

MANUAL MATERIAL TRANSMITTED					
MANUAL: INCOME MAINTENANCE			CHANGE NUMBER: 74		
DELETE			INSERT OR CHANGE		
PAGES	CHAPTER	DATED	PAGES	CHAPTER	DATED
125 - 126	1	4/97	125	1	8/97
			126 - 126 a	1	4/97
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59	9	9/95	59 - 69	9	8/97
60 - 65	9	1/97			
			OFS-WVW-10	FORM	8/97
DATE: June, 1997			TO: All Income Maintenance Manual Holders		

This change is being made to incorporate changes in TANF and WV WORKS policy and to remove references to GA for DA in Chapter 9. A change was also made to Chapter 1 to correspond to a change in Chapter 9 and to include instructions for completion of a new form, OFS-WVW-10.

Please pay particular attention to the following:

1. An incorrect example was removed from Section 9.1, and minor wording changes were made to help clarify the student policy.
2. Section 9.2 has been totally rewritten to include more detailed information about TANF eligibility determination groups and to correct some previous policy errors.

(Including the IM-NL-ABAWD-1 when applicable.) Make appropriate case comments on CMCC. For ABAWD, please keep a list of cases closed, including case name, case number and date of closure.

2. When a member of the AG should fail:

When the ineligible individual must be excluded from the assistance group (in the case of ABAWD continue to purchase and prepared with the FS AG):

- Run SFED
- Stop at SFCC
- Page through (PF8) to the appropriate SFU.
- Change the ineligible individual(s) participation from EA/EC to GD (Gross Deemer) for FS and SD (sanctioned deemer) for AFDC/MA, entering 116 as the "COMP CHG" code.
- Proceed to AGECE.
- Check the benefit amount, confirm if correct. Suppress the RAPIDS notification and issue manual notices. (Including the IM-NL-ABAWD-1 when applicable). Make appropriate case comments on CMCC. For ABAWD, keep a list of cases affected, including the case name and individual's name, and date the action was taken.

*** As with any override situation, when SFED is run again, the ineligible individual will be included in the SFU as an EA/EC and must be excluded again using this procedure. ***

Questions should be directed to the IM Policy Unit in the Office of Family Support.

complete or sign the form results in ineligibility for the entire benefit group. All caretaker relatives in the home must sign the form.

- Personal Responsibility Contract (PRC): Explanataion and completion of the PRC is not required to be part of the intake interview, but it may be done at the same time. See item T below for details about the PRC requirements.
- Repayments: Discuss any outstanding repayments. See item L below.
- Eligibility: Explain beginning date of eligibility and the importance of establishing eligibility as soon as possible.
- Medicaid: Explain that Medicaid eligibility is a separate determination and how and when the medical card is issued, if appropriate.
- Quarterly Reporting: Explain the QR process.
- Lump Sum: If the client indicates he may be receiving a lump sum payment, explain the lump sum policy.
- Pregnancy: Explain the need for the client to report immediately when anyone in the benefit group becomes pregnant.
- TPL: Explain Third-Party Liability procedures.
- Caretaker Relative Option: For cases in which the caretaker relative is not a natural or adoptive parent, form OFS-WVW-10 must be explained. The form must be signed and completed prior to approval, but not necessarily during the intake interview. The Worker must explain the option of being included or excluded from the benefit group and answer the client's questions about the consequences of each choice. Refusal, or other failure, of the caretaker relative to sign the form results in denial of eligibility for the caretaker relative for at least 12 months. Eligibility continues to be denied beyond 12 months, for as long as the caretaker fails to choose. The original form must be filed in the case record and the client must be given a copy. See Section 9.21 for details about the limited choice for the caretaker.

L. REPAYMENT AND PENALTIES

Before the case is approved, the Worker must determine if there is a WV WORKS, TANF or AFDC/U claim outstanding against any member of the benefit group. If so, the Worker must initiate appropriate repayment procedures prior to approval.

If the client has been making voluntary payments, he must be informed that repayment must be made, when possible, from his check, i.e., recoupment.

