
POLICY**Family Independence Program (FIP), Refugee Cash Assistance (RCA) State Disability Assistance (SDA) and Food Assistance Program (FAP)**

People who have been convicted of certain crimes and probation or parole violators are not eligible for assistance.

Policy to establish intentional program violations (IPV) disqualifications and overissuances is found in [Bridges Administrative Manual \(BAM\) 700, Benefit Overissuances](#) and [BAM 720, Intentional Program Violation](#).

**DUPLICATE
RECEIPT OF
ASSISTANCE****FIP**

A person is disqualified for a period of 10 years beginning with the date of conviction if convicted in court of having made a fraudulent statement or representation regarding their residence in order to receive assistance simultaneously from two or more states under any of the following programs:

- State programs funded under Title IV-A of the Social Security Act (known as Temporary Assistance for Needy Families (TANF) in the Social Security Act; known as FIP in Michigan).
- Medical Assistance (MA), FAP, or Social Security Income (SSI).

FAP

A person is disqualified for a period of 10 years if found guilty through the administrative hearing process, convicted in court or by signing a repayment and disqualification agreement (such as a DHS-826, Request for Waiver of Disqualification Hearing, or DHS-830, Disqualification Consent Agreement,) of having made a fraudulent statement or representation regarding their identity or residence in order to receive multiple FAP benefits simultaneously.

**PROBATION AND
PAROLE
VIOLATORS****FIP, RCA, SDA**

A person who is violating a condition of probation or parole imposed under a federal or state law is disqualified.

The person is disqualified as long as the violation occurs.

A person is considered to be violating probation or parole if the Michigan Department of Health and Human Services (MDHHS) is made aware through a quarterly data match with the Michigan Department of Corrections that the individual is in violation of a condition of probation or parole imposed under federal or state law.

FAP

A person is disqualified because of a probation or parole violation if all the following conditions are met:

- MDHHS verifies with law enforcement, the courts or the MDOC that the individual is found to be violating a condition of probation or parole imposed under federal or state law.
- The individual is absconding from supervision; see BPG Glossary for definition of absconding.
- Federal, state, or local law enforcement, or Michigan Department of Corrections authorities are actively seeking the individual to enforce the conditions of the probation or parole.

Actively seeking means one of the following:

- A Federal State, or local law enforcement agency informs MDHHS that it intends to enforce an outstanding felony warrant or to arrest an individual for a probation or parole violation within 20 days of submitting a request for information about the individual to MDHHS.
- A Federal, State or local law enforcement agency presents a felony arrest warrant or to arrest an individual for a probation or parole violation within 20 days.
- A Federal, state, or local law enforcement agency states that it intends to arrest an individual for a probation or

parole violation within 30 days of the date of a request from MDHHS about a specific probation or parole violation.

If the law enforcement agency indicates it does intend to arrest the individual for the probation or parole violation within 20 days of the contact with MDHHS or 30 days of the date of the MDHHS's request for information, MDHHS will postpone taking any action on the case until the appropriate 20 or 30-day period has expired.

Once the 20 or 30-day period has expired, MDHHS shall verify with the law enforcement agency whether it has attempted to arrest the probation or parole violator. If it has, MDHHS shall take appropriate action to deny an applicant or terminate an individual who has been determined to be a probation or parole violator. If the law enforcement agency has not taken any action within 20 or 30 days, MDHHS will not consider the individual a probation or parole violator.

The person is disqualified as long as the violation occurs and until the Michigan Department of Corrections notifies MDHHS the individual is no longer absconding or until Federal, State or local law enforcement is no longer actively seeking the individual.

Central office staff enters any disqualification.

FLEEING FELONS

FIP SDA and FAP

A fleeing felon is an individual who is intentionally fleeing to evade prosecution, custody, or confinement for a felony and is actively being pursued by federal, state or local law enforcement.

For FIP, SDA, and FAP purposes, an individual can only be considered a fleeing felon if they meet all of the criteria below and have been determined to be a fleeing felon by Office of Inspector General (OIG) and MDHHS central office review.

An individual's fleeing felon status must be evaluated only when the following occurs for an individual receiving or applying for FIP/SDA and/or FAP:

- A federal, state or local law enforcement officer acting in their official capacity, presents to MDHHS an outstanding felony arrest warrant that conforms to one of the following offense descriptors and/or their corresponding Uniform Offense

Classification Codes, as published by the National Crime Information Center, to obtain information on the location of and other information about the individual named in the warrant:

- Escape (4901);
- Flight to Avoid (prosecution, confinement, etc.) (4902); or
- Flight-Escape (4999).

