

# Public Benefits Consequences of Criminal Convictions in Pennsylvania

## Assuming the individual is otherwise eligible for benefits

### 1. While Incarcerated for any Offense

- Ineligible for Cash Assistance, Medical Assistance or Food Stamps
- Ineligible for SSI, but not required to reapply if incarcerated for less than one year. Contact Social Security Administration upon release and request reinstatement of SSI.
- Ineligible for Social Security Disability (SSDI) while incarcerated for a crime with a possible sentence of one year or more. Family members are entitled to benefits (if otherwise eligible). Not required to reapply - upon release, contact Social Security Administration and request reinstatement of SSDI.

### 2. Outstanding Warrant or Fleeing Prosecution of Any Misdemeanor

Ineligible for the following benefits until the warrant is lifted or the individual appears for the criminal proceedings:

- Cash Assistance
- Medical Assistance **unless** the individual is:
  - Under 21
  - 65 or older
  - pregnant
  - unable to work because of a serious disability that is expected to last 12 months or more or result in death
  - parent of minor children who is living with the children

### 3. Outstanding Warrant or Fleeing Persecution for Any Felony Offense

Ineligible for the following benefits until the warrant is lifted or the individual appears for the criminal proceedings:

- Cash Assistance
- Medical Assistance **unless** the individual is:
  - Under 21
  - 65 or older
  - pregnant
  - unable to work because of a serious disability that is expected to last 12 months or more or result in death
  - parent of minor children who is living with the children
- Food Stamps
- Supplemental Security Income (SSI)
- Social Security Benefits. (Family members are still entitled to benefits if otherwise eligible).

### 4. In Violation of Any Condition of Probation or Parole for Any Misdemeanor or Felony (including payment of fines, court costs or restitution if they are a condition of probation or parole)

Ineligible for the following benefits until the warrant is lifted or the individual appears for the criminal proceeding:

- Cash Assistance
- Medical Assistance unless the individual is:
  - under 21
  - 65 or older
  - pregnant
  - unable to work because of a serious disability that is expected to last 12 months or more or result in death
  - parent or minor children who is living with the children
- Food Stamps

- Supplemental Security Income (SSI)
  - Social Security Benefits (Family members are still entitled to benefits if otherwise eligible).
- 5. Owes Unpaid Fines, Court Costs or Restitution for Any Misdemeanor or Felony (even if they are not a condition of probation or parole)**

Ineligible for the following benefits until the problem is resolved (probation or parole officer must complete DPW form verifying that individual is in compliance with a payment plan):

- Cash Assistance
- Medical Assistance unless the individual is:
  - under 21
  - 65 or older
  - pregnant
  - unable to work because of a serious disability that is expected to last 12 months or more or result in death
  - parent of minor children who is living with the children

### **Additional Consequences of Convictions for Particular Offenses**

**1. Conviction for Felony Drug Offense Committed After 8/22/96**

- The former lifetime ban on Cash Assistance and Food Stamps has been lifted. *This ban was lifted in Pennsylvania as of 2/21/04.*
- Individuals with drug convictions are eligible for TANF Cash Assistance, Food Stamps, General Assistance (GA) Cash Assistance, Medical Assistance, SSI, and SSDI just like anyone else, as long as they are otherwise eligible and comply with all the rules.
- The law (Act 44 of 2003) that lifted the ban on TANF and Food Stamps requires the Welfare Department to refer affected individuals (after benefits are approved) for assessment and treatment (if necessary, available and appropriate) for drug and alcohol addictions.

**2. Conviction for Welfare Fraud**

- First Conviction: ineligible for Cash Assistance for 6 months
- Second Convictions: ineligible for Cash Assistance for 12 months
- Third Conviction: ineligible for Cash Assistance for lifetime

**3. Conviction for Food Stamp Fraud**

- First Conviction: ineligible for Food Stamps for 12 months
- Second Conviction ineligible for Food Stamps for 24 months
- Third Conviction: ineligible for Food Stamps for lifetime

**4. Conviction for Making a Fraudulent Representation about state of residence in order to receive assistance simultaneously in more than one state:**

- Ineligible for Cash Assistance, Food Stamps or SSI for 10 years

**For More Information, Contact:**

*Community Legal Services, Inc.  
 3638 N. Broad Street  
 Philadelphia, PA 19140 Phone:(215) 227-2400  
 www.clsphila.org*

## Impact of Criminal Record on Public Benefits in Pennsylvania

	<b>Outstanding warrant or fleeing prosecution</b>	<b>Any probation or parole violation</b>	<b>Unpaid fines, court costs, or restitution</b>	<b>Currently incarcerated</b>
<b>TANF<sup>1, 2</sup></b>	Ineligible for failure to appear for any criminal court case (including misdemeanors) until resolved.	Ineligible until resolved.	Ineligible unless up-to-date with approved payment plan.	Ineligible.
<b>Federally funded MA<sup>3</sup></b>	Not relevant	Not relevant.	Not relevant.	Ineligible
<b>General Assistance – cash benefits and GA-related MA</b>	Ineligible for failure to appear for any criminal court case (including misdemeanors) until resolved.	Ineligible until resolved.	Ineligible unless up-to-date with approved payment plan.	Ineligible.
<b>SSI</b>	Ineligible if fleeing prosecution for a felony, until resolved.	Ineligible until resolved.	Not relevant unless violates a condition of probation or parole.	Ineligible for benefits. Not required to reapply for benefits if incarcerated for less than a year – benefits are in suspended status.
<b>SSD</b>	Ineligible if fleeing prosecution for a felony, until resolved. Family members are still entitled to benefits.	Ineligible until resolved. Family members are still entitled to benefits.	Not relevant unless violates a condition of probation or parole.	Ineligible if incarcerated for a crime with possible sentence of one year or more. Family members are still entitled to benefits. Not required to reapply on release – benefits are in suspended status.
<b>Food Stamps</b>	Ineligible if fleeing prosecution for a felony, until resolved.	Ineligible until resolved.	Not relevant unless violates a condition of probation or parole	Ineligible

<sup>1</sup> State welfare fraud convictions carry the following disqualification periods:

First time: ineligible for TANF and GA for 6 months

Second time: ineligible for TANF and GA for 12 months

Third time: permanently ineligible for TANF and GA.