When the benefit group has been sanctioned for failure to cooperate with WV WORKS, the case is subsequently closed and a reapplication made, that benefit group remains sanctioned until the sanction ends.

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This Chapter contains the policy for determining the following:

- Food Stamp Eligibility Determination Groups
- TANF and WV WORKS Eligibility Determination Groups
- Medicaid Eligibility Determination Groups for all coverage groups.

9.1 FOOD STAMP ELIGIBILITY DETERMINATION GROUPS

A. THE BENEFIT GROUP

1. Who Must Be Included

A Food Stamp benefit group may be composed of any of the following individuals or groups of individuals, provided that such individuals or groups who live together are not residents of institutions or boarding houses.

An individual cannot be a member of more than one Food Stamp benefit group in any month.

EXCEPTION: Shelters for battered women and children. See Chapter 14.

Throughout this Section the word customarily is used to mean over 50% of meals on a monthly basis. When a child is eligible for free or reduced-price meals at school, these meals are considered provided by the person with whom the child resides.

NOTE: For all the following possible benefit groups, an individual who meets the definition of an ABAWD in item j below can only receive benefits when he is otherwise eligible and:

- Is meeting the work requirements outlined in item 2 below; or
- Is residing in a Non-Issuance Limited County (NILC); or
- Regains eligibility after meeting the ABAWD work requirement, becoming exempt, or moving to an NILC; or
- Is in the first or second 3-month limit period while not meeting the work requirement or being exempt.

week period Mr. A is only attending classes, he is considered a student.

Any other student must meet one of the exceptions to the restriction on student eligibility in item b to qualify for Food Stamps.

b. Students Eligible to Participate

Students who meet one or more of the following criteria are eligible to participate, provided all other eligibility factors are met:

- The student is employed at least 20 hours per week and is paid for the employment.

Unlike normal work registration, a student cannot substitute wages equivalent to 20 times the minimum hourly wage, but must actually work 20 hours, regardless of the amount of wages.

However, self-employed persons must be employed at least 20 hours per week and receive weekly earnings at least equal to the federal minimum wage multiplied by 20 hours.

- The student is participating in a state- or federally-financed CWS program during the regular school year. Participation means that the student has been approved for CWS during the school term and anticipates actually working during that time. To qualify for this exception, the student must be approved for CWS at the time of application. The exception begins with the month in which the school term begins or the month CWS is approved, whichever is later. Once begun, the exception continues until the end of the month in which the school term ends, or it becomes known that the student refused an assignment. The exception is lost between school terms when there are breaks of a full month or longer for which CWS has not been approved.
- The student is included in a TANF or WV WORKS payment.

responsible for the care of a dependent benefit group member between the ages of 6 and 12 and adequate child care is not available to enable the student to attend class and satisfy the 20-hour work requirement or participate in a state- or federally-financed CWS program during the regular school year.

- The student is the single parent (natural, adoptive or stepparent), regardless of marital status, and is responsible for a dependent child under age 12, regardless of the availability of adequate child care, and is enrolled full-time, as defined by the institution.

This applies in situations where only one natural, adoptive or stepparent, regardless of marital status, is in the same benefit group with the child.

If no natural, adoptive or stepparent is in the benefit group with the child, another full-time student in the same benefit group as the child qualifies for this exception, if the other full-time student has parental control over the child and the student is not living with his spouse.

EXAMPLE: The situation is the same as the previous example, except that the college student is 17 years old. He is eligible to be included in the Food Stamp benefit group because he is under age 18.

EXAMPLE: A woman, who is a student, wants Food Stamps for herself and her 10-year-old child. While the student is at school, her mother who lives across town takes care of the child. The student has the responsibility for the care of a dependent child between the ages of 6 and 12. Adequate child care is available, but because the student is a single parent, she qualifies for participation.

EXAMPLE: A man, woman and their 10-year-old child apply for Food Stamps. While the woman, who is a student, is in school, her mother, who lives across town, takes care of the child. She is only willing to keep her while she is in classes, but not while she works. The man works and there is no other available child care. The student qualifies to be included due to the lack of adequate child care.

