

MANUAL MATERIAL TRANSMITTED					
MANUAL: INCOME MAINTENANCE			CHANGE NUMBER: 8		
DELETE			INSERT OR CHANGE		
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			6 - 20	15	6/95
<b>DATE:</b> August, 1995			<b>TO:</b> All Income Maintenance Manual Holders		

Changes have been made to the following Sections:

Section 2.4: A correction of the deprivation code for the MAO Case Action Reminder Listing was made.

Appendix A of Chapter 2: A correction for the SDX Listing of T30, S09 and M01 Listing was made.

Section 9.13: The Income and Needs Groups for QDWI were corrected.

Section 10.3: The exception for Food Stamps in item BB was corrected.

Section 15.2: The definition of continued absence was added and a correction was made to the striker policy.

In addition, various spelling and section reference errors were corrected.

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

## 2.4 MEDICAID

Individuals who receive Medicaid experience the same kinds of changes between application and redetermination and between redeterminations as individuals who receive Food Stamps and AFDC/U. The differences are as follows:

- For Medicaid, there is no benefit level determined. Therefore, the individual is either eligible or ineligible. Every reported change results in a redetermination of eligibility.
- For most Medicaid coverage groups, eligibility of family members is determined on an individual basis. Therefore, the same change could impact each family member differently.

See Chapter 17 for case maintenance requirements for nursing care services, ICF/MR, HCB Waiver or MR/DD.

The Worker has no case maintenance requirements for illegal aliens emergency coverage or QDWI.

Specific items other than the eligibility determination are addressed here.

### A. SOURCES OF INFORMATION

In addition to the sources listed in Section 2.1, the information found in Section 2.3 may also be used for Medicaid. The following printouts are also a source of information for Medicaid.

- Transitional Medicaid, WER0506P1: Received monthly and lists clients receiving TM.
- Medically Needy Spenddown Cases, WEM773: Received monthly and lists cases in spenddown status.
- Need to Evaluate, WESDX34P1: Received weekly and lists SSI recipients whose Medicaid eligibility must be evaluated. See Appendix A.
- Annual Review of Potential Pickle Eligibles, WE5: Received annually and lists potential PAC eligibles.
- 64 Yr. Old Listing Requiring Action, WA202: Received monthly and lists clients who should be referred to SSA for Medicare enrollment.

- Elig-dte: Beginning date of POE; also Block 9 in M-219 system.

Also includes the birthdate, benefit code and name of the child who attains age 6.

When this printout is received, the Worker must take the indicated action.

D. LIST OF ALL ACTIVE ABD CASES WITH DUPLICATE SSNS

This is a quarterly printout of duplicate SSNs in two or more A, B or D active cases. This is a statewide listing; two copies are sent to each county. The cases are listed statewide, by SSN in ascending order.

The printout includes:

- SSN
- Data Block in which the SSN is located
- Case number, including county number
- Case name
- Address

When a case appears on this printout, the Worker must determine if:

- An individual has two (or more) active SSI Medicaid cases
- The SSN is in error

The Worker must take corrective action. When two counties are involved, the county of the case listed first is responsible.

E. NEED TO EVALUATE PRINTOUT

This printout contains the following information:

- Case No: The C-219 system case number. This and the C-219 case name is the only C-219 information on the printout.
- SDX Name

Payment Status Code - S09

This is a suspense code.

When a client's name appears on this printout, the Worker must send an HS-3 to SSA to determine the client's SSI eligibility status. When the HS-3 is returned, the Worker takes appropriate action.

Payment Status Code - M01

This code indicates the individual is in a forced payment situation.

Worker action is as follows:

If the individual is currently receiving SSI Medicaid, no action is needed.

If the individual is not currently a recipient of SSI Medicaid, an HS-3 is used to obtain information from SSA to open the case.

Payment Code - T30

This code indicates that one record in SSA's data system is being terminated for the individual and that a replacement record may be established for him.

When an individual with a T30 status code appears on the printout, the Worker must contact SSA using form HS-3 to determine if his eligibility for SSI is continuing. When the response to the HS-3 is received, appropriate action is taken.

**9.13 QUALIFIED DISABLED WORKING INDIVIDUALS (QDWI)**

**A. THE BENEFIT GROUP**

**1. Who Must Be Included**

The QDWI individual must be included in the benefit group.

