

**CATEGORICAL FACTORS
ADC-RELATED
DEPRIVATION OF PARENTAL SUPPORT OR CARE**

INCAPACITY

Policy: When a child under the age of twenty-one (21) is deprived of parental support and/or care due to the incapacity of one or both parents, the child and the parent or caretaker relative may be ADC-related. The A/R must meet all other requirements to be eligible for Medicaid.

The incapacity results from a medical condition and substantially reduces or eliminates the parent's ability to support/care for his/her child. The incapacity must have existed for at least thirty (30) days or be expected to last at least 30 days.

References:

SSL Sect.	366.1(a)(5)(iii)
Dept. Reg.	360-3.3(b)(5)
ADMs	74 ADM-180

When to Verify Status: When the A/R indicates that a child in the household has an incapacitated parent.

A woman is pregnant or has recently given birth. Pregnancy and/or child birth, by themselves, are not considered incapacitating. There must be additional medical evidence that the mother is incapacitated.

A parent is in, or has recently been released from a hospital, nursing home, or other medical facility.

A parent appears to be or indicates that s/he is blind, sick or disabled.

A parent is in an alcohol or drug treatment program, or indicates that s/he wants treatment.

A parent is in receipt of Workers' Compensation, Veterans' Benefits, N.Y.S. Disability Insurance or RSDI Benefits.

Verification: When eligibility is based upon deprivation of parental support/care due to incapacity, the local district verifies and documents the incapacity of the parent and the expected duration of that incapacity through the applicant/recipient's written and/or oral statements.

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Documentation: Sufficient to establish an audit trail:

- Receipt of SSI or RSDI Benefits due to disability
- Receipt of Veteran's Disability Benefits
- Receipt of NYS Disability Benefits
- Worker's Compensation
- Other similar benefits
- Disability/Blindness Certificate.

Receipt of benefits or certification of disability/blindness must be expected to last for at least 30 days.