

**Division of Medicaid & Children's Health, Region VI**

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**September 16, 2008**

**DALLAS REGIONAL MEDICAL SERVICES LETTER NO. 08-007**

**TO: State Agencies Administering Approved Medical Assistance Plans**

**SUBJECT: Special Identity Rules for Children, 42 CFR 435.407 (f)**

The Centers for Medicare & Medicaid Services (CMS) is committed to working with States to ensure that processes and procedures are in place which provide the means for local eligibility workers to correctly document citizenship and identity during the Medicaid eligibility application process. The Deficit Reduction Act of 2005 required States to obtain documentary evidence of citizenship and identity from citizens and U.S. nationals for Medicaid at the time of application or at the first redetermination occurring on or after July 1, 2006.

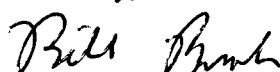
CMS conducted several on-site State visits in late 2007 and early 2008 to discuss and assess the impact of the new requirements and to provide technical assistance to enable States to more effectively administer this requirement. Our findings from the site visits and a review of several State Medicaid applications revealed that many States are routinely utilizing affidavits to document identity for children under 16 rather than complying with the *Special Identity Rules for Children* set forth in the regulation at 42 CFR 435.407(f). For example, some State medical assistance applications included affidavits that allowed identity attestation for more than one child. In addition the instructions to applicants do not advise the applicant to submit medical or school records to document the identity of children.

Adults making a Medicaid application for a child should be required to submit a clinic, doctor, hospital or school record to establish identity if a U.S. passport, Certificate of Naturalization, Certificate of Citizenship or school photo identification card are not available. If school records are accepted they must also be verified with the issuing school. Affidavits should only be used in rare circumstances after establishing that the documents listed in 435.407(f) do not exist. Affidavits also must be signed under penalty of perjury and state the date and place of birth.

**Contact for Additional Information**

If you have any questions about the application of special identity rules for children, please contact me or your respective State Representative.

Sincerely,



Bill Brooks

Associate Regional Administrator

**Division of Medicaid & Children's Health, Region VI**

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Bill Brooks  
Associate Regional Administrator

9-16-08  
B.B. [Signature]

Dmedc reply 9/16/08

BBF 9/16/08