NOTE: There are some circumstances under which a letter is automatically generated to the absent parent(s) from the BCSE data 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.

For WV WORKS cases, a sanction is applied when the client fails to comply with the child support requirements of the PRC.

3.   When The Client Claims Good Cause For Refusal To Cooperate Prior To BCSE Referral

When a client claims good cause prior to referral, the Worker makes a determination according to the procedure in item 4 below.

If there is evidence to immediately establish good cause, the Worker notifies BCSE at the time of referral that good cause has been established.

NOTE: There are some circumstances under which a letter is automatically generated to the absent parent(s) from the BCSE data 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.

If good cause is not established, the Worker notifies BCSE at the time of referral that good cause was claimed but not established. If BCSE then notifies the Worker that the client has failed to cooperate, the Worker sends the notification of sanction.

G. REDIRECTION AND INCOME WITHHOLDING FOR AFDC MEDICAID and AFDC-RELATED MEDICAID

Adult recipients of AFDC Medicaid and AFDC-Related Medicaid are required to cooperate with BCSE in establishing paternity and obtaining medical support as a condition of eligibility. The client must sign the assignment of medical support provision on the OFS-2.

When an AFDC Medicaid or AFDC-Related Medicaid referral is made to BCSE, the Legal Assistant must immediately implement income withholding for child support 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.

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.

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 no good cause is determined, the penalty in item H below is applied.

H. PENALTIES FOR FAILURE TO COOPERATE (WV WORKS, AFDC Medicaid, AFDC-RELATED MEDICAID)

1. WV WORKS

The decision about the application of a sanction is made by the Worker. The case is sanctioned for failure to cooperate with BCSE requirements based on the PRC. See Chapter 13 for the WV WORKS sanction.

An mp, who is included in the payment, must always cooperate for the mp's included child(ren) or a sanction is imposed, unless good cause exists. An included MP, or other caretaker, must cooperate for the mp and the mp's siblings, if any, or a sanction is imposed, unless good cause exists. In addition, an included MP must cooperate for the mp's included child(ren), as required by BCSE. Failure to comply, without good cause, results in application of a sanction.