

- Information which affects eligibility or the amount of the payment.
- Change of address.
- Paternity is established.
- Information regarding a change in the deprivation factor or cause of absence is secured.
- The client refuses to redirect child support payments and/or refuses to repay child support payments which were not redirected.

Changes in case circumstances are automatically referred to BCSE through the data systems.

J. BRINKLEY PROCEDURES

The following procedure is a result of Brinkley v. Carter. To prevent a succession of case closures and reapplications due to sporadic child/spousal support payments, Brinkley procedures provide for continued receipt of cash assistance for 4 months so that a regular pattern of support can be established prior to termination of cash assistance benefits.

**NOTE:** Prior to each county's conversion from TANF (AFDC/U) to WV WORKS, Brinkley procedures involved continued receipt of Extended Medicaid benefits, as well as continued receipt of a check. However, once a county has converted to WV WORKS, Brinkley procedures provide only for continued receipt of a WV WORKS check. Eligibility for Extended Medicaid must be determined separately and is not automatic with use of Brinkley procedures.

There are times when the amount of the child/spousal support payment actually received is in excess of the WV WORKS payment amount and the Legal Assistant does not notify the Worker to stop benefits. This occurs because BCSE staff distinguishes between the amount of the support payment received and the absent parent's "obligation." The obligation of the absent parent is usually the amount he is court-ordered to pay. In the absence of a court order, the obligation is usually the amount of cash assistance received by the family of the absent parent. When the court-ordered amount is less than the cash assistance amount, any payment received in excess of the absent parent's obligation is used by BCSE to meet any back support obligation (arrearages) owed to the agency by the absent parent. Therefore, it is

the amount of the absent parent's obligation which must be in excess of the cash assistance payment amount before the case qualifies under Brinkley procedures.

The client becomes ineligible for WV WORKS beginning the month after the Worker is notified that the countable amount of child/spousal support received exceeds the payment amount. However, the Department continues to provide the check until a regular pattern of support is established.

A regular pattern of support is established after 4 consecutive months of Brinkley eligibility. During this 4-month period, the excessive child/spousal support is disregarded as income for cash assistance purposes.

The client continues to receive the WV WORKS check amount he is eligible for without counting the child/spousal support as income and the State is reimbursed by BCSE from the amount of child support collected. However, the client is considered a cash assistance recipient and all Brinkley months count toward the lifetime limit. All other cash assistance requirements also apply. This must be explained to the client when he is offered this option and must be included in the notification letter that informs the client he is now eligible for only 4 additional months. See Section 6.3,C.

The Legal Assistant notifies the Worker of the first and the fourth consecutive months for which the paid support obligation exceeds the check amount. The Legal Assistant notifies the Worker by DHS-1 if either of the following events occurs:

- The client chooses to stop receiving Brinkley services.
- The child/spousal support stops being in excess of the WV WORKS check prior to the fourth month of Brinkley services.

Under no circumstances is the client required to reapply for WV WORKS should the child/spousal support stop or decrease below the check amount within the 4-month period of continued check receipt.