

What if DSHS Stops My Benefits Because I am a “Fleeing Felon” or it Thinks I am Violating a Condition of Probation or Parole?

Am I a fleeing felon?

The Department of Social and Health Services (DSHS) decides you are a fleeing felon when all these are true:

- A local law enforcement officer presents DSHS with a felony arrest warrant that includes the national crime information center (NCIC) codes for escape (4901), flight to avoid (4902), or flight-escape (4999).
- The officer presenting the warrant is acting in an official capacity to get info on you.
- You are the person the warrant names.

Am I violating a condition of probation or parole?

DSHS says you are when both these are true:

- An administrative or judicial order has found you in violation of your parole or probation.
- A law enforcement agency is actively looking for you to enforce the conditions of your parole or probation.

“Actively seeking” means a law enforcement agency intends to arrest you for a probation or parole violation within one of these:

- Thirty days from the date DSHS requests info about the violation

- Twenty days from the date the law enforcement agency asks DSHS for info

[WAC 388-442-0010](#).

Does being a fleeing felon or violating probation or parole affect my public benefits?

Yes. You are not eligible for many federal and state public benefits. Read our publications about social security or veterans benefits if you get any of the first four benefits on the next list.

Your benefits for these **federal programs** may be suspended:

- Social Security retirement.
- Social Security Disability.
- Supplemental Security Income.
- Veterans’ benefits.
- Food assistance.
- TANF.

Your benefits for these **state programs** may stop:

- SFA.
- Adult Blind and Disabled (ABD) cash.
- Referral to the HEN program.

- Basic Food Assistance.
- PWA (Pregnant Women Assistance).

[WAC 388-442-0010](#)

We only address here fleeing felon rules for public benefit programs administered by DSHS. For other info, read these:

- [What if Social Security Stops My Benefits because I am a Fleeing Felon?](#)
- [What if the Veterans Administration Stops My Benefits because I am a Fleeing Felon?](#)

Does being a fleeing felon affect benefits for my spouse and children?

The rest of your family may still be eligible. DSHS will not give you assistance. The rest of your family will only be eligible if DSHS decides they are, after counting your income.

Examples:

- A fleeing felon's child who is eligible on her own can get TANF or SFA.
- If you are pregnant and a fleeing felon, you can keep your SFA benefits until the pregnancy ends. Your newborn child may get benefits if eligible on his own.
- Your spouse will be eligible for dependent benefits unless she is also a fleeing felon.

I am a child. Can DSHS say I am a fleeing felon?

Yes. The fleeing felon rule can apply to juvenile offenders. DSHS may be wrong to do this to you. If you are a juvenile who cannot get benefits because DSHS says you are a fleeing felon, ask for an administrative hearing. You must argue at the hearing that in Washington, juveniles are not "felons."

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- ❖ Under [RCW 13.04.240](#), juveniles who are "delinquent" are adjudicated offenders. You are "in no cases convicted of a crime."
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I have an outstanding warrant. Should I apply for benefits?

Probably not. It could cause problems down the line. Try to take care of the outstanding warrant **before** applying.

When you apply for federal or state public benefits, they ask if you have outstanding warrants or violations. **Answer honestly.** If you give your answer under oath and do not tell the truth, you could face welfare fraud charges, jail time and having to pay back any benefits you got.

If you apply for benefits and have an outstanding warrant or violation, the federal or state agency may tell the appropriate law enforcement agency your whereabouts. You could be arrested.

DSHS told me they will suspend my benefits because I am a fleeing felon or violating parole. What can I do?

- 1. Ask for an Administrative Hearing and Continuing Benefits.** You have ninety days to do this. To keep getting benefits until the hearing, you must ask for the hearing **within ten days** of the date of the notice **or** before the effective date of the proposed action. If DSHS keeps paying your benefits and an administrative law judge agrees you were not eligible because you were a fleeing felon or violating probation or parole, DSHS may ask you to pay back up to sixty days of benefits. Read [Representing Yourself at an Administrative Hearing](#).

If you call to ask for a hearing, write DSHS a letter the same day asking for the hearing and continuing benefits. Keep a copy of the letter. Mail, fax, or email DSHS a copy.

- 2. Address the Underlying Warrant or Violation.** When DSHS notified you about the warrant or violation, it should have told you:

- Where it was issued.
- The date it was issued.
- Why it was issued.

❖ If this info is not in the notice, ask DSHS for it in writing.

After you get this info, contact the agency that issued the warrant or violation to resolve it. First, get a copy of the warrant or violation from the court or agency that issued it. Next, contact the office that asked the court or agency to issue it. This is often the

prosecutor's office. Look at the warrant or violation. See who signed it or if it has an address. You must work with this office to take care of the warrant or violation. The local public defender might be able to help. If you can prove you have addressed the warrant or violation, or it was issued to the wrong person, you should be able to get it dismissed.

What are some examples of how to dismiss the warrant?

If your situation is not here, but is like something here, it you may still be able to take care of the warrant.

- The warrant or violation was issued to someone else with the same name as you.
- It was issued due to identity theft.
- You were fleeing an abusive relationship.
- You have a low income. You could not afford to stay there while the criminal matter was resolved.
- The warrant or violation was issued due to administrative error. **Examples:** you paid the restitution. The parole officer never gave you credit for it. You did register your new address with the parole officer even though she says you did not.

If the office that issued the warrant or violation will not dismiss it, you must meet the terms of the warrant or violation.

If you did not ask for a hearing within 90 days of getting DSHS' notice that it was suspending

your benefits, you must take care of the warrant or violation first. Then you can reapply for benefits.

3. Deal with any overpayment issued. If you ask for continuing benefits while trying to take care of this matter and cannot get the warrant or violation dismissed, DSHS may send you a notice of overpayment. If this happens, read [How to Fight a Cash/Food Stamp Overpayment](#).

What if I need legal help?

- **Apply online with [CLEAR*Online](#)**
- <https://nwjustice.org/get-legal-help>
or

- **Call CLEAR at 1-888-201-1014**

CLEAR is Washington's toll-free, centralized intake, advice and referral service for low-income people seeking free legal assistance with civil legal problems.

- **Outside King County**: Call 1-888-201-1014 weekdays 9:15 a.m. until 12:15 p.m.

- **King County**: Call 211 for info and referral to an appropriate legal services provider weekdays 8:00 am – 6:00 pm. You may also call (206) 461-3200, or toll-free 1-877-211-WASH (9274). You can also get info on legal service providers in King County at www.resourcehouse.com/win211/.
- **Persons 60 and Over**: Seniors age 60 or over may call CLEAR*Sr at 1-888-387-7111, regardless of income. Assets limits may apply. Seniors in King County may call 2-1-1.

Deaf and hard-of-hearing callers can call 1-800-833-6384 for a free relay operator. They will then connect you with CLEAR or 211.

CLEAR and 211 will conference in free interpreters when needed.

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice.

This information is current as of September 2018.

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