

**INCOME
UNEARNED
SUPPORT PAYMENTS (VOLUNTARY AND COURT-ORDERED)**

Description: Support payments are payments made to the A/R by a legally responsible relative or a divorced spouse. (See **OTHER ELIGIBILITY REQUIREMENTS LEGALLY RESPONSIBLE RELATIVES (LRRS)**) Support payments may be either court-ordered or voluntary. Voluntary payments of support in some cases are formalized by agreements in writing, but in other cases are highly informal and may vary in amount. Court-ordered support payments are an amount specified by a court order.

Policy: Support payments (voluntary and court-ordered) are countable unearned income. If an applicant is receiving voluntary support payments, s/he is referred to the Child Support Enforcement Unit (CSEU), unless the applicant is otherwise exempt.

The first \$100 of court-ordered support received is disregarded from the A/R's income.

References:

SSL Sect.	366.3
Dept. Reg.	360-3.2 360-4.3 360-4.6 360-7.4
ADMs	93 ADM-21 92 ADM-40 91 ADM-40 84 ADM-43 79 ADM-82

Interpretation: To what extent support payments are considered in determining eligibility for Medicaid depends on the category of the A/R (see categorical disregards). If the amount being received in support is less than the court-ordered amount, a referral is made to the Child Support Enforcement Unit (CSEU), unless the applicant is pregnant or one of the other exceptions exists.

When determining eligibility for a retrospective period, budget the actual support payments received.

When determining eligibility for a prospective period, an average anticipated weekly support amount is established. Generally, the A/R's support for the four weeks preceding the determination is averaged. If the A/R received exceptionally high or low support payments for any of the four weeks, those weeks are not used in calculating the average.