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DATE: November, 1997			TO: All Income Maintenance Manual Holders		

This change is being made to update Chapter 15 with WV WORKS and TANF information. Some minor wording changes were made throughout the Chapter that did not change the policy. Other changes have been made as follows:

1. Section 15.1 has been totally rewritten.
2. New Section 15.2,D was created to define emancipation according to WV law.

contact persons and other pertinent domestic violence information you want included in client notices.

8. A new Appendix (C) was added to Chapter 1 with information about when states moved from AFDC/U to TANF.
9. This is the first Manual change which contains references to RAPIDS when appropriate. Subsequent changes will include RAPIDS information, as appropriate, and as references to the C-219 and M-219 systems are removed. We anticipate fewer references to RAPIDS will be necessary since most of the references to the C-219 and M-219 systems were to point out unusual coding or procedures to follow. As appropriate, references will be made to RAPIDS work-arounds.

Questions should be directed to the OFS Policy Unit. Any information currently contained in the Manual that conflicts with information in this change is to be disregarded.

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- Adhere to the Department's policies and procedures to establish eligibility, including those regarding timely action and/or decision.
- Assist the client in obtaining information required to establish his eligibility.
- Maintain the confidentiality of all information received from or about the client.

EXCEPTION: Written requests for information about Food Stamp recipients from federal, state or local law enforcement officers is provided when the officer provides verification that:

- The individual is fleeing to avoid prosecution, custody or confinement for a felony,
- The individual is violating parole or probation,
- The individual has information necessary for the officer to conduct an official duty related to either of the two statements immediately above.

The Worker provides only the individual's last known address and SSN and, if available, a photograph of any member of the individual's household. It is the responsibility of the CSM to review and approve for release all such requests.

- Notify the client of the eligibility decision as soon as possible, but at least within the processing time frames for each Program or coverage group.
- Ensure that copies of all pertinent information are placed in the client's case record or given to appropriate staff to file.
- Ensure that proper case recordings are made to document the Worker's actions and the reason for such actions.
- Ensure that information about available community resources addressing domestic violence is available to all persons who request it, or who, in the Worker's judgement, may benefit from it. In addition, the Worker must make an immediate referral to Social Services when the client requests such assistance. When possible, an interview with Social Services must be conducted the same day. If this is not possible, a

- Date on which the client last received or will receive benefits
 - Effective date of the termination of benefits
- NOTE:** The effective date of case closure in West Virginia is the month for which the client last received benefits. This may not be true in other states.
- The individuals included in the benefit
 - Whether or not any of the client's last benefits were returned to the agency
 - For TANF/WV WORKS cases only: the Worker must determine how many months the client received TANF payments.

NOTE: States have until July, 1997 to convert from AFDC/U to a TANF-funded program. Therefore, for benefits received prior to 7/97, the Worker must also determine how many months of the cash assistance payments were funded under TANF. Appendix C contains information about when other states converted to TANF funding.

- For Food Stamp cases with ABAWDs only: The Worker must contact the other state to determine and record when the individual's 36-month period began, and how many months of his 3-month limit without meeting the work requirement he has used. If he is residing in an ILC, eligibility must be determined according to Section 9.1,A,2,j. If he is residing in an NILC, the time limit does not apply, but he retains the 36-month period he started in the other state.
- Whether or not the client owes a repayment to any Program

Each Program has specific requirements related to receipt of benefits from other states. Refer to Date of Application under each Program section below.

G. CONTINUATION OF THE CASE NUMBER AND TRANSFER OF A CLOSED CASE

Prior to data system entry for disposition of any application, the Worker must determine if there is an existing case number for the client.

When an existing case number is found in a different county, the Worker must request that the case record be transferred to the client's new county of residence. This may be accomplished by memorandum, office automation release or by telephone. The case record must be mailed to the new county of residence within 10 working days.

H. WHEN APPLICATION IS MADE OR RECEIVED IN THE INCORRECT COUNTY OFFICE

The following procedures are used when an applicant mails or makes his application in the office of a county in which he does not reside.

