

Grandparents Parenting Grandchildren

Getting Legal Authority: A Guide to Idaho Law

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Sponsored and Conceived by AARP Idaho
and the
Idaho Commission on Aging
With support from the Idaho KinCare Coalition

Introduction

Grandparents who find themselves parenting their grandchildren are presented with many challenges. Most importantly, they often lack legal authority to make decisions for the child. Thus grandparents may encounter difficulties enrolling grandchildren in school, obtaining medical care for grandchildren, obtaining medical insurance for grandchildren, and filing for public assistance benefits for grandchildren.

While a parent may seek the help of a child's grandparents voluntarily, just as often grandchildren are left with grandparents without any advance planning. Some grandparents are estranged from the parents and may even have intervened and removed their grandchildren from a situation they deemed inappropriate for a child.

Where grandparents and parents have agreed on a voluntary plan to care for grandchildren, arrangements to give the grandparents the necessary legal authority are relatively simple.

However, where parents have abandoned children with grandparents or where grandparents or other family members have intervened on behalf of the children, the process of obtaining legal authority may be complex. Grandparents in this situation may need to consider hiring an attorney and may have to make difficult, public allegations about their own children in court in order to secure legal authority.

In this publication, each of the methods of obtaining legal authority to parent a grandchild in Idaho will be discussed. In addition, the publication will discuss individual issues such as school enrollment, obtaining medical care, health insurance,

and applying for public assistance for a grandchild.

Parenting Powers of Attorney

Idaho law allows parents to delegate their parenting authority to others. These delegations are commonly called Parenting Powers of Attorney.

If a Parenting Power of Attorney is given to a grandparent, brother or sister of the child, or brothers or sisters of the parents, it may be for an unlimited period of time. However, the Parenting Power of Attorney must state a time of duration. If it does not state a time of duration it will be good for three years.

Example: If the child is 5 years of age and the Parenting Power of Attorney says that it lasts as long as the child is a minor, it may continue for thirteen years. But if the Parenting Power of Attorney says nothing, it will expire when the child reaches age 8.



If the Parenting Power of Attorney is given to any other person, it may last for 6 months (or one year if the parent is in the military).

Parenting Powers of Attorney may cover any parenting power except the power to consent to adoption or marriage.

A Parenting Power of Attorney form is included in the Appendix at the back of this pamphlet. A form is also available online at the Idaho Court Assistance Office website: http://www2.state.id.us/cao/forms.asp?CAT_ID=22

If you choose to use a Parenting Power of Attorney, you should also consider obtaining the following helpful documents from the child's parents:

- ✓ Medical Consent Form. Medical Consent forms are often available from your primary care physician or local hospital. These forms can be kept on file with the child's health care provider in case of emergency.
- ✓ Immunization Record.
- ✓ Birth Certificate.
- ✓ Evidence of Insurance (if child will be covered by parent's insurance plan).

The law regarding the Parenting Power of Attorney can be found in Idaho Code § 15-5-104.

Advantages of Parenting Powers of Attorney

Parenting Powers of Attorney are easy and inexpensive. A lawyer is not required to fill out the necessary forms. Either parent may give a Parenting Power of Attorney. The parental authority of a parent giving a Parenting Power of Attorney is not affected and it is not necessary to make any statements regarding the reasons for the

Parenting Power of Attorney.



Disadvantages of Parenting Powers of Attorney

Parenting Powers of Attorney are voluntary arrangements – the parents have to agree to them. For that reason they are not helpful if the parent is unavailable or is uncooperative.

In addition, *either* parent may revoke the Parenting Power of Attorney at any time.

Finally, there is some possibility that others outside the family may not feel comfortable relying on a Parenting Power of Attorney. For example, educational institutions may not let a grandparent with a Parenting Power of Attorney have access to educational records of a child unless the parent signs a specific release. Likewise, a health care provider may also resist disclosing medical records without a specific release.

Custody

Idaho law provides that grandparents may go to court and obtain custody of a grandchild if they are living with the child in a stable relationship and if grandparental custody would be in the best interests of the child.

The law regarding requests by grandparents for custody of a grandchild can be found in Idaho Code § 32-717.

Advantages of Custody

A custody order may only be obtained from a court and is not revocable by a parent.

The custody order can last until it is modified by the court acting in the best interests of the child or until the child reaches age 18.

Under Idaho law a grandparent seeking custody does not have to prove that a parent is unfit or has abandoned the child in order to get custody. Rather, the grandparent must show that the child is residing with the grandparent in a stable relationship and that custody would be in the best interests of the child.