EXAMPLE: Same situation as above, except that the grandmother is willing to keep the child for as long as necessary for the woman to work. The exception is not met, so the student cannot receive Food Stamps.

EXAMPLE: A FS benefit group consists of a child (age 10), his mother and his stepfather. The stepfather is a full-time student and is primarily responsible for the care of the child due to the mother's disability. The mother is, however, able to look after the child when the stepfather is in school. The stepfather does not qualify for an exception to the student policy based on caring for a child. To be included he must meet another exception.

EXAMPLE: Same situation as above except that the mother is not able to look after the child when the stepfather is in school. There is no other child care available. The stepfather qualifies for an exception based on having primary responsibility for the care of a child between 6 and 12 without adequate child care available.

EXAMPLE: Mr. and Mrs. G, both age 35, live with Mr. G's mother. They purchase food and prepare meals separately from the mother. Separate benefit group status is approved. The assets of the mother make her ineligible for Food Stamps, but a case is approved for Mr. and Mrs. G.

EXAMPLE: Mr. and Mrs. H, ages 27 and 30, live with her elderly and disabled mother. They purchase food and prepare meals together. The elderly and disabled requirements are met, so two benefit groups are established: one for Mr. and Mrs. H and one for the elderly and disabled mother.

EXAMPLE: Mr. I, age 25, lives with his parents and meets the definition of a boarder. Because of the parent/child relationship, Mr. I. cannot be considered a boarder, even though he is over age 21. He may be included in a benefit group with his parents if they so request.

EXAMPLE: Mrs. J has two children, John and Jane. Jane attends school in another town where special education classes are taught. During the week she lives with Mrs. K and attends school, where she receives free breakfasts and lunches. Food for her is customarily purchased and prepared with Mrs. K. In order to receive FS, Jane must be included in a benefit group with Mrs. K. She cannot be included with her mother and brother.

EXAMPLE: Mr. L. works out of state and comes home on weekends and holidays. When he returns to West Virginia, he lives with his wife and 3 children who receive Food Stamps. He is not eligible to be included in the benefit group with his wife and children, because his food is not customarily purchased and prepared with his family's. Only the amount of income he makes available to his family is counted as income.

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

When an individual, not related as a parent, a dependent minor child or a minor sibling to a member of a TANF benefit group, lives in the household and applies for TANF, a separate benefit group is established for the individual(s).

2. Who May Choose To Be Included

The following individuals may choose to be included.

- One caretaker relative, other than natural or adoptive parents, can choose to be either included or excluded from the benefit group.
- The caretaker relative, who is otherwise eligible, when the only dependent child in the home receives federal, state or local foster care or adoption assistance payments or SSI. The needs and income of the child are not considered when determining the amount of the benefit. The relative is treated like a parent, except he may choose to be excluded at any time. There are no restrictions on the number of times or when the individual may choose to be included or excluded.

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 benefit group 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 SSI, foster care or adoption assistance, the entire case is ineligible.

- A currently unmarried 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

When an alternative living arrangement involves living with or living in a setting supervised by an unrelated adult, the supervising adult must meet all of the following requirements:

- o Does not receive TANF or WV WORKS benefits;
 - o Is the same sex as the minor parent, or the minor parent lives with or is supervised by a married couple;
 - o Is employed;
 - o Is at least 15 years older than the minor parent;
 - o Has a negative Protective Services record;
 - o Has no criminal record, as determined by a CIB report.
- 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 payments.

NOTE: The caretaker relative may receive TANF when there are no children in the benefit group, if the children are ineligible for TANF only because they receive foster care payments.

- An individual convicted of a felony under federal or state law when the offense involves the possession, use or distribution of a controlled substance, as defined in Section 102(6) of the Controlled Substances Act and when the conviction occurred on or after 8/23/96.
- Individuals who are aliens and are ineligible because they have been sponsored by a private or public agency or organization or because of deeming income from the sponsor to the alien.
- Individuals who do not meet the citizenship and alienage requirements. See Chapter 18.
- An individual who is an SSI recipient.