**2. Who Cannot Be Included**

Only the individual who is eligible for QDWI is included in the benefit group.

**B. THE INCOME GROUP**

**1. Eligible Individual With No Spouse**

Count only the individual's income.

**2. Eligible Couple**

Count the couple's income.

**3. Eligible Individual With Ineligible Spouse**

Consider the income of the ineligible spouse to determine if it must be deemed. See Chapter 10 for how to determine if the spouse's income is deemed.

**C. THE NEEDS GROUP**

**1. Individual With No Spouse**

The income limit for a single individual is used.

**2. Eligible Couple**

The income limit for a couple is used.

**3. Eligible Individual With Ineligible Spouse, No Income Deemed**

The income limit for a single individual is used.

**4. Eligible Individual With Ineligible Spouse, Income Deemed**

The income limit for a couple is used.

**9.14 ILLEGAL ALIENS - EMERGENCY COVERAGE**

A. THE BENEFIT GROUP

1. Who Must Be Included

The benefit group is composed of the otherwise ineligible illegal alien.

2. Who Cannot Be Included

Only the illegal alien is included in the benefit group.

B. THE INCOME GROUP

The income of the following individuals is counted:

1. AFDC/U

- The alien
- The legal spouse of the alien
- The child(ren) of the alien

2. SSI

a. Individual With No Spouse

Count only the individual's income.

b. Eligible Couple

Count the couple's income.

c. Eligible Individual With Ineligible Spouse

Consider the income of the ineligible spouse to determine if it is deemed. See Chapter 10 for how to determine if income is deemed.

C. THE NEEDS GROUP

The needs group is composed of the following individuals:

1. AFDC/U

- The alien

SOURCE OF INCOME	CONSIDERED AS INCOME FOR:		
	FOOD STAMPS	AFDC/U, DEEMED AFDC/U, TM, QC, P.L. PW AND CHILDREN, GA FOR DA, AFDC/U-RELATED MEDICAID	PAC, QMB, SLIMB, QDWI, CDCS, AIDS PROGRAMS, SSI-RELATED MEDICAID

<p>AA. EMERGENCY CHILD CARE PROVIDER INCOME</p> <p>1. Monthly Payment for Beds Maintained</p> <p>2. Per Diem Rate for Each Child Placed In Shelter</p>	<p>1. Self-Employment</p> <p>2. No</p>	<p>1. Self-Employment</p> <p>2. No</p>	<p>1. Self-Employment</p> <p>2. No</p>
<p>BB. EMPLOYMENT</p> <p>1. Compensation as an Employee</p> <p>a. Wages</p> <p>b. Salaries</p> <p>c. Commissions</p> <p>d. Recurring Bonuses</p> <p>e. Vacation Pay When Employment Is Terminated</p> <p>(1) Received in More Than One Installment</p> <p>(2) Not Withdrawn</p> <p>(3) Received in A Lump Sum</p> <p>f. Advance Pay</p>	<p>* For JTPA earnings, see JTPA.</p> <p>a. * Earned</p> <p>b. * Earned</p> <p>c. * Earned</p> <p>d. * Earned</p> <p>e. See below.</p> <p>(1) Earned, if payroll taxes are withheld; unearned, if payroll taxes are not withheld.</p> <p>(2) No</p> <p>(3) Unearned, treated as a lump sum payment.</p> <p>f. Earned</p>	<p>* For JTPA earnings, see JTPA.</p> <p>a. * Earned</p> <p>b. * Earned</p> <p>c. * Earned</p> <p>d. * Earned</p> <p>e. See below.</p> <p>(1) Earned, if payroll taxes are withheld; unearned, if payroll taxes are not withheld.</p> <p>(2) No</p> <p>(3) Unearned, treated as a lump sum payment.</p> <p>f. Earned</p>	<p>a. Earned</p> <p>b. Earned</p> <p>c. Earned</p> <p>d. Earned</p> <p>e. See below.</p> <p>(1) Earned, if payroll taxes are withheld; unearned, if payroll taxes are not withheld.</p> <p>(2) No</p> <p>(3) Unearned, treated as a lump sum payment.</p> <p>f. Earned</p>

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- b. Child is living with one parent: The deprivation factor will be either death or continued absence of the other parent. This is true even though he may have half brothers and sisters in the home who are included in the benefit group and whose deprivation factor is unemployment or incapacity of the common parent.
- c. Child is living with a relative other than a parent: The deprivation factor will be continued absence of a parent or parents unless both parents are dead.

