**Criminal History Desk Guide**

Criminal history affects eligibility for Cash Assistance benefits, SNAP benefits, and some Medical Assistance benefits.

**CAO Duties**

The [CAO](http://services.dpw.state.pa.us/oimpolicymanuals/snap/index.htm#t=Popups%2Fcounty_assistance_office_(cao).htm&rhsearch=cao&rhsyns=%20&rhhlterm=cao) must ensure that:

* Applicants are informed that criminal history may affect eligibility for Cash Assistance benefits, SNAP benefits, Medical Assistance benefits.
* Appropriate forms are completed if a person discloses a criminal history.

**Verification**

The CAO must review and verify compliance with criminal history requirements at application, at [renewal](http://services.dpw.state.pa.us/oimpolicymanuals/snap/index.htm#t=Popups%2Fcomplete_renewal.htm&rhsearch=renewal&rhsyns=%20&rhhlterm=renewal), or when the CAO receives related information including an alert from [Criminal Justice Inquiry System](http://services.dpw.state.pa.us/oimpolicymanuals/snap/index.htm#t=Popups%2FCJIS.htm&rhsearch=cjis&rhhlterm=cjis&rhsyns=%20)/ DX 10).

The CAO must verify compliance with requirements through parole officers, the clerk of courts, CJIS, and/or the [Pennsylvania Judiciary Web Portal](https://ujsportal.pacourts.us/).

**Procedure**

1. Ensure that criminal history questions on the **PA 600** and **PA 600R** are answered.
2. Review answers to criminal history questions on the **PA 600** and **PA 600R**.
3. Require applicants and recipients of Cash Assistance to complete and sign a Criminal History Inquiry (**PA 1665**) if they answer “YES” to any question on the **PA 600** or **PA 600R**.
4. Determine whether a referral to a Drug and Alcohol Treatment facility for assessment or treatment is necessary if the person was convicted of a felony offense for conduct occurring after August 22, 1996, related to the use, possession, or distribution of a controlled substance.

**SNAP Policy**

Ineligibility may result if an applicant or recipient:

* Is fleeing to avoid prosecution, custody, or confinement after a felony conviction (or high misdemeanor in New Jersey).
	+ A "fleeing felon" is defined as an individual for whom a felony arrest warrant for escape, flight to avoid, or flight to escape has been issued.
		- The person must have knowledge of the warrant to be considered a fleeing felon and must be given the opportunity to verify they are ineligible for SNAP benefits.

**NOTE:**  This provision is not applicable for any month after the person is granted a presidential pardon.

[**7 CFR § 273.11(n)(1)**](https://www.ecfr.gov/current/title-7/part-273#p-273.11(n)(1))

* Is violating the terms of probation or parole imposed under Federal or State law and is ***actively*** being sought by Federal, State, or local law enforcement purposed with enforcing the conditions of the probation or parole.
	+ The law makes no distinction between felonies, misdemeanors, or summary offenses. The determining factor is the violation of parole, not the type of crime that resulted in the conviction.
	+ If the attestation is questionable or if the applicant admits to violating terms of their probation or parole, the CAO will verify compliance through parole officers, probation and the clerk of courts.

NOTE:  This does not apply for any month after the individual is granted a presidential pardon.

[**7 CFR § 273.11(n)(2)**](https://www.ecfr.gov/current/title-7/part-273#p-273.11(n)(2))

* Is incarcerated.

[**7 CFR § 273.1(b)(7)(vi)**](https://www.ecfr.gov/current/title-7/part-273/section-273.1#p-273.1(b)(7)(vi))

* Has been convicted of fraudulently misrepresenting identity or residence to receive multiple SNAP benefits, resulting in ineligibility for 10 years after conviction or state agency finding.

[**7 CFR § 273.16(b)(5)**](https://www.ecfr.gov/current/title-7/part-273/section-273.16#p-273.16(b)(5))

* Has been found guilty of an [intentional program violation](http://services.dpw.state.pa.us/oimpolicymanuals/snap/index.htm#t=Popups%2Fintentional_program_violation_.htm&rhsearch=intentional%20program%20violation&rhsyns=%20&rhhlterm=intentional%20program%20violation). The following are the periods of ineligibility:
* One year for the first violation
* Two years for the second violation
* Permanently for the third violation
* Other periods as specified by a court.

