information will be necessary for reporting purposes.
- Complete Options **P** and **Q**.
- Narrate this action.

ADDING A DRUG FELON TO A CASE:

- From the **AMEN** screen, select Option **K** (Add A Person) to add the person who is a drug felon to an existing TCA or Food Stamp case.
- Complete the screening, interviewing, and processing the same as outlined above, making sure to enter **Drug Felon** in the Hospital field of the **DEM1** screen of the drug felon that is added. This information, again, is necessary for reporting purposes.
- Narrate this action.

SPECIAL NOTE: CARES instructions for ongoing customers with a drug-related felony conviction on or after July 1, 2000 are included in the policy, procedures and penalties action transmittal.

ATTACHMENT 1

CARES
DEPARTMENT OF SOCIAL SERVICES
GLEN BURNIE OFFICE
7500 RITCHIE HWY.
GLEN BURNIE MD 21061-5690

021 RZ3021 33 [REDACTED]

P [REDACTED] L [REDACTED]
7 [REDACTED] W [REDACTED] CT
PASADENA MD 21122-0000

When you applied for cash assistance or food stamps, the rules said that a member of your family could not get benefits because that person had been convicted of a drug felony.

The rules about drug felony convictions have changed. Some drug felons can now get cash assistance and food stamps if they agree to take a drug test, and, if the test is positive, follow the drug treatment rules.

Starting July 1, 2000, some parents who were convicted of a drug felony and who have their children living with them can apply again for cash assistance and food stamps.

You should apply for benefits for the person who was denied cash assistance or food stamps, if that person still lives in your home with their children.

To apply, call your case manager to get an appointment. If your case manager cannot be reached by phone, go to your local department office to apply.

Please bring this letter with you when you come into the office.

ATTACHMENT 2

When you applied for cash assistance or food stamps, the rules said that a member of your family could not get benefits because that person had been convicted of a drug felony.

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Please bring this letter with you when you come into the office.

DATE: 2000-06-16
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MARYLAND DEPARTMENT OF HUMAN RESOURCES
DELIVERABLE ADDRESSES ON CASES/INDIVIDUALS CODED
FOR DRUG FELONY

DO NUM	HOH LAST NAME	HOH FIRST NAME	HOH IRN	STREET NUM	STREET NAME	STREET TYPE	STREET CD	STREET DRCIN	APT NUM	CITY	STATE	ZIPCODE
129	[REDACTED]	VIRGINIA	43	1	H	RD			1	EDGEWOOD	MD	210400000

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MARYLAND DEPARTMENT OF HUMAN RESOURCES
 UNDELIVERABLE ADDRESSES ON CASES/INDIVIDUALS CODE
 FOR DRUG FELONY

DATE: 2000-06-16
 PAGE: 1

DO NUM	HOH LAST NAME	HOH FIRST NAME	HOH IRN	STREET NUM	STREET NAME	STREET TYPE CD	STREET DRCTN CD	APT NUM	CITY	STATE	ZIPCODE
210	[REDACTED]	ALBERT	47	[REDACTED]	HOMELESS				HAGERSTOWN	MD	217400000
	[REDACTED]	JOHN	47	[REDACTED]	HOMELESS				HAGERSTOWN	MD	217400000