

October 25, 2024

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 24-70

The purpose of this letter is to provide County Health and Human Service Agencies with guidance on the new definition of fleeing felon for California Work Opportunity and Responsibility to Kids pursuant to Senate Bill 345 (Chapter 260, Statutes of 2023).



JENNIFER TROIA
DIRECTOR

CALIFORNIA HEALTH & HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



GAVIN NEWSOM
GOVERNOR

October 25, 2024

ALL COUNTY LETTER NO. 24-70

TO: ALL COUNTY WELFARE DIRECTORS
ALL CALWORKS PROGRAM SPECIALISTS
ALL QUALITY CONTROL PROGRAM COORDINATORS
ALL SPECIAL INVESTIGATIVE UNIT CHIEFS

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO
KIDS (CALWORKS): NEW DEFINITION OF FLEEING FELON
PURSUANT TO SENATE BILL (SB) 345

REFERENCE: [WELFARE AND INSTITUTIONS CODE \(WIC\) SECTION 11486.5;](#)
[SENATE BILL \(SB\) 345 \(CHAPTER 260, STATUTES OF 2023\);](#)
[ALL COUNTY LETTER \(ACL\) 15-82; ALL COUNTY](#)
[INFORMATION NOTICES \(ACIN\) I-14-11](#)

This All County Letter (ACL) provides County Health and Human Service Agencies (HHSAs) with guidance on the new definition of fleeing felon for CalWORKs pursuant to [Senate Bill \(SB\) 345 \(Chapter 260, Statutes of 2023\)](#). Effective January 1, 2024, the new definition adds to the previous definition of what constitutes a fleeing felon under the [Welfare & Institutions Code \(WIC\) Section 11486.5](#). CalWORKs regulations will be developed after the release of this letter.

For guidance on the CalFresh fleeing felon policy, please refer to [ACL 15-82](#).

BACKGROUND

Prior to [SB 345](#), [Welfare and Institutions Code \(WIC\) Section 11486.5](#) prohibited any individual from being eligible for CalWORKs aid if they are:

- (1) Fleeing to avoid prosecution, or custody and confinement after conviction, under the laws of the place from which the individual is fleeing, for a crime or an attempt to commit a crime that is a felony under the laws of the place from which

the individual is fleeing, or which, in the case of the State of New Jersey, is a high misdemeanor under the laws of that state.

The intent of the law was to prohibit individuals who were intentionally avoiding prosecution or imprisonment from receiving CalWORKs benefits or cash aid.

NEW DEFINITION OF FLEEING FELON

The definition of fleeing felon has been revised pursuant to [SB 345 \(Chapter 260, Statutes of 2023\)](#) to clarify how a person is determined to be a fleeing felon. That bill added to the following to [WIC Section 11486.5](#):

“.... For the purposes of this section, an individual shall be determined to be fleeing to avoid prosecution or custody and confinement after conviction if a federal, state, or local law enforcement officer, acting in an official capacity, presents an outstanding felony arrest warrant containing one or more of the following National Crime Information Center Offense Classification Codes:

- **Escape (4901),**
- **Flight to Avoid (4902),**
- **Flight-Escape (4999).”**

PROCESSING A REPORT

The HHSA must initiate action on a CalWORKs applicant or participant if they receive information from a law enforcement agency or the Fleeing Felon Match (FFM) that the applicant or recipient is fleeing prosecution or custody and confinement pursuant to [WIC Section 11486.5](#), and law enforcement presents the felony arrest warrant to the HHSA.

County HHSA Action for Application Processing at Intake and Recertification

The HHSA must continue to process an application while awaiting verification of fleeing felon status. In order to meet application processing time standards (see [ACIN I-14-11](#) dated March 22, 2011), if the HHSA is required to act on the case without being able to determine fleeing felon status, the HHSA must process the application without consideration of the individual's fleeing felon status.

Fleeing Felon Match

The HHSA Special Investigative Units (SIUs) must continue to utilize the FFM report to identify potential fleeing felons. This report matches records obtained from the Department of Justice Wanted Persons File against the Medi-Cal Master Eligibility File (MMEF). The FFM report provides counties with information on current recipients who

are potential fleeing felons or probation or parole violators. The following steps are to be taken to remove a person from the CalWORKs family assistance unit once information is received and after timely or adequate notice is given:

- For fleeing felon status:
 - the HHSA must verify identity and that the warrant is indeed active in the issuing jurisdiction.
 - there is no requirement that the individual have knowledge of the existence of the warrant.
- For probation or parole violators:
 - the HHSA must refer to the offense code within the FFM report to determine recipients who may be in violation of probation or parole and therefore ineligible for CalWORKs aid.
 - the HHSA must verify/confirm the identity, whether the violation is current, and whether the issuing agency is actively seeking the individual.

An overpayment must be issued in cases where timely notice cannot be given prior to the next month's benefits being issued or benefits are issued pending verification of fleeing felon or probation or parole violator status.

CONFIDENTIALITY REMINDER

State and federal confidentiality provisions still apply to individuals affected by fleeing felon or probation or parole violator classifications. Pursuant to [WIC section 10850 et seq.](#) and [MPP Division 19-004.42](#), information concerning the status of potential fleeing felons or probation or parole violators may only be released to local, state, or federal law enforcement officers. HHSAs are therefore reminded that the provision regarding the process of providing information to law enforcement officials only applies to local, state, or federal law enforcement officers and the information is not otherwise disclosable unless permitted by another provision of statute or regulation.

If you have any questions or need additional guidance regarding the information in this letter, contact the CalWORKs Early Engagement and Eligibility Bureau at CWEligibilityPolicy@dss.ca.gov.

Sincerely,

Original Document Signed By

ALEXIS FERNÁNDEZ GARCIA
Deputy Director
Family Engagement and Empowerment Division