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Specific WV WORKS, AFDC and  
AFDC – Related Medicaid Requirements

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G. REDIRECTION AND INCOME WITHHOLDING FOR AFDC MEDICAID and AFDC-RELATED MEDICAID

Adult recipients of AFDC Medicaid and AFDC-Related Medicaid are required to cooperate with BCSE in establishing paternity and obtaining medical support as a condition of eligibility. The client must sign the assignment of medical support provision on the OFS-2.

When an AFDC Medicaid or AFDC-Related Medicaid referral is made to BCSE, the Legal Assistant must immediately implement income withholding for child support whenever possible. This action may not be declined or terminated by the Medicaid client. Collection of support must, thereafter, be made through BCSE and distributed as non-public assistance (NPA) payments.

**NOTE:** While there is no penalty for Medicaid recipients who refuse to redirect support payments, they must be instructed that being referred to BCSE automatically triggers income withholding whenever there is an existing court order for support and an identifiable source of income.

If the client refuses to cooperate in the establishment of paternity and in obtaining medical support, the Legal Assistant notifies the Worker. If the client has not claimed good cause, or if a claim is made and no good cause is determined, the penalty in item H below is applied.

H. PENALTIES FOR FAILURE TO COOPERATE (WV WORKS, AFDC Medicaid, AFDC-RELATED MEDICAID)

1. WV WORKS

The decision about the application of a sanction is made by the Worker. The case is sanctioned for failure to cooperate with BCSE requirements based on Part 1 of the PRC. See Chapter 13 for the WV WORKS sanction.

An mp, who is included in the payment, must always cooperate for the mp's included child(ren) or a sanction is imposed, unless good cause exists. An included MP, or other caretaker, must cooperate for the mp and the mp's siblings, if any, or a sanction is imposed, unless good cause exists. In addition, an included MP must cooperate for the mp's included child(ren), as required by BCSE. Failure to comply, without good cause, results in application of a sanction.

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Failure, without good cause, of either the mp or the MP to meet the cooperation requirements results in one sanction. Failure, without good cause, of both to cooperate may result in 2 sanctions. However, if there is more than one absent parent for either the mp or the MP, or both, failure, without good cause, results in one sanction for the case.

2. AFDC Medicaid And AFDC-Related Medicaid

When the MP, or other caretaker, receives Medicaid under any coverage group, under any case number, and is required to cooperate with BCSE for a child who also receives Medicaid, the MP or other caretaker, becomes ineligible for failure, without good cause, to cooperate. The penalty lasts until the MP, or other caretaker, **cooperates with BCSE. The individual becomes eligible for Medicaid the month following the month of cooperation.**

**EXCEPTION:** When the MP, or other caretaker receives TM, a penalty **is** not applied.

I. COMMUNICATION BETWEEN THE WORKER AND THE LEGAL ASSISTANT

Communication between the Worker and the Legal Assistant continues until the case is closed, the child whose parent(s) is absent is removed from the AG, or the AFDC Medicaid or AFDC-Related Medicaid deprivation factor changes to unemployment, incapacity or death.

The Worker must notify the Legal Assistant, in writing, of the following:

- A good cause determination is being made and the Legal Assistant's comments and recommendations are being requested prior to a final decision.
- The client has requested a Fair Hearing as the result of the Department's finding that good cause for non-cooperation is not established.
- Should the Worker become aware of information which could help the Legal Assistant in obtaining support, this information must be shared.

The Legal Assistant must notify the Worker, in writing, of the following:

- The client refuses to cooperate in child support activities and the reason for the refusal.
- Information which affects eligibility or the amount of the payment.
- Change of address.