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# 202.01 Introduction

(Eff. 01/01/14)

Effective January 1, 2014, the Affordable Care Act (ACA) mandates that household composition will be determined according to Modified Adjusted Gross Income (MAGI) methodology for Pregnant Women and Infants (PW), Family Planning (FP), Partners for Healthy Children (PHC), Parent/Caretaker Relative (PCR), Regular Foster Care (RFC), Subsidized Adoption (SA), and Former Foster Care (FFC) eligibility groups. While it is not required for individuals to file a tax return to be considered for Medicaid eligibility, generally households will be based on income tax filing rules and tax dependency. A household will be constructed for each individual applying for coverage and depending on specific situations; it is possible for each person in the household to have a different household. An individual receiving Medicaid in a non-MAGI group may be included in the MAGI household of an applicant or beneficiary.

# 202.02 Definitions

(Rev. 05/01/17)

The following definitions are used when constructing a household for an individual.

|  |  |
| --- | --- |
| Caretaker Relative | A person who (i) provides the majority of care and supervision for a [Dependent Child](#Dependentchilddef) and (ii) is a relative or spouse of a relative of the following degree (including grand, great, step or half relation):   * Brother/Sister, * Grandmother/Grandfather * Niece/Nephew, * Aunt/Uncle, * First cousin, and * Cousin once removed. |
| Child | A person under the age of 19. |
| Custodial Parent | The parent or parents who has/have physical custody over a child. In the event of a shared custody agreement, the Custodial Parent is the parent with whom the child spends most nights.  **Note:** In the event of a joint custody arrangement with both parents indicating the child spends the same amount of time with each; consider the parent claiming the child as a tax dependent as the Custodial Parent. If the child spends the same amount of time with each parent and neither parent claims the child as a tax dependent, then the parent with the higher MAGI is considered the Custodial Parent. |
| Dependent Child | A Medicaid eligible and enrolled [Child](#childdef) under the age of 18 or under the age of 19 if a full-time student in a secondary school. The secondary school includes high school or schools with equivalent levels of vocational or technical training, such as a GED. |
| Non-Custodial Parent | A [Parent](#parentdef) qualifies as a Non-Custodial Parent in the following instances:   * Unwed Parents:   + A custody agreement exists giving the other parent physical custody over the child;   + A custody agreement exists giving both parents custody, but the other parent has a greater amount of custody;   + A custody agreement exists giving both parents equal custody, but the other parent has a higher MAGI;   + No custody agreement exists and the child spends most nights with the other parent; or   + No custody agreement exists and the child spends an equal amount of nights with both parents, but the other parent has a higher MAGI. * Separated Parents:   + A separation/custody agreement exists giving the other parent physical custody over the child;   + A separation/custody agreement exists giving both parents custody, but the other parent has a greater amount of custody; or   + A separation/custody agreement exists giving both parents equal custody, but the other parent has a higher MAGI;   + No separation/custody agreement exists and the child spends most nights with the other parent.; or   + No separation/custody agreement exists and the child spends an equal amount of nights with both parents, but the other parent has a higher MAGI. * Divorced Parents:   + A divorce/custody agreement exists giving the other parent physical custody over the child;   + A divorce/custody agreement exists giving both parents custody, but the other parent has a greater amount of custody; or   + A divorce/custody agreement exists giving both parents equal custody, but the other parent has a higher MAGI;   + No divorce/custody agreement exists and the child spends most nights with the other parent; or   + No divorce/custody agreement exists and the child spends an equal amount of nights with both parents, but the other parent has a higher MAGI. |
| Parent | A mother and/or father (includes natural, step or adopted) who provides the majority of care for a Dependent Child. |

# 202.03 Household Composition Construction

(Eff. 01/01/14, Rev. 04/01/14)

An individual’s household is constructed based on one of the following three classifications:

