CALFRESH REQUEST FOR POLICY INTERPRETATION

PI# 17-107

INSTRUCTIONS: Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Retain a copy for your records and submit via email to CalFresh-PI@dss.ca.gov.

Please note: the policy interpretation provided is based on the unique set of facts presented and should not be assumed to apply in all scenarios.

1. RESPONSE NEEDED DUE TO:
   - ☑ Policy/Regulation Interpretation
   - ☐ QC
   - ☑ Other: Fair Hearing

5. DATE OF REQUEST: 12/12/2017
   NEED RESPONSE BY: 12/22/2017

6. COUNTY/ORGANIZATION: Shasta County Regional Services

7. SUBJECT: ACL 15-82 Probation Violators

2. REQUESTOR NAME:

3. PHONE NO.:
   EMAIL:

4. REGULATION CITE(S): ACL 15-82

8. REFERENCES: *(Include ACL/ACIN, court cases, etc. in references)*
   NOTE: All requests must have a regulation cite(s) and/or a reference(s).

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

On 9/7/17, a Quality Support Unit (QSU) worker was reviewing a CalFresh/Medi-Cal case for a potential CalFresh over-issuance. On 9/25/17, the Special Investigations Unit (SIU) completed a referral, as requested by the QSU worker, to determine if Parent A was in violation of probation/parole. Parent A was in violation of probation; a misdemeanor warrant was issued on 7/13/17, the issuing agency was the local police department, they were actively seeking Parent A and had been actively seeking Parent A within the 30 days after the warrant was issued. The CalFresh case was discontinued as of 10/31/17, the QSU worker was not able to issue a timely discontinuance notice in 9/17 for failure to report. The CalFresh RE was due in 7/17; the RE phone interview was completed on 7/25/15 and the CF 37 was signed on 7/25/17. Parent A failed to report he was in violation of probation at RE.

Question on the back.

10. REQUESTOR'S PROPOSED ANSWER:

No. Per the SIU referral, Parent A was a probation violator with a warrant and was actively being sought by the issuing law enforcement agency. Parent A failed to report this at RE, this information was discovered when the case was being reviewed for another potential over-issuance by the QSU worker.
Per ACL 15-82, CWDs special investigation units (SIUs) shall continue to utilize the Fleeing Felon Match (FFM) to identify fleeing felons. For Probation or Parole Violators, county's shall refer to the offense code with the FFM report to determine recipients who are in violation of probation or parole and therefore ineligible for CalFresh benefits. 1)For probation or parole violators the CWD must verify identity. 2) For probation or parole violators, the CWD must also verify that the violation is current, and that the issuing agency is actively seeking the individual, however the CWD may receive this information.

11. STATE POLICY RESPONSE *(CFPB USE ONLY)*:

Based on the information provided above, per ACL 15-82, page three, states that the worker must verify with law enforcement agency if Parent A is in violation of probation or parole. Law enforcement has 20 days to provide the information to the worker. Once the information is received, the worker then needs to wait for the 30-day period to expire prior to verifying with law enforcement agency whether it has attempted to arrest the probation or parole violator. If so, then the worker would need to provide a ten day notice for termination and an OI would be established. If after the 30-day period has expired (10/25/2017) law enforcement verifies that they are no longer actively seeking to arrest parent A, then the parent A continues to be eligible for CalFresh. Based on our conversation, Parent A appeared in court on 10/10/17 and the warrant was no longer valid as of 10/23/17, therefore, the CWD can establish an OI for failure to report at recertification from 8/17 - 9/17.

FOR CDSS USE

DATE RECEIVED:	DATE RESPONDED TO COUNTY/ALJ:
12/21/2017	12/27/2017

CALFRESH REQUEST FOR POLICY INTERPRETATION (Continued)

PI#17-107

1. RESPONSE NEEDED DUE TO: ☐ Policy/Regulation Interpretation ☐ QC ☐ Other:	5. DATE OF REQUEST: / NEED RESPONSE BY: 6. COUNTY/ORGANIZATION: 7. SUBJECT:
2. REQUESTOR NAME: 3. PHONE NO.: / EMAIL: 4. REGULATION CITE(S):	8. REFERENCES: *(Include ACL/ACIN, court cases, etc. in references)* **NOTE: All requests must have a regulation cite(s) and/or a reference(s).**

Question:
Would the QSU worker need to wait 30 days, as specified in the steps on page 3 in ACL 15-82, to determine if the law enforcement agency had attempted to arrest the client before discontinuing CalFresh for failure to report? Does the worker have to wait until 10/25/17 to confirm law enforcement continues to actively seek Parent A, then chart 8/17 - 10/17? Or since law enforcement was actively seeking from the time the warrant was issued (over 30 days) is it appropriate to use the information and apply the rules retroactively to discontinue and chart over-issuances from 8/17 - 10/17? If the worker has to wait 30 days, what happens if the client cleared the warrant prior to the discontinue date in November, is there an over-issuance?