

9.18 AFDC-RELATED MEDICAID

In order to qualify for AFDC-Related Medicaid each individual must be evaluated according to the criteria of the former AFDC Program. The individual must be otherwise eligible to be included in the ASSISTANCE GROUP (AG). The process of determining who must be included in the AG begins with the dependent child for whom AFDC-Related Medicaid is sought. Otherwise eligible, for the purpose of this Section only, means the dependent child lives with a specified relative. See Section 15.2 for the definition of dependent child.

It is the dependent child who draws his parent and blood-related siblings into the AG, rather than the parent who draws his child into the AG. In addition, when two parents each have their own children and a common child, it is not the fact that the parents have a common child that determines AG composition. Instead, it is the fact that the common child is a blood-related sibling to each group of children that requires all of the children to be included in the same AG, if otherwise eligible.

Even though eligibility must be determined for each individual separately, income and asset eligibility is determined based on the circumstances of the Income Group and Needs Group.

NOTE: SSI recipients, whether they are adults or children, are not included in the Assistance Group, Income Group or Needs Group.

A. ASSISTANCE GROUP (AG)

The AFDC-Related Medicaid AG is composed of otherwise eligible dependent children and their parents or another specified relative.

1. Who Must Be Included

The following individuals are required to be included:

- All otherwise eligible dependent children and their otherwise eligible parent who are living in the same household must be included in the AG. Parent is defined as a natural or adoptive parent. A child may not be excluded from the AG solely for financial reasons.
- All otherwise eligible blood-related or adoptive siblings who are living in the same household must be included in the same AG. Stepbrothers and stepsisters are not blood-related and, therefore, are not included in the AG.

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- All otherwise eligible adoptive siblings who receive federal, state or local adoption assistance, when the AFDC check amount would remain the same or increase. See item 2 below for income calculations.

NOTE: When an individual is required to be in two or more AGs, the AGs must be combined.

When an individual, not related as a parent, a dependent minor child or a minor sibling to a member of an AFDC-Related Medicaid AG, lives in the household and applies for Medicaid, eligibility is determined separately.

2. Who May Choose To Be Included

The following individuals may choose to be included:

- One caretaker relative, other than natural or adoptive parents, can choose to be either included or excluded from the AG. If included, his non-excluded income and assets must be considered.

NOTE: A caretaker relative who is not a natural or adoptive parent cannot be included in the AG when a parent lives in the home.

- The caretaker relative, who is otherwise eligible, when the only dependent child(ren) in the home receives federal, State or local foster care, adoption assistance payments or SSI. The needs and income of the child are not considered when determining the amount of the benefit. The relative is treated like a parent, except that he may choose to be excluded at any time.

There are no restrictions on the number of times the individual may choose to be included or excluded.

NOTE: Those individuals Who Must Be Included or Who May Choose To Be Included receive AFDC-Related Medicaid and will be in an AG. However, they are not all in the same AG. The following rules apply.

- Parent(s) Otherwise eligible married parents who live together are in the same AG. However, unmarried otherwise eligible parents must be in separate AG's. This is necessary to prevent illegal deeming from one unmarried parent to another.
- Child, Including The Minor Parent (mp) Who Is A Dependent Child. Each otherwise eligible child is in a separate AG to prevent illegal deeming of one child's income to another.

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- Minor Parent (mp) Who Is A Caretaker The mp and the mp's spouse, who is also the parent of the mp's child, are in the same AG. The unmarried mp is in a separate AG even when the child's other parent is in the home. This is necessary to prevent illegal deeming from one unmarried parent to another.
- Non-Parent Caretaker Who Chooses To Be Included The non-parent caretaker is in a separate AG. Only one non-parent caretaker may be included. This is necessary to prevent illegal deeming from the caretaker to the child and vice versa. See Section 9.4,A.

3. Who Cannot Be Included

The following situations result in ineligibility for the individual who meets at least one of the following criteria. However, when all members of the AG meet any of the criteria listed below the entire case is ineligible. In addition, when all otherwise-eligible children meet any of the criteria listed below, except receipt of SSI, foster care or adoption assistance, the entire case is ineligible.

- Parents and siblings who are SSI recipients. The specified relative may receive AFDC-Related Medicaid when there are no children in the AG, if the children are ineligible for AFDC-Related Medicaid only because they are SSI recipients.
- Parents and siblings who are aliens and are ineligible because they have been sponsored by a private or public agency or organization or because of deeming income from sponsor to alien.
- Parents and siblings who are aliens and are ineligible because they do not meet the citizenship and alienage requirements.
- A child who is a recipient of federal, state or local foster care maintenance payments.
- A child of a minor parent, when the minor parent is a recipient of federal foster care payments.
- A child who is a recipient of federal, state or local adoption assistance, unless the exclusion of the child reduces the amount of payment the AG would have received.

