

RESOURCES
BUDGETING FOR LEGALLY RESPONSIBLE RELATIVES

- Description:** Spouses are financially responsible for each other and parents are financially responsible for their children under the age 21 who are not certified blind or certified disabled. Parents are financially responsible for their certified blind or certified disabled children under the age 18 unless the child is expected to be living out of the household for at least 30 days. **OTHER ELIGIBILITY REQUIREMENTS LEGALLY RESPONSIBLE RELATIVES (LRR)** contains a detailed description of legally responsible relatives (LRRs) and their obligation to support their dependents.
- Policy:** The resources of legally responsible relatives (LRRs) living in the same household are considered to be available unless the legally responsible relative refuses to make them available.
- For married couples, where one member of the couple is an institutionalized spouse, See **INCOME CHRONIC CARE BUDGETING METHODOLOGY FOR INSTITUTIONALIZED SPOUSE** to determine the countable resources considered available to the institutionalized spouse.
- References:**
- | | |
|------------|---------------------|
| SSL Sect. | 101
101-a
366 |
| Dept. Reg. | 360-4.3(f)(2) |
| ADMs | 89 ADM-47 |
- Interpretation:** When determining Medicaid eligibility, countable resources belonging to the A/R and his/her LRRs residing in the same household are considered available to the A/R. If an LRR refuses to make his/her countable resources available, eligibility is determined without regard to the LRR's resources. The granting of Medicaid in this situation creates an implied contract with the LRR and the cost of care may be recovered through a referral to Family or Supreme Court.
- When an A/R residing in the community has an LRR also residing in the community, but in a separate household, each person is allowed to retain resources up to the appropriate level. The LRR is asked to contribute his/her excess resources toward the cost of the A/R's medical care. Only the amount actually contributed by

RESOURCES

BUDGETING FOR LEGALLY RESPONSIBLE RELATIVES

the LRR is considered available to the A/R. However, the local social services district may seek to recover the cost of any Medicaid provided through a referral to court. The A/R and LRR are notified when a referral is made to Family or Supreme Court.

Legally responsible relatives who are living apart from the A/R are sent the DSS-939 (legally responsible relative questionnaire and letter). If the relative fails to respond to the questionnaire, Medicaid may be granted if the A/R is otherwise eligible. Medical support may be pursued in Family or Supreme Court.

Cases which include a child under the age of 21, whose parent is absent from the home, are referred to the appropriate agency/unit for possible support. Generally this referral is made to the Child Support Enforcement Unit (IV-D). (See **OTHER ELIGIBILITY REQUIREMENTS** LEGALLY RESPONSIBLE RELATIVES IV-D REQUIREMENTS) for the establishment of the parent's contribution toward the cost of care. See **CATEGORICAL FACTORS CHILDREN IN FOSTER CARE** for the treatment of children in foster care.

Parents are not required to make their countable resources available to meet the medical needs of a certified blind or certified disabled child who ceases to live with them or is in receipt of home and community-based waived services under a model waiver program (i.e. Care at Home Program). For Medicaid purposes, a certified blind or certified disabled child ceases to live with his/her parents when s/he is expected to occupy a separate "residence" for at least 30 days.

- When to Verify Status:**
- a) When an A/R states that a spouse or parent is living outside the household;
 - b) When an A/R or a family member is residing in a medical facility or in receipt of home and community-based waived services;
 - c) When it appears that a legally responsible relative has available resources;
 - d) When a potentially certified blind/disabled child is living in a separate residence or in a medical facility.

Verification Process: Completion of the DSS-939 by the legally responsible relatives.