



Department of Human Resources
311 West Saratoga Street
Baltimore MD 21201

Family Investment Administration
ACTION TRANSMITTAL

Control Number: 06-09

Effective Date: October 1, 2005

Issuance Date: August 29, 2005

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

FROM: KEVIN M. MCGUIRE, EXECUTIVE DIRECTOR

RE: ELIGIBILITY FOR CONVICTED DRUG FELONS

PROGRAM AFFECTED: FOOD STAMP PROGRAM

ORIGINATING OFFICE: OFFICE OF PROGRAMS

SUMMARY:

In 2000 State legislation made custodial parents who have been convicted of a felony involving the possession, use or distribution of a controlled dangerous substance which was committed after August 22, 1996 eligible for food stamps and TCA under certain conditions. The legislation also set forth requirements for substance abuse testing and treatment for custodial parents applying for TCA or food stamps. The legislation also required sanctions, drug testing and treatment for a custodial parent convicted after July 1, 2000 of a felony that has an element of manufacturing, distribution or possession with the intent to distribute a controlled substance, while receiving TCA or food stamps.

During the 2005 session, the Maryland General Assembly passed legislation that expanded eligibility for convicted drug felons who are not custodial parents.

There is no change in Temporary Cash Assistance or Child Care Subsidy policy.

ACTION REQUIRED:

Food Stamp Policy

1. Applicants with a drug-related felony conviction for a crime committed after August 22, 1996 are eligible for food stamps if they:
 - (a) Comply with the substance abuse testing and FIP Substance Abuse Treatment and Services program requirements, and
 - (b) Meet all other program financial and technical eligibility factors at application.

2. Recipients who are convicted of manufacture or distribution of a controlled or dangerous substance or possession with intent to distribute a controlled or dangerous substance on or after July 1, 2000 while receiving food stamps:
 - (a) Lose eligibility for the benefits for one year from the date of conviction, and
 - (b) Are subject to substance abuse testing and treatment requirements after resuming eligibility.

After the period of ineligibility the person is subject to drug testing and FIP Substance Abuse Treatment and Services requirements for a period of two years starting from the later of:

- (a) The date the individual is released from incarceration,
 - (b) The date the individual completes any term of probation, or
 - (c) The date the individual completes any term of parole or mandatory supervision.
3. Remove any individual who does not comply with testing or treatment from the food stamp assistance unit.
 4. Count all resources and income of the excluded individual as accessible to the food stamp household and allow all deductions.

Note: There is no conciliation procedure for food stamp applicant or recipients who are convicted drug felons.

ACTION DUE:

This policy is effective October 1, 2005. Please note that the CARES procedures have been changed. Food stamp applicants and recipients will be coded the same on the DEM2 screen.

INQUIRIES:

Please direct food stamp policy questions to Kay Finegan at 410-767-7939 or Rick McClendon at 410-767-7307. Direct questions about the substance abuse policy to Deborah Weathers at 410-767-7994 and CARES questions to Gina Roberts at 410-767-7027.

cc: FIA Management Staff
Constituent Services
DHR Help Desk

CARES PROCEDURES

To identify a case with an individual affected by the drug felon testing provisions and to track the individuals who must cooperate with drug testing and substance abuse treatment and services requirements, enter on the individual's **DEM1** screen in the **CITY** field:

DF1 – MM YY (This represents the length of time that the customer must comply with the drug testing requirements).

DF2 – MM YY (This represents the length of time that the customer who failed/refused to keep an appointment for drug testing must comply).

Individuals who Comply with the Drug Testing and Treatment Requirements

- When approving/finalizing a FS case, on the **FSFI** screen, press **PF13** and enter in the following additional lines of text:

Individual's Name is required to comply with the substance abuse and drug testing rules through **MM YY** to maintain eligibility for FS. According to the code of Maryland Regulations 07.03.03.04 and 07.03.17.04.

Individuals who are not complying with drug testing or treatment

The following CARES procedures have changed slightly. Food stamp applicants and recipients will be coded the same on the **DEM2** screen. If coded correctly, CARES will count the income, resources and deductions according to policy.

The free form text will vary depending on whether the individual is an applicant or recipient.

FS Applicants:

- When an applicant does not comply with drug testing requirements, process the case as follows:
 - On the **DEM2** screen of the individual under **Penalties**, enter the appropriate code in the **Org** field, **DFLN** in the **Viol** field, conviction date in the **Dec Date** field and the appropriate code in the **Type** field. CARES will deny the individual with a 275 reason code. This will make the individual ineligible to receive Food Stamps but the income, resources and deductions of the individual will count toward any remaining household members.
 - Complete the eligibility process.

- On the **FSFI** screen, press **PF13** and enter the following additional lines of text:

Individual's Name is not entitled to Food Stamp benefits because **he/she** failed to comply with drug testing requirements. According to the Code of Maryland Regulations 07.03.17.04.

Food Stamp Recipients:

- When a recipient does not comply with drug testing requirements, process the case as follows:
 - On the **DEM2** screen of the individual under **Penalties**, enter the appropriate code in the **Org** field, **DFLN** in the **Viol** field, conviction date in the **Dec Date** field and the appropriate code in the **Type** field. CARES will close the individual with a 275 reason code. This will make the individual ineligible to receive Food Stamps but the income, resources and deductions of the individual will count toward any remaining household members.
 - On the **FSFI** screen, press **PF13** and enter the following additional lines of text:

An individual convicted of a drug felony after July 1, 2000 is ineligible for food stamps for one year from the date of conviction. **Individual's Name** is ineligible through **MMYY**.
 - Create an alert for one year after the date of conviction to review eligibility for the individual.
- After the year has gone by, the individual may reapply and be added to the Food stamp household if he or she is otherwise eligible. Enter the appropriate drug felon code, either **DF1** OR **DF2** in the **City** field of the **DEM1** screen.
- To add the individual back to the FS case perform the following steps:
 - Remove the **DFLN** penalty from the **STAT** screen by having a supervisor enter a **Y** in the **Del** field on the **DEM2** screen and pressing the **PF24** key.
 - On the **FSFI** screen press the **PF13** key to add the following additional lines of text indicating that the customer is required to comply with substance abuse treatment and drug testing requirements for two years:

Individual's Name must follow both the substance abuse treatment and drug testing rules through **MMYY** in order to get food stamps. According to the Code of Maryland Regulations 07.03.17.04