

---

Specific WV WORKS, AFDC and  
AFDC – Related Medicaid Requirements

---

system (OSCAR) as soon as the case is referred through RAPIDS. Therefore, it is important that the client be given the opportunity to establish good cause for not cooperating prior to the data exchange between RAPIDS and OSCAR. If the case is approved, or benefits added to an existing case, prior to verification of the good cause claim, the claim of having good cause that is pending verification, as entered into RAPIDS, will prevent the automatic production of a notice to the absent parent by the OSCAR system.

**NOTE:** For WV WORKS cases, refusal or other failure to sign the DFA-AP-1 does not constitute failure to cooperate with BCSE requirements as shown on the PRC. The above instructions are followed and no sanction is applied.

## B. 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.

### 1. AFDC Medicaid and AFDC-Related Medicaid

A referral to BCSE must be made when continued absence exists, with the following exceptions:

- The specific absence reason is court-ordered public service or other absences.
- The child 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 mother is a Medicaid recipient who is pregnant or receiving Medicaid during the 2-month postpartum period. The newborn child is coded in RAPIDS with the absence reason code OT. The code is changed to the appropriate absence code when the postpartum period ends.**
- 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.

---

**Specific WV WORKS, AFDC and  
AFDC – Related Medicaid Requirements**

---

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 a 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.

For an explanation of court-ordered public service and other absences, see Section 15.2,C,2,b, items (5) and (6).

## 2. WV WORKS

All WV WORKS AG's which include a child under age 19 with at least one absent parent must be referred to BCSE. In addition, a currently unmarried minor parent who is unable to live with a parent(s) must be referred. See Section 9.21,A,3.

## C. GOOD CAUSE

The client is required to cooperate unless good cause is established.

If the client who refuses to cooperate asserts that one or more of the factors listed below is the reason for non-cooperation, 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.

### 1. 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 support is reasonably anticipated to result in:

---

**Specific WV WORKS, AFDC and  
AFDC – Related Medicaid Requirements**

---

- Physical or emotional harm to the child for whom support is being sought; or
- Physical or emotional harm to the parent or other specified relative with whom the child lives, which would reduce such person's capacity to care for the child adequately. A finding of good cause for emotional harm may only be based upon evidence of an emotional impairment that substantially affects the parent or other relative's functioning.

In determining good cause based in whole or in part upon the anticipation of emotional harm to the child, the parent or the other specified relative, the Worker must consider the following:

- The present emotional state of the individual;
- The emotional health history of the individual;
- The intensity and probable duration of the emotional impairment; and
- The extent of involvement of the child in the paternity establishment of support enforcement activity to be undertaken.

2. When The Client Refuses To Cooperate Prior To BCSE Referral

If the client indicates to the Worker, prior to BCSE referral, that he does not intend to cooperate in BCSE activities, the Worker must determine if good cause exists for the refusal.

If good cause does exist, no BCSE action is required or taken and no penalty is applied to the client. If good cause does not exist, the WV WORKS case is referred to BCSE and the penalty described in Item H below is applied. The Worker must record in RAPIDS the circumstances involved in the determination of good cause.