

MANUAL MATERIAL TRANSMITTED					
MANUAL: INCOME MAINTENANCE			CHANGE NUMBER: 148		
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DATE: JUNE, 1999 TO: ALL INCOME MAINTENANCE MANUAL HOLDERS					

This change is being made to implement portions of Senate Bill 455 which specify that all adult SSI recipients must be excluded from the WV WORKS AG and that the SSI benefits of these excluded individuals are not counted as income when determining eligibility for WV WORKS. All other non-excluded income of the excluded SSI adult recipient is counted. No restored or retroactive benefits are required. Appropriate changes were made in Chapters 9, 10 and 11. Terminology was changed from benefit group to AG where appropriate. These changes are effective 6/1/99.

In addition, clarifying statements have been added to several items in Section 9.21. The statements are based on questions received by the Policy Unit and answers provided to Workers and Supervisors.

RAPIDS anticipates that programming changes required to implement this policy will be completed by 6/1/99. If the changes are not completed, RAPIDS will issue separate instructions to use until the system changes are complete.

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9.20 RESERVED FOR FUTURE USE

The stepparent may not choose to be excluded when the parent is in the home.

- All minor, dependent, blood-related and adoptive children of the legal spouse of the parent, regardless of the relationship of the children to the other children in the home, provided they are otherwise eligible, i.e., living with a specified relative.
- The parent(s) of an unemancipated minor parent, even when the minor parent requests benefits for the child only.

NOTE: When the parent(s) of the unemancipated minor parent is included, the blood-related siblings of the minor parent are included. The spouse of the parent and any of his dependent children who are blood-related siblings to each other must also be included.

NOTE: When an individual is required to be in two or more AGs, the AGs must be combined.

2. Who May Choose To Be Included

NOTE: Although the individuals listed below may be included in the WV WORKS AG, if otherwise eligible, an SSI recipient, age 18 or over, cannot be included in the AG, even if he is otherwise required to be included. See item 3 below.

The following individuals may choose to be included:

- Caretaker relatives, who are not natural or adoptive parents, and stepparents when the parent is not in the home, may choose to be included or excluded from the AG. If a caretaker relative chooses to be included, the following individuals must also be included:

NOTE: When a parent and stepparent are both in the home, the stepparent is required to be included as the legal spouse of the parent. See item 1 above. However, when the parent is not in the home, the stepparent is treated as any other specified relative and may choose to be included or excluded.

- Legal spouse of the caretaker, regardless of the legal spouse's relationship to the child(ren); and

she and the children are removed from the AG and she continues to receive a payment for the niece only.

3. Who Cannot Be Included

The following situations result in ineligibility for the individual who meets at least one of the following criteria. However, when all members of the AG meet any of the criteria listed below, the entire case is ineligible. In addition, when all otherwise eligible children meet any of the criteria listed below, except receipt of foster care, adoption assistance or SSI benefits when the dependent child is age 18 or over, the AG is ineligible.

- A currently unmarried unemancipated parent, under age 18, whose youngest child is at least 12 weeks old, and who has not completed high school, unless the parent(s) participates in or, in the case of an applicant agrees to participate in: educational activities directed toward attainment of a high school diploma or equivalent; or, an alternative educational or training program
- A currently unmarried unemancipated parent, under age 18, and the child(ren) of such parent, who do not live with at least one parent of the minor parent in a residence established by the parent.

See Section 15.2,D,2 for the definition of emancipation.

