

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



May 14, 1990

ALL-COUNTY INFORMATION NOTICE I-30-90

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHIEF INVESTIGATORS
ALL DISTRICT ATTORNEYS

SUBJECT: DISQUALIFICATION CONSENT AGREEMENT FORMS FOR THE FOOD
STAMP PROGRAM (DFA 478)

REFERENCES: STATE REGULATIONS: MPP CHAPTER 20-300.22
THROUGH 20-300.25 AND MPP CHAPTER 20-300.43

FEDERAL REGULATIONS: 7 CFR 273.16(h), ET SEQ.
ALL COUNTY LETTERS NOS. 88-113 AND 88-123
ALL COUNTY INFORMATION NOTICE NO. I-45-89

This All County Information Notice establishes recommended procedures for use of the Food Stamp Program Disqualification Consent Agreement (DCA), DFA 478, attached. Specifically, there has been a lack of clear direction as to when and how this procedure should be applied. While the procedures recommended below are not mandatory it is strongly suggested they be followed in order to assure the form and process are properly used in California.

Disqualification Consent Agreement Procedures

An agreement should be formulated between the County Welfare Director (CWD) and County District Attorney outlining the application of the DCA procedures.

The agreement should consist of:

1. The understanding that the Disqualification Consent Agreement is a viable and important tool for establishing Intentional Program Violation (IPVs) that may be obtained by the District Attorney in cases of deferred adjudication, that is, in those cases in which a determination of guilt is not obtained from a court due to:
 - (A) An accused individual having not been prosecuted because he/she has met the terms of an agreement with the prosecutor, or

- (B) An accused individual having met the terms of a court order, i.e., a diversion program that, when successfully completed, results in dismissal of formal charges.
2. The understanding by the District Attorney that the DCA may be presented to the accused individual only in those cases in which the determination has been made that such case warrants prosecution by the District Attorney.
 3. The understanding by the Prosecutor that when an accused declines or refuses to sign the DCA the case shall be criminally prosecuted by the District Attorney unless the demands and considerations of that office dictate otherwise.
 4. The District Attorney's evidentiary and prosecution parameters shall be met before a case shall be considered for criminal prosecution/DCA consideration.
 5. An agreement that the District Attorney shall review all potential IPV investigations for criminal/DCA or declination disposition. Additionally when a case has been determined to meet DCA criteria the District Attorney will be responsible to complete the transaction and return the completed DCA to the County Welfare Department.
 6. An agreement that the written notice required by 7 CFR 273.16 (h)(1) and EAS Manual 20-300.221 shall be sent to the individual a minimum of seven (7) days in advance of the scheduled DCA interview.
 7. An administrative procedure to track statistics regarding the number of cases referred to the prosecutor, and the number of cases resulting in criminal prosecution/DCA. This information is to be reported monthly on the DPA 266, Fraud Investigation Activity Report.

We request each county send a copy of the written agreement or Memorandum of Understanding to the Fraud Program Management Bureau, 744 P Street, Mail Station 19-26, Sacramento, CA 95814, Attention: Charlie Mahin, so that they may be reviewed to insure regulatory requirements have been met.

If you have any questions regarding the DCA procedures, please contact Charlie Mahin or Rick Tibbetts of the Fraud Program Management Bureau at (916) 445-0031.



ROBERT A. HOREL
Deputy Director

Attachment

cc: CWDA

AGREEMENT BETWEEN WELFARE AGENCIES AND DISTRICT ATTORNEY OFFICES TO
OBTAIN INTENTIONAL PROGRAM VIOLATIONS IN THE FOOD STAMP PROGRAM BY MEANS
OF THE DISQUALIFICATION CONSENT AGREEMENT PROCESS.

PURPOSE:

The Disqualification Consent Agreement is a viable and important tool for establishing Intentional Program Violation (IPV) and may be obtained in cases of deferred adjudication, that is, in those cases in which a determination of guilt has not been obtained by a court. This agreement shall be used as one method to establish IPV against a person who has been accused of IPV.

RESPONSIBILITIES: The _____ shall be responsible to:
Human Services Agency

Refer all completed investigations containing potential Food Stamp Intentional Program Violation (IPV) to the District Attorney. Cases referred must meet all evidentiary and criminal prosecution standards established by the District Attorney.

Upon receipt of completed Disqualification Consent Agreement (DCA) cases from the District Attorney, establish IPV, program sanction if appropriate and collection action.

Track and report all cases referred that result in criminal prosecution, DCA or declinations.

The _____ District Attorney shall be
(County Name)
responsible to:

Ensure all cases considered for DCA meet all established evidentiary and prosecution standards.

Agree to criminally prosecute accused person(s) who, when offered DCA, refuse or fail to sign the agreement.

Complete the DCA transaction and return the completed case to the _____.
Human Services Agency

Provide statistics to the _____
Human Services Agency
regarding the number of cases resulting in criminal prosecution/DCA or declinations.

JOINT RESPONSIBILITY:

Ensure a written notice required by 7 CFR 273.16(h)(1) and EAS Manual 20-300.221 is sent to the accused a minimum of seven(7) days in advance of the scheduled DCA interview.

Agreement made and entered into this _____ day of _____, 1990.

This Agreement is entered into by and between the _____
Human Services Agency

of _____, and the District Attorney's Office of
(Name of County)

_____, for the purpose of entering into a plan of
(Name of County)

agreement to obtain Intentional Program Violation (IPV) in the Food Stamp
Program by means of the Disqualification Consent Agreement (DFA478) procedure.

AGENCY

AGENCY

BY (Authorized Signature)

BY (Authorized Signature)

TITLE

TITLE