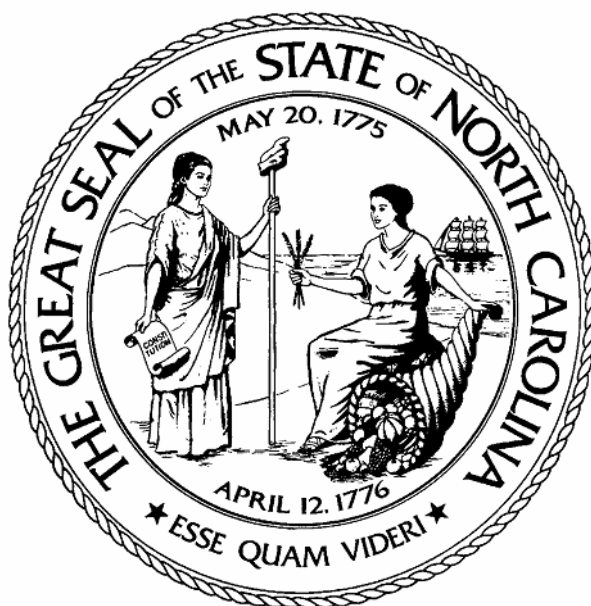


**Session Law 2013-417
House Bill 392**

LEGISLATIVE REPORT



**DEPARTMENT OF HEALTH AND HUMAN SERVICES,
DIVISION OF SOCIAL SERVICES**

May 1, 2015

**Legislative Report
May 2015
Session Law 2013-417
House Bill 392**

Session Law 2013-417, House Bill 392 Part 1, requires the Department of Health and Human Services to report annually on the number of individuals denied assistance per this section. HB 392, Part I, requires a county department of social services to verify whether an applicant for or a recipient of Food and Nutrition Services benefits or Work First program assistance has a status of fleeing felon or parole/probation violator. If such status is determined the applicant for or recipient of assistance shall be denied or terminated from said assistance. In addition the Department of Health and Human Services shall promote interagency cooperation and collaboration to fulfill the requirements of HB 392. This report provides a data summary of the number of individuals denied and/or terminated from assistance during calendar year 2014.

The Social Security Act defines the Food and Nutrition Services Program (FNS) and Temporary Assistance for Needy Families (TANF) as programs of public assistance. The FNS program is designed to promote general welfare and to safeguard health and well-being by raising the levels of nutrition among low-income households. North Carolina's TANF program, called Work First, provides parents with short-term services and cash assistance to help them become employed and move toward self-sufficiency. Grandparents, relatives caring for their relative children and legal guardians may apply for assistance for a child to prevent the child's entry into the foster care system.

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, [Public Law 104-193](#) (PRWORA) amended both FNS and TANF/Work First program regulations to prohibit individuals from receiving assistance who are classified as fleeing felons or violating a condition of parole or probation. House Bill 392, Part 1 serves to support and further enhance the existing regulations.

The Department maintains an Online Verification System (OVS) to assist county departments of social services (DSS) in determining program eligibility for applicants and recipients. OVS is comprised of a series of data matches, one of which provides criminal history data. The data is obtained by matching applicant/recipient files with the North Carolina Department of Public Safety. The match results assist the county DSS in determining if the applicant or recipient meets the program requirement of not having the status of a fleeing felon or parole/ probation violator. The matches are completed at initial application, household composition changes and at eligibility redetermination for all adult household members.

Program policies also require households to answer questions regarding the criminal history of adult household members and to attest to the accuracy of their statements. Applicants for and recipients of assistance are verbally informed by FNS and Work First staff that certain felons and parole/ probation violators are prohibited from the receipt of assistance. They are terminated from assistance and benefits recouped if this information becomes known to the agency.

For calendar year 2014, 479 applicants/recipients were identified as fugitive felons or parole/probation violators and were denied or terminated from assistance. This translates to 472 individuals for the FNS program and seven for the Work First program. Attachment A provides a listing by county. County DSS agencies not listed in Attachment A did not indicate the presence of fleeing felons or parole/probation violators in their program data. The FNS data reflects information captured by the North Carolina Families Accessing Services through Technology (NC FAST) automated case management system. The Work First program transitioned the eligibility determination process from the Eligibility Information System (EIS) to NC FAST during the report period; both systems were queried to capture data for the report.

On May 15, 2014, the Department met with North Carolina General Assembly Representatives and shared concerns about limited availability of staff and the need for funding. The Department requested that NC FAST develop cost estimates for potential system interfaces between law enforcement and NC FAST. The projected cost for an interface is \$65, 321.50. Attachment B provides the Change Request Summaries as submitted by NC FAST.

