
**DEPARTMENT
POLICY****MAGI-Related**

Group composition for MAGI-related categories follows tax filer and tax dependent rules.

The MAGI related groups are:

- Children (U19). The income limit for children birth to age 1 is 195% of the federal poverty level (FPL). The income limit for a child age 1-19 is 160% FPL.
- Pregnant Women (PW). The income limit for pregnant women of any age is 195% FPL.
- Parents and caretakers (PCR). The income limit for parents and caretakers is 54% FPL.
- Healthy Michigan Plan (HMP). The income limit for adults age 19-64 is 133% FPL.
- Former foster children (FCTM). There is no income test for individuals' ages 18-26 who were in foster care at age 18.
- MOMS. The income limit for pregnant women of any age is 195% FPL.
- MICHild. The income limit for children birth to age 19 is 212% FPL.

More information regarding income limits is available at www.medicaid.gov.

FAMILY SIZE

The size of the household will be determined by the principles of tax dependency in the majority of cases. Parents, children and siblings are included in the same household. Parents and stepparents are treated the same. Individual family members may be eligible under different categories.

**TAX FILERS AND
NON- TAX FILERS**

The household for a tax filer, who is not claimed as a tax dependent, consists of:

- Individual
- Individual's spouse
- Tax dependents

The household for a non-tax filer who is not claimed as a tax dependent, consists of the individual and, if living with the individual:

- Individual's spouse
- The individual's natural, adopted and step children under the age of 19 or under the age of 21 if a full time student.
- If the individual is under the age of 19 (or under 21 if a full time student), the group consists of individual's natural, adopted and step parents and natural, adoptive and step siblings under the age of 19 (or under 21 if a full time student).

The household for an individual who is a tax dependent of someone else, consists of:

- The household of the tax filer claiming the individual as a tax dependent, except that the individual's group must be considered as non-filer/non-dependent if:
- The individual is not the spouse or a biological, adopted, or step child of the taxpayer claiming them; or
- The individual is under the age of 19 (or under 21 if a full time student) and expects to be claimed by one parent as a tax dependent and are living with both parents but the parents do not expect to file a joint tax return; or
- The individual is under the age of 19 (or under 21 if a full time student) and expects to be claimed as a tax dependent by a non-custodial parent,
- The individual's group consists of the parent who has a court order or binding separation, divorce, or custody agreement establishing physical custody controls, or
- If there is no such order or agreement or in the event of a shared custody agreement, the custodial parent is the parent with whom the child spends most nights.

Core Relative

Core relatives include 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 (for example, a first cousin's child).

A core relative may also include the spouse of any individual above, even after the marriage is ended by death or divorce. Core relatives include relationships established by adoption.

The individual's statement regarding relationship, presence in the home and tax dependency is acceptable.

**HOUSEHOLD
COMPOSITION
EXAMPLES**

Kayla is a grandmother who claims her 20 year old daughter, Samantha and 2 year old granddaughter, Joy as tax dependents. Samantha is a full-time student. Kayla is the tax filer.

- Tax rules apply to all.
- Kayla's group is 3. Kayla, Samantha and Joy.
- Samantha's group is 3. Samantha, Kayla and Joy.
- Joy's group is 2, Samantha and Joy.

Bob and Mary are married. Mary is the mother of Jane, age 22. Jane attends college in Ohio. Bob is the tax filer and claims Mary and Jane as tax dependents.

- Tax rules apply to all.

- Group is 3 for all individuals.

SSI-Related MA, Group 2 Pregnant Women, Group 2 Persons Under Age 21, Group 2 Caretaker Relative

Use fiscal groups and, for SSI-related MA, Group 2 Persons Under Age 21 and Group 2 Caretaker Relative, asset groups to determine the financial eligibility of a person who requests Medicaid and meets all the nonfinancial eligibility factors for an Medicaid category.

Individual family members may be eligible under different Medicaid categories.

All categories of Medicaid must be explored for each person who requests Medicaid; see CHOICE OF CATEGORY in BEM 105.

REFUSING INFORMATION

SSI-Related MA, Group 2 Pregnant Women, Group 2 Persons Under Age 21, Group 2 Caretaker Relative

A person about whom information necessary to determine eligibility is refused and that person's spouse and children, if living with the person, are not eligible for MA. Therefore, no fiscal or asset group is set up for them.

Failure to cooperate with SSN, support or third party resource liability requirements (BEM 223, 255, 256 and 257) may result in MA ineligibility for a person, but is not refusing information necessary to determine eligibility.

DEFINITIONS

SSI-Related MA, Group 2 Pregnant Women, Group 2 Persons Under Age 21, Group 2 Caretaker Relative

Child means an unmarried person under age 18.

Adult means a person who is married or age 18 or older.

**RULES FOR
GROUPS****SSI-Related MA, Group 2 Pregnant Women, Group 2 Persons Under Age 21, Group 2 Caretaker Relative**

Determine the fiscal and asset groups separately for each person requesting MA. When referring to the group listings, remember:

- Only persons living with one another can be in the same group; see LIVING WITH.
- Certain persons cannot be fiscal or asset group members in SSI-related MA; see EXCLUDED PERSONS.
- There is no asset test for Group 2 Pregnant Women.