1. **Tax filer**
   1. If an individual is the tax filer, the household consists of:
      1. The tax filer,
      2. The spouse living with the tax filer, and
      3. All individuals whom the tax filer expects to claim as tax dependents whether or not they expect to file taxes.
2. **Tax Dependent**
   1. If an individual expects to be claimed as a tax dependent (whether or not he expects to file taxes) and does not meet any tax dependent exceptions, the household consists of:
      1. The tax dependent,
      2. The tax dependent’s spouse, if living in the household,
      3. All individuals of the tax filer’s household
   2. Exceptions: If a tax dependent meets one of the following exceptions, apply the non-filer rules recorded under “Non-filer”:
      1. The tax dependent is claimed by someone other than a spouse or parent.
      2. The tax dependent, who is a child under the age of 19, is living with parents who do not expect to file a joint tax return.
      3. The tax dependent, who is a child under the age of 19, is claimed by a non-custodial parent.
3. **Non-filer**
   1. If an individual (i) does not expect to file taxes, (ii) does not expect to be claimed as a tax dependent, or (iii) falls under one of the tax dependent exceptions listed above, the household consists of the following if living with the individual:
      1. The non-filer,
      2. The non-filer’s spouse, and
      3. The non-filer’s children under the age of 19.
   2. If an individual is under the age of 19, the MAGI household consists of the following if living with the individual:
      1. The non-filer,
      2. The non-filer’s spouse,
      3. The non-filer’s children
      4. The non-filer’s parents, and
      5. The non-filer’s siblings.

|  |
| --- |
| **Household Composition Determination**   1. Does the individual expect to file taxes?    1. If no – Continue to B    2. If yes – Does the individual expect to be claimed as a tax dependent by anyone else?       1. If no - The household consists of the taxpayer, a spouse living with the taxpayer, and all persons whom the taxpayer expects to claim as a tax dependent          1. If the individual is pregnant, add the expected number of children to the tax household of the expectant mother only.       2. If yes – Continue to B 2. Does the individual expect to be claimed as a tax dependent?    1. If no – Continue to C    2. If yes – Does the individual meet any of the following exceptions?       1. The individual expects to be claimed as a tax dependent of someone other than a spouse or a biological, adopted, or step parent.       2. The individual is a child under age 19 living with both parents, but the parents do not expect to file a joint tax return.       3. The individual is a child under age 19 who expects to be claimed by a non-custodial parent?          1. If no to question 1, 2, or 3 – The household is the household of the taxpayer claiming her/him as a tax dependent. Additionally:   Is the individual married and living with the spouse? If yes - the household also includes the individual’s spouse  Is the individual pregnant? If yes - add the expected number of children to the expectant mother’s household only   * + - * 1. If yes to question 1,2, or 3 – Continue to C  1. For individuals who neither expect to file a tax return nor expect to be claimed as a tax dependent, as well as tax dependents who meet one of the exceptions in B.ii., the household consists of the individual and, if living with the individual:    * 1. The individual's spouse;      2. The individual's natural, adopted, and step children under age 19; and      3. In the case of individuals under age 19, the individual's natural, adopted, and step parents; and natural, adoptive and step siblings under age 19.      4. If the individual is a pregnant woman, add the expected number of children to the expectant mother’s household only.   **Note:** Unborn children are included in the household size for the pregnant woman only. In addition, married couples who live together are always included in each other’s MAGI household regardless of filing status. Married couples filing a joint tax return are included in the household of the spouse even if not living together.  If someone reports a questionable household composition, (i.e. an unmarried couple claims they are filing taxes jointly) an eligibility worker should first reach out to the applicant for clarification and document information received. If the Eligibility Worker is unable to contact the applicant by phone, a 1233 ME, Medicaid Eligibility Checklist, would be sent for documentation that clarifies the reported discrepancy in household.  (See [Figure 1](#_Figure_1._Medicaid).) |

202.03.01 Joint Custody

(Rev. 05/01/17)

Custody is determined by court order or by binding separation, divorce, or custody agreement establishing physical custody controls. If no such agreement is in place, or in the event of shared custody, the custodial parent is the parent with whom the child spends most nights. If the child spends equal time with both parents, the custodial parent is the parent with the higher MAGI.

