

cooperate with BCSE after the referral. The Worker must provide the client with an unsigned copy of the DFA-AP-1 and this must also be recorded in RAPIDS.

2. BCSE Referrals

Referrals to the Bureau for Child Support Enforcement (BCSE) are automated in RAPIDS. Clients who claim good cause are not required to cooperate with BCSE, but a referral is made. APNC in RAPIDS indicates good cause. Refer to the RAPIDS User Guide.

A referral to BCSE must be made when one or both parents is absent, with the following exceptions:

- The specific absence reason is due to court-ordered public service or other absences.
- The child in any coverage group is age 18 or over. BCSE cannot establish an order for these individuals, but can enforce an existing order, without a referral. This individual is coded in RAPIDS with the absence reason code CO.
- The adult who can legally assign medical support rights is not a Medicaid recipient. The child is coded in RAPIDS with the absence reason code CO.

When the non-Medicaid individual, who can legally assign support rights, voluntarily accepts BCSE services, the CO code is changed to the appropriate absence code when BCSE requests it. This permits the link for data system exchanges between RAPIDS and OSCAR. If the individual, after accepting the referral, no longer wants to use BCSE services, no penalty is applied if the individual is not a Medicaid recipient. The code is changed back to CO.

3. BCSE CASE CLOSURE OF MEDICAID AND WV WORKS CASE

BCSE closes a case after referral for reasons such as, but not limited to, the following:

- **The non-custodial parental rights and responsibilities are terminated and no arrears are owed**
- **The non-custodial parent or alleged father is deceased and no further action, including a levy against the estate, can be taken.**

- Paternity cannot be established because the alleged father's identity is unknown
- The non-custodial parent's location is unknown and BCSE has been unsuccessful in locating the person after exhausting all efforts.
- The non-custodial parent is a citizen of, and lives in, a foreign country, does not work for the federal government or a company with headquarters or offices in the United States, and has no reachable domestic income or assets; and there is no reciprocity with the other country.
- The non-custodial parent cannot pay support for the duration of the child's minority and the person has no income or assets which can be levied or attached for support for one of the following reasons:
 - The non-custodial parent is incarcerated and there is no chance for parole for the duration of the child's minority; or
 - The non-custodial parent is receiving SSI and there is no income or assets to pay support and a doctor's statement or statement from SSA is provided to state that the non-custodial parent is permanently and totally disabled; or
 - The non-custodial parent has a medically verified permanent and total disability with no evidence of support potential.

When BCSE closes a case for one of the above stated reasons, the BCSE Legal Assistant enters the absence code PX. When this code is entered, information about the absent parent is no longer exchanged with OSCAR. The code cannot be changed by the Worker. The code is retained in RAPIDS and no entry is required at redetermination on screens APGI or APNC. If the Worker receives information about the absent parent which he believes is pertinent and which may require action by BCSE, he sends a DHS-1 to the Legal Assistant.

4. Good Cause

When the adult responsible for the dependent Medicaid child is also a Medicaid recipient, he is required to cooperate in securing medical support, unless good cause is established.

If the adult who refuses to cooperate asserts that one or more of the factors listed below is the reason for doing so, a good cause claim has been made. A client, who refuses to cooperate and who gives as the reason some factor other than one of those listed below, is considered to have refused to cooperate without claiming good cause.

a. Definition of Good Cause

The client has good cause for refusal to cooperate with BCSE if one of the following conditions exists:

- The child was conceived as the result of incest or forcible rape.
- Legal proceedings for the adoption of the child are pending.
- The client is currently being assisted by the Department or by a licensed private social agency to resolve the issue of whether to keep the child or to relinquish him for adoption and the discussions have not gone on for more than three months.
- The client's cooperation in establishing paternity or securing medical support is reasonably anticipated to result in:

Specific Medicaid Requirements

- The Worker must determine if good cause exists within 45 days of the date good cause is claimed.
- If good cause is established, the case is not acted on by BCSE. However, at each redetermination, the Worker must determine if good cause still exists. If good cause no longer exists the Worker must notify the client and take appropriate action to notify BCSE.
- If good cause is not established, the Worker initiates the penalty and sends appropriate client notification. RAPIDS notifies BCSE that good cause was claimed, but not established, and that the penalty for refusal to cooperate has been applied.

5. Redirection Of Support And Income Withholding

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.

When a Medicaid referral is made to BCSE, the Legal Assistant immediately implements income withholding for any child support the child may be receiving, 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.

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 good cause is not determined, the penalty in item 6 below is applied.

6. Penalties For Failure To Cooperate

NOTE: A Poverty-Level pregnant woman, who fails to cooperate in securing medical support for children other than the unborn child, is not penalized until after the expiration of the 60-day postpartum period. Recipients of TM cannot lose eligibility for failure to cooperate with BCSE. However, BCSE services must be explained and a voluntary referral made when appropriate.

The penalty is as follows:

Specific Medicaid Requirements

The parent, other caretaker or responsible adult who failed to cooperate with BCSE is ineligible for Medicaid. The penalty is applied whether or not the adult and child receive Medicaid under the same coverage group.

In general, when a minor parent (mp) receives Medicaid as an adult, the Major Parent(s) (MP) is not required to cooperate in securing medical support for the minor parent. However, when the mp receives Medicaid as a dependent child and the MP fails to cooperate without good cause, the MP is excluded. See Chapter 9 to determine when the minor parent is included as an adult and as a dependent child.

An mp who receives Medicaid must always cooperate for the mp's child(ren) who receives Medicaid or be ineligible, unless good cause exists. This applies whether the mp is included as a child or an adult. An MP, or other caretaker who receives Medicaid, must cooperate as follows, based on the status of the mp, or be ineligible, unless good cause exists. It is possible for both the MP and the mp to become ineligible for Medicaid.

BCSE COOPERATION REQUIREMENTS INVOLVING MINOR PARENTS

When Medicaid status is:	mp, non-Medicaid	mp receives as Dependent Child	mp Receives as Dependent Child	mp Is Non-Caretaker Parent
	mp's Child Receives Medicaid	mp's Child Receives Medicaid	mp's Child non-Medicaid	
The cooperation requirements are:	MP, other caretaker or responsible adult, must cooperate for absent parent of mp's child, as required by BCSE. EXAMPLE: MP knows the whereabouts of child's father and refuses to reveal it.	MP, other caretaker or responsible adult, must cooperate for absent parent of mp and mp's siblings, if any; and MP and mp must cooperate for absent parent of mp's child, as required by BCSE.	MP, other caretaker or responsible adult, must cooperate for absent parent of mp and mp's siblings, if any.	MP, other caretaker or responsible adult, must cooperate for absent parent of mp's child, as required by BCSE. Minor parent must also cooperate

The penalties continue until cooperation occurs. The individual becomes eligible for Medicaid the month following the month of cooperation.

7. 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 benefit group, or, if applicable, the deprivation factor changes to unemployment, incapacity or death.

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

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 benefit group, or, if applicable, the 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 establishing paternity and/or obtaining medical support, this information must be shared.

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

- The client refuses to cooperate in BCSE activities related to establishing paternity and/or obtaining medical support and the reason for the refusal.
- Information which affects eligibility or the amount of the payment.
- Change of address.
- Paternity is established.
- Information regarding a change in the deprivation factor or cause of absence, if applicable, is secured.

When health insurance information is entered by BCSE, an interface between OSCAR and RAPIDS occurs and RAPIDS alert 191 is sent to the Worker.

Changes in case circumstances are automatically referred to BCSE through RAPIDS.