

MISSISSIPPI DIVISION OF MEDICAID

Eligibility Policy and Procedures Manual

102.08.02 MARITAL RELATIONSHIPS

❖ Aged, Blind and Disabled Programs

Definition of a Marital Relationship

A marital relationship is one in which members of the opposite sex are:

- Married under State law;
- Married under common law, provided the couple began holding out prior to April 1, 1956;
- Married for Title II purposes, meaning one member of the couple is entitled to spouse's benefits on the record of the other;
- Living in the same household in a "holding out" relationship as man and wife.
 - A man and woman who live in the same household are married for SSI/Medicaid purposes if they hold themselves out to the community in which they live as husband and wife.
 - It is possible for a couple to live together and not be "holding out" as man and wife, depending on economic and social circumstances. The only way to make a determination of marital status is for the Specialist to examine how the couple holds themselves out to the community.

If the couple is determined to be living separately and apart, each is treated as an individual. However, when evidence does not support that a couple is living separately and apart, couple rules and deeming applies.

- When a couple lives together, but denies "holding out", the Specialist must obtain as many items of evidence as possible to make a determination as to the couple's relationship and living arrangement.

Such evidence may include mortgages, leases rent receipts, property deeds, bank accounts, tax returns, credit cards, information from other government programs (SSA, public housing, food stamps, etc.), and statements from friends, relatives and neighbors.

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Termination of a Martial Relationship

For ABD programs, the marital relationship no longer exists as of the date that:

- Either individual dies;
- A final decree of divorce or annulment is issued for the marriage;
 - If a divorced couple resumes living together, the specialist must develop whether they have a holding-out relationship.
- Either individual begins living with another person as their spouse;
- The couple is determined not to be married for Title II purposes if that was the basis for considering the couple married;
- The couple begins living in separate households.
 - When a married couple claims to be living apart, the Specialist must obtain as many items of evidence as possible to make a determination as to the couple's relationship and living arrangement.

Such evidence may include mortgages, leases rent receipts, property deeds, bank accounts, tax returns, credit cards, information from other government programs (SSA, public housing, food stamps, etc)., and statements from friends, relatives and neighbors.

- If the Specialist determines the couple is living apart, each person is treated as an individual.
- A man and woman who are still legally married and resume living together after having lived apart is a married couple, regardless of the reason for having resumed living together.

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Verification of a Marital Relationship

A marital relationship is presumed for an ABD couple unless the client states otherwise and provides the types of evidence listed above which indicate the relationship does not exist or has terminated.

Changes in Marital Status

A man and woman are married for a month if they meet any of the criteria for a marital relationship within the month. When a change occurs and an individual marries, resumes living with a spouse, enters a “holding out” relationship, etc., use couple budgeting beginning the month of the marriage. An increase in benefits can be effective immediately if policy otherwise allows it. Adverse action rules apply when ineligibility or a decrease in benefits results for a recipient.

Termination of marriage is effective the month after the month of a death, divorce, annulment or separation.

NOTE: For the spousal impoverishment allocation, the couple must be legally married under state law or in a common-law marriage which began prior to April 1, 1956. The spousal impoverishment allocation is not applicable to couples in “holding-out” situations which began on or after April 1, 1956.