

MISSISSIPPI DIVISION OF MEDICAID

Eligibility Policy and Procedures Manual

CHAPTER 200 – Income: Aged, Blind and Disabled (ABD) Categories

Page | 2060

200.07.15 SUPPORT PAYMENTS - SPOUSAL SUPPORT, ALIMONY

Alimony and support payments are cash contributions to meet some or all of a person's needs for food and shelter. Support payments may be made voluntarily or because of a court order. Alimony, sometimes call "maintenance" is an allowance made by a court from the funds of one spouse to the other spouse in connection with a suit for separation or divorce. Alimony and spousal support payments are counted as unearned income to the recipient.

Deeming

The income used to make court-ordered support payments by an ineligible spouse, ineligible parent or ineligible child is excluded from the deemor's income.

200.07.16 SUPPORT PAYMENTS – CHILD SUPPORT

A child support payment is payment from a parent to or for a child to meet the child's needs for food and shelter. Child support can be voluntary or court-ordered.

Absent Parent

An absent parent is a parent who does not live in the same household as the child. If periods of living together are brief and the child remains independent or under the care and control of another person, agency or institution, or is living in the home of another, the parent is usually considered absent unless the parent retains parental control and responsibility.

A parent is not considered absent if the parent is away due to employment, intends to resume living with the child and retains parental control and responsibility. A child (or parent) who is a boarding student in an educational facility is not considered absent.

200.07.16A TREATMENT OF CHILD SUPPORT PAYMENTS

Child support payments (including arrearage payments) are unearned income to the child. An arrearage payment is one that was due, but not paid timely and is being paid to comply with an unfulfilled past obligation. Exclude one-third of the amount of the child support payment made to or for an eligible child by an absent parent.

Verify amount and frequency using court records, records of an agency where payments are made, documents in the individual's possession or contact with the source of the payment.

Effective Month: June 2012

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TREATMENT OF CHILD SUPPORT PAYMENTS (Continued)

When a single support payment, e.g., one check, is made for two or more persons, review the legal document that describes the support payments. If the legal document states the amount of each person's share, divide the payment according to the terms of the document. If not, divide the payment equally. If no legal document exists, contact the payment source to establish intent and allocate the support payment according to that intent. If contact with the source is unsuccessful, accept the recipient's signed allegation about how the support should be allocated. If the recipient cannot state how the support should be allocated, divide the payment equally.

Deeming

The one-third exclusion of a child support payment applies to the eligible child only. The disregard is not applied when an ineligible child receives child support payments which are considered in a deeming computation. In addition, the income used to make court-ordered or Title IV-D support payments by an ineligible spouse, ineligible parent or ineligible child is excluded from the deeming's income.

Adult Children

Child support payments (excluding arrearages) received by a parent after an adult child stops meeting the definition of a "child" are income to the adult child, whether or not the adult child lives with the parent or receives any of the child support from the parent. These payments are not subject to the one-third reduction.

When a parent receives child support arrears payments on behalf of an adult child:

- Any portion of the arrearage payment that the parent receives and does not give to the adult child is income to the parent.
- Any amount of the arrearage payment that the parent gives to the adult child is income to the adult child in the month given, not income to the parent. The one-third reduction does not apply.
- When an adult child receives an arrearage payment directly from the absent parent, the arrearage payment is income to the adult child. The one-third reduction does not apply.

Child support payments and arrearages received by a parent on behalf of a deceased child or adult child are income to the parent who receives them.