[**7 CFR § 273.1(b)(7)(v)**](https://www.ecfr.gov/current/title-7/part-273/section-273.1#p-273.1(b)(7)(v))

See[SNAP 503.55 Penalties](http://services.dpw.state.pa.us/oimpolicymanuals/snap/503_General_Information/503_5_Rights_and_Responsibilities.htm).

***Actively*** ***seeking*** refers to the following:

* + A Federal, State, or local law enforcement agency informs the CAO 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 the CAO.
	+ A Federal, State, or local law enforcement agency presents a felony arrest warrant.
	+ A Federal, State, or local law enforcement agency states that it intends to enforce an outstanding felony warrant or to arrest an individual for a probation or parole violation within 30 days of the date of a request from the CAO about a specific outstanding felony warrant or probation or parole violation.

When requesting verification of a parole or probation violation from law enforcement, the CAO must allow 20 days for a response to the request for information/verification of an individual’s probation and parole and whether the law enforcement agency intends to actively pursue the individual.   If law enforcement does not indicate that they intend to arrest the individual for a probation or parole violation within 30 days of the CAO’s original request for information, the CAO will determine the individual is not a probation or parole violator and narrate this information in the record.

[**7 CFR § 273.11(n)(3)**](https://www.ecfr.gov/current/title-7/part-273#p-273.11(n)(3))

**Cash Assistance Policy**

## Ineligibility may result if an applicant or recipient:

* Has been sentenced for a felony or misdemeanor offense and the penalty established by the court is not satisfied.

NOTE: "Satisfied" includes paying all fines, costs, and restitution or complying with an approved payment plan for payment of fines, costs, or restitution.

* Is incarcerated.
* Is violating the terms of probation or parole. \*
* Has failed to appear as a defendant at a criminal court proceeding when issued a summons or a bench warrant. This requirement applies to summary offenses as well as felony and misdemeanors.
* Is fleeing to avoid prosecution, custody, or confinement after a felony conviction (or a high misdemeanor in New Jersey). \*
* Has been convicted of fraudulently misrepresenting residence in two or more states resulting in ineligibility for 10 years from date of conviction. \*
* Has been convicted of welfare fraud by a state or federal court.
* Individual is found to have committed an Intentional Program Violation (IPV) as the result of an Administrative Disqualification Hearing (ADH), signs a disqualification consent agreement as part of the court’s deferred adjudication process, or agrees to be disqualified by signing a waiver to an ADH.

## Periods of ineligibility:

Periods of ineligibility due to Welfare fraud, IPV, signed agreement to disqualification, or signed waiver to ADH are:

* + 6 months for the first conviction
	+ 12 months for the second conviction
	+ permanently for the third conviction.

See [CAH 104.48 Criminal History Requirements](http://services.dpw.state.pa.us/oimpolicymanuals/cash/104_Application/104_4_Application_Interview.htm#104.48_Criminal_History_Requirements).

**Medical Assistance Policy**

Incarcerated applicants can be determined eligible for Medical Assistance and placed in suspension. Incarcerated recipients will be placed in suspension. However, Medical Assistance cannot pay for medical services received while the individual is incarcerated with some exceptions (See [MAEH 392](http://services.dpw.state.pa.us/oimpolicymanuals/ma/392_Institutions/392_Title.htm)).

## For GA-related Medical Assistance, ineligibility may result if an applicant or recipient:

* Fails to appear as a defendant at a criminal court proceeding in response to a summons or bench warrant.
* Is convicted of Medical Assistance fraud, resulting in ineligibility for up to one year.

NOTE: The PA 1666 must be completed if there is a “YES” response to Criminal History questions on the PA 600 or PA 600R.

See [MAEH 304, Appendix F Procedures for the Criminal History Inquiry](http://services.dpw.state.pa.us/oimpolicymanuals/ma/304_Application/AppendixF__Procedures_for_the_Criminal_History_Inquiry_%28GA-Related_Medical_AssistanceOnly%29.htm)

**NOTE:** This provision is not applicable for any month after the individual is granted a presidential pardon.

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