

Service Chapter: Medicaid 510-03 and 510-05

Effective Date: February 12, 2026

Overview

Adding language to clarify the requirements for parent/caretaker relatives to cooperate with child support.

Description of Changes

1. Cooperation – Child Support 510-03-40-15 - Clarify

Adding language to clarify the requirements for a parent/caretaker relative to cooperate with child support.

2. Cooperation – Child Support 510-05-40-15 – Clarify

Updating language to align with the ACA manual

Policy Section Updates

1. Cooperation – Child Support 510-03-40-15

N.D.A.C. Section 75-02-02.1-09

~~Cooperation with Child Support is required for all other legally responsible legally able recipients applying for Medicaid caretaker relatives for the purpose of establishing paternity and securing medical support, with the following exceptions:~~

- ~~1. Pregnant women are not required to cooperate with Child Support and may remain eligible for Medicaid while pregnant and through the twelve-month post-partum period. A pregnant woman must be informed of this exception at the time of application or, in the case of a recipient, at the time the pregnancy becomes known. When Child Support is informed that an applicant or recipient is pregnant, Child Support services will continue to be provided; however, any non-cooperation by the pregnant woman will not affect her eligibility for Medicaid.~~
- ~~2. Recipients of Extended Medicaid Benefits and Transitional Medicaid Benefits are not required to cooperate with Child Support and remain eligible for Medicaid.~~
- ~~3. Caretaker relatives under age 19 who are within a continuous eligibility period are not required to cooperate with Child Support and remain eligible for Medicaid.~~
- ~~4. Parent/Caretaker relatives of subsidized adoption children are exempt from cooperation.~~
- ~~5. Parent/Caretaker relatives of deprived children are exempt from cooperation if they are not requesting Medicaid for themselves.~~
- ~~6. Caretaker relatives of deprived children where all the children in the household are eligible to receive services through Indian Health Services (IHS).~~
- ~~7. Caretaker relatives who have a pending or approved "good cause" claim.~~

~~The requirement may be waived for good cause as described in 510-03-40-20.~~

~~The determination of whether a legally responsible caretaker relative is cooperating is made by the Child Support Agency. The caretaker has the right to appeal that decision. Legally responsible Caretaker relatives who are required to but do not cooperate with Child Support will not be eligible for Medicaid. Children in the Medicaid Household, however, remain eligible.~~

~~With the implementation of the Affordable Care Act, the request for information regarding an absent parent cannot be made prior to the Medicaid eligibility determination. Therefore, upon authorization of eligibility for a legally responsible caretaker relative who is required to cooperate with child support, a 'Request for Absent Parent Information' form will be sent to the caretaker. The caretaker will have 10 days to complete and return the form to the Eligibility Worker.~~

- If the caretaker does NOT return the completed form within 10 days, the Child Support Division automatically deems the caretaker to be non-cooperating and the caretaker's eligibility for Medicaid ended due to this non-cooperation. A 10-day Advance Notice is required.
- If the caretaker returns the completed form, the Eligibility Worker MUST enter the information provided by the caretaker immediately, but no later than 25 days from the date the form was mailed to the caretaker.

Note: The form must be filed in the casefile and MUST NOT be mailed to the Regional Child Support Office.

Twenty-five (25) days from the date the form was mailed to the recipient, information for the case will be sent to the Child Support Agency. Until the electronic interface with CSEA is implemented, the CSEA will offer services to Medicaid families who are interested in receiving services and who are likely to cooperate.

When a legally responsible caretaker relative is not eligible because of non-cooperation, the earned and unearned income of that ineligible caretaker must be considered in determining eligibility for the child(ren).

Should the caretaker return the form at a later date, the CSEA automatically deems caretaker is to be cooperating and the caretaker's eligibility can be restored effective the first day of the month in which the form was returned.

When a previously non-cooperating legally responsible caretaker relative reapplies for Medicaid after the Medicaid case closed, the caretaker relative is eligible for Medicaid until it is again determined that the caretaker relative is not cooperating.

1. All legally able parent/caretaker relatives of a child under 18 who has an absent parent must cooperate with Child Support to establish paternity and medical support, unless they meet one of the following exceptions:
 - A. Pregnant women.
 - May be exempt up to 12 months after the birth of a child
 - B. Recipients of Extended Medicaid Benefits and Transitional Medicaid Benefits
 - C. Parent/Caretaker relatives under age 19 who are in a continuous eligibility period
 - D. Parent/Caretaker relatives do not need to cooperate with Child Support for subsidized adoption children.
 - E. Parent/Caretaker relatives of deprived children do not need to cooperate with Child Support if they are not requesting Medicaid for themselves.
 - F. Parent/Caretaker relatives of deprived children where all the children in the household are eligible for services through Indian Health Services (IHS)

