

Eligibility Determination Groups

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**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.

- Non-recipient Work-Eligible Individuals are parents or stepparents who must sign the application, complete orientation, a PRC and be participating in a work activity. Neither these individuals nor caretaker relatives may be included in the AG if they:
  - 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.
  - 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 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 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 Division of Children and Adult Services.

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- The child(ren) of a parent, when the parent is a recipient of an Independent Living Subsidy through the Division of Children and Adult Services.
- **A parent(s) 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 absence within 5 calendar days of the date it becomes known to the parent(s) or other caretaker that the child will be absent for at least 30 consecutive days. The individual(s) who fails to report is permanently removed from the WV WORKS benefit and becomes a non-recipient Work-Eligible Individual(s).**
- 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.
- Individuals who were applicants or recipients of WV WORKS or TANF at the time of receipt of a lump sum payment and for whom an unexpired period of ineligibility remains.
- 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.