

**OTHER ELIGIBILITY REQUIREMENTS
LIVING ARRANGEMENTS
PUBLIC INSTITUTIONS
INFANTS RESIDING WITH INCARCERATED MOTHERS**

Description: Certain correctional facilities operate nurseries for infants born to inmates. Children, born to women serving prison sentences, may live in the nursery for up to eighteen (18) months. This includes a standard twelve (12) month stay plus a possible 6 month extension if there is a reasonable probability that the mother will be released within the 18 months. In the event that the mother is not released within the allotted time, the child is placed in foster care or with relatives.

Policy: Infants and children residing in correctional facilities (where their mothers are incarcerated) are not considered "inmates" of a public institution and therefore may be eligible for Medicaid.

The child is an individual under age 21 and fulfills the requirements of one of the categories. (See **CATEGORICAL FACTORS UNDER AGE 21**) The child is budgeted as a household of one, residing in the community. After allowing appropriate disregards, the child's income is compared to the Medically Needy Income Level or Medicaid Standard (and MBL Living Arrangement Chart as appropriate), whichever is most beneficial.

The district in which the mother resided at the time of her sentencing is the district of fiscal responsibility for the child. The district of fiscal responsibility designates a person to review the application. The designated person may be a district employee or the district's Commissioner may enter into a Memorandum of Understanding (MOU) with the Superintendent of the facility, designating a correctional facility employee.

The mother of the child or the mother's representative must complete an application (See **OTHER ELIGIBILITY REQUIREMENTS APPLICATION, CERTIFICATION AND RENEWAL**) and submit it to the designated person at the correctional facility. The designated person reviews the application and forwards the application packet to the district of fiscal responsibility. The district of fiscal responsibility processes the application and determines the child's Medicaid eligibility.

The date of application is the date that a signed State-prescribed application form, a State-approved equivalent form or process is

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received by the designated person. Eligibility may be established for up to three (3) months prior to the month of application. (See **OTHER ELIGIBILITY REQUIREMENTS AUTHORIZATION**) However, Medicaid cannot be authorized for the period prior to the child's birth.

References:

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| SSL Sect. | 65 366 |
| Dept. Regs. | 369.1 & .2 360-2.2 |
| ADMs | OMM/ADM 97-1 95 ADM-04 |

Interpretation: Completed applications are forwarded to the district of fiscal responsibility by the designated person at the correctional facility.

The child's eligibility is determined as if s/he resided in the community, as a household of one.