EXCEPTIONS:

- There is no parent whose whereabouts are known;
- No parent allows the unemancipated minor parent to live in his home;
- The unemancipated minor parent lived apart from the parent for at least 1 year before the birth of the child or before the WV WORKS application;
- The unemancipated minor parent or child's physical or emotional health would be in jeopardy from residing with a parent.
- There is good cause for an unemancipated minor parent and child(ren) to receive WV WORKS while not living with a parent. Examples include, but are not limited to:

- Individuals convicted in federal or state court of having made a fraudulent statement or representation about residence to receive TANF, WV WORKS, Medicaid, Food Stamps or SSI are ineligible for 10 years from the date of the conviction. The conviction must have occurred on or after 8/23/96.
- Individuals who are fleeing to avoid prosecution, or custody/confinement after conviction, for a felony or an attempt to commit a felony
- Individuals who are violating a condition of probation or parole which was imposed under federal or state law.
- An individual who is a recipient of federal, state or local foster care maintenance payment

NOTE: The caretaker relative may receive WV WORKS when there are no children in the AG if all the children are ineligible for WV WORKS only because they receive foster care payments.

- The child(ren) of a minor parent when the minor parent is a recipient of federal foster care payment

NOTE: The caretaker relative may receive WV WORKS when there are no children in the AG if all the children are ineligible for WV WORKS only because they receive foster care payments.

- An individual who is a recipient of an Independent Living Subsidy through the Office of Social Services
- The child(ren) of a parent, when the parent is a recipient of an Independent Living Subsidy through the Office of Social Services
- A child who is absent from his home for 30 consecutive days. A child may be absent from his home for more than 30 consecutive days and remain a WV WORKS recipient only if the reason for the absence is one of the following:
 - Medically substantiated mental or physical illness of a parent or other caretaker necessitates other temporary living arrangements for the child

received a payment and individuals for whom benefits are temporarily suspended due to overpayment.

NOTE: The caretaker relative may receive WV WORKS when there are no children in the AG if all the children are ineligible for WV WORKS only because they are age 18 or over and receive SSI benefits.

- The entire AG when the parent(s) or included non-parent caretaker does not meet the 24-month limit for being engaged in work, according to the definition in Section 15.7, and who does not have good cause for the failure.

NOTE: When the 12-month period during which the non-parent caretaker chooses to be included ends, the non-parent caretaker may again receive WV WORKS for the otherwise eligible child(ren), even when not meeting the 24-month work requirement, so long as he chooses to be excluded from the AG. If he reapplies during the 12-month period for which he chose inclusion, or after the 12-month period ends and he again chooses to be included, he must meet the 24-month work requirement to receive WV WORKS for the child(ren); he may not receive WV WORKS for only the children without meeting the 24-month work requirement.

4. Treatment Of The Minor Parent (mp) In The AG

When an unemancipated minor parent lives with Major Parent(s) (MP), the minor parent must be included in the AG with: the MP(s); the minor parent's child(ren); the minor parent's minor, blood-related and adoptive siblings, if otherwise eligible; the legal spouse of the MP and the blood-related and adoptive siblings who are minor children of the spouse of the MP.

When a minor parent, who is emancipated, lives with MP(s), the minor parent and the child(ren) are a separate benefit group but must be included with all the emancipated minor parent's children, spouse or legal parent of the mp's child(ren). The income of the MP(s) is not counted or deemed. However, the presence of the MP(s) in the home causes a 25% reduction in benefits. See Section 10.24,C,2.

When an unemancipated minor parent lives with an adult relative other than a parent, the minor parent and the child(ren) are a separate AG, as long as the other adult relative does not wish to receive a WV WORKS

D. EXAMPLES OF AG COMPOSITION

EXAMPLE: Household consists of Ms. A and her two dependent children. All are included in the AG.

EXAMPLE: Same as previous example, except that one child receives \$200 VA benefits each month. All are included in the AG, and \$200 is counted as income.

EXAMPLE: Household consists of Ms. B and her two nephews who are blood-related siblings. Both children are included. Mrs. B can choose to be either included or excluded. If she is included, her income is counted.

EXAMPLE: Household consists of Mr. and Mrs. D and their three children. One of the three children receives SSI. All are included in the AG. The SSI payment is not counted as income.

EXAMPLE: Household consists of Mr. and Mrs. E, Mr. E's two children from a previous marriage and Mrs. E's child from a previous marriage. All are included in the same AG.

