
**DEPARTMENT
POLICY****MA Only**

This is a Group 2 MA category.

MA is available to parents and other caretaker relatives who meet the eligibility factors in this item. All eligibility factors must be met in the calendar month being tested. If the month being tested is an L/H month and eligibility exists, go to BEM 546 to determine the post-eligibility patient-pay amount.

**NONFINANCIAL
ELIGIBILITY
FACTORS**

A caretaker relative is a person who meets all of the following requirements:

- Except for temporary absences, the person lives with a dependent child. Use “CARETAKER RELATIVE NONFINANCIAL TEMPORARY ABSENCE” below. Dependent child is defined later in this item.
- The person is:
 - The parent of the dependent child; **or**
 - The core relative (other than a parent) who acts as parent for the dependent child. Core relative is defined later in this item. Acts as parent means provides physical care and/or supervision.
- The **MA** eligibility factors in the following items must be met.
 - BEM 220, Residence.
 - BEM 221, Identity.
 - BEM 223, Social Security Numbers.
 - BEM 225, Citizenship/Alien Status.
 - BEM 255, Child Support.
 - BEM 256, Spousal/Parental Support.
 - BEM 257, Third Party Resource Liability.
 - BEM 265, Institutional Status.
 - BEM 270, Pursuit of Benefits.

When a dependent child lives with both parents, both parents may be caretaker relatives.

Occasionally, a core relative (other than a parent) who claims to act as parent for the dependent child and the child's parent both live with the child. The client's statement regarding who acts as parent must be accepted. If both the parent and other core relative claim to act as parent, assume the parent is the caretaker relative. When only the other core relative claims to act as parent, both the other core relative and the parent(s) may be caretaker relatives.

Except as explained in the two preceding paragraphs, a child can have only one caretaker relative. This means that if a person is an Medicaid applicant or beneficiary based on being a caretaker relative, no other person can apply for or receive Medicaid based on being a caretaker relative for the same dependent child.

Note: An ex parte review (see glossary) is required before Medicaid closures when there is an actual or anticipated change, unless the change would result in closure due to ineligibility for all Medicaid. When possible, an ex parte review should begin at least 90 days before the anticipated change is expected to result in case closure. The review includes consideration of all MA categories. See BAM 115 and 220.

FINANCIAL ELIGIBILITY FACTORS

Groups

Use the fiscal group policies for Group 2 Medicaid in BEM 211.

Assets

Countable assets cannot exceed the asset limit in BEM 400. Countable assets are determined using BEM 400 and BEM 401.

Divestment

Policy in BEM 405 applies because income can be divested.

Income Eligibility

Income eligibility exists when net income does not exceed the Group 2 needs in BEM 544. Apply the Medicaid policies in BEM 500, 530 and 536 to determine net income.

If the net income exceeds Group 2 needs, Medicaid eligibility is still possible. See BEM 545.

**DEPENDENT CHILD
DEFINED**

A child is a dependent child when he meets all of the following conditions:

- The child is born.
- The child meets the **FIP** eligibility factors in the following items:
 - BEM 223, Social Security Numbers.
 - BEM 225, Citizenship/Alien Status.
 - BEM 270, Pursuit of Benefits.
- The child is a resident using Medicaid policy in BEM 220.
- The child meets the following age or age and school attendance requirement:
 - He must be under age 18; **or**
 - He must be age 18 and a full-time student in a high school or in the equivalent level of vocational or technical training as defined in FIP policy in BEM 245. He must be expected to complete his educational or training program before age 19.
- The child is:
 - A FIP recipient.
 - A SSI recipient.
 - A Medicaid applicant.
 - Active Medicaid deductible.
 - A Medicaid beneficiary.
 - A MICHild beneficiary.

**CARETAKER
RELATIVE
NONFINANCIAL
TEMPORARY
ABSENCE**

Living together or **living with** others means sharing a home, where family members usually sleep, except for temporary absences. A temporarily absent person is considered in the home.

