

B. LIVING WITH A SPECIFIED RELATIVE (WV WORKS, **AFDC** Medicaid, AFDC-Related Medicaid)

The child must be living with a specified relative in a place established as the relative's home. A specified relative is defined below.

- Natural or adoptive parents. Adoption procedures must be finalized in order for an adoptive parent to qualify as a specified relative. If a child is living with his natural father and paternity has been legally established, the father is considered a specified relative;

NOTE: When an adoption is finalized the ties between the natural parent(s) and the child are severed. The natural parent(s) do not retain a specified relationship as a parent.

EXAMPLE: A set of paternal grandparents legally adopts a grandchild. The father of the child no longer has a specified relationship of parent to the child, but now has a specified relationship as the child's brother.

NOTE: When parental rights have been severed, but no adoption has been finalized, the parent is no longer a specified relative, but all other relationships of the child are unaffected.

EXAMPLE: A father has all parental rights severed by a court order. The child goes to live with the father's sister. The sister is still an aunt to the child and therefore a specified relative.

Spouses of step-parents are not specified relatives.

EXAMPLE: A man and his wife have living with them a child from his previous marriage. They get a divorce, and the child continues to live with the wife, and she remarries. She still qualifies as a specified relative, as she is a former step-parent, but her new husband does not.

- Blood relative: Those of half-blood, brothers or sisters, grandparents, great-grandparents, great-great grandparents, great-great-great grandparents, uncles or aunts, great-uncles or aunts, great-great uncles or aunts, nephews or nieces, first cousins, first cousins once removed;
- Legal step-parent, step-brother or step-sister;
- Legal spouses of any person named in any of the above groups except for spouses of step-relatives. The specified relationship exists even though the marriage terminated in death or divorce.

EXAMPLE: If a step-grandmother has 2 step-grandchildren living with her and she divorces her husband, she is still the former legal spouse of the children's grandfather, who is a specified relative. She is, therefore, a specified relative

NOTE: Legal custody or guardianship of a child does not, in itself, qualify a person as a specified relative. A relative of the father of a child born out-of-wedlock can qualify as a specified relative only if the child's paternity has been established.

Under certain circumstances, eligibility continues during periods of separation of the child and the specified relative. Refer to Chapter 8.

NOTE: For WV WORKS, it may be impossible for a relative to establish a home for a child who is in a foster home, or other place, without financial assistance before the child enters his home. The payment may be initiated any time within 30 days prior to the date the child actually goes to live with the specified relative. If the Department made an AFDC Foster Care payment, a WV WORKS payment cannot be initiated for the same period because this results in a duplication of payments.

C. DEPRIVED OF PARENTAL SUPPORT AND CARE (AFDC Medicaid, AFDC-Related Medicaid)

The dependent child must be deprived of parental support and care and the cause of this deprivation must be identified as described in the following sections.

1. Relationship of Deprivation Factor to Living Arrangements

The living arrangements of the child determine the broad category of deprivation applicable to the child.

a. Child Lives With Both Parents

The deprivation factor must be incapacity of either parent or unemployment of the parent who is the principal wage earner.

b. Child Lives With One Parent

The deprivation factor must be either death or continued absence of the other parent. This is true even though he may have half siblings in the home who are included in the AG and whose deprivation factor is unemployment or incapacity of the common parent.

Under WV State law, emancipation occurs when:

- A child has been declared emancipated by a court; or
- A child marries.

NOTE: In WV, a child who is under the age of 16 and is married has been emancipated by the court.