

B. WV WORKS AND AFDC-RELATED MEDICAID

NOTE: When an asset is deemed, the full countable value is deemed with no disregards or deductions applied.

1. Assets Of Disqualified/Ineligible Individuals**a. AFDC-Related Medicaid**

NOTE: Assets of the ineligible stepparent are deemed to the parent, but never to the stepchildren.

The asset limit used for the AG is based on the size of the Needs Group. See Chapter 9. Assets of all the members of the Income Group are counted, except that the assets of a child are never counted for his sibling(s) or for his parents.

EXAMPLE: A mother and three children are included in the AFDC-Related Medicaid AG. Her husband, who is the stepfather of the recipient children, and his two dependent children are in the home. The asset limit for the mother is the asset limit for a 7-person Needs Group. The asset limit for the children is the asset limit for a 4-person Needs Group.

b. WV WORKS

The assets of disqualified individuals, those excluded by law, and excluded SSI recipients age 18 or over, who would otherwise be required to be included in the AG, are counted as if they were members of the AG. The WV WORKS asset exclusions are applied and the remainder is counted. Assets of other ineligible persons are not deemed. For jointly owned assets, see item 3,b below.

Assets

EXAMPLE: A woman receives WV WORKS for herself and her children from a previous marriage. She is now remarried and living with her husband. She and her current husband jointly own all their assets (John Smith or Mary Smith). Their countable assets total \$3,000. All of this amount is counted as an asset because the woman is in the AG, and because the jointly owned assets are considered available to her in their entirety.

EXAMPLE: Same situation as above except that the woman is not included in the AG. Because the jointly owned assets are considered hers in their entirety, and her children are in the AG, all of the \$3,000 in assets is counted.

EXAMPLE: A woman, separated from her husband, receives WV WORKS for herself and her children. She and her husband jointly owned property and neither can sell his interest in it. Her husband refuses to sell the property and divide the money. The property is excluded, but it is treated as a potential resource for WV WORKS purposes.

EXAMPLE: A woman and her 3 children apply for WV WORKS. The woman owns her homestead property and another piece of land valued at \$600. In addition, she and her sister jointly own property valued at \$750. The deed shows the owners as Betty and Wilma Smith. They are trying to sell the property. The value assigned to the applicant is \$975, i.e., the total value of the land she owns alone plus $\frac{1}{2}$ of the value of the jointly owned property.

- (3) Assets Jointly Owned by WV WORKS and SSI Recipient (AFDC-Related Medicaid).

Treatment of assets jointly owned with an SSI recipient depends on the type of asset.

- (a) Bank Accounts

When the joint owner, who is an SSI recipient, does not successfully rebut the presumption of ownership through SSA, all account funds are considered to belong totally to the SSI recipient. Otherwise, the portion that SSA determines not be his due to his successful rebuttal is considered to belong to the other joint owner(s).

Assets

7. Burial Funds

a. WV WORKS

Burial funds of up to \$1,500 for each AG member may be excluded, provided any amount in an irrevocable burial trust is excluded in its entirety first. This limits the amount of other excludable burial funds. If the irrevocable trust is \$1,500 or more, no other burial funds may be excluded. If the irrevocable trust is less than \$1,500, the difference between \$1,500 and the irrevocable trust may be excluded. To qualify for all or a portion of the \$1,500 exclusion, burial funds must be formal agreements, such as burial contracts, burial trusts, or other funeral arrangements. Bank accounts, money set aside for burial and the cash surrender value of life insurance policies are not considered burial funds; they are countable assets.

b. AFDC-Related Medicaid

See item C,7 below. For these coverage groups, the \$3,000 limit on burial funds applies to each member of the AG.

C. SSI-RELATED MEDICAID, CDCS, PAC, QDWI, QMB, SLIMB AND QI-1

NOTE: When an asset is deemed, the full equity value is deemed with no disregards or deductions applied.

1. Assets Of Disqualified/Ineligible Individuals

NOTE: There are no deeming provisions for the CDCS coverage group.

Assets of disqualified/ineligible individuals are deemed. The method of deeming depends on whether the individual is an adult or a child.

a. Adults

Assets of an SSI-Related Medicaid recipient and his spouse who lives with him are added together and compared to the asset level for 2.

b. Children

When the child lives with one parent and there is no stepparent, all assets of the parent which exceed the asset limit for one person are deemed to the child. The child's assets are then compared to the asset limit for one. When the child is living with both parents or a parent and stepparent, all assets of the parent(s) and/or stepparent which exceed the limit for two are deemed to the child. The child's assets are then compared to the asset limit for one.