

# MISSISSIPPI DIVISION OF MEDICAID

## Eligibility Policy and Procedures Manual

### 102.10 FCC NON-FINANCIAL REQUIREMENTS

The non-financial requirements which pertain only to the Families, Children and CHIP program are discussed in this section.

#### 102.10.01 DEPRIVATION

Deprivation is an eligibility factor for children eligible in the Medical Assistance (85) program. These children must be deprived of the support of one or both of their parents for one of the following reasons:

- Death
- Continued absence from the home
- Physical or mental incapacity (2-parent families only)
- Unemployment or Underemployment (2-parent families only)

A condition of deprivation is not applicable to children who qualify on financial need for the FPL Medicaid programs (87, 88, and 91) or CHIP.

#### Adoption

Deprivation is established for the 85 child in relation to the child's legal and/or natural parents. The biological parent of a child who has been legally adopted is no longer a legally responsible parent. When a child has been legally adopted, deprivation is determined only in regard to the adoptive parents. Deprivation due to continued absence is always met in a single parent adoption.

#### Legally Responsible Parents

The following are legally responsible parents:

- The child's mother
- The child's legal father
- The adoptive parent who has been legally granted a final decree of adoption.

# MISSISSIPPI DIVISION OF MEDICAID

## Eligibility Policy and Procedures Manual

CHAPTER 102 – Non-Financial Requirements

Page |1426

---

### ❖ Families, Children and CHIP Programs

#### Legal Father

For the deprivation determination in the 85 program and for budgeting in all FCC programs, a child's legal father is one of the following:

- A man whose name appears on the child's birth certificate is the legal father unless a court has determined otherwise;
- A man who has been declared to be the child's father by a court order;
- A man who has acknowledged paternity of the child in an Admission of Paternity if there is no legal father either on the birth certificate or in a court order;
- A man who married the child's mother subsequent to the birth and publicly acknowledges that he is the father of the child when there is no legal father listed on the child's birth certificate and a paternity order has not been issued establishing a different person as the father .

#### Deprivation Based on Death

A child is considered deprived if either or both of his parents are deceased.

#### Deprivation Based on Continued Absence of a Parent

Continued absence exists when a parent does not live in the home with the child as the result of divorce, legal separation, desertion, incarceration, long term hospitalization, institutional care, court-ordered removal of the child from the home or because paternity has not been established. Deprivation is also established if the parent is convicted of an offense and sentenced to perform unpaid public work or community service during working hours and is allowed by the court to live at home. However, deprivation does not exist when a parent lives at an address separate and apart from the child, and:

- The parent is out of the home solely to seek or accept employment or
- The parent is out of the home solely due to active duty in the uniformed service of the United States.

Accept the declaration of the applicant/recipient regarding continued absence unless it is questionable.

# MISSISSIPPI DIVISION OF MEDICAID

## Eligibility Policy and Procedures Manual

CHAPTER 102 – Non-Financial Requirements

Page |1427

---

### ❖ Families, Children and CHIP Programs

#### Deprivation Based on Incapacity

A child who lives with biological, legal or adoptive parents is deprived of parental support or care if one or both parents receive Social Security Disability or SSI.

#### Deprivation Based on Under/Unemployment

A child who lives with both biological, legal or adoptive parents is deprived of parental support or care if the combined family income is equal to or below the 85 program gross and net income limits for the appropriate family size.