- When a mail-in application is received in the incorrect county office, it must be mailed to the correct county office the same day it is received. In addition, the correct county office must be notified the same day by office automation that the form is being mailed.
- If the client visits the incorrect office to apply, the application must be accepted and an intake interview completed. The Worker must mail the application to the correct county office on the date the application is made. The correct county office must be notified by office automation that the form is being mailed. The client must not be required to visit the office of the county in which he resides to reapply or to have an intake interview.
- If the client telephones the incorrect office, the Worker must give him the address and telephone number of the appropriate office. If he requests an application be mailed to him and does not choose to contact the appropriate office to have this done, one is mailed to him from the contact office, along with instructions to return it to the address of the correct county office. The Worker must notify the other office, by office automation, so the county may add the client's name to the application register. If the client, after explanation of the available Programs, wants to apply for Food Stamps, the contact county screens for Expedited Service eligibility, explains this to the client and notifies the correct county office that this was done. Expedited benefits are issued by the county of residence within prescribed time limits, based on the date of application established by the contact office.

- If the individual still prefers to make an application by mail, an application form is mailed to him on the date of his telephone call. If the client requested the application by letter, an application form is mailed to him on the day the letter is received in the county office.

When the application form is returned and contains at least the applicant's name, address and signature, an application has usually been made and the policy and procedures concerning the formal disposition of the application are applicable.

EXCEPTION: Poverty-Level pregnant women must also have all verification included with the application form. See the Program-specific section for these cases.

- The date of application is the date the application form is returned to the county office. The forms must be date-stamped when received

EXCEPTION: Poverty-Level pregnant women.

- The application is logged on the ES-15, Application Register, or other register developed by the county office, and assigned to a Worker for processing and completion.

L. CLIENT NOTIFICATION, WRITTEN AND VERBAL

The client must be notified in writing of the final decision on his application and the reason for it. Notification must be provided for each Program for which the client applied, but notification for more than one Program may be included on one form letter.

NOTE: There is specific, court-ordered client notification policy which must be followed. There are also specific forms which must be used and detailed procedures to follow. Chapter 6 is devoted exclusively to client notification.

During the intake interview or during some other client contact prior to written client notification, the Worker may know whether or not the client is eligible and, if so, the amount of the benefit. The Worker may tell the client the status of his application and/or benefit level, if he so chooses. However, even if the client has been told his status and/or benefit level, he must still receive the information in writing. See Chapter 6.

the Worker's judgement, could benefit from it. When possible, this must be accomplished during the office interview. When discussing such matters could pose a possible threat to the person who is judged to be in need of the information, the Worker must avoid direct discussion with the client. In those instances, a referral to Social Services is in order so that a contact can be made without the threat of additional harm to the client.

Each CSM is responsible for coordinating efforts between OFS staff, Social Services and available community resources. The CSM is also responsible for making sure that up-to-date information about domestic violence services is available at all times.

APPENDIX A

COMMONLY USED
ACRONYMS AND ABBREVIATIONS

ABAWD	Able-Bodied Adults Without Dependents
ACF	Administration for Children and Families
ACT, the	The Social Security Act
ADH	Administrative Disqualification Hearing
AFDC	Aid to Families With Dependent Children
AFDCU	Aid to Families With Dependent Children - Unemployed Parent
AFDC/U	Includes AFDC and AFDCU
AIDS	Acquired Immune Deficiency Syndrome
AP	Absent Parent
APPALRED	Appalachian Research and Defense Fund
BCSE	Bureau for Child Support Enforcement (formerly CSED and CAO)
BEP	Bureau of Employment Programs
BFU	Basic Filing Unit
CA	Coupon Allotment
CAN	Social Security Claim Number
CAO	Child Advocate Office (formerly CSED, now BCSE)
CDCS	Children With Disabilities Community Service Program
CE	Coupon Entitlement
CEN	Continuously Eligible Newborn
CFR	Code of Federal Regulations
CHIP	West Virginia Child Health Initiative Program
CK	AFDC/U Check Amount, when there is no earned income

APPENDIX D

EFFECTIVE DATES OF
TANF STATE PLANS

STATE	EFFECTIVE DATE
Alabama	11/96
Alaska	11/96
Arizona	10/96
Arkansas	7/97
California	11/96
Colorado	7/97
Connecticut	10/96
Delaware	3/97
District of Columbia	3/97
Florida	10/96
Georgia	1/97
Guam	7/97
Hawaii	7/97
Idaho	7/97
Illinois	7/97
Indiana	10/96
Iowa	1/97
Kansas	10/96
Kentucky	10/96
Louisiana	1/97
Maine	11/96
Maryland	12/96
Massachusetts	9/96
Michigan	9/96
Minnesota	7/97

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15.1 INTRODUCTION

Temporary Assistance for Needy Families (TANF) and WV WORKS are both cash assistance programs funded under a block grant authorized by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). In West Virginia, these cash assistance programs replaced the Aid to Families with Dependent Children (AFDC), which included cash assistance to families of unemployed parents (AFDCU), on January 1, 1997. AFDC/U recipients were automatically eligible for Medicaid.

