

15.2 DEFINITION OF A DEPENDENT CHILD

In order to receive cash assistance, **Parents/Caretaker Relatives** Medicaid or AFDC-Related Medicaid as a dependent child the following requirements must be met.

A. AGE

1. **Parents/Caretaker Relatives, AFDC-Related Medicaid**

Children must be under the age of 18, whether or not they are attending school or training. A child who reaches age 18 on the first day of the month is not eligible for benefits for that month.

However, a child over age 18 may be included in the **AFDC-Related** benefit group when he:

- Is a full-time student in a secondary school, or the equivalent level of vocational or technical training, including summer breaks; and
- Can be reasonably expected to complete the program before reaching age 19; and
- Meets all other eligibility requirements.

Graduation ceremonies need not take place prior to the child's 19th birthday. As long as all courses or training programs are fully completed prior to the child's 19th birthday, the child is eligible.

2. WV WORKS

Children must be under the age of 18, whether or not they are attending school or training. A child who reaches age 18 on the first day of the month is not eligible for benefits for that month.

However, a child over 18 may be included in the benefit group up to age 19 while he:

- Is full-time student in a secondary school, or the equivalent level of vocational or technical training, including summer breaks; and
- Meets all other eligibility requirements.

A child who reaches age 19 on the first day of the month is not eligible for that month.

B. LIVING WITH A SPECIFIED RELATIVE (WV WORKS), or (**Parents/Caretaker Relatives** Medicaid, AFDC-Related Medicaid)

The child must be living with a specified **caretaker** relative, **who assumes primary responsibility for the child's care**, in a place established as the relative's home. A specified **caretaker** relative is defined below.

- Natural or adoptive parents. Adoption procedures must be finalized in order for an adoptive parent to qualify as a specified relative. If a child is living with his natural father and paternity has been legally established, the father is considered a specified relative;

NOTE: When an adoption is finalized the ties between the natural parent(s), the natural parent(s) family, and the child are severed. The natural parent(s) and the natural parent(s) family do not retain a specified relationship unless the adoptive parent is also related. The specified relationships are then based on the adoption family.

EXAMPLE: A set of paternal grandparents legally adopts a grandchild. The father of the child no longer has a specified relationship of parent to the child, but now has a specified relationship as the child's brother.

NOTE: When parental rights have been severed, but no adoption has been finalized, the parent is no longer a specified relative, but all other relationships of the child are unaffected.

EXAMPLE: A father has all parental rights severed by a court order. The child goes to live with the father's sister. The sister is still an aunt to the child and therefore a specified relative.

Spouses of step-parents are not specified relatives.

EXAMPLE: A man and his wife have living with them a child from his previous marriage. They get a divorce, and the child continues to live with the wife, and she remarries. She still qualifies as a specified relative, as she is a former step-parent, but her new husband does not.

- Blood relative: Those of half-blood, brothers or sisters, grandparents, great-grandparents, great-great grandparents, great-great-great grandparents, uncles or aunts, great-uncles or aunts, great-great uncles or aunts, nephews or nieces, first cousins, first cousins once removed;
- Legal step-parent, step-brother or step-sister, step-grandparents, step-great-grandparents, step-great-great grandparents, step-great-great-great grandparents, step-uncles or aunts, step-great-uncles or aunts, step-great-great uncles or aunts, step-nephews or nieces, step-first cousins, step-first cousins once removed;

- The specified relationship exists even though the marriage terminated in death or divorce. Must not be the new spouses of step-relatives.

EXAMPLE: If a step-grandmother has 2 step-grandchildren living with her and she divorces her husband, she is still the former legal spouse of the children's grandfather, who is a specified relative. She is, therefore, a specified relative. If she were to re-marry, her new spouse would not be a specified relative.

NOTE: Legal custody or guardianship of a child does not, in itself, qualify a person as a specified relative. A relative of the father of a child born out-of-wedlock can qualify as a specified relative only if the child's paternity has been established.

Under certain circumstances, eligibility continues during periods of separation of the child and the specified relative. Refer to Chapter 8.

NOTE: For WV WORKS, it may be impossible for a relative to establish a home for a child who is in a foster home, or other place, without financial assistance before the child enters his home. The payment may be initiated any time within 30 days prior to the date the child actually goes to live with the specified relative. If the Department made an AFDC Foster Care payment, a WV WORKS payment cannot be initiated for the same period because this results in a duplication of payments.

C. DEPRIVED OF PARENTAL SUPPORT AND CARE (**Parents/Caretaker Relatives** Medicaid, AFDC-Related Medicaid)

NOTE: Effective October 1, 2013, the definition of a dependent child no longer requires the child to be deprived of parental support and care. Section C was moved into Appendix E of this chapter for reference.

D. EMANCIPATION

1. **Parents/Caretaker Relatives** Medicaid, AFDC-Related Medicaid

The emancipation status of a child has no bearing on eligibility for **Parents/Caretaker Relatives** Medicaid or AFDC-Related Medicaid.

2. WV WORKS

The definition of dependent child for WV WORKS includes the requirement that any child, included in the AG as a dependent child, be unemancipated.

Under WV State law, emancipation occurs when:

- A child has been declared emancipated by a court; or
- A child marries.

NOTE: In WV, a child who is under the age of 16 and is married has been emancipated by the court.

DUE TO DELETION OF MANUAL MATERIAL

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