

Fleeing Felon

100-B9

Approved: *Signature on file*

1/1/98 (R 9/9/13)

PURPOSE

Assembly Bill (AB) 1542 changed state law making persons fleeing to avoid felony prosecution, custody or confinement after conviction or violating a condition of probation or parole ineligible for CalWORKs until the violation is cleared through the legal system.

Effective January 1, 1998, fleeing felons are **ineligible** for aid under CalWORKs. This includes all persons, including juveniles, fleeing to:

- Avoid felony prosecution, **or**
- Avoid custody or confinement after a conviction or attempt to commit a crime that is a felony, **or**
- violate a condition of probation or parole. (The initial offense for which probation or parole was ordered does not have to be a felony.)

The existence of a warrant for arrest shall be presumed to be evidence of fleeing, unless rebutted by other evidence sufficient to prove that the individual had no knowledge that he/she is being sought by the law.

DEFINITIONS

- Fleeing to avoid prosecution or custody or confinement means a warrant for arrest has been issued.
 - Violating a condition of probation or parole means a warrant for a crime that violates a condition of probation or parole has been issued, or an order has been issued revoking probation or parole.
 - Money mismanagement means an inability to manage funds that payments to the caretaker on behalf of the child have not been or are not currently used in the best interest of the child. A recipient shall be presumed to have mismanaged funds when he or she has previously failed to pay rent within the past 12 months, unless the failure was due to a significant rent increase, a reasonable exercise of a tenant's right to withhold rent for repair and deduct, or domestic violence by a spouse, partner, or roommate.
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TREATMENT OF FLEEING FELON IN ASSISTANCE UNIT (AU)

Fleeing felons are considered Non-AU family members because they are excluded from the AU by law. They are not subject to Welfare-to-Work requirements. The income of the excluded fleeing felon (parent) who is living in the home is considered in determining eligibility and grant amount. The fleeing felon's needs shall only be considered if the fleeing felon has income. Refer to *CalWORKs Policy 100 B-2 Treatment of Income of AU/Non-AU Family Members* for more information.

ANNUAL REPORTING/CHILD-ONLY CASES(AR/CO) AND SEMI-ANNUAL REPORTING (SAR) MANDATORY REPORT OF FLEEING FELON

Reporting of an AU member who is a fleeing felon, or violates a condition of probation or parole is considered a mandatory report under AR/CO and SAR rules. This means that CalWORKs AUs are required to report when an AU member is a fleeing felon or violates a condition of probation within 10 days after this change is known to the recipient.

The AU member must be discontinued and the worker must take mid-period/year action to reduce or discontinue CalWORKs benefits, as appropriate, at the end of the month after a 10-day notice can be provided.

If the AU reports a fleeing felon/parole violator for one of its members, but it is too late to provide a 10-day notice of discontinuance, the worker must release benefits for the next month at the previous level. The worker must determine the Overpayment (OP) regardless of whether the AU reported the change timely or not and take action to reduce benefits effective the first day of the next month when 10-day notice of decrease in benefits can be provided.

CalWORKs allows recipients the opportunity to waive the 10-day notice requirement in order to avoid incurring an OP in their case. If the recipient waives his/her right to a 10-day notice of adverse action in writing, the worker may decrease the grant amount without having to provide timely (10-day) notice to the AU.

Note: For Public Assistance CalFresh (PACF) households, if a change in fleeing felon status or a parole/probation violation is reported and confirmed for the CalWORKs case, the worker will be required to act on the reported information in the CalFresh case. The worker must discontinue the individual from CalFresh at the same time as the CalWORKs action, at the end of the month after 10-day notice can be provided. There is no provision in the CalFresh program to allow the household to waive their right to a timely notice.

Refer to *CalWORKs Policy 100-E13, Annual Reporting/Child-Only (AR/CO) and CalWORKs Policy 100-E5A, Mid-Quarter Period Reporting in SAR.*

IDENTIFYING FLEEING FELONS

Self-Identification

Applicants and recipients will self-identify in writing under penalty of perjury if they are a fleeing felon. The Statement of Facts for Cash Aid, CalFresh, And Medi-Cal/34-County Medical Services Program (SAWS 2) and Eligibility/Status Report – Semi-Annual for Cash aid and CalFresh (SAR 7) include a declaration related to fleeing felon identification.

If the client is in the office and identifies him/herself as a fleeing felon, the client is to be referred to the District Attorney Public Assistance Division (DA-PAD) unit using a Regional Fraud Investigation Referral Form F063-30-74A. Refer to CalWORKs Policy 100-H4 CalWORKs Fraud Referral for more information.

Fleeing Felon Match

A *Fleeing Felon Match* developed by the California Department of Social Services (CDSS), in conjunction with the California Department of Justice, is used to identify fleeing felons. The Department of Justice Wanted Persons File (WPF) is matched against the Medi-Cal Master Eligibility File to identify WPF individuals who are currently receiving assistance. The DA-PAD receives the *Fleeing Felon Match* and notifies CalWORKs staff of the fleeing felon status.

Other Sources

If the county becomes aware through any other source that a person is a fleeing felon, the county will take action on the information to deny/discontinue cash aid for the fleeing felon. A DA-PAD referral must be made to determine when the warrant was issued and to evaluate for an overpayment.