NOTE: The caretaker relative may receive TANF when there are no children in the benefit group, if the children are ineligible for TANF only because they are SSI recipients.

- A child who is a recipient of federal, state or local adoption assistance, unless the exclusion of the child reduces the amount of payment to the benefit group.

NOTE: The parent may receive TANF when there are no children in the benefit group, if the children are not included only because they receive adoption assistance.

When the child is included in the benefit group, any portion of the adoption assistance which meets any of the following criteria is excluded:

- The adoption assistance is for a different purpose than the TANF check, i.e., vocational rehabilitation; or
- The adoption assistance is for goods or services not included in the State's Standard of Need, i.e., money for special training or for medical care not provided for recipients of TANF; or

EXAMPLE: Same as the preceding example, except that, Sam receives non-excluded adoption assistance of \$50.

Step 1: \$360 TANF Benefit Group of 5, excluding Sam

Step 2: Sam's \$50 non-excluded adoption assistance reduces the TANF 6 person benefit group payment of \$413 to \$363.

Because \$363 is greater than \$360, and the benefit is not reduced, Sam is included in the benefit group.

- Individuals who are ineligible due to failure to fulfill an eligibility requirement. This includes the following individuals:

- The specified relative who fails to cooperate with CSED, or who, after assigning rights, fails to cooperate without good cause
- The mandatory participant who refuses to cooperate with JOBS
- The individual who fails to be enumerated
- Any mandatory referral to DRS who refuses referral or services, except surgery, without good cause
- The caretaker relative, who is not a parent of the dependent child, and who fails, without good cause, to apply for and accept a potential resource for which the child may be eligible. If the caretaker relative wants to be or is included in the benefit group, failure to apply for and accept a potential resource for himself results in ineligibility of the caretaker relative only.

4. Treatment Of The Minor Parent (mp) In The Benefit Group

Treatment of the minor parent (mp) in the benefit group requires special consideration, depending upon whether

The mp is treated as the caretaker relative anytime she has care and control of her own child.

NOTE: When the mp and the legal father of the child live together, it is assumed that they are the caretakers of their child. However, if the mp lives with a spouse who is not the legal father of the child, it is not assumed that the mp is the caretaker of the child.

When an individual in the home, other than the mp, has care and control of the mp's child and applies for TANF for the child, the mp who lives in the home must be included in the benefit group because she is the parent of the child, not because she is the caretaker relative. In this situation, the mp is considered to be the non-caretaker parent. The individual who has care and control of the mp's child is the caretaker relative of the child.

NOTE: The mp must be treated the same for the income group and for the benefit group, i.e., when the mp is treated as a dependent child in the benefit group, the mp's own income is treated as that of a child. When the mp is treated as a caretaker relative or a non-caretaker parent, the income is treated as that of an adult.

B. THE INCOME GROUP

The non-excluded income of all benefit group members is counted.

The non-excluded income of the following individuals must be counted when determining eligibility, but they are not included in the count of persons in the needs group.

- The sanctioned individual when the individual must be included in the benefit group
- The legal stepparent
- The spouse of a non-parent caretaker relative, when the non-parent caretaker is included in the benefit group
- The Major Parent who lives with a minor parent, when the minor parent is a caretaker relative or a non-caretaker parent

See Chapter 10 to determine how the income is counted.

previous marriage. Mr. E and his two children are included in one benefit group. A separate benefit group is established for Mrs. E and her child.

EXAMPLE: Household consists of Mr. and Mrs. F, their two children and Mrs. F's niece. Mr. and Mrs. F and their children are in one benefit group. A separate benefit group is established for Mrs. F's niece. None of Mr. and Mrs. F's income is counted for the niece.

EXAMPLE: Household consists of Mrs. G and her daughter Miss G. Mrs. G and her daughter receive TANF. After the birth of Miss G's child, Mrs. G seeks TANF for the child. Because the grandmother, the minor mother and the minor mother's child are all seeking TANF, the Worker must determine who is exercising responsibility for the care and control of Miss G's child.