EXAMPLE: Household consists of Mr. and Mrs. F, their two children and Mrs. F's niece. Mr. and Mrs. F want benefits for Mrs. F's niece so all are included in the AG.

EXAMPLE: Household consists of Mrs. G and her minor daughter Miss G who is not emancipated and is not married. Mrs. G and her daughter receive WV WORKS. After the birth of Miss G's child, Mrs. G applies for WV WORKS for the child. Mrs. G is considered the caretaker for both Miss G and Miss G's child. Miss G and her child are both treated as dependent children and all are included in the AG.

EXAMPLE: Household consists of Mrs. I and her two sons who receive WV WORKS. Mrs. I's daughter Miss I, a minor parent who is emancipated, returns to the home with her child. Miss I and her child are a separate AG because she is emancipated.

EXAMPLE: Household consists of Mr. J, his wife and her two children from a previous marriage. Mr. and Mrs. J and her two children receive WV WORKS.

Mr. J's ex-wife and her two children move into Mr. J's home and apply for WV WORKS. Mr. J is the father of his ex-wife's children. All are included in the same AG.

SOURCE OF INCOME	CONSIDERED AS INCOME FOR:			
	FOOD STAMPS	AFDC MEDICAID, DEEMED AFDC MEDICAID, TM, QC, P.L. PW AND CHILDREN, AFDC/U-RELATED MEDICAID, WV CHIP	PAC, QMB, SLIMB, QI-1 AND QI-2 QDWI, CDCS, AIDS PROGRAMS, SSI-RELATED MEDICAID	WV WORKS; DCA Eligibility
NNN. SICK BENEFITS FROM EMPLOYER	Earned, if received while still employed. Unearned, if received after employment is terminated. Count gross.	Earned. EXCEPTION: Any portion attributed to the employee's own contribution is unearned income.	Unearned. EXCEPTION: Sick pay received from an employer or third party, within the first 6 months of the last day worked, is earned income. However, any portion of the above sick pay that is attributed to the employee's own contribution is considered unearned income.	Earned.
OOO. SOCIAL SECURITY PAYMENTS	Unearned. See RSDI.	Unearned. See RSDI.	Unearned. See RSDI.	Unearned. See RSDI.
PPP. SPOUSAL SUPPORT OR ALIMONY Note: Separate entry for Child Support	Unearned	Unearned	Unearned	Unearned

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6. Low Profit From The Sale of An Asset

In addition to assets which may be considered inaccessible according to the provisions in item 3 above, an asset which meets one of the following criteria is considered inaccessible and is, therefore, excluded because it cannot be sold for a significant return.

- The asset has an expected sale price of less than one half of the benefit group's applicable asset limit; or
- The cost of selling the asset will likely result in a return of less than one half of the benefit group's applicable asset limit. The benefit group's ownership interest must also be considered when determining the potential return.

This applies to a single asset, not to a combination of assets.

NOTE: This provision does not apply to vehicles, stocks, bonds and negotiable financial instruments.

NOTE: An asset cannot be subdivided solely to obtain an exclusion as inaccessible.

7. Burial Funds

Burial funds in an irrevocable trust are excluded. When accessible to the benefit group, the amount of a pre-paid funeral agreement, up to a maximum of \$1,500 for each benefit group member, is excluded. The amount in excess of \$1,500 for each person which is in an accessible burial fund is an asset.

B. WV WORKS, AFDC MEDICAID and AFDC-RELATED MEDICAID

NOTE: When an asset is deemed, the full countable value is deemed with no disregards or deductions applied.

1. Assets of Disqualified/Ineligible Individuals

a. AFDC Medicaid

The assets of disqualified parents are counted in their entirety for the AG. Assets of other ineligible persons, including stepparents, are not deemed. When a parent and an ineligible person jointly own an asset, see item 3 below.