The emphasis of the PRWORA is on personal responsibility and employment. States are not required to offer the same cash assistance program in all parts of the state. In West Virginia, some counties operated the WV WORKS Program with Workers who handle both the eligibility determination and the work requirement components of the Program beginning January 1, 1997. The focus of WV WORKS is in assisting clients in becoming self-sufficient. Intensive interaction between the client and the Worker is necessary to establish and maintain the Personal Responsibility Contract (PRC) between the Department and the client.

In the other counties beginning January 1, 1997, one Worker determined initial and ongoing TANF eligibility and another Work and Training Worker handled the work requirement component of the TANF Program. Emphasis was placed on personal responsibility and employment, but the two components of eligibility and work requirements were handled by different, specialized staff. These TANF counties were phased into the WV WORKS Program through January, 1998.

Those requirements mandated by the PRWORA were found in TANF and in WV WORKS. However, where the State has discretion, there were some differences between TANF and WV WORKS.

Even though the PRWORA replaced AFDC/U with a block grant, the link between the former AFDC/U Program and automatic Medicaid eligibility was maintained. In addition, any link between the block grant cash assistance program and automatic Medicaid eligibility was expressly prohibited. Therefore, only those TANF and WV WORKS recipients who would have met the requirements of the former AFDC/U Program, are Medicaid eligible as cash assistance recipients, i.e., AFDC/U Medicaid recipients.

The purpose of this Chapter is to set forth the specific eligibility requirements that apply only to TANF, WV WORKS, AFDC/U Medicaid and AFDC/U-Related Medicaid. The program to which each section applies is indicated in the title of the section.

aunts, nephews or nieces, first cousins, first cousins once removed;

- Legal step-parent, step-brother or step-sister;
- Legal spouses of any person named in any of the above groups. The specified relationship exists even though the marriage terminated in death or divorce.

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

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 specified relationship can be documented.

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

NOTE: For TANF and 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 TANF or 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 (TANF, AFDC/U Medicaid, AFDC/U-Related Medicaid)

The dependent child must be deprived of parental support and care and the cause of this deprivation must be identified as described in the following sections.

1. Relationship of Deprivation Factor to Living Arrangements

The living arrangements of the child determine the broad category of deprivation applicable to the child.

- The nature of the absence is such as to either interrupt or terminate the parent's functioning as a provider of maintenance, physical care or guidance for the child; and
- The known or indefinite duration of the absence precludes counting on the parent's performance of the function of planning for the present support or care of the child.

NOTE: When two or more children in the same home share a legal parent, and that parent meets the definition of continued absence for one child, the parent is absent for all of his children in that home, unless there is substantial evidence to the contrary. Conversely, when the legal parent does not meet the definition of continued absence for one of his children in the home, he is not absent for any of his children who live in the same home.

The following sections list specific causes of absence and other situations which may or may not meet the definition of absence.

(1) Desertion

The specific cause of absence is desertion when the child is born of a legal marriage, adopted or paternity has been legally established and one of the following conditions exist:

- The location of the absent parent is unknown.
- The location of the absent parent is known, but there is no existing court order or provision relating to child support included in an existing order.
- There has been successful legal action to establish support but the parent is not complying with the court order.
- There has been a written or oral voluntary agreement to support, whether or not the absent parent is adhering to this agreement.

parent, paternity must be established before the absence can be based on incarceration.

(4) Paternity Not Established

(a) Definition

The specific deprivation factor is paternity not established when paternity has not been legally established. Paternity not established is the cause of absence assigned to a child:

- Who was born out-of-wedlock or whose legally presumed father has been excluded from paternity; and
- Whose paternity has not been established; and
- Whose paternity has not been decided in a court of law.

(b) Establishment of Paternity

Paternity is considered legally established when any one of the following conditions exist:

- Both parents have signed a Declaration of Paternity Affidavit.