If Miss G is the caretaker, the benefit group consists of Miss G and her child. Miss G is included in the benefit group as the caretaker relative. Mrs. G is no longer eligible because she has no dependent child.

If Mrs. G is the caretaker of Miss G's child, Miss G is still required to be included in the benefit group as the non-caretaker parent, and is treated as an adult.

If Mrs. G is the caretaker for both Miss G and Miss G's child, and applies for both as such, Miss G and her child are both treated as dependent children.

EXAMPLE: Household consists of Mrs. I and her two sons who receive TANF. Mrs. I's daughter Miss I, a minor parent, returns to the home with her child. Miss I has been living independently with her child, and receives TANF. After she returns home, Miss I continues to have responsibility for the care and control of her child. She and her child are a separate benefit group.

EXAMPLE: Household consists of Mr. J, his wife and her two children from a previous marriage. Mrs. J and her two children receive TANF. Mr. J's ex-wife and her two children move into Mr. J's home and apply for TANF. Mr. J is the father of his ex-wife's children and meets the definition of an unemployed parent.

Mrs. J and her two children are included in one benefit group. A separate benefit group is established for Mr. J, his ex-wife and their two children.

EXAMPLE: Household consists of Mrs. K, her daughter Miss K, who is a dependent child, and Miss K's child. Mrs. K adopts

9.3 MEDICAID ELIGIBILITY DETERMINATION GROUPS

The Medicaid benefit group is composed of the individual(s) who meets the eligibility requirements for coverage under a specific Medicaid coverage group. However, the benefit group does not determine financial eligibility for all coverage groups. Some coverage groups require the determination of an income group to determine countable income and a needs group for comparison to the appropriate needs standard to determine financial eligibility. The case in which the benefit group member(s) receives coverage may be composed of eligible benefit group members of one or more coverage groups.

The criteria for all of these groups is found in this Section.

The AFDC/U benefit group is composed of eligible children and their parent(s) or another specified relative.

1. Who Must Be Included

The following individuals are required to be included:

- All eligible dependent children and their eligible parent(s) who are living in the same household must be included in the AFDC/U benefit group. Parent is defined as a natural or adoptive parent. See Chapter 15 for the definition of a dependent child.
- All eligible blood-related or adoptive siblings who are living in the same household must be included in the same benefit group. Stepbrothers and stepsisters are not blood-related and, therefore, are not required to be included in the benefit group.
- All eligible adoptive siblings who receive federal, state or local adoption assistance, when the AFDC/U check remains the same or increases. See item 3 for income calculations.

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

When an individual, not related as a parent, a dependent minor child or a minor sibling to a member of an AFDC/U benefit group, lives in the household and applies for AFDC/U, a separate benefit group is established for the individual.

2. Who May Choose To Be Included

The following individuals may choose to be included:

- One caretaker relative, other than natural or adoptive parents, can choose to be either included or excluded from the benefit group. If included, his non-excluded income and assets must be considered.
- The caretaker relative, who is otherwise eligible, when the only dependent child in the home receives federal, State or local foster care or adoption assistance payments or SSI. The needs and income

- The adoption assistance is for a different purpose than the AFDC/U check, i.e., vocational rehabilitation; or
- The adoption assistance is for goods or services not included in the State's Standard of Need, i.e., money for special training or for medical care not provided for recipients of AFDC/U; or
- The adoption assistance makes up the difference between the State's payment standard and the Standard of Need.

NOTE: Any portion of the adoption assistance which is excluded, using the above criteria, is also excluded prior to determining if the AFDC/U benefit will be reduced if the needs of the adopted child are included.

NOTE: West Virginia's adoption assistance payments do not meet the above criteria.

To determine whether to exclude the adopted child, complete the following steps:

Step 1: Determine the amount of the benefit, excluding the needs of the adopted child.

Step 2: Determine the amount of the benefit, including the needs and non-excluded income of the adopted child.

If the amount in Step 2 is less than the amount in Step 1, the adopted child must be excluded from the benefit group.

If the amount in Step 2 is greater than the amount in Step 1, the adopted child must be included in the benefit group.

