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## Z Separation

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### Policy

Separation refers to a change in the relationship between a husband and wife. There are two forms of separation:

- Physical separation; and
- Legal separation.

The effect of separation depends on:

If the spouses are...	And the customer receives...	Then...
Physically separated and no longer living together	SSI MAO MSP	Individual budgeting applies beginning the first full month the spouses do not live together.
	ALTCS (Non-Community Spouse)	The separation does not affect the customer's income budgeting but could affect SOC. Family or spousal maintenance is redetermined.
	ALTCS (Community Spouse) FTW - ALTCS	Community Spouse policy continues to apply unless the spouse moves to a medical facility and is no longer living in the community.
	BCCTP	The customer may now qualify for another MA program. If the customer qualifies for

another MA program, that eligibility is approved and BCCTP coverage ended.

	Adult	Changes to who lives in the home may impact who is included in the budget group. See <a href="#">MA602.D</a>
	Caretaker Relative	
	Pregnant Woman	
	Child	
	KidsCare	
Legally separated	Any program	Legal separation alone does not affect income or resource budgeting.

## Definitions

Term	Definition
Physical Separation	Physical separation means the spouses are not living in the same residence.
Legal Separation	<p>Legal separation involves a court order. The court order may:</p> <ul style="list-style-type: none"> <li>• Allocate parental rights;</li> <li>• Order the payment of child support or spousal support; and</li> <li>• Provide for the division of marital property and the distribution of assets.</li> </ul> <p>Legal separation often is a step toward divorce, but also is used by people who choose not to end their marriage. This may be done for religious reasons or in order to protect assets.</p>

## Proof

The customer or representative's statement of the separation and location of the spouse is accepted, unless it is questionable or the customer's ALTCS eligibility is determined using Community Spouse policy.

If the customer's ALTCS eligibility was determined using Community Spouse rules, the living arrangement of the Community Spouse must be verified to determine whether or not to continue using Community Spouse rules. See [MA521](#).

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### Programs Affected

This applies to all programs.

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### Timeframes

Changes must be reported as soon as the future event becomes known. Unanticipated changes must be reported within 10 days of the date the change occurred.

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### Programs and Legal Authorities

Program	Legal Authorities
ALTCS	42 USC 1396r-5 for Community Spouse  42 CFR 435.916(c), (d) and (f)  AAC R9-28-401  AAC R9-28-410  AAC R9-28-411(A)(1)(h)
SSI-MAO	20 CFR 416.415, 432, 435. 1132, 1163 and 1165  42 CFR 435.602

	<p>42 CFR 435.916(c), (d) and (f)</p> <p>AC R9-22-1501(H)(1)(e)</p> <p>AAC R9-22-1503, 1504 and 1505</p>
Medicare Savings Program (MSP)	<p>20 CFR 416.415, 432, 435. 1132, 1163 and 1165</p> <p>42 CFR 435.602</p> <p>42 CFR 435.916(c), (d) and (f)</p> <p>AAC R9-29-213</p> <p>AAC R9-29-224(7)</p>
Freedom to Work (FTW)	<p>42 CFR 435.916(c), (d) and (f)</p> <p>AAC R9-22-1501(H)(1)(e)</p> <p>AAC R9-22-1503(a)(2), (3) and (4)</p>
Breast and Cervical Cancer Treatment Program	<p>42 CFR 435.916(c), (d) and (f)</p> <p>AAC R9-22-2005D</p> <p>AAC R9-22-2008</p>



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