



When DSHS or DCYF thinks you made an intentional program violation

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- ❖ Read this *only* if you live in Washington State and you get food stamps, TANF, or other benefits from DSHS, or you get childcare assistance from DCYF. The information here applies to both DSHS and DCYF. To make things simpler, we will just say “the agency” to refer to both.
 - ❖ If the agency, law enforcement, or the prosecuting attorney is investigating you for fraud, overpayment, or benefit amount, talk to a lawyer right away. If you live in Western Washington, go to waw.fd.org/contact-us for contact info. If you live in Eastern Washington, go to fdewi.org for contact info.
 - ❖ If you have gotten legal financial obligations (LFOs) refunded by the Court, you **may** need to follow “spend down requirements” to keep getting benefits. You should **tell the agency about this refund as soon as possible**. If you have questions, see contact info at the end of this FAQ.
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Introduction

What is an Intentional Program Violation (IPV)?

The agency asks you to give certain information about your family when you apply for benefits, and to report any changes while you are getting benefits.

The agency looks for evidence in the case record showing your intent.

They decide you made an IPV if all these are true:

- You knew what facts and changes to report.
- You knew when to report these changes.
- You had a chance to report.

- You chose not to.

What is an example of a situation where the agency thinks someone has made an IPV?

A common example is if you get TANF or food stamps based on your own income, but you don't report that you have someone like a romantic partner or your children's other parent living with you, or you don't report that person's income.

What happens if the agency decides I made an IPV?

It depends on which rule and which program. You might be able to persuade the agency that it would be unfair for you to pay back benefits. Read [DSHS and HCA Overpayments: What is "Equitable Estoppel"?](#) to learn more.

Here are some things that might happen to you:

- You might have to pay back benefits.
 - You might lose your benefits for a specific period, or permanently.
 - The agency might refer you to law enforcement or the Prosecuting Attorney for a criminal investigation.
 - If you are not a U.S. citizen, it could affect your immigration status.
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- ❖ If law enforcement contacts you, or you are arrested on fraud charges, **discuss the matter only with your lawyer**. If you have criminal charges and cannot afford a lawyer, ask the court to appoint you one.
 - ❖ If the agency asks for an Administrative Disqualification Hearing, get legal advice. Contact info is at the end of this FAQ.
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Things you can do to avoid an IPV

What if I do not speak English?

Tell the agency you need **translated notices and a qualified interpreter**. Language and cultural barriers can cause misunderstandings and accusations.

What if I have trouble reading and understanding agency rules and letters?

Ask the agency for an **Equal Access plan** that gets you information in a way you can understand it.

What information will the agency double-check?

The agency will usually double-check your home, rent, and who lives with you.

They also:

- Regularly check how much you earn at your job.
- Check if you are getting child support.
- Look at state and national databases that may have information about you or your family.
- Check for bank accounts you haven't reported to them.
- May check your driver's license and car tabs. They may also check the Washington driver's license and car tabs of anyone they think is living with you.
- May check your child's school record to see who the emergency contact is, and who has permission to pick up the child.
- May check your day care records to see who signs your child in and out.

Do I have to report *all* income to the agency?

Yes. You should report **all** income and things you own that you could sell for cash (assets).

Should I report changes in income?

Yes. You must report changes exactly as described in notices you get from the agency.

Can I just call the agency to report changes to my income?

No. We recommend you **report any changes in writing, make a copy** of what you wrote down, and get your **copy stamped** by the agency with the date you turned the original in to keep for your own records.

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- ❖ Be sure you have read and understand all the agency's reporting requirements. If you have any questions, contact a lawyer. See contact info at the end of this FAQ.
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My children's other parent has threatened me. Any information I report to the agency might help the other parent find me. What can I do?

If you are afraid because of domestic violence, **get help right away**. Call the National Domestic Violence Hotline at 1-800-799-SAFE.

They can refer you to someone to help you get a protection order. This can help keep you and your children safe. Read [Protection orders: Can the civil legal system help protect me?](#) to learn more.

Ask the lawyer or domestic violence advocate you talk to what to do about your public benefits and if you should try to get child support.

What if I need more income to take care of my family?

If you are facing unexpected costs, ask the agency about emergency assistance. Read [Additional Requirements](#), [Consolidated Emergency Assistance Program](#), or [Diversion Cash Assistance](#) to learn more.

If the agency turns you down for emergency assistance, you can ask for a hearing. Ask your local legal services office for advice or help. Contact info is at the end of this FAQ.

If you can't get help or advice from your local legal services office, read [Representing Yourself at an Administrative Hearing](#) to learn more.

If the agency thinks you made an IPV

Will someone investigate me?

Yes.

The agency might investigate you itself before they take any action on your benefits. Or they might refer your case to law enforcement or the Prosecuting Attorney if they believe you might face criminal charges in addition to facing action on your benefits.

What will the investigation look like?

Every situation is different. But you should expect that an investigator will come to your home to interview you.

An investigator may also interview other people such as your neighbors, employer, and/or childcare provider.

I am being investigated. Do I have any rights?

- Contact a public defender right away, before you do anything else. Make sure you provide any defenses you may have.
- **You do not have to talk to an investigator.** But you should at least respond, because otherwise the investigator will say they tried but could not contact you.
- **You do not have to let the investigator into your home without a search warrant.** Ask the investigator to come back when your lawyer or other representative is there, or if you can talk by phone or at an office appointment.
- The agency cannot stop your benefits or turn down your application for benefits just because you won't talk to the investigator or let them into your home.
- You (or your public defender) can look at your file and get copies of anything in it.

Should I try to talk to the agency to work things out?

You should only do this if you talk to a public defender first and the public defender thinks it is helpful to do so.

The Prosecuting Attorney has decided not to press charges. Am I cleared?

Maybe not.

The agency could still decide on its own that you had an IPV, or that you had an overpayment. You should watch to see if you get any further notices about this from the agency.

The agency has told me or sent a notice saying they've decided I made an IPV. What should I do?

If you disagree, tell your caseworker right away that you want their decision in writing, and that you want an “administrative hearing”. This will let you fight (appeal) the agency’s decision. [How to Fight an Overpayment of Cash Assistance or Medical Assistance](#) has more on how to do this.

The agency might think you did not report income that you or a family member got. You might be able to show at the hearing, or at a pre-hearing conference, that you do not owe anything, or that you gave the agency the information, but the agency lost it.

You might be able to explain you did not give that information because you did not realize you had to. Or that the agency made wrong assumptions about your situation.

Example: An investigator sees someone else’s car parked outside your home. The investigator concludes that person is living with you. In fact, the car has broken down. Its owner just left it there.

Get legal help

- **Apply online** with [CLEAR*Online](https://nwjustice.org/apply-online) - nwjustice.org/apply-online
- **Facing a legal issue in King County** (other than Eviction or Foreclosure)? Call 2-1-1 (or toll-free 1-877-211-9274) weekdays 8:00 am - 6:00 pm. They will refer you to a legal aid provider.
- **Facing a legal issue outside of King County** (other than Eviction or Foreclosure)? Call the CLEAR Hotline at 1-888-201-1014 weekdays between 9:15 am - 12:15 pm or apply online at nwjustice.org/apply-online.
- **Facing Eviction?** Call 1-855-657-8387.
- **Facing Foreclosure?** Call 1-800-606-4819.
- **Seniors (age 60 and over)** with a legal issue outside of King County can also call CLEAR*Sr at 1-888-387-7111.
- **Deaf, hard of hearing or speech impaired callers** can call any of these numbers using the relay service of your choice.

CLEAR and 2-1-1 will provide interpreters.

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