The father may be included in the benefit group and deprivation is based on unemployment or incapacity, provided he lives with the child(ren).

The Affidavit must be completed either at the hospital, by Vital Statistics, or by BCSE and signed by the client before the application is approved or before the child is added to an active case.

NOTE: The statement of unmarried couples is not sufficient to establish paternity. If a man claims to be the father of a child

common-law marriage. Any individual that establishes this type of relationship in a state that recognizes common-law marriages is considered married for the Department's purposes. Children born in this situation not considered to have the cause of absence as paternity not established; therefore, action must be initiated to gain support and the deprivation factor must reflect the appropriate situation.

The states and cities which recognize common-law marriages are:

Alabama	Ohio
Colorado	Oklahoma
Idaho	Pennsylvania
Iowa	Rhode Island
Kansas	South Carolina
Minnesota	Texas
Montana	District of Columbia

(5) Court-Ordered Home Confinement

A parent is considered absent when he is living in the home, but is a convicted offender serving a court-ordered sentence of home confinement and ordered to perform unpaid public work or unpaid community service. The child is deprived because the parent is unable to provide support through paid employment.

To meet the definition of absence in this situation, all of the following criteria must be met:

- The parent must be a convicted offender under sentence of the court.
- The sentence requires that the individual perform unpaid public work or unpaid community service during normal work hours. If the sentence does not require the individual to perform unpaid public work or unpaid community service, the deprivation of absence is not met.

explaining the decision must be made. When the child is physically in the home of each parent for portions of each month, the absence is not of a continuous nature and both parents continue to act as parents to the child. On a regular basis, they make decisions and arrangements in the child's best interest. Therefore, absence does not exist when:

- The parents have legal joint custody of the child; and
- The child is physically in the home of each parent for portions of each month; and
- There is an ongoing, continuing relationship between the child and the parents, with both parents involved in providing parental support and care.

c. Incapacity

In order for the deprivation factor to be based on incapacity, both parents must be residing in the home with the children for whom the application is made.

A child may be deprived of parental support and care by reason of the physical or mental incapacity of the parent. The incapacity must be supported by medical reports and substantially reduce or eliminate the parent's ability to support or care for the child. The incapacity must be expected to last for a minimum of thirty (30) days.

(1) Determining Incapacity Without Medical Reports

The Worker makes the decision that the parent is incapacitated, without obtaining medical reports or referring the case to the Medical Review Team, when it is verified that:

- The parent is receiving SSI or RSDI based on his blindness or disability; or

unemployment must be explored. If the client is otherwise-eligible based on the deprivation factor of unemployment, he is temporarily exempt from JOBS registration provided he satisfies this requirement as found in Chapter 13.

A child is considered to be deprived of parental support and care when both parents are in the home and the Principal Wage Earner (PWE) is unemployed. The definition of PWE depends on whether the client is an applicant or a recipient:

- For applicants, the PWE is the parent who earned the greater amount of income in the 24 months immediately preceding the month of application.
- For active cases, the PWE is the parent who earned the greater amount of income in the 24 months immediately preceding the month the determination is being made.

NOTE: The parents need not have been married or living together during this 24-month period.

NOTE: UCI benefits are not counted as earned income. Receipt of cash public assistance benefits cannot be used to determine who is the principal wage earner.

When both parents earned equal amounts during this 24-month period, the PWE is determined as follows:

- If only one parent has a recent attachment to the labor force (See Section 15.2,D,2,k,(2)), this parent is the principal wage earner.
- If neither or both parents have a recent attachment to the labor force (See Section 15.2,D,2,k,(2)), the parents must choose who will be the PWE. The Worker must advise the parents of the responsibilities of being the PWE.

Once it is determined which parent is the PWE, he must be considered the PWE for each consecutive month for which the benefit group receives benefits.

30-day waiting period or include payment for any of the 30-day period.

(b) AFDCU-Related Medicaid

If the parent had full-time employment within 30 days of the date of application, the beginning period of consideration is no earlier than the first day of the month during which the 30-day waiting period expires.

(2) Has a Recent Attachment to Labor Force

The PWE must have a recent attachment to the labor force. This requirement may be met in any one of the following ways:

NOTE: A calendar quarter is a period of three consecutive calendar months ending on March 31, June 30, September 30 or December 31.

