

INTRADEPARTMENTAL MEMORANDUM
MAD-IPP: 15 - 06
DATE: 11/25/2015

TO: ISD AND MAD STAFF

FROM: NSL NANCY SMITH-LESLIE, DIRECTOR, MEDICAL ASSISTANCE DIVISION
MARILYN MARTINEZ, DIRECTOR, INCOME SUPPORT DIVISION

THROUGH: ROY BURT, BUREAU CHIEF, ELIGIBILITY BUREAU

BY: RICHARD MCINTYRE, ELIGIBILITY BUREAU

SUBJECT: CLARIFICATION OF THE PROCEDURE FOR AUTHORIZED
REPRESENTATIVE FOR APPLICATION ON BEHALF OF A MINOR CHILD

GENERAL INFORMATION

This purpose of this IPP is to provide direction on the procedural issue of who can make application, or determine presumptive eligibility, on behalf of a child. A child is defined as a person who is under the age of 18 years of age per NMSA 32A -1-4(B). This IPP works in conjunction with prior issued MR 14-04.

Signing an application involves certain functions that are legally binding such as the signature acknowledging reporting and fraud responsibilities, consent to release information of a confidential nature, computer matching with the IRS, assignment of medical and child support rights, and the assignment of rights to third party liability. Additionally, the applicant must be in a position to access information essential to the eligibility determination process, such as income verifications, other insurance coverage, etc. A child cannot enter into a legally binding document; therefore an application for coverage of a child must be made by the parent, other relative or adult acting in a responsible role on behalf of the child.

A homeless, abandoned, or neglected child must be immediately referred to Child Protective Services (CPS) staff in the Children, Youth and Families Department (CYFD). If the child does not meet the criteria to qualify for benefits in a CYFD category, CPS staff may submit and sign an application on behalf of the child as they are acting in a responsible role for the child. A child under the age of 18 years of age living outside of the home may apply for benefits as long as an adult acting in a responsible role signs the application for the child.

An emancipated minor may apply for benefits and sign their own application as a 'household of one (or more if they have a child)'. An emancipated minor is any person 16 years of age or older who:

- Has entered into a valid marriage, whether or not such marriage is later dissolved or terminated, or

- A child who is 16 years or older who is on active duty with a branch of the armed forces of the United States.
- A child age 16 years old or older who has received a declaration of emancipation from a court of competent jurisdiction pursuant to the Emancipation of Minors Act, of the New Mexico Laws 1995, ch. 206, §49. Under the Emancipation of Minors Act [32A-21-1 to 32A-21-7NMSA 1978], a minor aged 16 or older may be emancipated for certain purposes when such minor is found to be willingly living separate and apart from his parents, guardian or custodian, is managing his own financial affairs, and the court finds it in the minor's best interest. Once a child is emancipated, he/she usually cannot reestablish a dependent status, even though the situation that originally led to his/her emancipation no longer exists.

Please address questions concerning this IPP to Richard.McIntyre@state.nm.us or call (505) 476-6818.