

**OTHER ELIGIBILITY REQUIREMENTS
RECOVERIES**

CONFINEMENT AND PREGNANCY RELATED EXPENSES

Policy:

Confinement recoveries are not pursued during a woman's pregnancy, during the 60-day period beginning on the last day of the pregnancy or during the remainder of the calendar month in which the 60th day occurs.

The father's liability for confinement expenses depends on his legal relationship with the mother and child and on the father's financial circumstances as described in below:

When the father is married to the mother, he is not liable for payment of confinement expenses for the mother and child if:

- 1. the father's income was considered available in determining the pregnant woman/mother's Medicaid eligibility; or*
- 2. the father's income and resources were at or below Medicaid standards at the time of birth of the child; or*
- 3. the father was in receipt of TANF or Medicaid at the time of birth of the child.*

If any of the above circumstances apply, the father is not liable for confinement expenses.

When the father is not married to the mother, his liability for the mother's confinement expenses may be determined by the court at a hearing to establish paternity and support. However, no confinement expenses are pursued when the local district determines that the father currently has income and resources at or below the applicable Medicaid standard or is currently in receipt of TANF or Medicaid. When paternity and responsibility for prospective medical support have already been established and the father's financial circumstances do not warrant pursuit of confinement expenses, the A/R is not referred to Child Support Enforcement Unit (CSEU).

Where the father, regardless of marital status, is not in receipt of Medicaid or TANF and his income/resources are unknown and cannot be determined for the relevant period of time, the local district may pursue confinement expenses. This allows the court to conduct an inquiry into the father's financial circumstances.

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When the father is not married to the mother his liability for the child's expenses is evaluated in the same manner as explained in (1) through (3).

References: LCM 04 OMM/LCM-4

Interpretation: *The following chart summarizes the legal relationship of the father to the mother and the time period for which the father's income and resources are considered.*

<i>Marital status:</i>	<i>Expenses of:</i>	<i>When ability to pay measured:</i>
<i>Married</i>	<i>Mother</i>	<i>Time of Birth</i>
<i>Married</i>	<i>Child</i>	<i>Time of Birth</i>
<i>Unwed</i>	<i>Mother</i>	<i>Time of Hearing</i>
<i>Unwed</i>	<i>Child</i>	<i>Time of Birth</i>

NOTE: *This chart only deals with the recovery of Medicaid furnished for the mother's confinement expenses and the child's birth related expenses paid for the child before the child leaves the hospital. Regardless of marital status, there is legal authority to pursue an order of medical support prospectively against the absent father of a child receiving Medicaid.*

Documentation: *When an eligibility worker refers a case to the CSEU for reasons that include recovery of confinement or pregnancy related expenses, the referral includes documentation of such expenses in a format that is acceptable as evidence to the court. When testimony is needed to establish liability for, or the amount of, confinement costs, the local district arranges for qualified staff to testify regarding the Medicaid expense records. These Medicaid expense records are not needed to establish paternity or pursue prospective medical support.*