

Kid's Medicaid

Paper by Patricia Stichter &
Kathy Lynch
Edited & Updated by
Christina Leshner &
Marilyn G. Miller

1

Kids & Families Need Our Help

- ❖ 2012 estimated that out of TX 2.3 million kids, 8% under the age of 5 had developmental disability
- ❖ 2012 9-13% of TX kids have a disability
- ❖ Parents & Families are overwhelmed w/ caring for child

2

Texas Medicaid Programs for Children

- ❖ Two types of programs:
 - ❖ **One type requires kid to be disabled & in financial need**
 - ❖ Financial need determined by Health & Human Services commission (HHSC)
 - ❖ Disability determined by HHSC (via the Texas Medicaid & Healthcare Partnership TMHP)
 - ❖ **One type is for kids who are financially needy, regardless of disability**
 - ❖ Financial need estb. by Texas Works Program
 - ❖ Administered by HHSC

Supplemental Needs Trusts and Medicaid

- ❖ **Medicaid is much more than health insurance**
 - ❖ Can pay for respite, housing, therapies
- ❖ **Are you preparing Supplemental Needs Trusts?**
 - ❖ You need to know the programs the trust is intended to protect
- ❖ **A few basics on Medicaid:**
 - ❖ Most programs require person to be US citizen or permanent resident alien
 - ❖ Each Medicaid program has its own income & asset rules
 - ❖ Some Medicaid programs have disability requirements, some don't

TANF -Temporary Aid to Needy Families

- ❖ **What?**
 - ❖ Small financial assistance & medical benefits
 - ❖ Temporary basis
- ❖ **Who?**
 - ❖ Needy families w/ dependent children
 - ❖ No disability determination required
- ❖ **Income?**
 - ❖ Intricate calculation based on # people living in the home & status (parent or child)
- ❖ **Assets?**
 - ❖ \$1,000 for accessible resources
 - ❖ Cap on primary vehicle to \$4,650
- ❖ **Wait/ interest list?**
 - ❖ n/a
- ❖ **Special trust rules?**
 - ❖ Asset transfer penalty unless made to certain trusts

5

Medically Needy & TP 40 Programs

- ❖ **What?**
 - ❖ Medicaid programs
 - ❖ TP 43, TP 44, TP 45, TP 47, TP 48
 - ❖ Referred to as "traditional Medicaid"
- ❖ **Who?**
 - ❖ Children living in poverty
 - ❖ No disability determination
- ❖ **Income?**
 - ❖ Each TP program has own income cap based on the Federal Poverty Income Level (FPIL)
- ❖ **Assets?**
 - ❖ Assets not counted
- ❖ **Wait/ interest list?**
 - ❖ n/a
- ❖ **Special trust rules?**
 - ❖ No transfer penalties

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: Kid's Medicaid

Also available as part of the eCourse

[Special Needs Trusts and Special Considerations for Children](#)

First appeared as part of the conference materials for the
16th Annual Changes and Trends Affecting Special Needs Trusts session
"Public Benefits for Children"