For all Group 2 MA categories, when a child lives with both parents who do not live with each other (for example, child lives with his mother two weeks each month and his father the other two weeks), only one parent, the primary caretaker, is in the fiscal group. Determine a primary caretaker.

The primary caretaker is the parent who is primarily responsible for the child's day-to-day care and supervision in the home where the child sleeps more than half the days in a month, when averaged over a twelve month period. The twelve month period begins at the time the determination is being made. Vacations and visitation with the absent parent do not interrupt primary caretaker status.

Joint physical custody occurs when parents alternate taking responsibility for the child's day-to-day care and supervision. It may be included in a court order or may be an informal arrangement between parents. A child is considered to be living with only one parent in a joint custody arrangement. This parent is the primary caretaker.

Pregnancy

Count a pregnant woman as at least two members. If multiples are expected count the woman as three, etc.

LIVING WITH**SSI-Related MA, Group 2 Pregnant Women, Group 2 Persons Under Age 21, Group 2 Caretaker Relative**

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.

**Temporary
Absence****SSI-Related MA, Group 2 Pregnant Women, Group 2 Persons Under Age 21, Group 2 Caretaker Relative**

A person's absence is temporary if for the month being tested:

- His/her location is known; **and**
- There is a definite plan for him/her to return home; **and**
- He/she lived with the group before the absence (**Note:** newborns and unborns are considered to have lived with their mothers); **and**
- The absence did not last, or is not expected to last, the entire month being tested unless the absence is for education, training, or active duty in the uniformed services of the U.S.

Exception: An absence is never temporary when:

- The month being tested is an L/H month (see BPG) for the absent person; or
- The absent person is in one of the following on the last day of a past month or on the processing date for current and future months:
 - Long-term care (LTC) facility.
 - Adult foster care facility.
 - Home for the aged.
 - Licensed child foster care home.
 - Child caring institution.

Therefore, the above persons (including spouses residing in the same facility) are never considered to be living with others. A child who has resided in a hospital for 30 or more days is not considered

to be living with others and is a fiscal group of one. Certify for 12 months before re-determining eligibility for the child.

RULES FOR DEPENDENT CHILDREN

A dependent child can be temporarily absent from only one home. When a child spends time with two parents who do not live together, a primary caretaker must be determined. Scheduled vacations and visitation do not interrupt primary caretaker status.

EXCLUDED PERSONS FOR SSI- RELATED

SSI-Related MA

The following cannot be fiscal or asset group members:

- FIP recipients.
- SSI recipients.
- Title IV-E recipients.
- Department wards.
- A person about whom information necessary to determine eligibility is refused.

SSI-RELATED FISCAL GROUPS

SSI-Related MA

Determine the fiscal group for each person who is requesting MA. The fiscal group must be determined separately for each person.

SSI-Related Child

SSI-Related MA

A **child** is a fiscal and asset group of one.

For a child living with his parent(s), BEM 400 and 540 explain whether the parent(s) must deem assets or income to the child. Also, see BEM 540 to determine budgetable income for the fiscal group.

SSI-Related Adult

SSI-Related MA

An **adult's** fiscal and asset group is:

- The adult for an L/H patient, a waiver patient (see BEM 106 and 167) or a Freedom to Work (BEM 174) client, even if he lives with his community spouse, and the spouse is not also an L/H, waiver, or Freedom to Work client.

Exception: When BEM 402 instructs you to determine a couple's countable assets for an **INITIAL ASSET ASSESSMENT** or **Initial Eligibility**, the L/H or waiver patient and his community spouse are considered an asset group.

- The adult and his spouse for all other customers.

See BEM 400 to determine the asset group's countable assets and BEM 541 to determine budgetable income for each person in the fiscal group.

Note: Transfers of income and/or assets are allowed between spouses regardless of each's eligibility for program benefits. Transfers between spouses may cause program ineligibility for one or both spouses. This includes transfers of income from an L/H spouse to the spouse in the home who may be a waiver client.

Group 2 Fiscal Groups

Determine the fiscal and asset groups separately for each person requesting Medicaid. The fiscal group must be determined separately for each person. In determining a person's eligibility, the only income that may be considered is the person's own income and the income of the following persons who live with the individual:

- The individual's spouse, and
- The individual's parent(s) if the individual is a child.

Group 2 Under Age 21

A child's fiscal group is the child and the child's parents.

**Group 2 Caretaker
Relative**

An adult's fiscal group is the adult and the adult's spouse.

**VERIFICATION
REQUIREMENTS****Group 2 Medicaid**

Verify the primary caretaker when questioned or disputed.

**Verification
Sources****Primary Caretaker**

Court order that addresses custody or visitation.

School records indicating who enrolled the child and who is called in an emergency situation.

Medical records stating where the child lives, who is responsible for the child's medical care.

Child care records showing where the child lives and who makes and pays for the child care arrangements.

LEGAL BASE**MA**

Social Security Act, Sections 1902(a) (10), (17)
MCL 400.106

The Affordable Care Act (Pub. L. 111-148) and the Health Care and Education Reconciliation Act (Pub. L. 111-152).