

15.3 CHILD SUPPORT REQUIREMENTS AND PROCEDURES (WV WORKS, AFDC MEDICAID AND AFDC-RELATED MEDICAID)

Federal law mandates that efforts be made to locate absent parents, establish paternity and/or obtain support for the children. The specified relative receiving WV WORKS, or the specified relative included in an AFDC Medicaid or AFDC-Related Medicaid AG, must cooperate with child support activities and redirect to the Bureau for Child Support Enforcement (BCSE) any child support payments received.

The major responsibility for this effort rests with the BCSE through its staff of Legal Assistants.

In addition, the Worker has the following responsibilities:

- To explain the requirements and benefits of BCSE services, including the right of the specified relative to claim good cause for refusal to cooperate
- To refer appropriate cases to the Legal Assistant. Referral is accomplished by data system exchange or DHS-1.
- To evaluate evidence presented if the client claims good cause
- To determine if good cause for failure to cooperate with BCSE exists
- To apply the penalty for refusal without good cause to cooperate or redirect child support payments for WV WORKS
- To apply the penalty for refusal, without good cause, to cooperate or provide information about medical support to adults included in the AFDC Medicaid or AFDC-Related Medicaid AG who can legally assign support rights
- **To respond to RAPIDS alert 191. See Section 16.1,D for the required action.**

The following information provides details about the responsibilities of the Worker, the Legal Assistant, and the client in the child support process.

A. DFA-AP-1, ACKNOWLEDGEMENT OF AUTOMATIC ASSIGNMENT OF SUPPORT RIGHTS AND OF COOPERATION REQUIREMENTS

The purpose of the DFA-AP-1 is to assure that affected clients know of the automatic assignment of support rights to the State and understand the benefits, requirements and rights associated with BCSE.

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.

Specific WV WORKS, AFDC and
AFDC – Related Medicaid Requirements

- Paternity is established.
- Information regarding a change in the deprivation factor or cause of absence is secured.
- The client refuses to redirect child support payments and/or refuses to repay child support payments which were not redirected.

Changes in case circumstances are automatically referred to BCSE through the data systems. **When health insurance information is entered by BCSE, RAPIDS alert 191 is sent to the Worker. See Section 16.1,D.**

15.4 SPECIAL NEEDS (WV WORKS)

Special needs are those which are not uniformly shared by all individuals or families. They are related to the special circumstances of one or more family members.

A. SCHOOL CLOTHING ALLOWANCE (SCA)

The School Clothing Allowance operates for one calendar month per year, usually for the month of July. It provides an annual payment for clothing for school-age children. The SCA requires annual authorization. Approval is announced by annual release of an updated version of Appendix B of this Chapter. Detailed instructions are contained in Appendix B.

B. COURT FEES

When court fees are required for the appointment of a committee, the full amount of the court costs, excluding attorney fees, may be paid on a one-time-only basis.

Upon receipt of a written notification from the County Clerk's office, the Worker issues the supplemental payment.

C. CHORE SERVICES

Chore Service payment is included in the monthly check upon notification from the Office of Social Services.