
**Specific WV WORKS, AFDC and
AFDC – Related 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 Worker must refer the case to the Legal Assistant in writing (DHS-1) and indicate the basis for good cause. The case is not acted on by BCSE. At each redetermination of eligibility, the Worker determines if good cause still exists. If good cause no longer exists the Worker must notify the client and take appropriate action.
- If good cause is not established, the Worker initiates the penalty by sending the client an ES-NL-C. The Worker notifies the Legal Assistant that good cause was claimed, but not established, and that the penalty or sanction for refusal to cooperate has been applied.

5. BCSE CASE CLOSURE OF MEDICAID AND WV WORKS CASES

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:

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- 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.

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D. REDIRECTION OF CHILD SUPPORT PAYMENTS (WV WORKS)

All child support payments made on behalf of children who are recipients of WV WORKS must be redirected to BCSE. The first \$100 in child support collected for families with 1 child and \$200 for families with more than 1 child eligible for TANF will pass through to families and will not count against WV WORKS, WV WORKS solely state funded programs, DCA, and EAP.

Exceptions are as follows:

- The case is exempt from referral to the Legal Assistant due to good cause
- The specified relative refused to cooperate with child support activities after referral to BCSE and good cause was established.
- If paternity has not been established, but the putative father voluntarily makes child support payments, such payments are not required to be redirected.

After receiving a referral, the Legal Assistant arranges for support payments to be sent directly to BCSE rather than the specified relative. If direct payments to BCSE cannot be arranged, the client must forward the payment to BCSE. Failure to do so will result in application of a sanction for WV WORKS for failure to cooperate with child support activities.

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.

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E. REDIRECTION OF SPOUSAL SUPPORT (WV WORKS)

Spousal support must be redirected when:

- The spousal support (alimony or separate maintenance) is court-ordered; and
- It is paid by the absent parent to the parent who is the caretaker relative.

All policies and procedures applicable to child support which must be redirected also apply to spousal support which must be redirected to BCSE.

See Chapter 10 for counting redirected support.

Spousal support is not redirected when any of the following conditions exist:

- The parent is not included in the payment; or
- The caretaker relative receiving the spousal support is not the parent of the children receiving WV WORKS; or
- The parent who is the caretaker relative is receiving spousal support from a spouse who is not the parent of the children receiving cash assistance; or
- The spousal support is not court-ordered.

Spousal support which is not required to be redirected is considered unearned income and is counted as income. The \$50 Child Support Disregard is not an allowable deduction from spousal support.

F. REDIRECTION OF CHILD/SPOUSAL SUPPORT IN SPECIAL SITUATIONS

If the absent parent is ordered by the court to make child support payments in the form of in-kind payments (provision of food, clothing, etc.) or third-party payments (direct payment of the rent or mortgage, etc.), the payment cannot be redirected.

If the court order specifies that part of the child support obligation is to be paid in cash and part by third-party or in-kind method, the portion paid in cash must be redirected.

A child may receive statutory benefits (RSDI, VA benefits, etc.) on the basis of his own entitlement, as a dependent of the absent parent who is the primary beneficiary. This benefit amount is not considered child support and is not redirected even though the court order may refer to such income as a source of support to the child, or even as child support.