Eligibility may be established even though the child resides with both parents due to joint legal custody, court-ordered visitation, or informal agreement between the parents. In such cases, the first step to determine eligibility is to (i) find out which parent claims the child as a dependent and (ii) where the child spends most nights or if the child spends equal time with both parents, then which parent has the higher MAGI.

Children claimed as a tax dependent by a non-custodial parent are covered by non-filer rules.

|  |
| --- |
| **Procedure: Custody Determination**  If a child resides in the home of each parent for short alternating periods, such as every other day, week, or month, eligibility is determined based on the needs and income of the parent who maintains at least 51% custody. The time the child spends with the other parent is considered a visit. The application for assistance must be filed by the parent who has primary custody. If the non-custodial parent applies, deny the application and explain the custodial parent must apply.  If both parents claim 50% custody, defer to tax filing status for who claims the child as a tax dependent. If both parents claim 50% custody and neither parent claims the child as a tax dependent, then the parent with the higher MAGI is considered the custodial parent. |

# 202.04 Household Composition Examples

(Eff. 01/01/14)

Example: Mary & Family

Mary is a working grandmother who claims her daughter Samantha, age 18, and granddaughter, Joy (Samantha’s daughter), age 2, as tax dependents.

1. Mary’s MAGI household:

* Does Mary expect to file taxes? **YES**
* Does Mary expect to be claimed as a tax dependent by anyone else? **NO**

The household consists of the taxpayer (Mary), a spouse living with the taxpayer (N/A), and all persons whom the taxpayer expects to claim as a tax dependent (Samantha & Joy). Therefore, Mary’s MAGI household consists of herself, Samantha, and Joy.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **MAGI Household** | **Mary** | **Samantha** | **Joy** | **Family Size** |
| Mary | X | X | X | 3 |
| Samantha |  |  |  |  |
| Joy |  |  |  |  |

2. Samantha’s MAGI household

* + Does Samantha expect to file taxes? **NO**
  + Does Samantha expect to be claimed as a tax dependent by anyone else? **YES**

**Exceptions**

* + - Is Samantha the tax dependent of someone other than a spouse or a biological, adopted, or step parent? **NO** (Mary is her mother)
    - Is Samantha a child living with both parents, but the parents do not expect to file a joint tax return? **NO**
    - Is Samantha a child who expects to be claimed by a non-custodial parent? **NO**

Because none of the exceptions apply, Samantha’s household is the same as the household of the taxpayer who is claiming her as a dependent (Mary). Therefore, Samantha’s MAGI household consists of herself, Mary, and Joy.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **MAGI Household** | **Mary** | **Samantha** | **Joy** | **Family Size** |
| Mary |  |  |  |  |
| Samantha | X | X | X | 3 |
| Joy |  |  |  |  |

3. Joy’s MAGI Household

* + Does Joy expect to file taxes? **NO**
  + Does Joy expect to be claimed as a tax dependent by anyone else? **YES**
    - Is Joy the tax dependent of someone other than a spouse or a biological, adopted, or step parent? **YES** (Mary is her grandmother)

*Because Joy falls into one of the exceptions, we need to look at the rules for non-filers to determine Joy’s household. The household would consist of the individual, Joy, plus the following:*

* + - * Spouse living with the individual (None)
      * Parents living with the individual (Samantha)
      * Siblings (under age 19) living with the individual (None)

Therefore, Joy’s MAGI household consists of herself and Samantha.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **MAGI Household** | **Mary** | **Samantha** | **Joy** | **Family Size** |
| Mary |  |  |  |  |
| Samantha |  |  |  |  |
| Joy |  | X | X | 2 |

# 202.05 Temporary Absence from Home

(Rev. 06/01/18)

A household member may be temporarily absent from the home and continue to be eligible as a member of the MAGI household. It is the responsibility of the beneficiary(ies) to notify the Eligibility Worker of the circumstance surrounding the absence. The Eligibility Worker will then determine if eligibility is to be continued.

