

**OTHER ELIGIBILITY REQUIREMENTS****LEGALLY RESPONSIBLE RELATIVES  
PARENTS AND CHILDREN****IV-D REQUIREMENTS****Description:**

Title IV Section D (IV-D) of the Social Security Act was established to: secure and enforce child support and medical support from absent parents; establish paternity when necessary; and to provide a parent locator service. For more detailed information regarding IV-D refer to the Public Assistance Source Book, Section VIII-T.

**Policy:**

Generally, a Medicaid household including a child under the age of 21, whose parent is absent from the home, must as a condition of eligibility meet the requirements to secure medical support and establish paternity, unless good cause not to cooperate exists. Not all IV-D requirements apply to the Medicaid program; pursuit of cash support is not a requirement for Medicaid A/Rs.

**NOTE:** In situations of evenly shared custody of a child(ren) referrals to the CSEU should be made in all instances, except when good cause is established or instances where medical support is already being provided. Although neither parent is absent, referral to the CSEU is appropriate in order to assure that medical support is addressed and appropriately provided. The referral would be made for the parent that does not reside in the household in which the child receives Medicaid.

In addition to the good cause exception, the following other IV-D exceptions apply for Medicaid A/Rs:

- Individuals who apply at outstation locations. The procedures that have been in place since outstationing was implemented will continue.
- All pregnant women, through their pregnancy and the 60 day post partum extension period, regardless of whether:
  - They apply at the local district office, a qualified presumptive eligibility provider or a otherwise qualified outstation location;
  - They are applying for their children or themselves only; or
  - The long or short application is used;

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- TMA recipients. After the TMA extension ends and the A/Rs present for a recertification interview the A/Rs are given the opportunity to comply with any IV-D requirement before Medicaid is discontinued.

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**NOTE:** IV-D referrals are not required when a pregnant woman is applying, whether or not she is applying for other children in addition to herself. Any IV-D referral of a pregnant woman is not completed until 60 days after the end of her pregnancy, unless specifically requested by the pregnant woman.

Under Family Court Act (FCA) § 416, support orders must require legally responsible relatives to make use of any health insurance coverage available to cover the child on whose behalf a child support petition is brought. The cost of providing such health insurance for the child is prorated between the parents.

If neither parent has health insurance available, FCA § 416 requires the court to direct the custodial parent to apply for Medicaid or Child Health Plus for the child. If the child is eligible for one of those programs, the parents' obligation is to pay the cost of any required premium or family contribution, such as co-payments, that are the responsibility of the recipient under the Medicaid or Child Health Plus programs, which cost shall be prorated between the parents. (The parents are not required to pay the cost of premiums typically paid by the Medicaid program for an eligible recipient, such as managed care premiums or premiums paid under Medicaid rules for private, cost effective health insurance.)

A direction by the court to seek Medicaid or Child Health Plus for the child does not eliminate the parents' obligation to utilize for the child's benefit any health insurance coverage that may subsequently become available.

<b>References:</b>	SSL Sect.	111 366.3 366.4(h) 367-a.2(b)
	Dept. Reg.	369.2(b) 360-4.3(f) 360-7.11 441.2

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ADMs	99 ADM-5 92 ADM-40 89 ADM-47 89 ADM-23
INFs	07 OHIP/INF-1 90 INF-45
GIS	08 MA/031

**Interpretation:**

The eligible parent or other caretaker/relative of a child under the age of 21 whose parent is absent from the home must meet the following IV-D requirements, for medical support only:

Cooperate in good faith with the State and the local social services district to establish the paternity of a child born out of wedlock, to locate any absent parent or putative father and to establish, modify, and enforce support orders.

The term "cooperation" includes providing information for the worker to complete the DSS-2860 form and, if required, appearing at the local Child Support Enforcement Unit (CSEU) to be interviewed. A Medicaid applicant who is not pregnant or in the 60 day postpartum period or otherwise exempt must assist in completing the DSS-2860, appear at the CSEU, as necessary, and cooperate with the CSEU unless good cause exists.

A Medicaid recipient's continued cooperation with the CSEU is prerequisite to his or her ongoing eligibility to receive Medicaid. An A/R's Medicaid eligibility is not delayed or denied, however, if the A/R is complying but, through no fault of the client, the IV-D process has not been completed.