

MISSISSIPPI DIVISION OF MEDICAID

Eligibility Policy and Procedures Manual

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

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200.11.04C DEFINITION OF INELIGIBLE CHILD FOR DEEMING

An ineligible child for deeming purposes is either a natural or adopted child of an:

- Eligible individual or the eligible individual's spouse; or
- An ineligible parent or the ineligible parent's spouse.

In addition to the general definition of a child, an ineligible child must also be unmarried and:

- Under age 18 or
- Under age 22 and a student. (**NOTE:** Prior to 06/16/08, an ineligible student child could remain a "child" for deeming purposes only until age 21) and
- Who lives in the same household with an eligible individual. (NOTE: an ineligible child, for ABD purposes, assumes the child is not applying for or receiving Medicaid through SSI, TANF or as a DCLH. A child applying or receiving benefits through any of these programs cannot receive an "ineligible child" allocation from an ineligible parent in the deeming process.)

200.11.04D DEFINITION OF PARENT FOR DEEMING

A parent whose income and resources are subject to deeming is one who lives in the same household with an eligible child and is:

- A natural parent of the child;
- An adoptive parent of the child.

Deem a parent's income and resources to an eligible child beginning the month:

- After the month the child comes home to live with the parent(s)(e.g., the month following the month the child comes home from the hospital; or
- Of birth when a child is born in the parent's home;
- After the month of adoption (the month of adoption is the month the adoption becomes final).

Deeming is applied from parent to child when they live together in the same household. When the child lives with a stepparent, the stepparent is not considered a parent or spouse of a parent of the eligible child for deeming purposes. Other relatives

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DEFINITION OF PARENT FOR DEEMING (Continued)

or individuals who have legal custody of a child, but are not natural or adoptive parents, are also not considered parents for deeming purposes.

An individual whose parental rights have been terminated due to adoption no longer meets the definition of “parent” for Medicaid purposes. This remains true if the adopted child later lives in the same household as the former parent.

Waiver of Parental Deeming Rules

Effective July 1, 1998, a child in the Disabled Child Living at Home coverage group is exempt from parental deeming of income and resources. The eligible child’s own income and resources affect Medicaid eligibility in the usual manner.

Temporary Absence

For deeming purposes, a temporary absence exists when an individual (eligible individual or child or ineligible spouse, parent or child) leaves the household but intends to, and does, return in the same month or the following month. If the absence is temporary, deeming continues to apply.

A child, away at school (vocational or educational training facility), who returns home on some weekends, holidays, or vacations and is subject to parental control is considered temporarily absent from the parents’ household regardless of the duration of the absence. Evidence which may indicate a child away at school is not subject to parental control includes an existing agreement, court order or signed statements from parents or school authorities. In the absence of such evidence, consider the child subject to parental control.

200.11.04E INCOME EXCLUDED FROM DEEMING

Any item which is not income to an eligible individual is also not income to an ineligible spouse or parent. In addition, the following types of income are excluded from deeming:

- Exclude income used by an ineligible spouse or ineligible parent (or child) to make support court-ordered payments. **NOTE:** If an ineligible child receives child support payments, do not disregard one-third of the payment as is done for an eligible child.