




HUMAN SERVICES
DEPARTMENT

Susana Martinez, Governor
Brent Earnest, Secretary
Sean Pearson, Deputy Secretary

General Information Memorandum

ISD GI 17 - 05

TO: ISD Employees
FROM: Sean Pearson, Deputy Secretary 
RE: Determining Fleeing Felon Status
DATE: January 26, 2017

Final Rule issued on September 10, 2015 places the responsibility for verification of fleeing felon and probation or parole violation status on the State agency. (7 CFR 273.2(f)(5)(i))

Individuals who are fleeing to avoid prosecution or custody for a crime, or an attempt to commit a crime, that would be classified as a felony or who are violating a condition of probation or parole under a Federal or State law shall not be considered eligible household members.

In the process of determining eligibility, staff should review the HSD 100 and ask the household during the interview, if anyone in the household is a fleeing felon. If client statement identifies a fleeing felon, continue to process with case. **For your safety, DO NOT deviate from the interview process while the applicant is in the office.**

For applicants responding “yes,” the following information shall be documented into the case comments “*(Who?) stated that (name of individual) is a fleeing felon. Information is provided to PPDB this date for follow up.*” ISD staff shall then provide the case number, name, social security number and date of birth of the individual who may be fleeing, to the Policy and Program Development Bureau (PPDB) via the ISD Drop box at HSD-ISD.PC.

PPDB staff will verify the information through a law enforcement agency and provide the law enforcement agency 20 days to respond to ISD’S request for information about the conditions of a felony warrant or a probation or parole violation, and whether the law enforcement agency intends to actively pursue the individual. Upon receipt of information from the law enforcement agency, PPDB will forward the information to the requesting office.

If ISD is required to act on the case without being able to determine fleeing felon status in order to meet the time standards in § 273.2(g) or § 273.2(i)(3), the State agency shall process the application without consideration of the individual's fleeing felon status.

If the law enforcement agency has not taken any action within 30 days, PPDB shall not consider the individual a fleeing felon or probation or parole violator.

Verification received from the Law Enforcement Agency will be documented in the case file by PPDB. If the verification does validate the individual as a Fleeing Felon, this information will be provided to the corresponding ISD County Office who shall proceed with identifying the individual as an *ineligible household member* in ASPEN.

If, at any time, the Department becomes aware that an individual may be a fleeing felon, notification shall be provided to PPDB for validation via the ISD Drop box at HSD-ISD.PC.

Note: Fleeing felon status does not affect the eligibility status of the household, only the individual who is fleeing.

If you have any questions contact Rita Paz at (505)827- 7286 or via e-mail at rita.paz@state.nm.us.