

Chapters 477 NAC 14 through 19 apply to the following: Parents/Caretaker Relatives, Children/Children in an IMD/Children and Young Adults Eligible for Non-IV-E Assistance, Pregnant Women, 599 CHIP, Former Wards, Hospital Presumptive

CHAPTER 18-000 RELATIVE RESPONSIBILITY FOR MAGI-BASED PROGRAMS

18-001 RELATIVE RESPONSIBILITY:

1. Spouse for spouse; and
2. Parent (biological, adoptive, or step) for child if the child is eighteen (18) years old or younger and still considered part of the household.

18-001.01 Child Considered Part of Household

1. If a child is living in the same household with his/her parent(s), the parent(s)' income must be included.
2. If a child is temporarily absent from the home (generally ninety (90) days or fewer) but is still considered part of the household, the parent(s)' income must be included. Temporary absence includes, but is not limited to:
 - a. School attendance where the child returns to the home on a regular basis (weekends, vacations, or summers); or
 - b. Residence in an institution for a developmental disability or mental illness for 90 days or fewer may be considered temporary absence if the child was living in the parent(s)' household before institutionalization and will return to the parent(s)' household upon discharge.

18-001.02 If a child is permanently out of the home and no longer considered part of the household, the parent(s)' income must not be included. If income is deemed from a parent to a child in an IMD, see 477 NAC 19-003.02A.

18-002 FINANCIAL RESPONSIBILITY

18-002.01 Unmarried Parents: When unmarried parents are living together, the alleged father is not financially responsible unless he has acknowledged paternity or a court has determined that he is the father of the child after the birth.

18-002.02 Children of a Marriage: Married individuals are considered the parents of any children who are conceived or born during a marriage, even if the couple is separated, has filed for divorce or annulment, or states that one individual is not the parent of the child, unless there is a court order that states otherwise.

18-003 DETERMINATION OF PATERNITY: Paternity cannot be established unless an alleged father has signed a written and notarized paternity acknowledgment form or a court has determined him to be the father. Note: Paternity cannot be established for an unborn.

18-004 MILITARY SERVICE

18-004.01 If a parent is absent due to active duty in the uniformed services of the United States, that parent is still considered part of the assistance unit and his/her income is considered available to the unit. Uniformed service is defined as the Army, Navy, Air Force, Marine Corps, Coast Guard, Environmental Sciences Services Administration, and Public Health Service of the United States. If a client states that separation is due to reasons other than performance in military service, the client must provide proof of bona fide separation.

18-004.02 If a parent in the military is incarcerated, s/he is no longer considered part of the assistance unit.

18-005 SPECIAL PROVISIONS PERTAINING TO MINOR PARENTS

18-005.01 Minor Parent: If a minor parent has a legal guardian, according to Nebraska law, the guardian has no financial responsibility for the minor.

18-005.02 Minor's Parent(s) Receiving Medicaid: If a minor parent is living with his/her parent(s) who is receiving Medicaid for another child, the minor parent must be in his/her parent(s)' unit.