EXAMPLE: Mr. and Mrs. T receive AFDC of \$360 for themselves and their three children. They adopt Sam and he receives \$200 non-excluded adoption assistance.

Step 1: \$360 AFDC Benefit Group of 5, excluding Sam

4. Treatment Of The Minor Parent (mp) In The Benefit Group

Treatment of the minor parent (mp) in the benefit group requires special consideration, depending upon whether he is under the care and control of the caretaker relative, or whether he has care and control of his own child.

Care and control is defined as providing or making provision for the day-to-day supervision of the child. Care and control may include, but is not limited to, the following:

- Managing the income of the child. This may include the payment of shelter expenses and the purchase of food, clothing, or incidentals for the child.
- Day-to-day care which may include meal preparation, feeding, dressing, bathing and supervision of activities
- Responsibility for obtaining medical treatment, including making appointments for and attending physician or clinic visits, and supervising the administration of prescribed treatment
- Responsibility for educational activities, such as making decisions about school enrollment, attending conferences or being listed as a contact person

The decision regarding care and control must be made on a case-by-case basis. If the Worker cannot make a decision using the above criteria, the Supervisor makes the decision.

A minor parent (mp) is treated as a dependent child in the benefit group when:

- An application is made by a caretaker relative who has care and control of both the mp and her child.
- An application is made for the mp only by a caretaker relative who has care and control of the mp.

NOTE: The mp who lives with a spouse cannot be considered a dependent child.

See Chapter 10 to determine how the income is counted.

C. THE NEEDS GROUP

Countable income is compared to the income limits for the number in the benefit group to determine eligibility and the amount of the benefit.

D. CASE COMPOSITION

The AFDC/U Medicaid case is composed only of individuals who would have been eligible for an AFDC/U payment. Such individuals may be included for Medicaid only in the TANF or WV WORKS case of other family members. See Chapter 23 for proper coding. Those individuals eligible for AFDC/U, but with no one in the family receiving TANF or WV WORKS must have an AFDC/U-Related Medicaid case opened in the M-219 system with no income counted.

E. EXAMPLES OF BENEFIT GROUP COMPOSITION

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

EXAMPLE: Same as previous example, except that one child receives \$200 VA benefits each month. All are included in the benefit group, 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. C, their two children, and her child from a previous marriage. Mr. C is employed full-time. Therefore, he and his children are not eligible to be included. The benefit group consists of Mrs. C and her child. Mr. C's income is deemed to the benefit group according to instructions in Chapter 10. In addition, Mr. C's assets are considered when determining eligibility, since Mrs. C is included in the benefit group. See Chapter 11.

EXAMPLE: Household consists of Mr. and Mrs. D and their three children. One of the three children receives SSI. The benefit group consists of Mr. and Mrs. D and the two dependent children who do not receive SSI. The SSI child is not included in the benefit group and the SSI income is not counted.

EXAMPLE: Household consists of Mrs. K, her daughter Miss K, who is a dependent child, and Miss K's child. Mrs. K adopts Miss K's child and applies for AFDC for her adopted child. The benefit group consists of Mrs. K, her adopted child and the natural mother, Miss K. Miss K, because she is a dependent child, is included as a sibling of the child adopted by her mother, Mrs. K.

EXAMPLE: A WV WORKS household consists of Mr. and Mrs. L and their 4 children. Mr. L was convicted of a felony for selling illegal drugs on 8/23/96. Mrs. L and the children are eligible for WV WORKS. Mr. L is not eligible for WV WORKS, but he meets the AFDCU definition of an unemployed parent, and is otherwise eligible under all other AFDCU criteria. Because Mr. L would have been eligible for AFDC/U, the WV WORKS case includes Mr. L for Medicaid coverage only. In addition, due to Mr. L's deprivation factor, Mrs. L and the children also meet the requirements for being included in the AFDCU Medicaid case. They are, therefore, also eligible for Medicaid as AFDCU Recipients.

