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| LOCAL COMMISSIONERS MEMORANDUM |
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DSS-4037EL (Rev. 9/89)

Transmittal No: 94 LCM-149

Date: December 19, 1994

Division: Economic Security
and Health and Long
Term Care

TO: Local District Commissioners

SUBJECT: Child Support Services to Certain MA-Only Clients

ATTACHMENTS: None

The purpose of this LCM is to clarify policy relating to the exemption from referral of pregnant women who are in receipt of Medicaid-Only (MA-Only) to the child support enforcement program. This memorandum is being issued because there has been some confusion in local districts as to whether or not these clients, who are not required to cooperate with the child support program, may be referred for child support services if the client so wishes.

Generally, under section 1902 (1)(1)(A) of the Social Security Act as a condition for receipt of Medicaid an applicant/recipient must cooperate, absent good cause, with the child support enforcement program in establishing paternity and securing medical support from the absent parent. However, during pregnancy and the 60-day period beginning the last day of pregnancy (i.e. post-partum period), women whose family income does not exceed 185 percent of the federal poverty line are exempt from this requirement for this period. Therefore, pregnant women may not be required (as a condition of eligibility) to cooperate with the child support enforcement program in establishing paternity or in obtaining support and payments for medical care from, or derived from, the father of any child who is born out of wedlock for whom Medicaid is being provided during such period of time.

91 ADM-40 "Public Assistance (IV-A), Medical Assistance (MA) and Family and Children Services (F&CS) Interface with Child Support" provides on page 45, Section (H) that ". . . MA workers should not refer pregnant women to the CSEU until 60 days after the birth of the child." This direction was provided in order to exempt such clients from being referred to the child support program in compliance with federal requirements noted above.

Federal policy and the direction in 91 ADM-40 do not, however, preclude a pregnant woman from receiving child support services if she chooses to receive them. Pregnant women are entitled to all child support services. Therefore, MA workers should ask pregnant women whether they wish to have child support services and refer those who do to the child support enforcement program.

Any questions relating to this LCM may be addressed to Shari Niedbalec/Health and Long Term Care at (518) 473-5536 or to Lee Sapienza/Office of Child Support Enforcement at 1-800-342-3012 extension 41078.

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