**Listed below are situations regarding absence from the home and how these situations affect eligibility:**

* A parent or caretaker relative is not temporarily absent if he/she is residing in a school or training center, or at a Job Corps site.
* A parent or caretaker relative who enters a residential treatment facility for substance abuse is considered temporarily absent if the individual intends to return home. The individual will remain eligible for Medicaid benefits while receiving treatment even though he or she is not currently in the home with a dependent child.
* Absence due to fulfilling a military obligation is considered a temporary absence; therefore, a parent who is away from home on military duty is considered part of the household unless there is abandonment of the family.
* A minor parent who is considered a Dependent Child may be eligible when temporarily absent for any purpose.
* A child in Job Corps in South Carolina or another state may be eligible as a member of household.
* A child temporarily out of the home and living in an institution may be eligible based on the type of facility in which he is living.
* Any family member who is residing elsewhere permanently cannot be considered temporarily absent.

## 202.05.01 Out-of-Home Living Arrangements

(Rev. 06/01/18)

A child temporarily out of the home and living in an institution may be eligible based on the type of facility in which he or she is living.

| **TYPE OF FACILITY** | **TYPE OF CARE** | **MEDICAID STATUS** |
| --- | --- | --- |
| Non-Medical | Custodial | Individual |
| Residential Treatment and  Group Homes | Psychiatric/  Mental Health Services | With family  (if stay 30 days or less)  Individual  (if stay longer than 30 days) |
| Hospital not operated primarily for the Mentally Ill | Medical | With family |
| Nursing Home not operated primarily for the Mentally Ill | Medical | Individual |
| Hospital or Nursing Home operated primarily for the Mentally Ill | Medical  (See Note) | Individual |
| Educational or Vocational | Educational/Training | With family |
| Home for the Intellectually Disabled | Educational/Training | With family |
| Home for the Intellectually Disabled | Custodial | Individual |
| Maternity Home | Custodial | Individual |
| Juvenile Justice/Correctional | Custodial | Individual |
| Drug Treatment Facility | Medical | With family |

Note:Children who are included in a MAGI or foster care household at the time of entry into a facility will be reviewed as an individual beginning the month their MAGI or foster care eligibility terminates.

# 202.06 Specific Eligibility Group Considerations

(Eff. 01/01/14)

While tax rules will generally govern household composition determinations, the following section details some specific considerations for specific MAGI categories.

202.06.01 Pregnant Women and Infants

202.06.01A Establishing Income of Pregnant Minors

(Eff. 01/01/14)

General household composition rules apply. Refer to 203.04 Income and Budgeting

In cases where a Pregnant Minor is being reviewed for eligibility:

A. If the pregnant minor is a tax filer who is not claimed as a tax dependent, the household consists of the pregnant minor and all dependents.

B. If the pregnant minor is a non-filer, the household consists of the pregnant minor and any parents (including custodial or non-custodial), spouse, children, and/or natural, adoptive, or step-siblings under age 19 with whom she resides.

202.06.01B Parents claiming Custody or Joint Custody of Pregnant Minor

(Eff. 01/01/14)

General custody rules apply. (Refer to [MPPM 202.03.01](#_202.03.01_Joint_Custody).)

If the pregnant minor is unmarried and (i) living with a relative other than a parent, (ii) living with a non-relative, or (iii) living independently, count only the pregnant minor’s needs and income.

202.06.02 Partners for Healthy Children (PHC)

202.06.02A Continuous Eligibility

(Eff. 01/01/14)

When approved, eligibility for a child continues for one year regardless of changes in family income or other circumstances. The child beneficiary will remain PHC eligible unless the child: (i) moves out of state; (ii) dies; (iii) reaches age 19; (iv) begins receiving Supplemental Security Income (SSI); (v) becomes eligible for a SSI-related category, such as TEFRA; (vi) is incarcerated; or (vii) fails to provide verification of Citizenship and/or Identity after being given a reasonable opportunity. The only change that must be reported is an address change.

Continuous coverage for individuals enrolled in PHC begins the day that an application is approved. The continuous period ends the last day of the 12th month following the eligibility determination month. For example, if an applicant applies and is approved for the month of January 2014, continuous coverage will continue until January 31, 2015. If an application is only approved for retroactive benefits, but not for the application month, the child will be eligible for only the retroactive month(s), and eligibility will not continue for one year.