If a felony warrant is presented, notify a supervisor, and send the following to: MDHHS-Policy-Criminal-Justice@michigan.gov:

- Local office requestor's name, telephone number and job title.
- Individual or geo group email address where a response should be sent.
- Law enforcement requestor's name, email, telephone number and job title and law enforcement agency (for example, ___ City Policy Department, ___ County Sheriff's Department).
- MDHHS case name and number.
- Name of individual who may be a fleeing felon.
- Above individual's ID, date of birth, race, sex and SSN.
- How the individual was reported to the department as a fleeing felon.
- Scanned copy of warrant.
- Written documentation that law enforcement:
 - Initiated the presentment of the warrant and
 - Requested location information regarding the individual.
- Date the felony warrant was presented to MDHHS.

MDHHS central office will log and forward to OIG to evaluate the individual's information and determine if they meet the department's definition of fleeing felon.

Benefits must be processed as normal during the evaluation period. Benefit determination must not be delayed while waiting for OIG's determination.

OIG Process

Referrals received from MDHHS central office will be loaded, processed, and tracked in MIGS.

The Enforcement Division manager will screen the referral and assign the status determination. The agent will review the warrant to verify if the warrant is a felony and whether it conforms to the above NCIC codes or comparable MCL. After confirming, the agent will verify that the individual on the warrant matches the individual in Bridges.

When both the felony warrant and individual are confirmed, OIG must contact the law enforcement agency to inquire whether law enforcement intends to enforce the warrant within 20 days of OIG's contact. If law enforcement intends to enforce the warrant, OIG will recontact after 20 days to determine whether or not the law enforcement agency has attempted to arrest the individual.

An individual is able to be disqualified as a fleeing felon if OIG is able to:

- Verify the individual is the person with the warrant.
- Verify that the law enforcement agency intends to enforce the warrant in the next 20 days from OIG's initial contact.
- Verify that law enforcement unsuccessfully attempted to enforce the warrant within 20 days from OIG's initial contact.
- Verify that the warrant is still outstanding after the 20 days from OIG's contact.
- Verify the warrant conforms to offense descriptors and/or their corresponding Uniform Offense Classification Codes, as published by the NCIC.

If OIG is unable to verify any of the items listed above, the individual cannot be disqualified as a fleeing felon.

After the above review, the OIG agent is to contact policy (MDHHS-Policy-Criminal-Justice@michigan.gov) indicating whether or not the individual is to be disqualified due to fleeing felon status.

Adding a Fleeing Felon Disqualification to Bridges

If the individual is not considered a fleeing felon, central office staff will update Bridges case comments and notify the local office via email.

If the individual is considered a fleeing felon, central office staff will complete a manual budget to remove the individual from the group, add an override, add case comments in Bridges, send the DHS-1605 to the group and notify the local office via email.

Removing a Fleeing Felon Disqualification

A fleeing felon disqualification must be removed at application, redetermination, or if the individual reports that the warrant is resolved or that law enforcement is no longer actively seeking them.

Removing a Fleeing Felon Disqualification from Bridges

At application, redetermination or reported change, immediately send the following to: MDHHS-Policy-Criminal-Justice@michigan.gov:

- Local office requestor's name, telephone number and job title.
- Individual or geo group email address where a response should be sent.
- Case name and number.
- Individual's name and individual ID that must have a fleeing felon disqualification removed.
- Reason for removal (application, redetermination or reported change).

Central Office staff will update Bridges, add case comments, and notify the local office via email of the disqualification removal.

Evaluating a Disqualification

When a group with a disqualified fleeing felon is receiving FAP and applies for FIP or SDA or is receiving FIP or SDA and applies for FAP, the fleeing felon disqualification must be reevaluated. Notify a supervisor, and send the following to: MDHHS-Policy-Criminal-Justice@michigan.gov:

- Local office requestor's name, telephone number and job title.
- Individual or geo group email address where a response should be sent.
- MDHHS case name and number.
- Name of individual who needs to be reevaluated for fleeing felon disqualification.
- Above individual's ID, date of birth, race, sex and SSN.
- Reason for reevaluation.

Releasing Information

Do not release information to law enforcement unless and until central office approves the release; see [BAM 310, Confidentiality and Public Access to Case Records](#).

INTENTIONAL PROGRAM VIOLATION

FIP and FAP

A person is disqualified from receiving benefits for the duration of their penalty period when any of the following have occurred:

- An administrative hearing decision has determined the person was found to have committed an IPV.
- A disqualification agreement has been signed agreeing to an IPV disqualification.
- A court decision has found the person to be guilty of an IPV.

See, [BAM 700, Benefit Overissuances](#) and [BAM 720, Intentional Program Violation](#), for definitions (including trafficking) and for standard and non-standard disqualification penalty periods.

LEGAL BASE

FIP

42 USC 608 (a)(8) and (9)
PA 280 of 1939, as amended
PA 109 of 1997

21 USC 862a(1)
Section 619 of the Michigan Appropriations Act

SDA

MDHHS Annual Appropriations Act
Mich Admin Code, R 400.3151 – 400.3180

FAP

Food and Nutrition Act of 2008, as amended
PA 294 of 1998, sect. 621
7 CFR 273.11 (c)(1), (n)(1), (2) and (3)
21 USC 862a(1)
Section 619 of the Michigan Appropriations Act