



Food and
Nutrition
Service

Park Office
Center

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SUBJECT: Supplemental Nutrition Assistance Program (SNAP) –
Clarification of Eligibility of Fleeing Felons Final Rule –
Questions and Answers (Q&A) – March 2016

TO: All Regional Directors
SNAP

Since the September 10, 2015 (80 FR 54410) publication of the final rule, Clarification of Eligibility of Fleeing Felons, the Food and Nutrition Service (FNS) received several questions regarding its implementation. FNS released a Q&A in response to those questions on March 8, 2016. Since that time, FNS has received additional questions and is issuing this second Q&A to address them.

We hope the attached Q&A helps State agencies clarify the requirements of the final rule. If you have any further questions or concerns about this rule, please contact Sasha Gersten-Paal at:
sasha.gersten-paal@fns.usda.gov.

Thank you,

Lizbeth Silberman
Director
Program Development Division

Enclosure

**Supplemental Nutrition Assistance Program (SNAP)
Final Rule – Clarification of Eligibility of Fleeing Felons
Questions and Answers 2**

Question 1: Once a State determines a household member to be a fleeing felon, what information does the State agency need to remove the disqualification from the ineligible member?

Answer 1: If a household member is determined to be a fleeing felon, that individual can no longer be considered a member of the household for SNAP purposes. If the ineligible member, at some point, is no longer a fleeing felon, that person may reapply for benefits as part of the household and proceed through the State's normal application processes and verification standards.

Question 2: Does someone who has been identified previously as a fleeing felon have the responsibility to prove that he or she is no longer a fleeing felon? If so, what proof is needed? Or is the onus to verify that an applicant or household member is no longer a fleeing felon on the State?

Answer 2: State agencies should follow their existing verification procedures in order to verify fleeing felon status, regardless of whether the applicant was previously identified as a fleeing felon.

At any time after certification, the State agency must verify fleeing felon status if the State becomes aware that an individual is a fleeing felon, according to the State agency's chosen criteria to verify fleeing status. If the State agency has reason to believe an applicant who was formerly a fleeing felon, is still a fleeing felon, the State agency would have to verify that status. An individual's former status as a fleeing felon is not sufficient cause for a State agency to question an affirmation.

Question 3: Does the State agency need to directly verify with law enforcement? Do the requirements change depending on which test the State selected?

Answer 3: Consultation with law enforcement agencies may be very helpful, but the Food and Nutrition Service does not lay out specific requirements on what the State's relationship with law enforcement authorities should look like. As discussed in the preamble of the proposed rule and our previous Q&As, these relationships vary across the nation.

There are requirements regarding verification timelines/response time from law enforcement agencies in the regulatory text (see 273.11(n)(4)), but State agencies should use discretion to decide what is most appropriate for them in terms of the type of relationship they have with law enforcement.

Question 4: If a State agency has individuals in their system as fleeing felons or parole violators from before the publication of the final rule, should they do a mass run to try to determine the eligibility of these clients or can they work the cases as discovered at recertification?

Answer 4: The State agency is not required to run such a check. Again, if the State agency has reason to believe an individual is a fleeing felon, they should verify that person's status.