- G. Parent/Caretaker relatives who have a pending or approved “good cause” claim
See 510-03-40-20 for more information on Good Cause.
2. A parent/caretaker relative is not eligible for Medicaid if they do not cooperate with child support. However, children in the Medicaid unit are eligible.
 3. If a parent/caretaker relative is not eligible for Medicaid because they did not cooperate with Child Support, the income and allowable expenses of the parent/caretaker relative are counted in the Medicaid unit.
 4. Absent parent information cannot be requested before a Medicaid eligibility determination. A ‘Request for Absent Parent’ form is sent to the parent/caretaker relative upon Medicaid approval, if the absent parent information was not provided.
 5. If the parent/caretaker relative does not give the absent parent information or does not return the completed ‘Request for Absent Parent’ form within 10 days, they are non-cooperating, and their Medicaid eligibility ends. A 10-day advance notice must be sent
 - If the parent/caretaker relative gives the absent parent information or returns the completed ‘Request for Absent Parent form’ later, their Medicaid eligibility can restart the first day of the month when the absent parent information was received.
 6. If the parent/caretaker relative gives the absent parent information with the application or Medicaid request, or within 10 days after Medicaid approval, a referral to Child Support is automatically sent when Medicaid is approved.
 7. Once a referral is sent to Child Support, they decide if the parent/caretaker relative is cooperating. If the parent/caretaker relative is not cooperating, their Medicaid eligibility ends. A 10-day advance notice must be sent. Note: The parent/caretaker relative has the right to appeal the child support agency’s decision.
 8. If Child Support decides that a parent/caretaker relative is not cooperating, the child support case may be closed. If the child support case is closed and the parent/caretaker relative later wants to cooperate, they must re-apply for child support and meet all child support requirements.
 9. If Child Support decides that the parent/caretaker relative is now cooperating, they may qualify for Medicaid again. Medicaid coverage can start on the first day of the month in which cooperation began.
 10. If a parent/caretaker relative did not cooperate and their Medicaid case is closed for everyone in the household, and they later apply again, the parent/caretaker

relative may be approved for Medicaid. Coverage will continue until it is decided again that they are not cooperating.

2. Cooperation – Child Support 510-05-40-15

N.D.A.C. Section 75-02-02.1-09

~~Cooperation with Child Support is required for all legally responsible aged or disabled caretaker relatives for the purpose of establishing paternity and securing medical support.~~

~~This requirement may be waived for "good cause" as described in 510-05-40-20.~~

~~The determination of whether a legally responsible caretaker relative is cooperating is made by the Child Support Agency. The caretaker has the right to appeal that decision.~~

~~Legally responsible aged or disabled caretaker relatives who do not cooperate with Child Support will not be eligible for Medicaid. Children in the Medicaid unit, however, remain eligible.~~

~~When a legally responsible aged or disabled caretaker relative is not eligible because of non-cooperation, the earned and unearned income of that ineligible caretaker must be considered in determining eligibility for the child(ren).~~

~~If a previously non-cooperating legally responsible caretaker relative begins cooperating in an open Medicaid case, and the caretaker is otherwise eligible that caretaker's eligibility may be reestablished. The caretaker must demonstrate that they are cooperating with Child Support before Medicaid coverage can be reestablished. When the caretaker previously stopped cooperating, the automated referral to Child Support ended.~~

- ~~a. If the child Support Enforcement case also closed, the aged or disabled caretaker must apply for Child Support services and fulfill the cooperation requirements as determined by the Child Support program (parents or other legal custodians/guardians can apply online at www.childsupportnd.com or mail a completed application to a Child Support office. Applications can be printed from the web or requested directly from a Child Support office).~~
- ~~b. If the Child Support Enforcement case did not also close, the caretaker may begin to cooperate with Child Support without application and confirmation of such can be secured by contacting the Child Support worker.~~

~~When child Support has confirmed that the aged or disabled caretaker is cooperating, Medicaid coverage for that caretaker can be reestablished~~

~~beginning with the first day of the month in which the caretaker began cooperating.~~

~~Confirmation of cooperation must be secured by communicating with the Child Support worker; confirmation of cooperating may not be determined based on the Cooperation indicator on the Fully Automated Child Support Enforcement System (FACSES). Child Support has 20 days to process an application for services. However, typically, applications are processed more quickly than 20 days, and Child Support can be contacted as soon as an open case can be viewed in FACSES.~~

~~If a previously non-cooperating legally responsible aged or disabled caretaker relative reapplies for Medicaid after the Medicaid case closed, the caretaker relative is eligible for Medicaid until it is again determined that the caretaker relative is not cooperating.~~

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9. If Child Support decides that the parent/caretaker relative is now cooperating, they may qualify for Medicaid again. Medicaid coverage can start on the first day of the month in which cooperation began.
10. If a parent/caretaker relative did not cooperate and their Medicaid case is closed for everyone in the household, and they later apply again, the parent/caretaker relative may be approved for Medicaid. Coverage will continue until it is decided again that they are not cooperating.