(a) Receipt of Unemployment Compensation Benefits

Has received Unemployment Compensation Benefits at some time during the preceding 12 calendar months.

(b) Earnings of \$2,200 or More

Has earnings of \$2,200 or more during the first four of the last five completed calendar quarters and had earnings in at least two of those four quarters. Monthly cash public assistance payments received while a Work and Training, CWEP, JOBS or WV WORKS participant are not included when making this determination. Income received from VISTA is counted as earned income for these purposes.

(c) Six Out of Thirteen Calendar Quarters

Has six or more quarters of work within any 13-calendar-quarter period ending within one year prior to the date of application. If the PWE is a recipient,

performed in one calendar quarter, if the earnings are great enough. No more than four quarters of coverage may be earned in one calendar year.

The amount of earnings that an individual must have to qualify for a quarter of coverage are:

1978 - \$250	1988 - \$470
1979 - \$260	1989 - \$500
1980 - \$290	1990 - \$520
1981 - \$310	1991 - \$540
1982 - \$340	1992 - \$570
1983 - \$370	1993 - \$590
1984 - \$390	1994 - \$620
1985 - \$410	1995 - \$630
1986 - \$440	1996 - \$640
1987 - \$460	1997 - \$670

When quarters of coverage are determined for a self-employed individual, special treatment is required. If the taxable year is a calendar year, or begins with or during a calendar year, and ends with or during the same calendar year, the self-employment income will be credited to that calendar year. If the taxable year is not a calendar year, the self-employment income will be allocated proportionately to the two calendar years, of which portions are included within the taxable year, on the basis of the number of months which are included completely within the taxable year.

EXAMPLE: Mary Smith has self-employment income of \$12,000 for the taxable year beginning October 1, 1991 and ending September 30, 1992. The self-employment income credited for 1991 is \$3,000 ($3/12 \times \$12,000$). In 1992, she is credited with \$9,000 ($9/12 \times \$12,000$).

good cause, the Worker must determine that such an offer was actually made and if the offer remains available. In the case of offers of employment made through public employment or manpower agencies, the determination of whether the offer was bona fide, and if there was good cause to refuse it, is made by that office or agency.

The parent must be given an opportunity to explain why the offer was not accepted. The Worker must determine:

- That there was a definite offer of employment at wages meeting any applicable minimum wage requirement and which was customary for such work in the community; and
- The individual's ability to engage in such employment for physical reasons or because he has no way to get to or from the particular job; and
- Any factors affecting working conditions, such as risks to health, safety or lack of Worker's Compensation protection.

(5) Is Registered for JOBS (TANF Only)

All parents who apply for TANF on the basis of their unemployment and are otherwise eligible must participate in JOBS unless exempt. Procedures for referral to JOBS and the penalty when the unemployed parent refuses to participate are found in Chapter 13.

e. Strikers

Strikers and their families are not eligible for TANF, AFDC/U Medicaid and AFDC/U-Related Medicaid by virtue of the fact that at least one natural or adoptive parent in the home is on strike. For WV WORKS, if a caretaker relative, who has chosen to be included in the payment, is on strike, the benefit group is ineligible. Even when a deprivation factor is established, the family is not eligible. The individual does not have to be

15.3 CHILD SUPPORT REQUIREMENTS AND PROCEDURES (TANF, WV WORKS, AFDC MEDICAID AND AFDC-RELATED MEDICAID)

Federal law mandates that efforts be made to locate absent parents, establish paternity and/or obtain support for the children. The specified relative must cooperate with child support activities and redirect to the Bureau for Child Support Enforcement (BCSE) any child support payments received.

The major responsibility for this effort rests with the BCSE through its staff of Legal Assistants.

In addition, the Worker has the following responsibilities:

- To explain the requirements and benefits of BCSE services, including the right of the specified relative to claim good cause for refusal to cooperate
- To refer appropriate cases to the Legal Assistant. Referral is accomplished by data system exchange.
- To evaluate evidence presented if the client claims good cause
- To determine if good cause for failure to cooperate with BCSE exists
- To apply the penalty for refusal without good cause to cooperate or redirect child support payments

The following information provides details about the responsibilities of the Worker, the Legal Assistant, and the client in the child support process.

