

When DSHS or DCYF thinks you made an Intentional Program Violation (IPV)

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Important information you should know if DSHS or DCYF accuses you of intentionally violating a public assistance program rule (sometimes called welfare fraud).

1. Get legal help

The information here applies to both DSHS (<https://www.dshs.wa.gov/>) and DCYF (<https://www.dcyf.wa.gov/>). To make things simpler, we just say “the agency” to refer to both.

If you get food stamps (<https://www.dshs.wa.gov/esa/community-services-offices/basic-food>), TANF, or other benefits (<https://www.dshs.wa.gov/food-cash-medical>) from DSHS, or you get childcare assistance from DCYF (<https://www.dcyf.wa.gov/services/earlylearning-childcare/getting-help/wccc>), and the agency, law enforcement, or a 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 (<https://waw.fd.org/contact-us>) for contact info. If you live in Eastern Washington, go to fdewi.org (<https://www.fdewi.org/>) for contact info.

If you get public benefits like SSI, food stamps, or TANF, and you’ve gotten legal financial obligations (LFOs) refunded by the Court, you

may need to follow “spend down requirements” to keep getting benefits. **You should tell DSHS about this refund as soon as possible and learn more about your options.** If you have questions, try to get legal help.

2. What is an IPV?

The agency asks you to give certain information about your family, household, income, and assets when you apply for benefits, and to report any changes while you’re getting benefits. The agency also regularly reviews your case record while you get benefits. 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 the changes.
- You chose not to report.

For **example**, Jo gets TANF or food stamps based on Jo’s income. Jo doesn’t report that their children’s other parent started living with Jo and doesn’t report that person’s income. Jo might not have known to report these things, or forgot, or deliberately didn’t report the extra person and income.

If the agency or law enforcement decides that Jo intentionally violated program rules in not reporting the additional person and income in their household, Jo could lose benefits or face criminal charges. And if Jo isn’t a U.S. citizen it could negatively impact Jo’s immigration status.

3. Avoid an IPV

If you have a hard time reading, speaking, or understanding English, tell the agency you need translated notices and a qualified interpreter.

If you have trouble reading and understanding agency rules and letters, ask the agency for an **Equal Access plan** so you get information in a way you can understand it.

You should know in advance what information the agency will investigate and ask you about to make sure you're telling the truth. They'll usually investigate your rent and who lives with you. They may also:

- Regularly check how much you earn at your job.
- Check if you're getting child support.
- Look at state and national databases that may have information about you or your family.
- Check for bank accounts you might not have reported to them.
- 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.
- Check your child's school record to see who the emergency contact is, and who has permission to pick up the child.
- Check your day care records to see who signs your child in and out.

You should report **all** income and things you own that you could sell for cash (assets). You must report changes exactly as described in notices you get from the agency. 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.

Be sure you've read and understand all the agency's reporting requirements. If you have any questions, get legal help.

4. Domestic violence

If you've experienced domestic violence or the threat of it from your children's other parent, you might be afraid to give the agency information about them. It's possible that information you report to the agency will help the other parent find

you, or cause them to retaliate against you. If you're afraid because of domestic violence, **get help right away.**

Community organizations can help! If you've experienced domestic violence, harassment, stalking, or sexual assault, or the threat of any of these, get help from your local domestic violence shelter or sexual assault center. Shelters provide safety planning, temporary shelter, legal advocacy, counseling, and other services.

Visit Washington State Domestic Violence Information & Referral (<https://www.domesticviolenceinforeferral.org/domestic-violence-programs>) to search for local programs by county, or for culturally/community specific (https://www.domesticviolenceinforeferral.org/domestic-violence-programs?field_county_value=All&field_program_catagory_tid=1) or Tribal programs (https://www.domesticviolenceinforeferral.org/domestic-violence-programs?field_county_value=All&field_program_catagory_tid=2).

You can call, text, or chat online with advocates 24/7 at any of these:

- National Domestic Violence Hotline (<https://www.thehotline.org/>), 1-800-799-7233
- National Sexual Assault Hotline (<https://rainn.org/resources>), 1-800-656-4673
- StrongHearts Native Helpline (<https://strongheartshelpline.org/>) (a peer support service of the National DV Hotline), 1-844-762-8483

All these hotlines can refer you to someone to help you get a protection order. This can help keep you and your children safe. Ask the lawyer or domestic violence advocate what to do about your public benefits and if you should try to get child support.

5. Emergency needs

If you're facing unexpected costs and need more income to take care of your family, don't give the agency inaccurate information to try to get more income. Instead, ask the agency about emergency assistance. If the agency turns you down for emergency assistance, you can ask for an administrative hearing and get legal help.

6. Investigation

If the agency thinks you made an Intentional Program Violation, someone will investigate you. The agency itself might investigate you before they take any action on your benefits. Or they might refer your case to law enforcement or a Prosecuting Attorney if they believe you might face criminal charges in addition to facing reduction or loss of your benefits.

An investigator may come to your home to interview you. An investigator may also interview other people such as your neighbors, employer, and childcare provider.

While you're being investigated, these are your rights:

- **Contact a public defender right away**, before you do anything else. A public defender can make sure you provide any defenses you may have.
- **You don't have to talk to an investigator**. But you should at least respond to say you're trying to contact a lawyer, because otherwise the investigator will say they tried but couldn't contact you.
- **You don't 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 can't 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.

You should only try to talk to the agency to work things out if you talk to a public defender first and the public defender thinks it's helpful to do so.

7. Criminal charges

If law enforcement contacts you, or you're arrested on fraud charges, discuss the matter only with your lawyer. If you have criminal charges and can't afford a lawyer, ask the court to appoint you one.

If the agency asks for an Administrative Disqualification Hearing, get legal help.

8. Agency finding & appeals

Even if the Prosecuting Attorney decides not to press charges, the agency could still decide on its own that you made an Intentional Program Violation, or that you had an overpayment. Watch to see if you get any further notices about this from the agency.

If the agency decides that you made an IPV, you might be able to persuade the agency that it would be unfair for you to pay back benefits. Different programs have different rules about violations and about how to appeal. If not, here's what might happen to you:

- You might have to pay back benefits.
- You might lose your benefits for a specific period, or permanently.

If the agency tells you verbally that they've decided you made an IPV, and you disagree, tell your caseworker right away that you want their decision in writing, and that you want an "administrative hearing."

The agency might think you didn't report income that you or a family member got. You might be able to prove at the hearing or a pre-hearing conference that you don't owe anything. Or you may be able to prove that you gave the agency the information, but the agency lost it. You might be able to explain you didn't give that information because you didn't realize you had to.

Or you may be able to show 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.

Fight an overpayment of cash or medical assistance can help you with your appeal arguments.

Try to get legal help if you need to appeal an agency decision.

WashingtonLawHelp.org gives general information. It is not legal advice. Find organizations that provide free legal help on our Get legal help page.

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