Disadvantages of Custody

The constitutionality of Idaho's grandparent custody provision has not been determined

by the Idaho courts. Many courts might be reluctant to order custody if the child is not living with the grandparent at the time of the order – even when the child has lived with the grandparent in the past and was only removed from the grandparent’s home recently.

Grandparents must go to court to obtain a custody order. This may require hiring a lawyer.

Custody orders may be modified by the court if the parent shows a substantial change of circumstances. For that reason, grandparents may have to go back to court to defend a custody order.

A grandparent who is parenting a grandchild must ensure that the custody order confers legal custody. In Idaho, custody may be either legal custody or physical custody. Physical custody gives the grandparent the right to physical contact with the child, but ONLY legal custody will give grandparents the power to make decisions for the child regarding schooling and medical care.

De Facto Custodianship

A grandparent who is residing with his or her grandchildren may be a de facto custodian. A de facto custodian is any person who has resided with a child for 1 year (6 months if the child is under age 3) and who has

- ✓ Served as primary caregiver for the child, and
- ✓ Served as the primary financial supporter of the child.

A court will recognize a de facto custodian if it is in the best interests of the child. When making this decision, a court should

consider whether the person is currently the de facto custodian and, if not, how much time has passed since the person has been the child’s de facto custodian.

De facto custodians may petition for Guardianship and are entitled to notice of guardianship actions filed by others.

Idaho law provides that a de facto custodian has the same standing given to a parent in a guardianship action.

The Idaho de facto custodian statute is Idaho Code §§ 15-5-207 and 15-5-213.

Advantages of De Facto Custodianship

No court order is necessary for a grandparent to have the status of de facto custodian. Nor does the parent have to sign or agree to anything.

De facto custodians may seek guardianship of a child and are entitled to notice of guardianship actions filed by others.

Disadvantages of De Facto Custodianship

If the de facto custodian does not obtain a court order establishing a guardianship, he or she is not a guardian and does not have the powers of a guardian.

Without a legal order of guardianship, a de facto custodian’s status is unclear. Because no court action is required and because parents do not agree to de facto custodianship, a de facto custodian often does not have evidence or documentation of his or her status. With a Parenting Power of Attorney, a grandparent actually has the power of attorney document. With custody, guardianship or adoption, a grandparent has the court order.

Many third parties may be unwilling to allow a de facto custodian to make decisions regarding a minor without documentary evidence of the person's legal authority. For that reason it may be necessary for a de facto custodian to pursue a formal guardianship action.

Guardianship

Grandparents may seek guardianship of their grandchildren. Under the Idaho guardianship statute, "any person interested in the welfare of a minor" may petition a court for guardianship of a minor. In addition, any person who has served as the child's de facto custodian may petition for guardianship. Most grandparents will qualify to bring a guardianship action under either or both of these provisions.

In order to obtain a guardianship, grandparents must show EITHER that all parental rights have been terminated OR that the child has been abused, abandoned, or neglected, or that the child's parents are unable to provide a stable home environment. Idaho law provides that a parent has abandoned a child for purposes of guardianship if the parent fails to maintain a "normal parental relationship" without just cause for a period of six months.

Facts supporting the appointment of a guardian might include a combination of the following:

- ✓ the child currently resides with the grandparents and not with the parent(s);
- ✓ the child's parent(s) has not had contact with the child for significant periods of time (weeks or months) without explanation;
- ✓ the parent has moved around a lot (especially moves that would have

caused the child to have to switch schools or daycare);

- ✓ the parent has been unable to maintain employment;
- ✓ the parent has been unable to offer the child an appropriate place to live;
- ✓ the parent has many different partners or other people living at the parent's house.

Grandparents must also show that guardianship would be in the best interests of the child. Even grandparents who are de facto custodians must make these showings to obtain a guardianship.

The Idaho guardianship statute specifically provides that the advanced age of the potential guardian should not be the only consideration in evaluating the child's best interests. This latter provision is part of Idaho Code § 15-5-204.



The Idaho guardianship statute imposes special procedural requirements on guardianships. Notice of the guardianship action must be provided to:

- ✓ the child if he or she is over fourteen years old;
- ✓ the person who has had the principal care and control of the minor for the sixty days preceding the action;
- ✓ any living parent; and
- ✓ the child's de facto custodian (this may include grandparents or other residential adults such as stepparents or the live-in partner of a parent).

The court may appoint an attorney for the child in a guardianship proceeding. If the child is too young to participate in making decisions with an attorney, the court may appoint a guardian ad litem for the child. (A guardian ad litem represents the child's best

interests to the court.) No attorney or guardian ad litem need be appointed if the court decides that appointment is not necessary to protect the child's best interests or if the child is in the custody of the Idaho Department of Health and Welfare.