A. ES-AP-1, ACKNOWLEDGEMENT OF AUTOMATIC ASSIGNMENT OF SUPPORT RIGHTS AND OF COOPERATION REQUIREMENTS

The purpose of the ES-AP-1 is to assure that affected clients know of the automatic assignment of support rights to the State and understand the benefits, requirements and rights associated with BCSE.

1. The ES-AP-1 must be completed for:

- Enter the case name and case number in the indicated spaces on the form.
- Enter a check mark in the block beside each paragraph number to indicate that the client understands the information.
- The specified relative must sign the form. If the parent is also in the home, he must sign the form.
- Distribute copies to the client and Legal Assistant, and file one in the case record. If no referral is made, the extra copy is filed in the case record.

3: Procedure When the Client Refuses to Sign the ES-AP-1

When the client refuses to sign the ES-AP-1, no penalty or sanction is applied. The Worker must record that the content and purpose of the form were explained to the client, that he refused to sign, and the reason for his refusal. The Worker must give him an unsigned copy of the ES-AP-1 and this must be noted in a case recording. The Worker must note in client signature section "Refused to Sign" and forward to BCSE.

NOTE: For WV WORKS cases, refusal or other failure to sign the ES-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

Except when court-ordered public service and other are the specific reasons for TANF, AFDC Medicaid and AFDC-Related Medicaid continued absence, a referral to CSED must be made. The referral is automated in RAPIDS. See the RAPIDS User Guide.

All WV WORKS recipients who are children with at least one absent parent, must be referred. In addition, currently unmarried minor parents who are unable to live with their parents (See Section 9.21,A,3) must be referred.

Clients who claim and establish good cause are not required to cooperate with BCSE, but a referral is automatically made by the data system with the Worker's notation of "Good Cause" in Block 31 in C-219 system and Block 88 in M-219 system. APNC in RAPIDS indicates good cause.

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 child support activities, no penalty is applied until after the client has had an opportunity to talk with the Legal Assistant. A good cause determination is not made at this time. The application will be processed or case maintenance action completed in the normal manner.

The Worker must encourage the client to talk to the Legal Assistant who will explain the BCSE program. The client must also be informed of the penalty for failing to keep an appointment with the Legal Assistant or for refusal to cooperate.

When the notice is received from the Legal Assistant that a client has refused to cooperate without claiming good cause, the Worker will apply the penalty, or sanction for WV WORKS cases, after proper notification to the client.

For WV WORKS cases, a sanction is applied when the client fails to comply with the child support requirements in Part 1 of the PRC.

3. When the Client Claims Good Cause for Refusal to Cooperate After BCSE Referral

A client may claim good cause for refusal to cooperate prior to or after referral to BCSE.

- The Worker and Supervisor agree that good cause exists.
- 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. 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.

D. REDIRECTION OF CHILD SUPPORT PAYMENTS (TANF, WV WORKS)

All child support payments made on behalf of children who are recipients of TANF or WV WORKS must be redirected to BCSE.

Exceptions are as follows:

- The case is exempt from referral to the Legal Assistant due to good cause
- The TANF case is exempt from referral to the Legal Assistant because the deprivation factor is either court-ordered public service or other.
- 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 penalty for

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.

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

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 ES-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 (TANF, WV WORKS, AFDC Medicaid, AFDC-RELATED MEDICAID)

1. TANF

The decision about the application of a penalty is made by the Legal Assistant. The Worker applies no penalties unless directed to do so, in writing, by the Legal Assistant.

★ mp Excluded ★ mp's Child Included	★ mp is Dependent Child ★ mp's Child Included	★ mp is Dependent Child ★ mp's Child Excluded	★ mp Is Non- Caretaker Parent
Included MP, or other caretaker, must cooperate for absent parent of mp's child, as required by BCSE. EXAMPLE: MP knows the whereabouts of child's father and refuses to reveal it.	Included MP, or other caretaker, must cooperate for absent parent of mp and mp's siblings, if any; and Cooperate for absent parent of mp's child, as required by BCSE.	Included MP, or other caretaker, must cooperate for absent parent of mp and mp's siblings, if any.	Included MP, or other caretaker, must cooperate for absent parent of mp's child, as required by BCSE.

The penalties continue until the parent or other relative takes appropriate corrective action.

2. 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 Part 1 of the PRC. See Chapter 24 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.

