

Eligibility Determination Groups

- 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 offense 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.
- An individual, age 18 or over, who is eligible for SSI benefits as determined by SSA. This includes individuals who are approved, but who have not yet 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.

- The non-parent caretaker when he refuses to sign form OFS-WVW-10.
- The non-parent caretaker(s) when he has elected not to be included within the past 12 months.

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 AG 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.

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 payment. If the other adult relative wants to receive WV WORKS, he must be a specified relative and the minor parent must be included in the AG with: the adult relative; the spouse of the adult relative; the adult relative's minor children who are blood-related or adoptive siblings and who are otherwise eligible; the minor children of the spouse of the adult relative, who are blood-related or adoptive siblings and who are otherwise eligible. Only when the other adult relative is included in the AG is his income counted for the minor parent.

When an emancipated minor parent lives with an adult relative other than a parent, the minor parent and the child(ren) are a separate AG. None of the income of the other relative or his spouse or a parent is counted for the minor parent.

When the mp does not live with the MP(s), the amount the MP(s) contribute to the mp is counted as unearned income. In addition, when the mp is not emancipated, a referral to BCSE is required to pursue child support from the MP(s).

The WV WORKS check must be made payable to an MP or other adult with whom the mp lives or who supervises the living situation of the mp.

B. THE INCOME GROUP

The non-excluded income of all AG members is counted.

The non-excluded income of the ineligible and disqualified individuals who would normally be required to be included in the AG must be counted when determining eligibility, but disqualified and excluded SSI individuals are not counted in the Needs Group.

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 AG to determine eligibility and the amount of the benefit.

D. EXAMPLES OF AG COMPOSITION

EXAMPLE: Household consists of a mother 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, with \$200 counted as unearned income.

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

EXAMPLE: Household consists of a married couple 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 for WV WORKS.

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

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

EXAMPLE: Household consists of Major mother, minor mother and minor mother's child. Major mother applies for WV WORKS for minor mother's child. Major mother is considered the caretaker for both her daughter and grandchild and all must be included in the AG.

EXAMPLE: Household consists of Mother and her two sons who receive WV WORKS. Mother's emancipated daughter returns to the household with her child. The daughter and her child are a separate AG because she is emancipated.

EXAMPLE: Household consists of Mr. Jones, his wife and her two children from a previous marriage. Mr. and Mrs. Jones and her two children must all be included in the AG.

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

EXAMPLE: Household consists of a mother, her daughter and grandchild. The mother legally adopts her grandchild. The mother applies for WV WORKS and the AG consists of the mother and her two daughters.

EXAMPLE: Household consists of Mr. and Mrs. Lane and their son. Their divorced minor daughter and her child move back into the home. Mr. and Mrs. Lane and their son are included in one AG. A separate AG is established for their divorced daughter and her child because she is legally emancipated.

EXAMPLE: Mrs. Mays and her 3 children move in with her parents after her divorce. The household consists of Mrs. Mays, her 3 children, and her parents. The WV WORKS AG consists of Mrs. Mays and her 3 children. None of the income of her parents is counted.

EXAMPLE: Miss Smith applies for a WV WORKS check for her nephew. She has recently lost her job and chooses to be included in the payment. Two months later Miss Smith finds another job. Her earnings are excessive and she tells the Worker she wants to be removed from the payment. The Worker explains that she must still be included, based on her decision at application and closes the case, after proper notice. Eight months later Miss Smith is laid off and reapplies. She and her nephew are both included in the payment because one year has not elapsed. The following month, Miss Smith again finds employment and the case is closed. A year after the original application, she applies for her nephew only and is approved with none of her income counted.

EXAMPLE: Household consists of a married couple and their 4 minor children. The father and 2 of the children are SSI recipients. The mother and all of the children are included in the AG. The father is not included in the AG. The SSI payments of the father and the 2 children are not counted in determining the amount of the WV WORKS check.

EXAMPLE: Household consists of Mrs. **Pine**, her grandson and his sister. Mrs. **Pine**'s son is the father of the grandson, but not of his sister. The children have the same mother. Mrs. **Pine** does not choose to be included in the AG. The AG includes only Mrs. **Pine**'s grandson. His sister does not live with a specified relative and is not otherwise eligible.

EXAMPLE: Ms. **Queen** has 2 minor children and is employed full-time. In February Ms. **Queen**'s sister abandons her 5-year-old son and Ms. **Queen** takes him to live with her. Ms. **Queen** applies for WV WORKS and signs the OFS-WVW-10 indicating that she does not want to be included in the check. The case is approved only for her nephew beginning in February. In July, Ms. **Queen** loses her job because the business was closed. She applies for WV WORKS for herself and her 2 children. The 3 of them are added to the nephew's AG. Even though Ms. **Queen** signed the OFS-WVW-10 stating that she did not want to be included, she is required to be included when her own children receive benefits.

In September the father of Ms. **Queen**'s children takes the children out of state to live with him. The only child left in the home is Ms. **Queen**'s nephew. She requests to be included in the check because she has no other income. Because she signed the OFS-WVW-10 in February, Ms. **Queen** cannot be included. The child, however, remains eligible.

EXAMPLE: Miss **Ray** and her minor child apply and are found eligible for WV WORKS in June. In September **Ms. Rays** her minor nephew runs away from home **and comes** to live with **her**. Miss **Ray** requests he be added to the WV WORKS case and this is done effective October. In January Miss **Ray** obtains employment and her salary makes her family ineligible for WV WORKS. However, she wants the check to continue for her nephew. At this point Miss **Ray** must sign an OFS-WVW-10 to indicate whether or not she wants to be included in the payment as a non-parent caretaker relative. This choice is binding from January-December, unless Miss **Ray** begins receiving WV WORKS for her own children.