When the child is included in the AG, any portion of the adoption assistance which meets any of the following criteria is excluded:

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- The adoption assistance is for a different purpose than the AFDC/U check would have been, i.e., vocational rehabilitation; or
- The adoption assistance is for goods or services not included in the State's Standard of Need, i.e., money for special training or for medical care not provided for recipients of AFDC-Related Medicaid; or
- The adoption assistance makes up the difference between the State's payment standard and the Standard of Need.

NOTE: Any portion of the adoption assistance which is excluded, using the above criteria, is also excluded prior to determining if the AFDC/U benefit would have been reduced if the needs of the adopted child are included.

NOTE: West Virginia's adoption assistance payments do not meet the above criteria.

To determine whether to exclude the adopted child, complete the following steps:

- Step 1: Determine the amount of the benefit, excluding the needs of the adopted child.
- Step 2: Determine the amount of the benefit, including the needs and non-excluded income of the adopted child.

If the amount in Step 2 is less than the amount in Step 1, the adopted child must be excluded from the AG.

If the amount in Step 2 is greater than the amount in Step 1, the adopted child must be included in the benefit group.

EXAMPLE: Mr. and Mrs. T are eligible for \$360 from the former AFDC Program for themselves and their three children. They adopt Sam and he receives \$200 non-excluded adoption assistance.

- Step 1: \$360-AFDC AG of 5, excluding Sam
- Step 2: Sam's \$200 non-excluded adoption assistance reduces the amount of AFDC a 6-person AG would receive from \$413 to \$213.

Because \$213 is less than \$360, and the benefit is reduced, Sam must be excluded from the AG.

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EXAMPLE: Same as the preceding example, except that, Sam receives non-excluded adoption assistance of \$50.

Step 1: \$360 AFDC AG for 5, excluding Sam

Step 2: Sam's \$50 non-excluded adoption assistance reduces the AFDC 6 person AG payment of \$413 to \$363.

Because \$363 is greater than \$360, and the benefit is not reduced, Sam is included in the AG.

- Individuals who are ineligible due to failure to fulfill an eligibility requirement. This includes the following individuals:
 - The specified relative who fails to cooperate with BCSE medical support requirements without good cause, or who, after assigning rights, fails to cooperate without good cause.
 - The individual who fails to meet the enumeration requirement.
 - The caretaker relative, who is not a parent of the dependent child and who fails, without good cause, to apply for and accept a potential resource for which he may be eligible.
- Parents and siblings who are ineligible due to receipt of a lump sum

3. Treatment Of The Minor Parent (mp) In The AG

Treatment of the minor parent (mp) in the AG requires special consideration, depending upon whether he is under the care and control of the specified relative, or whether he has care and control of his own child.

Care and control is defined as providing or making provision for the day-to-day supervision of the child. Care and control may include, but is not limited to, the following:

- Managing the income of the child. This may include the payment of shelter expenses and the purchase of food, clothing, or incidentals for the child.
- Day-to-day care which may include meal preparation, feeding, dressing, bathing and supervision of activities.

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- Responsibility for obtaining medical treatment, including making appointments for and attending physician or clinic visits, and supervising the administration of prescribed treatment.
- Responsibility for educational activities, such as making decisions about school enrollment, attending conferences or being listed as a contact person.

The decision regarding care and control must be made on a case-by-case basis. If the Worker cannot make a decision using the above criteria, the Supervisor makes the decision.

A minor parent (mp) is treated as a dependent child in the AG when:

- An application is made by a specified relative who has care and control of both the mp and her child.
- An application is made for the mp only by a specified relative who has care and control of the mp.

NOTE: The mp who lives with a spouse cannot be considered a dependent child.

NOTE: When the mp is a dependent child, she must be included on the AG with her dependent blood-related siblings who are otherwise eligible.

The mp is treated as the specified relative anytime she has care and control of her own child.

NOTE: When the mp and the legal father of the child live together, it is assumed that they are the caretakers of their child. When the mp has more than one child and all of the children do not have the same father, the mp is assumed to be the caretaker of all the children as long as the legal father of one child lives in the home. However, when the mp lives with a spouse who is not the legal father of the child, or any of the children, it is not assumed that the mp is the caretaker of the child.

When an individual in the home, other than the mp, has care and control of the mp's child and applies for AFDC-Related Medicaid for the child, the mp who lives in the home must be included in the AG because she is the parent of the child, not because she is the specified relative. In this situation, the mp is considered to be the non-caretaker parent. The individual who has care and control of the mp's child is the specified relative of the child.

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NOTE: The mp must be treated the same for the Income Group and for the AG, i.e., when the mp is treated as a dependent child in the AG, the mp's own income is treated as that of a child. When the mp is treated as a specified relative or a non-caretaker parent, the income is treated as that of an adult.

B. THE INCOME GROUP (AG)

The income counted depends on the AG member. Each member listed shows the income which is counted to determine his eligibility. Only the income of individuals, including ineligible / illegal aliens, who live in the home with the AG member is counted.

1. Parent(s)

Count the income of:

- The parent(s)
- The legal spouse of the parent

See Chapter 10 for deeming instructions.