2. Establishment of a Deprivation Factor

The following is a list of situations which may or may not establish a deprivation factor. When deprivation is based on the absence of a parent, the specific cause need not be established for AFDC/U-Related Medicaid.

a. Death

A child may be deprived of parental support and care because of the death of either parent.

If the child is living with a relative other than a parent, the deprivation factor will be death only if both parents are dead.

Deprivation due to the death of the father applies only to the legal father of the child.

b. Continued Absence

Continued absence means:

- The parent is physically absent from the home for any reason; and
- The nature of the absence is such as to either interrupt or terminate the parent's functioning as a provider of maintenance, physical care or guidance for the child; and
- The known or indefinite duration of the absence precludes counting on the parent's performance of the function of planning for the present support or care of the child.

- The parent has been legally absolved of the responsibility for support, and this is noted in the court order; or
- The parent has been ordered by the court to support and is adhering to that court order; or
- The parents are not married to each other, but paternity has been legally established and one of the situations outlined in this item exists.

(3) Incarceration

**NOTE:** This does not include court-ordered home confinement or house arrest. See item (5) below.

The specific cause of absence is incarceration when:

- The parent is absent because he is in jail, prison or other penal institution, or
- The parent is incarcerated, but, as specified by the court, is allowed to work during the day and return to jail at night.

The Worker must verify the parent's incarceration and expected release date. A control must be set to verify the parent's residence following release.

If the parent was absent prior to incarceration, the cause of absence will not change during incarceration. If the incarcerated individual is the alleged parent, paternity must be established before the absence can be due to incarceration.

(4) Paternity Not Established

(a) Definition

The specific deprivation factor is paternity not established when paternity has not been established legally.

completion of the Affidavit is applicable. The section of the form for the mother's signature must be completed even if she is not present to sign.

- The original or amended birth certificate on record with Vital Statistics reflects the name of the father.
- A court of law has determined paternity.
- The child was born to a legal marriage and the legally presumed father has not been excluded from paternity.
- The child was born to a legally married couple within one year of their separation and the legally presumed father has not been excluded from paternity.
- The mother was pregnant at the time of the marriage and the legally presumed father has not been excluded from paternity.
- The child was born to a common-law marriage in a state that recognizes common-law marriage.

West Virginia does not have a provision in State law regarding common-law marriage. Any individual that establishes this type of relationship in a State that recognizes common-law will be considered married for Department purposes. Children born in this situation not considered to have the cause of absence as paternity not established; therefore, action must be initiated to gain support and the deprivation factor reflect the appropriate situation.

A two-parent family may be evaluated based on incapacity or unemployment when the deprivation of absence is not met.

(6) Other Absences

There are other situations which may constitute continued absence when there is only one parent in the home such as, but not limited to, single parent adoptions, political detainees, hostage situations, etc.

(7) Military Service

A parent whose absence is solely due to active duty in the uniformed services of the United States is not considered absent from the home for purposes of AFDC. Unless the parents were separated prior to enlistment of the parent into the military service, eligibility based on absence cannot be established. If the parents separate after the parent's enlistment, verification must be provided to prove they are legally separated and/or divorcing before absence of the parent can be the deprivation factor.

Cases in which paternity of the child has not been established are exceptions to this definition.

The fact that paternity has not been established confirms the deprivation factor of continued absence.

(8) Joint Custody

Cases involving joint custody of a child require a case-by-case determination of whether or not the definition of absence is met. This decision is made by the Worker and Supervisor, and a complete case recording explaining the decision must be made. When the child is physically in the home of each parent for portions of each month, the absence is not of a continuous nature and both parents continue to act as parents to the child. On a regular basis, they make decisions and arrangements in the child's

(2) Determining Incapacity With Medical Records

In all other situations, medical reports and a referral to the Medical Review Team are required to establish incapacity. The instructions for this process are found in Chapter 12.

(3) Referrals to the Department of Rehabilitative Services (DRS)

The following members of the benefit group must be referred to DRS:

- All members of the AFDC/U benefit group who would be mandatory JOBS participants except they have a physical or mental disability.
- The member of the AFDC or AFDC-Related Medicaid benefit group who is the incapacitated parent.