EXAMPLE: Mr. and Mrs. M have 1 child, age 2, who receives SSI. Mr. and Mrs. M apply for TANF. Mr. M meets the AFDCU/TANF definition of an unemployed parent, but refuses to cooperate with JOBS. Mrs. M was convicted of a felony for trafficking in firearms on 11/1/96. Neither one of the parents are eligible to receive TANF. Because Mrs. M would have been eligible for AFDC/U, she would not have been prohibited from receiving AFDC/U. She is eligible to receive Medicaid as an AFDC/U Recipient. Mr. M would not have been eligible to receive AFDC/U, so he is not Medicaid eligible as an AFDC/U Recipient.

9.5 DEEMED AFDC/U-TANF RECIPIENTS

A. CHECK AMOUNT OF \$1 - \$9

All requirements for the benefit group, income group, needs group and case composition for TANF in Section 9.2 above apply to this coverage group.

B. EXTENDED MEDICAID AND BRINKLEY RECIPIENTS

1. The Benefit Group

All individuals, who are members of the TANF or WV WORKS benefit group when the case becomes AFDC/U ineligible must be included in the benefit group. When an individual who would normally be required to be in the benefit group returns to the home, eligibility for TANF or WV WORKS for the family must be reevaluated.

If the family is not eligible for TANF or WV WORKS, the returning individual is added to the Brinkley or Extended Medicaid group.

2. The Income Group

Extended Medicaid and Brinkley recipients become eligible based on financial ineligibility for AFDC/U. Therefore, no other financial test is required.

3. The Needs Group

No needs test is applied.

4. Case Composition

The case is composed only of members of the Extended Medicaid or Brinkley benefit groups.

C. CHILDREN COVERED UNDER ADOPTION ASSISTANCE

These cases are managed by the Office of Social Services. An SSI Medicaid case is not opened, even when the child receives SSI.

D. CHILDREN COVERED UNDER FOSTER CARE

These cases are managed by the Office of Social Services. For SSI Recipients, see Item C above.

9.20 RESERVED FOR FUTURE USE

2. Who May Choose To Be Included

The following individuals may choose to be included:

- Caretaker relatives, other than natural or adoptive parents and stepparents, can choose to be included or excluded from the benefit group. If a caretaker relative chooses to be included, the following individuals must also be included:
 - o Legal spouse of the caretaker, regardless of the legal spouse's relationship to the child(ren); and
 - o All minor, dependent children of the caretaker relative and all of their minor, dependent, blood-related and adoptive siblings living in the household; and
 - o All minor, dependent children of the spouse of the caretaker relative and all of their minor, dependent, blood-related and adoptive siblings living in the household.
- If there is another minor child(ren) in the household who is not required to be included by item 1 or this item and the caretaker relative requests WV WORKS benefits for him, the caretaker relative may choose to include him in the benefit group. A separate case is not established for the child(ren).

The two groups of individuals identified above may choose to be included or excluded at the time of application. Once the decision is made, the decision is binding until the next annual, full-scale redetermination, regardless of changes in the circumstances of the caretaker relative or the child(ren). This must be explained to the caretaker relative at each application and each redetermination. When the case is closed and reopened before completion of a full-scale redetermination, the last decision is binding until one year from the date the last decision was made. Each decision must be made using form OFS-WVW-10. Refusal or other failure to choose by completing the form results in ineligibility for the caretaker relative for at least 12 months. Eligibility continues to be denied beyond 12 months, for as long as the caretaker fails to choose. See "Intake Interview" for WV WORKS in Chapter 1.

- Education or training opportunities may be available and appropriate for the minor parent elsewhere.

When the minor parent demonstrates good cause for not living with a parent, eligibility may be established by living with another adult relative, a legal guardian or in an alternative living arrangement that is supervised by an unrelated adult.

When the alternative living arrangement is a maternity or other group home, the home must be supervised and licensed by the State.

When the alternative living arrangement involves living with or living in a setting supervised by an unrelated adult, the supervising adult must meet all of the following requirements:

- Does not receive TANF or WV WORKS benefits;
 - Is the same sex as the minor parent, or the minor parent lives or is supervised by a married couple;
 - Is employed;
 - Is at least 15 years older than the minor parent;
 - Has a negative Protective Services record;
 - Has no criminal record, as determined by a CIB report.
- 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.

