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Program Development Division  
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3101 Park Center Drive, Room 812  
Alexandria, Virginia 22302*Submitted electronically via <http://www.regulations.gov>*Re: RIN 0584-AE01  
Clarification of Eligibility of Fleeing Felons  
FNS Proposed Rule  
76 Fed. Reg. 51907-51914 (August 19, 2011)

Dear Ms. Kline:

Thank you for the opportunity to comment on the proposed rule concerning Clarification of Eligibility of Fleeing Felons, published at 76 Fed. Reg. 51907-51914 (August 19, 2011). We support the effort to clarify the SNAP eligibility criteria and to make eligibility determinations more uniform but strongly recommend that FNS adopt the criteria established in *Martinez v. Astrue*, Civ. No. 08-cv-04735 (N.D. Cal.) and *Clark v. Astrue*, 602 F. 3d 140 (2<sup>nd</sup> Cir. 2010).

The Youth Law Center is a public interest law firm that works to protect children and youth, particularly those involved in the child welfare or juvenile justice system. We have recently completed a manual that describes collateral consequences of juvenile adjudications and criminal convictions, and we have conducted successful litigation concerning juvenile parole violation procedures in California. We also provide technical assistance to public defenders, juvenile court attorneys, and civil legal assistance advocates on issues that affect youth and their families.

Many of the problems we see arise at the intersection of the law enforcement and social services systems. In our experience, this intersection is often difficult to navigate. These systems have different information needs, employ different specialized vocabularies, operate under different assumptions, and have different institutional cultures. As a result, information from one system can be misleading or inaccurate when applied to the other system. If the rules vary according to the type of public benefit or social service provided, the result is even more confusion.

Eligibility workers should not be required to interpret law enforcement documents or determine matters that lie within the expertise of law enforcement officials, parole boards, or the courts. All too often the result is an inaccurate determination that deprives a young person or her family of support needed to reunify the family, avoid trouble with

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the law, or reenter the community from incarceration successfully. The lack of clear direction also creates stress and additional work for eligibility workers, who are already overburdened, and increases administrative costs for training, supervision, and administrative appeals.

The proposed rule recognizes the problems with the use of computerized law enforcement data, which can be misleading or inaccurate, and on statements by individuals or their family members who may not understand the meaning of specialized terms or the legal effect of the statements they make. However, the proposed rule does not go far enough in creating clear, uniform criteria to guide eligibility decisions.

The principles enunciated in *Martinez* and *Clark* correctly interpret the law and are good policy. Adoption of these principles will also provide for uniform eligibility criteria across social service programs. As noted in the Background to the proposed rules, the statutory provisions are similar (p. 51908), and there is no legal justification for differential implementation of the federal statutes.

Very truly yours,



Alice Bussiere  
Staff Attorney