

**OTHER ELIGIBILITY REQUIREMENTS
LEGALLY RESPONSIBLE RELATIVES
PARENTS AND CHILDREN**

STEP-PARENTS

Description: A step-parent is the spouse of an A/R's parent, including an adoptive parent. For Medicaid purposes step-parents are legally responsible for their step-children under the age of 21.

Policy: A step-parent of a child under the age of 21 is legally and financially responsible for his/her child. However, the income of a step-parent will not be considered in the determination of eligibility of a pregnant minor. In addition parental income/resources are not considered in the determination of eligibility of a certified blind or certified disabled child who is:

- 18 years of age or older;
- under the age of 18 but expected to be living separately from the parental household for 30 days or more; or
- participating in one of the home and community-based waived programs provided pursuant to Section 1915(c) of the Social Security Act where the income/resources of the parents or step-parents are not considered in the determination of eligibility for the child.

References:

SSL Sect.	101 366
Dept. Reg.	360-4.3(f) 360-7.11
ADMs	91 ADM-8 82 ADM-6 75 ADM-21

Interpretation: Generally, step-parents are responsible for their step-children under the age of 21. However, the income/resources of step-parents are not considered in the determination of eligibility when the child is pregnant; age 18 or over and certified blind/disabled or participating in a home and community-based waiver program.

The income/resources of step-parents are not considered in the determination of eligibility for their certified blind/disabled step-child age 18 or older, regardless of where the child resides. The

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income/resources of step-parents are considered in the determination of eligibility for their certified blind/disabled step-child under the age of 18, unless the child is living or expected to be living separate and apart from the step-parent for 30 days or more. Even though the child returns to the household in less than 30, days, if s/he was expected to be absent for 30 days his/her step-parent's income/resources are not considered in the eligibility determination for the child during the entire 30 days s/he was expected to be absent.

The income/resources of a step-parent are not considered in the eligibility determination of a child participating in a home and community-based waiver program pursuant to Section 1115 of the Social Security Act.

Although step-parents are financially responsible for their step-children under Social Services Law, a local district may not presume that the step-parent's income/resources, as appropriate, are available to the child. The step-parent must actually be contributing to the support of the child for the step-parent's income/resources, as appropriate, to be considered when determining eligibility for the child. If a step-parent refuses to support the child for whom s/he is responsible, care is provided to the child, if s/he is otherwise eligible. The district may take action to recover the cost of care from the legally responsible step-parent.

When a step-parent is divorced from the child's parent, there is no longer an obligation on his/her part to support the step-child. In case of abandonment or desertion on the part of the step-parent, the obligation to support the child still exists under Social Services Law.

Verify Status: When the A/R indicates there is a step-parent in the household.

When there is a certified blind/disabled child in the household.

Documentation:

- (a) Marriage certificate, birth certificate.
- (b) Certificate of blindness/disability.
- (c) Proof of absence or expected absence of a certified blind/disabled child, such as a doctor's statement.