

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



January 21, 2005

ALL COUNTY INFORMATION NOTICE NO. I-03-05

TO: ALL COUNTY WELFARE DIRECTORS
ALL FOOD STAMP COORDINATORS**REASON FOR THIS TRANSMITTAL**

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

SUBJECT: QUESTIONS AND ANSWERS -- DRUG FELONY BILL

REFERENCE: ALL COUNTY LETTER (ACL) 04-59

This All County Information Notice provides answers to questions regarding Food Stamp Program policy. These questions were submitted to the California Department of Social Services subsequent to release of ACL 04-59 which provided counties with implementation instructions for Assembly Bill 1796 (Chapter 932, Statutes of 2004).

These questions and answers were reviewed by the County Welfare Directors Association's Food Stamp Committee before finalization by the Food Stamp Policy Bureau. If you have any questions regarding the attached Questions and Answers, please contact Karen Abbe of the Food Stamp Policy Development Unit at Karen.Abbe@dss.ca.gov or (916) 654-5709.

Sincerely,

Original signed by
RIGHTON YEE, Chief
Food Stamp Branch

Attachment

Question 1:

How is the QR 7 used to identify potentially-eligible drug felons?

Answer: The QR 7 is only used to identify new potentially-eligible drug felons since the last QR 7 was submitted by the household.

Question 2:

Can counties identify drug felons apart from reports on the QR 7 and at recertification?

Answer: Yes. For example, counties may or may not send fliers or utilize their automated systems to identify potentially-eligible drug felons. A flier (or use of an automated system) sent to the household to solicit a request from the drug felon to be added to household's benefits may identify potentially-eligible drug felons currently in the household, and generally sooner than waiting for recertification, which is beneficial to the household.

Question 3:

Are drug felons in a change reporting household treated differently than drug felons in a QR household when they are added to the household?

Answer: No. Although the wording in the All County Letter may have indicated a different approach for the determination of eligibility in a Change Reporting household, it was not the intent. The date of request for eligibility by the household shall drive the date the drug felon is added for (both) Change Reporting households and Quarterly Reporting households, which will be the first of the month following the date of request. The request date is determined when the household indicates they may be eligible for increased benefits. The request may be verbal or in writing. If the FS 26 is received as a written request, then the date the FS 26 is received determines the date of request. If, however, the household indicates potential eligibility through a verbal request, the date of the verbal request shall determine the date of request.

Question 4:

Is a face-to-face interview required when the household requests the addition of the drug felon?

Answer: No. The worker can discuss the FS 26 with a household by phone or through written communication.

Question 5:

Do eligible drug felons need to meet the SFIS requirement?

Answer: Yes. Current fingerprinting requirements still apply (MPP 63-601.12).

Question 6:

Will counties add the drug felon to the household using 10-day verification (MPP 63-300.5) or 30-day add-a-person (MPP 63-301.1 and .2) rules?

Answer: Since the excluded drug felon is a member of the household, but not included in the benefit level, the individual is not considered a new addition to the household. It is more appropriate to treat the request for eligibility as a change to the existing household. Therefore, the 10-day verification rules apply when making the change. For QR 7 households, if verification is not provided within 10 days from the CWD's request for verification or if an FS 26 is not returned to the CWD, the CWD must send a No Change Notice of Action (NOA) to the household. The eligible drug felon cannot be added until appropriate verification is received, and then only added on the first of the month following receipt of the verification. For Change Reporting households, no action is taken to increase benefits. It is the option of the CWD to notify the household that verification has not been received and, therefore, benefits not increased.

Question 7:

If verification of eligibility criteria is not available, is an "affidavit" signed under penalty of perjury by the drug felon required?

Answer: Yes. A written statement by the drug felon under penalty of perjury attesting to meeting the specific eligibility criteria is sufficient. The FS 26 is a certification under penalty of perjury that the conditions of eligibility have been met by the drug felon and is signed by the head of household (or drug felon if s/he is the head of household). Once the document is signed, verification must be provided by the household. If verification is not available, the drug felon must complete an affidavit signed under penalty of perjury that s/he has met the conditions of eligibility.

Question 8:

If verification (as discussed above in Question 6) is not received, is the household discontinued?

Answer: No. Refer to the response to Question 6 (above).

Question 9:

If the CWD sent the FS 26 to the household and it is not returned, is the household discontinued?

Answer: No.

Question 10:

How will minors be treated when they have been determined to be a drug felon?

Answer: A minor would be considered a drug felon for food stamp eligibility purposes only if they have been tried and convicted as an adult.