

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 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.

NOTE: If the household consists of an adult parent, minor parent, and child(ren), the adult parent does not need to live in an adult supervised setting in order for the adult parent to receive WV WORKS benefits for himself and the child(ren).

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:

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- The unemancipated minor parent's return to the home of the parent(s) would cause noncompliance with a fixed lease already negotiated by the parent.
- Education or training opportunities may be available and appropriate for the unemancipated minor parent elsewhere.

When the unemancipated 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 WV WORKS benefits;
 - Is the same sex as the minor parent, or the unemancipated minor parent lives or is supervised by a married couple;
 - Is employed;
 - Is at least 15 years older than the unemancipated minor parent;
 - Has no Child Protective Services Record or has one that contains no substantiated charges.
 - 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 Stamp **benefits** 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.

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- 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
 - Medically substantiated mental or physical illness of the child necessitates other temporary arrangements for the child
 - The child receives education or training at a special-needs school and residence outside the home is required to begin or continue such education
 - A natural disaster forces the child to live apart from the parent(s) or other caretaker(s)
 - 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 included 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. The individual remains ineligible for 6 consecutive months, i.e., is removed from the check for 6 consecutive months after the Worker becomes aware of the failure to report. The period of ineligibility runs for 6 consecutive months and is in effect even when the AG is closed. The parent or other caretaker remains ineligible for 6 months even if the child returns to the home during that time.

The excluded individual's PRC must be updated in a face-to-face interview prior to adding him back into the AG. If he has been out of the AG for more than 6 months, a new PRC is required. Failure to update or negotiate a new PRC results in ineligibility of the entire AG.

There is no limit on the number of times a 6-month period of ineligibility can be imposed. However, it may only be imposed once for each failure to report. See the 2nd example below.

EXAMPLE: A woman fails to report that one of her children would be absent from the home for 90 days and she is removed from the AG effective March. In May she starts to work and her income is too high to continue receiving a WV WORKS payment, even though her child has returned home and is included in the AG. She is laid off in July and reapplies for WV WORKS. The AG is approved without her included because the 6-month period has not expired. She is added back into the AG effective September, after her PRC is updated. She does not have to request to be added because her inclusion is mandatory when the 6-month ineligibility period expires.

EXAMPLE: The same woman in the above example fails to report when the same child leaves the home the next year for the same period of time. She is once again removed from the AG for 6 months and her PRC must be updated before she can be added back into the AG.

- 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