

## CALFRESH (CF) PROGRAM REQUEST FOR POLICY/REGULATION INTERPRETATION

**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. Be sure to identify the additional discussion with the appropriate number and heading. Retain a copy of the CF 24 for your records.

- Questions from counties, including county Quality Control, must be submitted by the county CalFresh Coordinator and may be submitted directly to the CalFresh Policy analyst assigned responsibility for the county, with a copy directed to the appropriate CalFresh Policy unit manager.
- Questions from Administrative Law Judges may be submitted directly to the CalFresh Policy analyst assigned responsibility to the county where the hearing took place, with a copy of the form directed to the appropriate CalFresh Bureau unit manager.

1. RESPONSE NEEDED DUE TO: <input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input checked="" type="checkbox"/> Fair Hearing <input type="checkbox"/> Other:	5. DATE OF REQUEST: 7/1/13	NEED RESPONSE BY:
2. REQUESTOR NAME: Steve Homer	6. COUNTY/ORGANIZATION: Humboldt County	
3. PHONE NO.: (707) 268-2787	7. SUBJECT: Treatment of Fleeing Felons and Parole/Probation Viol	
4. REGULATION CITE(S): §63-402.224; 63-102(f)(4); 63-102(p)(2)	8. REFERENCES: <i>(Include ACL/ACIN, court cases, etc. in references)</i> NOTE: All requests must have a regulation cite(s) and/or a reference(s).  P.L. 110-246 U.S.C. 01672015(k)(2)	

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

Humboldt County has recently lost two Fair Hearings regarding fleeing felons and those in violation of their probation/parole. ALJ in both cases ruled that California was out of compliance with Federal Public Law 110-246 requiring states to have consistent procedures to disqualify individuals whom law enforcement is seeking.

Should the County continue to apply regulations as stated in §63-402.224; 63-102(f)(4); 63-102(p)(2) to define fleeing felons and those in violation of their probation/parole? Or must the County determine that an individual with an outstanding warrant left a prior state to avoid prosecution and not for another reason and is being actively sought (extraditable.) Is an outstanding warrant sufficient to determine probation/parole status or may the County grant if client states that they were unaware that they were in violation and law enforcement is not actively seeking? Hearing decisions, applicable para regs and referenced public law section attached.

10. REQUESTOR'S PROPOSED ANSWER:

Counties must determine if fleeing felons were aware of their status prior to determining if they fled and counties must determine if client is being sought (is warrant extraditable) prior to denying benefits. If warrant is not extraditable customer is not fleeing and county may grant if otherwise eligible.

Customer must be aware of probation/parole violation and law enforcement must be seeking prior to denial of benefits.

11. STATE POLICY RESPONSE (CFPB USE ONLY):

The County shall continue to apply regulations as stated in §63-402.224; 63-102(f)(4); 63-102(p)(2) to define fleeing felons and those in violation of their probation/parole. This current policy shall remain effective until the Secretary of the Department of Agriculture clarifies the eligibility criteria for fleeing felons by defining 'fleeing and 'actively seeking' and FNS issues a final rule.

Furthermore, per ACIN I-58-08, a customer with a warrant who is not extraditable does not change the fact that they have an active felony warrant and are ineligible for CalFresh benefits.

### FOR CDSS USE

DATE RECEIVED:	DATE RESPONDED TO COUNTY/ALJ:
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REQUEST FOR POLICY/REGULATION INTERPRETATION (Continued)**

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