FLEEING FELON STATUS CLEARED

If a client who has been identified as a fleeing felon reports that his/her warrant has been cleared, the Initial Services Worker (ISW) / Ongoing Services Worker (OSW) /Zero-Parent Worker will complete an Intake Investigation Fraud Referral and submit it to DA-PAD for clearance.

If DA-PAD confirms that the client has cleared the warrant, the client may become eligible for CalWORKs if all other eligibility requirements are met. Follow Beginning Date of Aid (BDA) rules.

Refer to *CalWORKs Policy 100-C4.A Adding/Discontinuing An Adult from the Assistance Unit* for more information.

FLEEING FELON MATCH RESPONSIBILITIES

DA-PAD RESPONSIBILITIES

The following are the steps that must be taken by DA-PAD when a *Fleeing Felon Match* is received:

1. Investigative Assistant will review and clear the *Fleeing Felon Match* to confirm the persons listed on the match are active CalWORKs recipients. A Memo includes the fleeing felon's name and date of warrant will be sent to CalWORKs case worker for active CalWORKs recipients (refer to *Fleeing Felon Match Memo attachment*).
2. Supervising Investigator must inform the Social Services Supervisor I (SSSI)/Eligibility Supervisor (ES) if the *Fleeing Felon Match* contained a "Caution Statement" (CAU), indicating the wanted person might be a safety threat.
3. Supervising Investigator will complete a Regional Fraud Referral form F063-30-74A, and assign the referral to an investigator.
4. Investigator will follow DA-PAD *Fleeing Felon* procedure to complete investigation of the felon receiving CalWORKs benefits.
5. Investigator will send the Investigation Referral to the assigned worker's supervisor (SSSI/ES) advising of actions taken by the investigator and recommendation of actions needed by the worker within 5 working days after completing the investigation.
6. Provide a *Fleeing Felon* monthly listing to the Regional Manager with referral completion date, disposition, and date referral was returned to the worker.

FLEEING FELON'S MINOR CHILDREN

In the event that a CalWORKs recipient is identified as a fleeing felon, is arrested and removed from the home that results in any minor children being left unattended or without proper supervision, the DA-PAD will take the following actions:

- Make every effort to locate a parentally approved responsible adult (i.e. relative, neighbor, or friend) to watch over the fleeing felon's children until the fleeing felon is released from custody.
- If no one can be located to watch the children, and the offense for which the fleeing felon is charged is of a minor and non-violent nature, consideration shall be given to advising the client to surrender to the court.
- If there is an absolute compelling reason to arrest and detain the client, and no suitable arrangements can be made to care for the minor children, the arresting officers shall detain the children at Orangewood Children and Family Center (OCFC).

Note: This option is exercised as a last resort only and DA-PAD will notify FSS Program Manager or designee.

ISW/OSW RESPONSIBILITIES

Once the completed Investigation Fraud Referral is received from DA-PAD, the ISW/OSW must take appropriate case actions based on the results of the investigation such as:

- Remove the client from CalWORKs with a timely Notice of Action if the client is determined to be a fleeing felon.
- Evaluate for an overpayment.

Note: ISW/OSW will enter a "Special Indicator" on the *Collect Case Special Indicator* window in Data Collection when DA-PAD advises that the *Fleeing Felon Match* contains a "Caution Statement" (CAU), which indicates the fleeing felon might be a safety threat. A courtesy call will be made to other workers such as Medi-Cal or WTW Case Manager to advise them of the caution statement.

Refer to *Drug/Fleeing Felons Resource Guide* for CalWIN entries.

REGIONAL MANAGER

DA-PAD will forward a monthly listing of the fleeing felons processed and the results of the investigations to the Regional Managers. The Regional Managers will use this listing for control purposes to follow-up on case actions.

TWO-PARTY CHECK REQUIREMENT

The county is not required to issue vendor/two-party check payments to cases containing a mandatory AU member determined to be a fleeing felon. However, if the county determines that money mismanagement has occurred, vendor payments may be issued for at least rent and utilities.

Refer to *CalWORKs Policy 100-B8 Two-Party Check Issuance* for more details.

CALWIN ENTRIES

Refer to *Drug/Fleeing Felons Resource Guide* for instructions on how to record a drug felon/fleeing felon violator information in CalWIN.

NOTICES/FORMS

- CalWIN Correspondence # M82-832A CW Change – Fleeing Felons.
 - CalWIN Correspondence # M82-832B Partial Approval – Fleeing Felons.
 - Regional Fraud Investigation Referral Form F063-30-74A
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REFERENCES

- **EAS** 40-034.1, 44-133.512, 82-832.1
 - **ACL** 97-65, 98-42, 98-57, 12-25
 - **ACIN** 1-71-99
 - **CalWORKs Policy 100-B2** Treatment of Income of AU/Non-AU Family Members
 - **CalWORKs Policy 100-B8** Two-Party Check Issuance
 - **CalWORKs Policy 100-C4.A** Adding/Discontinuing An Adult And/Or A Child To/From The Assistance Unit
 - **CalWORKs Policy 100-E5.A** Mid-Period Reporting in SAR□
 - **CalWORKs Policy 100-E13** Annual Reporting/Child-Only Cases (AR/CO)
 - **CalWORKs Policy 100-H4** CalWORKS Fraud Referral
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RESOURCE GUIDES

Drug/Fleeing Felons Resource Guide

ATTACHMENTS

- Drug Felon/Fleeing Felon Comparison Chart
- Fleeing Felon Match Memo