

2501 – MARITAL RELATIONSHIP

POLICY STATEMENT	The A/R's marital relationship must be established to determine whether or not to consider the income and resources of a person other than the A/R.
BASIC CONSIDERATIONS	
Marital Relationship (Prior to 1/1/97)	A marital relationship exists for a man and a woman who are legally married or living together, free to marry and holding out (common-law) to the community as married. The common-law marriage must have existed prior to 1/1/97 to be recognized as a marital relationship.
Marital Relationship (On or after 1/1/97)	A marital relationship exists for a man and a woman who are legally married. A common-law marriage established on or after 1/1/97 is not considered a marital relationship in Georgia.
Marital Relationships established prior to 1/1/97 begins	<p>A marital relationship begins to exist the month following the month two people marry or begin living together and holding out to the community as husband and wife.</p> <p>EXCEPTION: Use of the Spousal Impoverishment resource limit is limited to situations where an A/R in LA-D has a legal spouse in the community. See Section 2502 for definitions of legal and non-legal spouses.</p>
Marital Relationship Ends	<p>A marital relationship ceases the month following the month of separation of spouses, regardless of whether or not either or both is Medicaid eligible.</p> <p>The admission of one or both spouses into LA-D is considered separation.</p> <p>EXCEPTION: Admission of one spouse to a hospital is not always considered separation. Refer to Special Considerations in Section 2503, Couples.</p> <p>An A/R is considered an individual only if a marital relationship has ended, by definition above, or has never existed.</p>

PROCEDURES

A marital relationship has ceased for an individual who is legally married but is living separately from his/her spouse due to estrangement (alienation, loss of affection, indifference). The spouse is not considered a community spouse for purposes of determining resource eligibility and patient liability.

Identify an adult A/R as one of the following:

- a Medicaid individual
- a Medicaid individual married to and living with a Medicaid individual (Medicaid couple)
- a Medicaid individual living with an ineligible spouse.

Medicaid Individual

Consider a SSI or ABD Medicaid A/R who is not currently in a marital relationship to be a Medicaid individual.

Consider only the income and resources of the Medicaid individual when determining his/her financial eligibility for ABD Medicaid. Use individual income and resource limits.

Medicaid Couple

Consider a SSI or ABD Medicaid A/R who is married and living with another SSI or ABD Medicaid A/R to be a Medicaid couple.

Refer to Section 2503, Couples, for information on considering the income and resources of a Medicaid couple.

**Medicaid Individual
With Ineligible Spouse**

Consider a SSI or ABD Medicaid A/R who is married to and living with a spouse who is not a SSI or ABD Medicaid A/R to be a Medicaid individual with an ineligible spouse.

Refer to Section 2502, Deeming, for information on deeming the income and resources of an ineligible spouse.