- o The PRC has targeted a family problem that requires the child to be absent from the home for more than 30 consecutive days
 - A parent or other caretaker who does not report that a child is, or will be, out of his home for at least 30 consecutive days. The parents or other caretaker must report the 30-day absence, or expected absence, within 5 calendar days of the date it becomes known to the parent or other caretaker that the child will be absent for at least 30 consecutive days
 - Individuals who were applicants or recipients of AFDC/U, WV WORKS or TANF at the time of receipt of a lump sum payment and for whom an unexpired period of ineligibility remains
 - An individual convicted of a felony under federal or state law when the offense involves the possession, use or distribution of a controlled substance, as defined in Section 102(6) of the Controlled Substance Act and when the conviction occurred on or after 8/23/96.
 - Individuals who are aliens and are ineligible because they have been sponsored by a private or public agency or organization or because of deeming income from sponsor to alien.
 - Individuals who do not meet the citizenship and alienage requirements. See Chapter 18.
4. Treatment Of The Minor Parent (mp) In The Benefit Group

When an unemancipated minor parent, who has never been married, lives with Major Parent(s) (MP), the minor parent must be included in the benefit group 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 or has been married, lives with MP(s), the minor parent and the child(ren) are a separate benefit group. However, the income of the MP(s) is counted for the minor parent in the same way it would be counted if the MP(s) were included in the benefit group.

D. CASE COMPOSITION

All members of the WV WORKS benefit group and individuals included in the corresponding Food Stamp benefit group, even though not WV WORKS benefit group members, are coded in the case.

When members of the WV WORKS benefit group are also eligible for Medicaid as AFDC/U recipients, Medicaid coverage is provided in the WV WORKS case. When eligible under another Medicaid coverage group, a separate Medicaid case must be opened to provide medical coverage. See Chapter 23 for benefit codes to indicate whether or not a WV WORKS benefit group member qualifies for Medicaid as an AFDC/U recipient.

E. EXAMPLES OF BENEFIT GROUP COMPOSITION

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

EXAMPLE: Same as previous example, except that one child receives \$200 VA benefits each month. All are included in the benefit group, 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 benefit group, and the SSI payment is 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 benefit group.

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 benefit group.

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

reapplies. She and her nephew are both included in the payment because one year has not elapsed. The following month, Miss N again finds employment and the case is closed. A year after the original application, Miss N applies for her nephew only and is approved with none of her income counted for him.

WV WORKS

Caretaker Relative Option

As the caretaker relative, but not the natural or adoptive parent, of a child or children who are applying for or receiving a WV WORKS payment from the WV DHHR, I understand that I may choose to be included in the payment group or excluded from it. I understand that there is a 60-month lifetime limit for which I may be included in any cash assistance payment and that each month I choose to be included in this case with the children counts as one of the 60 months.

I also understand that, if I choose to be included, my income and assets, and those of my husband or wife, will be used to determine eligibility for me and the child(ren) and that all the eligibility requirements for receipt of cash assistance will apply to me and will be used to determine continuing eligibility for me and the children. This includes any work requirements that would normally apply only to parents of children who receive cash assistance.

Further, I understand that this decision is binding for 12 consecutive months, beginning with the month for which I receive the first payment, regardless of changes in my income, assets or other circumstances and may not be changed even if my case is closed and I reapply within the 12-month period.

If I refuse, or otherwise do not make a choice, I understand that I will be denied WV WORKS benefits for as long as I do not make a choice, but at least for 12 months. The eligibility of the children will not be affected.

Given the information described above, I make the following choice:

_____ INCLUDE ME IN THE WV WORKS PAYMENT.

_____ I CHOOSE NOT TO BE INCLUDED IN THE WV WORKS PAYMENT.

Client's Signature

Date

The individual whose signature appears above will be offered the opportunity to reconsider the decision in _____ if WV WORKS benefits are being received at that time.

Worker's Signature

Date