<sup>2</sup> Not eligible for TANF, GA., Food Stamps or SSI for ten years after a conviction for making a fraudulent statement or representation regarding your state of residence in order to receive assistance for more than one state.

<sup>3</sup> Federally –funded MA is MA for families with children, children under 21, pregnant women, people with disabilities lasting more than 12 months and people 65 and over.

## **DOMESTIC VIOLENCE**

The Office of Inspector General (OIG) treats domestic violence as a serious and legitimate societal problem that requires the vigilance of its staff when conducting interviews with public benefits applicants and recipients. OIG Claims Investigation Agents and Welfare Fraud Investigators who encounter possible domestic violence victims must terminate interviews immediately so as not to place the domestic violence victim in a dangerous situation.

The OIG uses the following definition of domestic violence for guidance in recognizing domestic violence situations:

- physical acts that resulted in, or threatened to result in, physical injury to the individual;
- mental abuse, including but not limited to, stalking, threats to kidnap, kill or otherwise harm people or property, threats to commit suicide, repeated use of degrading or coercive language, controlling access to food or sleep, and controlling or withholding access to economic and social resources;
- sexual abuse;
- sexual activity involving a dependent child;
- being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities;
- threats of, or attempts at, physical or sexual abuse; or
- neglect or deprivation of medical care.

### **INVESTIGATIONS BY A WFI**

A WFI will not accept a Field Investigation Referral (OIG 12) form from a County Assistance Office (CAO) where domestic violence is indicated. A WFI must always review the OIG 12, Section I, Item 7 and confirm that the CAO checked "no" concerning domestic violence.

Therefore, a WFI by definition will come upon a domestic violence victim without the CAO's actual knowledge of the abuse. A WFI who observes characteristics of domestic violence and believes the applicant or recipient is in danger or witnesses an act of domestic violence during an interview will immediately terminate the interview and cease all investigative activity. The WFI will record the following statement in Section IV of the OIG 12 – The OIG terminated the investigation because of observed client circumstances.

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A WFI will not accept a referral to investigate an applicant's or recipient's claim of domestic violence where the applicant or recipient completed the Domestic Violence Form (PA 1747) to establish good cause for a waiver of TANF or GA program requirements.

A WFI is not authorized to intervene physically on behalf of a domestic violence victim since the OIG is not a law enforcement agency and intervention is beyond the scope of the employee's job duties.

A WFI, who has an applicant or recipient disclose domestic violence during the course of an interview, will immediately terminate the interview and cease all investigative activity. The WFI will note the domestic violence disclosure in Section IV of the OIG 12 by recording the following statement – The OIG terminated the investigation because of disclosed client circumstances.

The WFI will never encourage an applicant or recipient who discloses domestic violence to seek a Protection From Abuse order. If the domestic violence victim asks the WFI for help or what action he/she should take, the WFI is to state that he/she is not a trained counselor and is not in a position to make a recommendation. The WFI will inform the victim that the CAO has information that will allow the victim to obtain help.

#### **INVESTIGATIONS BY A CIA**

The CAO will not refer an overpayment referral to the OIG on a known case involving domestic violence unless the case has been properly reviewed and coordinated by the CAO's Area Manager and DPW's Bureau of Policy.

A CIA will not engage in any investigative activities that could potentially endanger a domestic violence victim.

A CIA is not authorized to intervene physically on behalf of a domestic violence victim since the OIG is not a law enforcement agency and intervention is beyond the scope of the employee's job duties. A CIA who observes characteristics of domestic violence or witnesses an act of domestic violence during the course of an interview with the client will immediately end the interview. The CIA will immediately contact his/her supervisor and determine the best course of action.

A CIA, who has a recipient disclose domestic violence during the course of an interview, will immediately terminate the interview. If the domestic violence victim asks the CIA for help or what action he/she should take, the CIA is to state that he/she is not a trained counselor and is not in a position to make a recommendation. The CIA will inform the victim that the CAO has information that will allow the victim to obtain help.

If domestic violence is disclosed or observed and the investigation is in the early stages and the domestic violence is mitigating, the decision to terminate the investigation may be warranted. If the investigation is in the later stages and the domestic violence becomes known,

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the CIA, CIA Supervisor, and District Attorney will determine how to proceed with the prosecution case.

A CIA will never encourage any person who discloses domestic violence to seek a Protection From Abuse order.

A CIA will not disclose or release to any person under any circumstances information about a client who has disclosed domestic violence unless the information is to be used as part of a prosecution investigation. All information will be treated as private and confidential.

A CIA will never contact an alleged abuser or seek information from a third party source, such as but not limited to the alleged abuser's employer, landlord, or family during the course of an overpayment investigation regardless if that person is part of the budget group.

A CIA will conduct all necessary client interviews in a private location within the CAO or a safe place requested by the client if domestic violence is known to exist for an overpayment referral.

A CIA will direct all written correspondence to an alternate address if provided by the domestic violence victim or the CAO.