A meeting was held on May 20, 2014 with the NC Office of the State Controller, NC Government Data Analytics Center, Criminal Justice Law Enforcement Automated Data Services (CJLEADS) and NC FAST to identify opportunities to improve the sharing of information. Each agency shared their business needs, current data applications along with possible scenarios for the sharing of information between agencies. It is important to note that any solution would require proper governance to clarify the nature of the information to be shared and what vehicles could be used for sharing to the extent allowable by federal law.

Both the Social Security Act and PRWORA established safeguards against the use or disclosure of information about applicants or recipients of assistance and defines the procedures for the exchange of information with law enforcement agencies. Federal law prohibits the use and disclosure of applicant information to law enforcement agencies.

However, the disclosure of recipient information to law enforcement agencies is allowable when certain criteria are met. The recipient must be wanted in connection with a felony, violating terms of their parole or probation, or has information that is necessary for the officer to conduct their official duties and the location or apprehension of the individual is within such official duties. The law enforcement agency must submit a written request to county DSS agency with the name of the recipient and cite one of the aforementioned reasons for the request. At that time, the public assistance agency can provide law enforcement agency with the last known address of the recipient.

In an effort to strengthen the collaboration with law enforcement, the Department sent a letter to State law enforcement agencies to inform and educate regarding the federally mandated protocols for sharing data contained within public assistance records. Also the 100 county DSS agencies were notified via a Dear County Director letter of the communication with law enforcement and of the Department's commitment to assist county DSS agencies in developing collaborative procedures with law enforcement. Attachment C provides copies of the correspondence sent to State law enforcement and county DSS agencies along with a list of the contacted law enforcement agencies.

North Carolina's administrative structure is based on a State supervised and county administered model. This model allows the 100 county DSS agencies the flexibility to develop procedures based on their unique infrastructure and local resources. The Department must ensure that policies are enforced according to documented procedures, in a manner that is fair and equitable to applicants for and recipients of public assistance and without an undue administrative burden for county DSS agencies.

The Department is committed to working collaboratively with North Carolina's government agencies; ensuring program assistance is used in a manner that promotes integrity of FNS and Work First programs and for the responsible stewardship of public funds.

Number of FNS Applicants/Recipients- January 1, 2014- December 31, 2014

County	Fleeing Felon	Parole/Probation Violator	Total Denied/Terminated
Ashe	1		1
Bladen	20		20
Buncombe	4	3	7
Burke	6		6
Cabarrus	10	3	13
Carteret	42		42
Catawba	30	40	70
Chatham		1	1
Cleveland	6		6
Craven	1	11	12
Cumberland	26	8	34
Davidson		2	2
Edgecombe		4	4
Forsyth	24		24
Gaston	8	3	11
Greene		1	1
Iredell		26	26
Lenoir	3		3
Mecklenburg	19	5	24
Montgomery		7	7
Moore	19	2	21
New Hanover	11	35	46
Onslow	2	1	3
Pasquotank	15		15
Randolph	31		31
Rowan	2	4	6
Rutherford	25		25
Sampson		3	3
Union		8	8
Total	305	167	472

Number of Work First Applicants/Recipients- January 1, 2014- December 31, 2014

County	Fleeing Felon	Fleeing Felon & Parole/Probation	Total Denied/Terminated
Cumberland			1
Davidson			1
Guilford			1
Lenoir			1
Onslow			1
Warren			1
Yadkin			1
Total			7

NC FAST Change Request Summary- Interface to Connect NC FAST to Warrant and Fleeing Systems

Resource Requirements:	Hours	Cost
Functional Designer(s)	13	\$1,562.50
Detail Designer(s)	69	\$8,593.75
Build	105	\$13,125.00
Business – Cross	56	\$7,031.25
Testing Team	114	\$14,218.75
A/I Team	50	\$6,250.00
Curam Design Specialist	3	\$312.50
Totals:	409	\$51,093.75

NC FAST Change Request Summary- Interface to Connect Other Systems to Inquire NC FAST

Resource Requirements:	Hours	Cost
Functional Designer(s)	0	0
Detail Designer(s)	0	0
Build	0	0
Business – Cross	0	0
Testing Team	114	\$14,218.75
A/I Team	0	0
Curam Design Specialist	0	0
Totals:	114	\$14,218.75

June 11, 2014

**Re: Sharing Fleeing Felon and
Parole/Probation Violator Status with
Law Enforcement**

Dear County Directors of Social Services

Attention: Work First Program Administrators and Supervisors
Food and Nutrition Services Administrators and Supervisors

The North Carolina General Assembly introduced and passed Session Law 2013-417, known as House Bill 392 (HB 392). The law requires a county department of social services to verify whether an applicant for or a recipient of Food and Nutrition Services (FNS) benefits or Work First Program assistance has a status of fleeing felon or parole/probation violator. If such status is determined, the applicant for or recipient of assistance shall be denied or terminated from said assistance.

