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**WORK FIRST**  
**ASSESSMENT FOR WORK FIRST CASH ASSISTANCE**  
**Change #02-2023 Individual Criminal Violations September 1, 2023**

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**104A - INDIVIDUAL CRIMINAL VIOLATIONS**

**Change #02-2023**

**September 1, 2023**

**I. AN INDIVIDUAL'S NEEDS CAN NOT BE INCLUDED IN THE NEED STANDARD WHEN THE INDIVIDUAL IS:**

- A.** Fleeing to avoid prosecution of a felony (or a high misdemeanor in New Jersey); **or**
- B.** Fleeing to avoid custody either before or after conviction of a crime that is a felony (or a high misdemeanor in New Jersey); **or**
- C.** Violating a condition of probation or parole under federal or State law as determined by a court. Once the individual has satisfied the conditions of his probation or parole, his needs can be included in the need standard for the family; **or**
- D.** Convicted on or after August 23, 1996, under federal or State law of any offense committed on or after August 23, 1996, which is classified as a felony by the jurisdiction involved and has as an element the possession, use, or distribution of a controlled substance. This does not apply to individuals convicted of Class H or I controlled substance abuse felony offenses in North Carolina. See III. below for instructions on **how to process these applications.**

**II. BENEFIT CALCULATION**

- A.** Reduce the family's need standard by one for each individual that meets one of the criteria in I. above.

**Note:** The individual remains included in the case but is removed from the payment by excluding the individual from the need standard.

**EXAMPLE:** A family consists of four members, one of which has been convicted of a felony drug offense **other than a Class H or I in North Carolina.** Use the need standard for a family of three to determine the family's benefits. Since the individual is included in the case, continue to count all **non-Assistant Unit (AU) household members'** income and resources.

If the individual has an out of state drug conviction and is a required member of the budget unit, count all non-AU household members' income and resources.

If an individual is a required member of the budget unit and has an in-state drug felon or an H or I felony drug conviction, that is not currently satisfying

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the policy to be included in the assistance unit, count this individuals' income and resources.

**EXAMPLE:** A family consists of a mother and two children. The mother has an out of state drug conviction. Use the need standard for a family of two to determine the family's benefits. Since the individual is included in the case, continue to count all non-AU household member income and resources.

- B.** Terminate or deny the Work First **Cash** Assistance if there is only one individual in the case and **the** individual meets one of the criteria in **I.** above.

**EXAMPLE:** A family consists of a mother and her child who receives SSI. The mother is currently in violation of her probation. Mother is not eligible **to be included in the need standard and there are no other eligible household members.** Terminate or deny the Work First **Cash** Assistance **application or active Work First case.**

**III. TREATMENT OF INDIVIDUALS CONVICTED OF CLASS H OR I CONTROLLED SUBSTANCE ABUSE FELONY OFFENSES**

**A. Requirement**

Individuals who have been convicted of a Class H or I controlled substance felony in North Carolina may be eligible for Work First **Cash Assistance** under the following conditions.

1. The individual may be eligible six (6) months after release from custody or if the individual was never committed to custody, six months after the date of conviction, if there has been no additional controlled substance felony conviction, **and**
2. The individual has successfully completed or has continuously participated in a required substance **use** treatment program determined appropriate by the area mental health authority.

If the area mental health authority determines treatment is appropriate and funds and programs are available, individuals eligible for Work First because of this rule are required to undergo substance **use** treatment as a condition for receiving Work First.

**B. Application of Requirement**

1. At application evaluate whether **anyone** has been convicted of a controlled substance felony offense on or after August 23, 1996.
2. Those individuals who have been convicted of a controlled substance felony class *other than* H or I or who have been convicted

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*outside* of North Carolina continue to be ineligible for Work First. See I. and II. above.

3. For those who have been convicted **in North Carolina**, determine the classification of the controlled substance felony by using information **available in the Online Verification System (OVS)**. If not available, then a contact with the individual's parole or probation officer may be helpful. In some circumstances, the Clerk of Court in the county of conviction can provide a criminal record's check with the full name of the individual; however, there may be a fee charged for this service.
4. Verification must be obtained about whether the individual has been *convicted* of any other substance abuse felony offense during his six month period of ineligibility. During the individual's six month period of ineligibility, calculate the payment as outlined in II. above.
5. Those individuals who have been convicted of a Class H or I felony in North Carolina may be eligible if the criteria outlined in A. above have been met.
  - (a) Refer each of these individuals to the **Qualified Professional in Substance Abuse (QPSA)** assigned to the county DSS or local area mental health authority for assessment. Qualified staff at the mental health authority determines what treatment program is appropriate for the individual or determines treatment is not warranted. Coordination with the **QPSA** or local area mental health authority to work out a referral and communication process should be developed.
  - (b) The **Consent for Release of Information Form (DSS-6969)** is completed and signed so that the **QPSA** can notify the county DSS of the individual's progress with **their** treatment plan. The individual is not eligible for six months after release from custody or six months from conviction if **the individual** was never confined. This is true **even** if **the individual is** participating in a treatment plan.

**The individual is ineligible for assistance if they fail to comply with their required treatment, refuse to sign a consent form, or fail to keep their assessment appointment with the local area mental health authority.** (Urine toxicology results obtained as a part of a treatment plan **and/or probation/parole** are to be used to measure the effectiveness of treatment.)

If the individual is ineligible because of one of the reasons

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listed above, calculate his Work First payment as outlined in II. above.

**IV. DOCUMENTATION**

Except for verification of an individual's status as a Class H or I controlled substance felon, accept the family's written statement at application and review to verify that no family members meet one of the conditions listed in I. above. If there is a reason to doubt the family's written statement and resources are available in your county, **the case manager** may verify whether a family member meets one of the conditions listed in I. above. (The Clerk of Court can provide a criminal records check with the full name of the individual; however, there may be a fee charged.)