

Virginia Department of Social Services
Medicaid Fact Sheet #20
PATERNITY AND MEDICAL SUPPORT

The following information is given as a guideline only. In order to determine Medicaid eligibility, an application must be filed with the local department of social services in the area in which you live.

If you are found eligible for Medicaid you may be required to cooperate with the Division of Child Support Enforcement (DCSE) to establish paternity (if needed) and medical support for your child. Non-cooperation may cause a parent to be ineligible for Medicaid. The child's eligibility will not be affected.

Paternity means fatherhood. Establishing paternity means an alleged father has been legally determined to be the father of a child.

Medical support means adding the child to an existing employment-related medical insurance policy, if it is available at a reasonable cost or, possibly, paying for the child's medical care.

If you were never married to the father of your child, DCSE can help you get a legal determination of paternity for your child. Sometimes it is necessary to have a determination made by a court. The court issues a support order stating the amount of financial/medical support a father must give. Often, however, DCSE can legally establish paternity without the need of going to court.

Legally establishing a child's paternity is important because:

- the child may have a right to the father's Social Security or Veteran's benefits.
- the child may be entitled to the same inheritance rights as a legitimate child.
- the process of establishing and enforcing a support order can begin. A support order cannot be issued for a child born out of wedlock until (1) the father admits his responsibility, or (2) it is proven by blood tests or in a court of law that he is the child's father. The father is not responsible for paying support for the period before paternity is established.

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DCSE can pursue paternity by asking:

- you and the alleged father to sign a document under oath which says that he is the child's father.
- the alleged father to voluntarily submit to blood testing to legally determine if he is the father. If the alleged father refuses to sign or submit to blood testing, DCSE can take him to court if there is evidence to indicate that he is the father of the child.

Even if the father is out of state, establishment of paternity and medical support can be pursued.

If the child that you are caring for has a legal parent who is not currently living with that child, DCSE will assist you in securing what is due the child.

Medically Indigent Pregnant Women are not required to cooperate with DCSE to establish paternity for a child born out of wedlock. Medically Indigent Pregnant Women are not required to pursue medical support from the father of a child born out of wedlock.

If you want to establish paternity, pursue medical support, or have DCSE pursue support payments for you (even though you are not required to do so), you may apply with your local Child Support office.

You may claim good cause for not cooperating with DCSE if (1) you anticipate that cooperating will result in physical or emotional harm to you or your child; (2) the child was conceived as a result of rape or incest; or (3) legal proceedings are going on for adoption of the child. Please discuss your situation with the Medicaid Eligibility Worker. The worker will determine whether you may have good cause for non-cooperation and tell you what evidence is required.

For more information and a list of Child Support Enforcement offices throughout the state, call the Central Office of the Division of Child Support Enforcement in Richmond at 1-800-468-8894 (toll free to Virginia callers) or (804) 692-2458.

MEDICAID FACT SHEET #20 PATERNITY AND MEDICAL SUPPORT

FORM NUMBER - 032-03-829/2

PURPOSE OF FORM - The local agency workers may distribute this form to provide customers with basic policy information regarding the establishment of paternity and medical support.

NUMBER OF COPIES - One

DISPOSITION OF FORM - One per inquirer.

INSTRUCTIONS FOR PREPARATION OF FORM - To print this form, first print position should be 10, line spacing should be b, and pitch should be 12. The form does not require the addition of any information by the eligibility worker.