

DMA
CHANGE NOTICE FOR MANUAL NO. 04-10

DATE: 04/01/10

Manual: Family and Children's Medicaid
Change No: 04-10
To: County Directors of Social Services
Effective: 04/01/10

Make the following changes

I. BACKGROUND

CMS informed DMA that our current policy regarding the application of IV-D sanctions for non-cooperation to subsequent applications for Medicaid is incorrect. The correct policy is that the impact of a prior sanction for non-cooperation on a subsequent application by the caretaker depends upon the program/category and circumstances that exist at that time. If the program/category and circumstances at the time of a subsequent application would normally require a IV-D referral, it must be made and the client must cooperate with IV-D in order to become eligible. The prior sanction for non-cooperation does not impact a subsequent application by the caretaker where the program/category and circumstances would not require a IV-D referral.

II. CONTENT OF CHANGE

- A. MA-3365, Child Support, Subsection II has been revised to place the general rule requiring cooperation with IV-D and all of its exceptions in one place.**
- B. MA-3365, Child Support, Subsection II has been revised to correct a printing error that has been carried over for several years. The error eliminated "C" under subsection II and made it incorrectly appear that the material following modified the statement in II.B only.**
- C. MA-3365, Child Support, subsection IV has been revised to remove "intensity and probable duration of emotional impairment" from the list of considerations in determining if good cause exists for noncooperation under IV.A.1.b. The IMC cannot be expected to make such determination.**

D. MA-3365, Child Support, Subsection VI. has been revised to make clear that an existing IV-D sanction for non-cooperation does not prevent eligibility if the program/category and circumstances that exist at the time of a subsequent application do not require cooperation with IV-D.

E. MA-3365 - Figure 2, Notice of Requirement to Cooperate and Right to Claim Good Cause for Refusal to Cooperate with Child Support Enforcement, is revised to include evidence that cooperation is not in the best interests of the caregiver under what is meant by good cause. In addition, the statement that a pregnant woman must cooperate with IV-D for her other children who receive Medicaid as a condition of her eligibility is modified to make it clear that it only applies to pregnant women receiving under MAF.

III. EFFECTIVE DATE AND IMPLEMENTATION

This policy is effective April 1, 2010. Apply this change to applications taken on or after April 1, 2010, as well as to those presently in process.

IV. MAINTENANCE OF MANUAL

Remove: MA-3365, Child Support, pages 1-16 and Figure 2.

Insert: [MA-3365](#), Child Support, pages 1-16 and [Figure 2](#).

If you have any questions regarding this information, please contact your Medicaid Program Representative.

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(This material was researched and written by William Appel, Policy Consultant, Medicaid Eligibility Unit)