Failure, without good cause, of either the mp or the MP to meet the cooperation requirements results in one sanction. Failure, without good cause, of both to cooperate may result in 2 sanctions. However, if more than one absent parent is involved for either the mp or

- Information which affects eligibility or the amount of the payment.
- Change of address.
- Paternity is established.
- Information regarding a change in the deprivation factor or cause of absence is secured.
- The client refuses to redirect child support payments and/or refuses to repay child support payments which were not redirected.

Changes in case circumstances are automatically referred to BCSE through the data systems.

15.5 SPECIAL REQUIREMENTS FOR PARENTS UNDER AGE 18 (TANF, WV WORKS)

There are 2 special requirements for parents under the age of 18, as follows. The parent must:

- Remain in an education activity to complete high school, obtain a GED or vocational training. See Chapter 9 for more details.
- Live with parent(s) or in other adult-supervised living arrangement. See Chapter 9 for more details.

Failure to meet the educational requirement results in ineligibility for the parent under age 18.

Failure to live with parent(s) or in another adult-supervised setting results in ineligibility for the parent under age 18 and the child(ren) of such parent.

- Work and Training Supportive Payments. Regardless of the amount received, each month for which supportive payments are made to the client, or on his behalf, counts as 1 month toward the limit. Such payments from TANF funds by other states are also counted.
- Any other payment made from TANF funds by any other state when the payment was made to or on behalf of the adult or emancipated minor.

The limit is not 60 months for each state of residence. The time limit applies to all benefits received, throughout the United States and its territories, as long as the benefits were received under the TANF Block Grant. Therefore, when a client indicates he has been a resident of another state, the Worker must determine if he received cash assistance and, if so, if the program was funded under the Block Grant authorized by PRWORA. See Section 15.1 for a detailed explanation of the welfare reform legislation and its impact on cash assistance programs. States have until July, 1997 to convert from the former AFDC/U Program to a program funded under the Block Grant. Many states are converting to the new program early. Therefore, the Worker must determine when the benefits from another state were received. If months prior to 7/97 are involved, the Worker must also determine how many months of benefits the client received under the Block Grant program. See Appendix D to Chapter 1 for a list of states and their effective dates of conversion to TANF.

There are provisions which may allow a family to receive benefits for more than 60 months. There is a limit imposed by the federal government on the percentage of the caseload that is allowed to be exempt from the 60-month requirement. THEREFORE, NO DECISIONS ABOUT WHO IS EXEMPT FROM THE LIFETIME LIMIT WILL BE MADE UNTIL NEARER THE TIME FOR THE LIMIT TO EXPIRE. AT THAT TIME, THE DECISION WILL BE MADE AT THE STATE OFFICE LEVEL. NO CLIENT IS TO BE INFORMED THAT HE IS, OR MAY BE, EXEMPT FROM THE TIME LIMIT, UNTIL DETAILS OF THE EXEMPTION CRITERIA ARE RELEASED AND WRITTEN INSTRUCTIONS HAVE BEEN ISSUED. REQUESTS TO CONSIDER EXEMPTIONS FOR INDIVIDUAL CLIENTS MUST NOT BE SUBMITTED TO OFS UNTIL THE EXEMPTION CRITERIA IS RELEASED AND INSTRUCTIONS FOR SUBMISSION OF SUCH REQUESTS HAVE BEEN ISSUED.

The following groups are those to which consideration may be given in the future, for exemptions from the 60-month limit. General information is included here, but will be refined as the time limit for the first group of affected clients nears.

15.7 REQUIREMENT FOR BEING ENGAGED IN WORK (TANF, WV WORKS)

Starting with the first day for which benefits are received, a parent or other caretaker relative who is included in the TANF or WV WORKS benefit group is subject to a work requirement, unless temporarily exempt. See Chapter 13 for the temporary exemptions.

Being engaged in a work activity becomes an eligibility requirement after the client has been a recipient of benefits for a total of 24 months. The months do not have to be consecutive.

NOTE: For parents or other caretakers who were active cash assistance recipients in 1/97, 1/97 is the first month counted in determining when being engaged in a work activity becomes an eligibility requirement.

Receipt of any of the benefits listed in Section 15.6 counts as a month of benefits. No month of receipt is exempt from being counted. The 24-month period is the first 24 months of the 60-month lifetime limit described in Section 15.6. To continue to be eligible, the client is required to be engaged in work no later than the beginning of the 25th month of benefit receipt.