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, [Public Law 104-193](#) (PRWORA) amended both FNS and Work First program regulations to prohibit individuals from receiving assistance who are classified as fleeing felons or violating a condition of parole or probation. PRWORA directs FNS and Work First programs to provide a Federal, State, or local law enforcement officer with information about program recipients for whom there are outstanding warrants to assist in their apprehension.

In an effort to strengthen the collaboration with law enforcement, the Division contacted State Law Enforcement Agencies via the attached letter. The purpose of the letter is to inform and educate law enforcement agencies on the federally mandated protocols for sharing data contained within public assistance records.

In accordance with Federal law, law enforcement must provide, in writing, the department of social services agency with the name of the applicant or recipient and notify the agency that the individual is wanted in connection with a felony or violating terms of their parole or probation. FNS and Work First staff can then provide law enforcement with the applicant or recipient's current address. This information can also be provided to law enforcement if the officer informs the agency that the recipient or applicant has information that is necessary for the officer to conduct their official duties and the location or apprehension of the individual is within such official duties.

The Division will continue to assist county departments of social services in developing collaborative procedures with law enforcement agencies and to ensure that confidentiality protocols are clearly defined and articulated to staff, customers and partnering agencies. The Division is committed to ensuring program assistance is used in a manner consistent with the requirements of HB 392 which serve to promote the integrity of the FNS and Work First programs and the responsible stewardship of public funds.

Please refer to your respective program's policy manual for additional guidance. If you have questions regarding this information, please email Work.First.Support@dhhs.nc.gov or contact your FNS Regional Team via email.

Sincerely,

A handwritten signature in black ink that reads "David Locklear". The signature is written in a cursive style with a large initial "D".

David Locklear, Acting Chief
Economic and Family Services

EFS-WF-09-2014

Date

Agency Name
Contact Person
Mailing Address
City, North Carolina

Dear _____,

The purpose of this letter is to introduce your agency to North Carolina's Temporary Assistance for Needy Families (TANF) and Food and Nutrition Services (FNS) Programs which are administered by the Division of Social Services. In addition we are requesting your support and collaboration in the implementation of recent legislation which impacts our respective agencies.

The TANF program for North Carolina, known as Work First, and the Food and Nutrition Services Programs are federally funded programs which share in the mission of the North Carolina Department of Health and Human Services, to collaborate with its' partners, to protect the health and safety of all North Carolinians and provide essential human services. Work First provides parents with short-term training, cash assistance and other services to help them become employed and move toward self-sufficiency. The program also provides services to children living with non-parent caretakers to prevent the children from unnecessarily entering the foster care system. Food and Nutrition Services (FNS) is a federal food assistance program. The purpose of Food and Nutrition Services is to end hunger and improve nutrition and health. It helps eligible low-income households buy the food they need for a nutritionally adequate diet.

North Carolina's administrative structure is a State supervised and county administered model. The Department of Health and Human Services/Division of Social Services provides oversight and support to the 100 county department of social service agencies that deliver services and benefits to families. This administrative structure allows each local department of social services the flexibility to develop practices and protocols for service delivery based on their unique infrastructure.

The North Carolina General Assembly introduced and passed Session Law 2013-417, known as House Bill 392 (HB 392). The law requires a county department of social services to verify whether an applicant for or a recipient of FNS benefits or Work First Program assistance has a status of fleeing felon or parole/probation violator. If such status is determined, the applicant for or recipient of assistance shall be denied or terminated from said assistance.

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, [Public Law 104-193](#) (PRWORA) amended both FNS and Work First program regulations to prohibit individuals from receiving assistance who are classified as fleeing felons or violating a condition of parole or probation. The Social Security Act (Sec. 408. [42 U.S.C. 608] (a) and PRWORA directs these programs to provide law enforcement officers with information about program recipients for whom there are outstanding warrants to assist in their apprehension. HB 392 supports and strengthens the ongoing efforts of the Department to ensure compliance with this mandate.

These laws established safeguards against the use or disclosure of information about applicants or recipients of assistance and define the procedures for the exchange of information with law enforcement agencies. In accordance with Federal law, if law enforcement provides the agency, in writing, with the name of the recipient and notifies the agency that the recipient is wanted in connection with a felony or violating terms of their parole or probation, FNS and Work First can provide the recipient's current address. This information can also be provided to law enforcement if the officer informs the agency that the recipient has information that is necessary for the officer to conduct their official duties and the location or apprehension of the recipient is within such official duties.

The Department is committed to ensuring that program assistance is used in a manner consistent with the requirements of HB 392 which serve to promote the integrity of the FNS and Work First programs and the responsible stewardship of public funds. Thank you for your consideration in sharing this information with your respective agencies. If you would like to speak with us or receive more information, please contact David Locklear, Acting Section Chief at 919-527-6311 or david.locklear@dhhs.nc.gov.

Sincerely,

Wayne E. Black

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Chairman of Board- Pete Sobotkin
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