Coverage automatically discontinues on the last day of the month that follows the child’s 19th birthday.

202.06.03 Parent/Caretaker Relative (PCR)

202.06.03A PCR Household Composition

(Rev. 03/01/19)

The PCR household is determined based on the relationship and living arrangement of the individuals applying for Medicaid. Households are held to the following rules:

* Parents are responsible for their minor children and spouses are responsible for each other;
* Stepparents are responsible for their stepchildren;
* Family members that receive Supplemental Security Income (SSI) or are Medicaid eligible under a SSI-related category as an individual (such as ABD, TEFRA, SLMB, Working Disabled) are included in the household.

**The household consists of the following types of individuals who live in the same home:**

* Natural, step or adoptive parents and their minor children (including Deemed Infants);
* Children up to age 18;
* Children from ages 18 to 19 who are full-time students in a secondary school (or GED, or equivalent vocational or technical training), if before attaining age 19 the child may reasonably be expected to complete such school or training. (Note: school attendance may be self-attested); or
* A blood or adoptive caretaker relative who is within the fifth degree of kinship for a child for whom assistance is requested. Such relatives by degree of kinship are as follows:
  + 1st degree – Parent
  + 2nd degree – Grandparent, sibling
  + 3rd degree – Great-grandparent, uncle, aunt, nephew, niece
  + 4th degree – Great-great grandparent, great-uncle, great-aunt, first cousin
  + 5th degree – Great-great-great grandparent, great-great uncle, great-great aunt, first cousin once removed (i.e., the children of one’s first cousin)

**NOTE:** This includes the spouse of any person named in the above groups. Such relatives may be considered even if the marriage is terminated by death or divorce.

Half-relationships will be considered the same as full relationships.

The parent or caretaker relative may not opt to leave a child out of the MAGI household. A child cannot be covered under another related category of assistance. Medicaid does not allow an individual to be left out of the MAGI household under one category of assistance and become eligible under a less restrictive group.

202.06.03B Home Living Arrangements

(Eff. 01/01/14)

The following chart describes individuals in different types of living arrangements and how such arrangements are treated when determining the household composition.

| **LIVING ARRANGEMENT** | **MEDICAID TREATMENT** |
| --- | --- |
| Parent is in and out of the home where the caretaker relative and the children reside. | Include the caretaker relative in the household if requested. Exclude the parent. |
| Parent lives in the home with the children and a caretaker relative who has legal custody of the children. | Include parent in the household. Exclude the relative with legal custody. |
| Both parents are in the home with their minor child(ren). | Include both parents and their children in the household. |
| Stepparent in the home, child(ren) in common. | Include the stepparent in the household. |
| Stepparent in home, no child(ren) in common | Include the stepparent in the household; count his income |
| Stepparent in home, each parent has own child(ren), no child(ren) in common | Include the stepparent in the household; |
| Minor parent is living with her parents and siblings. (Refer to MPPM 202.06.01) | Include all in the household. If entire family is not eligible, determine amount of parents’ income to consider available to minor parent. |
| Child/minor parent in foster care receiving Regular Foster Care or Title IV-E payments. | Exclude minor parent, income, and foster care board payment in determining eligibility for the child. |
| Child living with adoptive parent(s) | Include both parents and child, if adoption finalized. Exclude parents, if not finalized. |
| A child receiving SSI, foster care payments or subsidized adoption payments living with parents and children | Individuals receiving SSI are included in the household. |

202.06.04 Regular Foster Care (RCF)

(Eff. 01/01/14)

Only those children whose custody is held by the Department of Social Services (DSS) are considered Foster Care children. Eligibility is determined without consideration of the parent’s income.

An adoptive parent’s income is not counted in determining the adopted child’s eligibility until the adoption becomes final.