A person's absence is temporary if:

- His location is known; **and**

- There is a definite plan for his return; **and**
- He lived with the group before the absence;

Note: Newborns and unborn are considered to have lived with the group; **and**

- The absence has lasted, or is expected to last, 30 days or less.

Exceptions:

- “**Joint Custody**” below.
- A person in a medical hospital is considered in the home.
- A person is considered in the home when absent for training or education.
- A **dependent child** (defined above) in a psychiatric hospital is considered in the home for up to 12 calendar months after the admission date.

Presume that a placement in a residential facility (other than a medical hospital) will last over 30 days. The absence begins with the admission date and ends with a discharge to the person’s home. It is not interrupted by home visits or admission to a medical hospital.

Consider the stay temporary **only** if the facility provides a signed statement that includes an expected discharge within 30 days after the admission.

Residential facilities provide 24-hour care, maintenance and supervision. Examples:

- Long-term care facilities.
- Homes for the aged.
- Licensed child foster care homes.
- Child caring institutions.
- Mental health facilities.

Joint Custody

Sometimes a court awards custody of children to both parents jointly. Separated parents may practice joint custody informally in the absence of a court order. A child is considered to be living with only one parent in a joint custody arrangement. This person is the primary caretaker. This is the person who provides the home where the child sleeps more than half of the days in a month, averaged over a twelve month period. The twelve month period begins at the

time the determination is being made. This is the parent who is responsible for the child's day-to-day care and supervision.

In a joint custody arrangement, one parent must be the primary caretaker. The other parent is considered absent from the home. For purposes of determining a primary caretaker accept the client's statement unless questionable or disputed by the other parent.

When parenting time is disputed or questionable, base your determination on a court order that addresses custody or visitation, if one is available. In the absence of a court order, give each parent an opportunity to present evidence of their claim. See Verification Sources in this item.

CORE RELATIVE DEFINED

A core relative is any of the following:

- Parent.
- Aunt or uncle.
- Niece or nephew.
- Any of the above relationships prefixed by grand, great or great-great.
- Stepparent.
- Sister or brother.
- Stepsister or stepbrother.
- First cousin.
- First cousin once removed (i.e., a first cousin's child).
- The spouse of any person above, **even** after marriage is ended by death or divorce.

The above includes relationships established by adoption.

Note: Termination of parental rights is a court order that ends a parent's rights and responsibilities to the child.

A person whose parental rights are terminated by a court is not a core relative. The child's relationships to **other** core relatives are not affected.

VERIFICATION REQUIREMENTS

The client's statements regarding relationship, primary caretaker, presence in the home and school attendance for the dependent child (ren) may be accepted. Verification is required only if the individual's statements are inadequate or inconsistent with other information.

Verification requirements for all other eligibility factors are in the appropriate manual items.

Verification Sources

Relationship

- Birth certificate.
- Hospital certificate of birth.
- Official records containing relationship information. **Examples:** court, school, church or medical records; marriage certificate; insurance policy.
- Newspaper account containing relationship information.
- Written statements by at least two persons with direct knowledge of the relationship.

Presence in the Home

- Home call.
- Written statements by at least two persons who do not live with the group but have direct knowledge of the living arrangement.
- School contact confirming where and with whom the child lives. DHS-3380, School Enrollment Verification, may be used.
- Court, medical or other official records confirming the child's presence in the home.

- Written statement from the landlord **if** the individual has direct knowledge of the living arrangement.

Primary Caretaker:

- School records indicating who enrolled the child in school, first person called in an emergency, who arranges for the child's transportation to and from school.
- Child care records showing who makes and pays for the child care arrangements and who drops off and picks up the child.
- Medical records showing where the child lives and who generally takes the child to medical appointments.

LEGAL BASE

MA

42 CFR 435.310, .510.
Deficit Reduction Act of 2005.