2. Child, Including The Minor Parent (mp) Who Is A Dependent Child

Count the income of:

- The child
- The parent(s) of the child

NOTE: The income of a child is never counted for a parent or a sibling.

3. Minor Parent (mp) Who Is A Caretaker Relative

Count the income of:

- The mp
- The MP(s)

See Chapter 10 for deeming instructions.

4. Non-Parent Caretaker Who Chooses To Be Included

Eligibility Determination Groups

5. Count the income of:
 - The caretaker relative
 - The spouse of the caretaker relative

See Chapter 10 for deeming instructions.

C. THE NEEDS GROUP

Countable income and assets of the Income Group are compared to the limit for the number of persons in the Needs Group to determine financial eligibility. The Needs Group is not used to determine whose income to count or whose medical expenses to use to meet the spenddown. See item B and Chapter 10. The number of persons included in the Needs Group depends on the AG member. Only individuals who reside with the AG member(s) are counted.

NOTE: Recipients of SSI, whether they are adults or children, are not included in the Needs Group.

1. Parent(s)

The NG of the parent includes:

- The parent(s)
- The spouse of the parent described above, even when the spouse is not a parent of the children, regardless of the spouse's Medicaid status, except SSI
- All dependent children of the parent(s) and the parent's spouse and all of the blood-related siblings of the dependent children living in the home, regardless of the children or siblings' Medicaid status, except SSI
- When the parent is a minor living with his parent(s), the minor's parent(s) is also included in the NG, regardless of his Medicaid status, except SSI.

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2. Child(ren)

The NG of the child includes:

- The dependent child
- The natural or adoptive parent(s) of the dependent child, regardless of the Medicaid status of the parent(s), except SSI
- The blood-related siblings of the dependent child, regardless of the siblings' Medicaid status, except SSI
- The natural or adoptive parent(s) of the minor parent(s), regardless of the Major Parent(s)' Medicaid status, except SSI.
- The following individuals, when a non-parent caretaker relative of the eligible child is included in the AG:
 - The included non-parent caretaker relative
 - The spouse of the included non-parent caretaker relative, regardless of Medicaid status, except SSI
 - All dependent children of the included non-parent caretaker relative and the caretaker's spouse and all of the blood-related siblings of these children who live in the home, regardless of Medicaid status, except SSI Medicaid

3. Non-Parent Caretaker Who Chooses To Be Included

The NG of the caretaker consists of:

- The non-parent caretaker relative
- The spouse of the non-parent caretaker relative, regardless of his Medicaid status, except SSI
- All dependent children of the non-parent caretaker and the non-parent caretaker's spouse and all of their blood-related siblings who live in the home, regardless of the Medicaid status, except SSI.

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- The child(ren) upon whom the non-parent caretaker's eligibility is based.

4. A Minor Parent (mp) Living With A Major Parent (MP)

NOTE: A minor parent (mp) is a parent under the age of 18, regardless of completion of school or training.

Cases involving an mp require special consideration, only because a variable, not present in other cases, exists, i.e., there are two parental groups in the family. The first parental unit is the MP(s), and the second is the mp. Any of the following combinations of eligible people are possible.

- mp + child
- MP + mp + child
- MP + mp
- See Section 9.4,A,4 to determine the treatment of an mp as a dependent child or a caretaker relative. The composition of her NG is determined based on who makes an application for whom, and the mp's treatment in the AG.

a. When the AG Includes the mp and the Child

(1) The mp's NG

The mp's NG is composed of the MP(s) and the mp and the mp's child(ren) who live with her.

(2) The Child's NG

The child's NG is composed of the mp, the child, and the child's blood-related siblings who live with him.

b. When the AG Includes the MP(s), the mp Who is a Dependent Child and the mp's Child

(1) The MP(s) NG

The MP(s) NG composition is determined as found in item 1 above. The mp is included in the MP(s) NG.

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(2) The mp's NG

The mp's NG is composed of the MP(s), mp, the mp's blood-related sibling(s) who live with her and the mp's child(ren) who live with her.

(3) The Child's NG

The child's NG is composed of the mp, the child and the child's blood-related siblings who live with him.

c. When the AG Includes the MP(s), the mp Who is an Adult and the mp's Child

(1) The MP(s) NG

The MP(s) NG composition is determined as found in item 1 above. The mp is not included in the NG.

(1) The mp's NG

The mp's NG is composed of the MP(s), the mp and the mp's child.

Eligibility Determination Groups

(2) The Child's NG

The child's NG is composed of the mp, the child and the child's blood-related siblings who live with him.

d. When the AG Includes the MP(s) and the mp Who Is A Dependent Child

(2) The MP(s) NG

The MP(s) NG composition is determined as found in item 1 above. The mp is included in the NG.

(3) The mp's NG

The mp's NG is composed of the MP(s), the mp, the blood-related sibling(s) of the mp who live in the home, and the mp's child.

NOTE: When the mp is included in the AG, only because she must be included as the parent of her child, i.e., another specified relative in the home applies for and has care and control of the mp's child, the mp is treated as an adult in the NG.