The following chart describes rules for determining household composition and income in the various living arrangements recognized by the Regular Foster Care program.

| **FOSTER LIVING ARRANGEMENT** | **MEDICAID TREATMENT** |
| --- | --- |
| Children living in Department of Mental Health (DMH) facilities, who are not Medicaid-eligible at the time of entry, including children in facilities licensed primarily for the care of the mentally ill | Determine eligibility as an individual in other applicable categories such as Partners for Healthy Children (PHC). |
| Children who are included in a PCR or Foster Care household at the time of entry into a DMH facility | Considered as individuals beginning the month their PCR or Foster Care eligibility terminates. |
| Children in residential treatment facilities who are not in foster care | Treated as a member of their family, if the stay in the facility is 30 days or less. If the stay is longer than 30 days, these children are considered as individuals effective with the beginning of the month in which the 31st day falls. |
| Children who are in individual or group homes sponsored by the Department of Juvenile Justice (DJJ) | Treated as individuals. These children are not considered under the custody or control of their parents, even though custody has not been taken away from the parents by the court. Each placement must be evaluated on its own merits to determine if the child meets the definition of an inmate. |
| A child in a public or private hospital or ward/section thereof | Treated as if he/she were still part of his/her living arrangement before hospitalization. This absence is considered temporary. If the child meets Social Security disability criteria, after 30 days in a general hospital, he/she is considered an individual. |
| Children in Intellectual Disabilities and Related Disabilities (ID/RD) facilities structured for custodial care | Treated as individuals. (Most of these individuals are SSI-eligible.) |
| Children in ID/RD facilities structured primarily for educational or training purposes | Treated as part of their family. |
| Pregnant women in maternity homes | Treated as individuals. Eligibility be determined under the Pregnant Women and Infants category |
| A child in an alcohol or drug treatment (detoxification) facility who is not in DSS custody | Treated as a member of his/her family if the stay in the facility is 30 days or less. If the stay is longer than 30 days, the child is considered as an individual effective with the beginning of the month in which the 31st day falls. |
| Children in educational facilities | Treated as if they are still a part of their family. These absences are considered temporary for receiving an education. |

202.06.05 Subsidized Adoption

(Eff. 01/01/14)

**Special Needs Children**

Medicaid is available to children with special needs who receive an adoption subsidy. Specific considerations for households in this category:

* Only the child’s income is considered; the adoptive parent’s income is not counted.
* The adoption subsidy is never counted as income in determining the child’s eligibility.
* If siblings reside in the same adoptive home, they are treated as individuals. Each child’s income is measured at the level that was in effect at the time the adoption assistance agreement was executed.

If the child is not eligible at the initial determination because of the child’s income, eligibility should be determined in another category, and the adoptive parents’ income is counted.

(Refer to MPPM 204.08)

## 202.06.06 Family Planning for Minors Under Age 19

(Eff. 01/01/14)

Individuals under age 19 who apply for Family Planning are considered a household of one. In determining eligibility for this group, the state considers only the income of the applicant.

Figure 1. Medicaid Household Composition & Family Size

**Start**

Does the individual expect to file a federal tax return for the taxable year?

Does the individual expect to be claimed as a tax dependent?

The individual is a non-filer.

No

Does the individual expect to be claimed as a tax dependent?

Is the individual one of the following?

1. Someone other than the spouse or child (biological, adopted or step) of the taxpayer.
2. Under age 19 & claimed by a non-custodial parent.
3. Living with both parents who will not file a joint tax return.

Y

**End**

**End**

The individual’s household size consists of the individual and (if living with the individual):

1. The individual’s spouse
2. The individual’s children under age 19
3. If the individual is under age 19, the individual’s parents and siblings who are also under age 19

No

The individual’s household size equals the household size of the taxpayer who claims the individual as a tax dependent.

Y

Y

**End**

The individual’s household size is the individual PLUS all of his/her tax dependents.

No

Y

No

**Note**

Married couples filing a joint tax return are included in the household of the spouse – even if NOT living together

**Note**

* Unborn children are included in the household size for the pregnant woman only.
* Married couples who live together are ALWAYS included in each other’s MAGI household regardless of tax filing status.