

---

**FOR IMMEDIATE RELEASE**

**May 16, 2014**

**Contacts:** Gail Evans, Legal Director and Sovereign Hager, Staff Attorney (505) 255-2840

**Federal Judge, USDA Find State Fails to Provide Food Assistance as Required by Federal Law**

*HSD Ordered to Immediately Address Backlog in Applications for Food and Medical Assistance*

**New Mexico – May 15, 2014** – United States District Court Judge Kenneth Gonzales ordered the New Mexico Human Services Department to immediately end denials and terminations of food and medical assistance caused by widespread delays in the state’s benefit application process. The state will also be required to prioritize and immediately screen applications for emergency food assistance as required by federal law. The state provides food and medical assistance to low income families through the Supplemental Nutrition Assistance Program (SNAP), formerly known as Food Stamps and the Medicaid Program. Over 400,000 New Mexicans rely on SNAP benefits to purchase food and one in four New Mexicans rely on Medicaid to access healthcare services.

The New Mexico Center on Law and Poverty, representing a class of plaintiffs seeking food and medical assistance, filed suit in U.S. District Court. The lawsuit details the increasingly difficult process that very low income New Mexican families have in getting food and medical assistance to which they are entitled. Families are often forming lines in the early morning and waiting for hours just to be told to return another day. Applicants working for hourly wages are being forced to choose between their jobs and applying for help when they need both to get by. Although permanent damage can occur in children who are malnourished for even a few weeks, some families are waiting months before receiving assistance. Others have assistance incorrectly denied or terminated. Plaintiffs provided the Court with state data showing over 50% of denials and terminations for food assistance are incorrect, delays in processing applications dating back to September of 2013, and concurrent loss of food assistance to more than 20,000 New Mexicans.

A few weeks ago, the United States Department of Agriculture’s Food and Nutrition Service completed a review of access to SNAP benefits in New Mexico and found that “the state is not efficiently and effectively administering the program.”

Gail Evans, Legal Director at the New Mexico Center on Law and Poverty and the lead attorney in the case, stated “The court’s ruling affirmed that the state must meet its obligations to families in need of and having a right to assistance. We have been pointing out these problems for a long time. We should not have to go to court to get the state to act. Doing so costs everyone and most importantly, hurts the very people these laws are meant to help.”

Veronica C. García, Ed.D., Executive Director of New Mexico Voices for Children stated, “New Mexico has the highest rate of hungry children in the nation. It is unconscionable that the state puts up roadblocks to keep children from receiving food assistance and health care. SNAP and Medicaid benefits can make the difference between healthy children and children who face unnecessary

hardships that can keep them from succeeding in school. It's no wonder New Mexico is ranked dead last for child well-being when the very agency that is supposed to administer these programs is making it difficult for children to receive the help they need.”

Judge Gonzales ordered the state to identify and prioritize applications of families eligible for emergency food assistance and to immediately cease automatic denials and terminations of food assistance and Medicaid. The Judge is also requiring the state to file monthly reports to the Court on their progress in implementing the court order.