Any individual who is a mandatory referral to DRS and refuses the referral or refuses further services after the referral, except surgery, is no longer eligible and must be removed from the benefit group. If he is the only individual in the benefit group, the case is closed.

All referrals to DRS are made by the Worker using the HS-3. The Worker completes the form, attaches any existing pertinent medical and social information and forwards it to DRS.

d. Unemployment

**NOTE:** If either parent claims incapacity, the deprivation factor of incapacity must be explored first. However, if there will be a delay in establishing incapacity and the client agrees to the process, the deprivation factor of unemployment must be explored. If the client is otherwise eligible based on the deprivation factor of unemployment, he is temporarily exempt from JOBS registration provided he satisfies this requirement as found in Chapter 13.

- (1) Does Not Have Full-Time Employment (AFDCU and AFDCU-Related Medicaid):
- The PWE must not have had full-time employment within the past 30 days.
  - Full-time employment is defined as working 100 hours per month or more.
  - A parent working less than 100 hours a month will not be considered to be employed full-time. Also the parent is not considered employed full-time if he works more than 100 hours in a given month, if the excess work in that month is of a temporary nature. The excess work will be judged to be of a temporary nature if the parent worked less than 100 hours in the previous month and is expected to work less than 100 hours during the following month.

The above definition applies to a parent who is employed for wages or is self-employed. A self-employed parent is considered to be employed during those hours he actually performs work.

However, the application is not denied solely because the 30-day period has not expired, instead the following procedures are used:

(a) AFDCU

If the unemployed parent had full-time employment within 30 days of the date of the application and the family is otherwise eligible, the approval date entered in Block 36 is the day after the 30-day waiting period expires or the day eligibility is established, whichever is last. The AFDCU payment may not be received during the 30-day waiting period.

(b) AFDC/U-Related Medicaid

If the parent had full-time employment within 30 days of the date of application, the beginning period of

- Received earned income of not less than \$50 during that quarter. Earned income for these purposes includes income as described in Chapter 10. Earned income also includes pay received while serving in the Armed Forces or serving a prison/jail sentence or participating in VISTA.
- Was a participant in the Work Incentive Program, the CWEP program or the JOBS Program for any part of that quarter. An individual is considered to be a W & T or JOBS participant from W & T registration until de-registration. This includes participation in the Community Work Experience Program (CWEP). Participation in any state's Work Incentive Program, CWEP, JOBS or other work program generated by the human services agency of the state and approved by OFA will meet this component.
- Has a "quarter of coverage" as defined by the Social Security Act. The Social Security Act provides for the crediting of quarters of coverage based on yearly earnings including deemed military wages (the amount of deemed military wages must be determined by the SSA) divided by the amount required to qualify a calendar quarter as a quarter of coverage. Quarters of coverage are determined by the amount of income an individual earns in a calendar year without regard to the length of time it takes the individual to earn it. An individual could earn four quarters of coverage for work performed in one calendar quarter, if the earnings are great enough. No more than four quarters of coverage may be earned in one calendar year.

of onset and ends with the quarter in which the last disability payment is due. In the case of a disability freeze, the period ends with the second month following the month in which the disability ceases.

(3) Is Available for Employment (AFDCU Only)

The unemployed parent whose activities or responsibilities preclude his being available for employment or training does not meet the definition of unemployment. If the parent states that he will end the activities that preclude his availability for employment or training when an offer is made by W & T, he will meet the requirement of being available for employment. The parent who takes the position that he cannot accept employment or training does not meet this component of the definition.

The parent who has part-time employment or is engaged in other activities must indicate that he is willing to accept full-time employment or training if offered.

(4) Is Registered for JOBS (AFDCU Only)

All parents who apply for AFDCU on the basis of their unemployment and are otherwise eligible must participate in JOBS unless exempt. Procedures for referral to JOBS and the penalty when the unemployed parent refuses to participate are found in Chapter 13.

e. Strikers

Strikers and their families are not eligible for AFDC/U and AFDC/U-Related Medicaid by virtue of the fact that at least one natural or adoptive parent is on strike. Therefore, even if a deprivation factor is established, the family is not eligible. The parent does not have to be on strike from full-time employment in order to be considered a striker. Regardless of the number of hours of employment prior to the strike (i.e., full-time, part-time, occasional work), the family