Forms for guardianship actions are available in Volume 2 of the Idaho Estate Planning Series: Idaho Guardianship & Conservatorship Forms (1996). This publication is available at the University of Idaho College of Law Library in Moscow, and the Idaho State Law Library in Boise. It may also be available in local courthouse law libraries. After these forms were developed, the guardianship statute was slightly revised to permit the appointment of a guardian when parents are unable to provide a stable home environment, and to provide for notice to de facto custodians and guardianship petitions by de facto custodians. As a result, the forms will need to be adapted in order to be used. Other forms may be available on the world wide web but they are not specific to Idaho Law.

The Idaho statutes governing appointment of Guardians of Minors are Idaho Code §§ 15-5-201 through 15-5-213.

Advantages of Guardianship

Grandparents may petition for guardianship even if they are not currently residing with a grandchild (because they qualify as "a person interested in the welfare of the child").

Guardians have broad powers – they may function as the child's parent in all situations.

Guardians are not legally obligated to provide for the child from their own resources. Thus a child may qualify for public benefits based on the child's income

alone – the guardian's income and resources will not be counted (see "Issues Confronting Grandparents" later in this guide).

Guardians are not liable to third persons for acts of the child.

Guardianships are not revocable. Only a court may dissolve a guardianship.

In contrast to custody, guardianship is not easily subject to modification by the court. However, the parent may request that the guardian be removed. A court may remove a guardian if it determines that removal of the guardian is in the best interests of the child.

Disadvantages of Guardianship

In order to obtain a guardianship, a grandparent must go to court. Many grandparents may find this difficult to do without the aid of an attorney.

To obtain the guardianship, the grandparent must allege that the parent is unable to function as a parent because of abuse, neglect, abandonment, or inability to provide a stable home environment. (In contrast, a grandparent who is residing in a stable relationship with his or her grandchildren need only allege facts regarding the child's best interests to obtain custody.) Grandparents may be reluctant to make such public allegations against their own children. In addition, these types of allegations can be hard to prove and may strain family relationships.

Adoption

Grandparents may petition to adopt a grandchild. Under Idaho law any adult may petition to adopt a minor child if they have

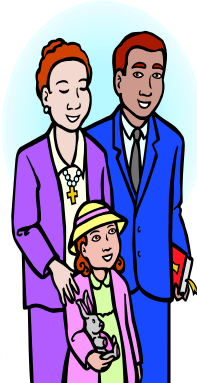
resided in Idaho for six months prior to filing the adoption petition.

Adoption requires that the rights of the child's parents be terminated. Parents may consent to the termination of their parental rights. If parents do not consent to the termination of their parental rights, the court may order that parental rights be terminated under the following circumstances:

- ✓ The parent has abandoned the child. When a grandparent is seeking to adopt a child, willful failure of the parent to maintain a normal parental relationship with the child for six months constitutes abandonment.
- ✓ The parent has neglected or abused the child.
- ✓ The parent is unable to discharge parental responsibilities and will continue to be unable for a prolonged, indeterminate period of time that will be injurious to the health, morals, or well-being of the child.
- ✓ Termination of parental rights is in the best interests of the parent and the child.
- ✓ The parent is incarcerated and has no possibility of parole.

In addition to these grounds, there are several other grounds for termination of parental rights that are not likely to be applicable in cases involving grandparents. The Idaho statutes regarding parental termination are found in Idaho Code §§ 16-2001 through 16-2015.

In addition to terminating parental rights of both parents, for an adoption to take place, the Idaho Department of Health and Welfare



or a private agency must conduct a social investigation and recommend the adoption. Finally, the court must hold a hearing at which all parties, including the child, are present. If the court determines that the best interests of the child will be promoted, it may order the adoption.

The Idaho adoption statutes are found in Idaho Code §§ 16-1501 through 16-1515.

Advantages of Adoption

Adoption is final. An adoption is neither modifiable nor revocable. Adoption changes the relationship between the child and grandparent and creates a parent-child relationship for all purposes including consent to marriage, inheritance, legal decision-making, and privacy access. For example, if a grandparent is employed, the adopted child will generally qualify for employment benefits to the extent they cover children.

Disadvantages of Adoption

Adoption's biggest advantage is also a potential disadvantage – it's final. Adoption eliminates all parental responsibility including the duty of parents to economically support their children. If grandparents adopt a grandchild, they become the legal parents of the child and take on all parental responsibilities.

Only a court can order an adoption. Most grandparents will need the assistance of an attorney to pursue an adoption.

Adoption requires termination of the parents' rights, which can only be accomplished by alleging abuse, neglect or abandonment. Because termination of parental rights is final and permanent, and because the facts supporting termination of parental rights are often inflammatory, family relationships are likely to be strained.

Once a grandchild is adopted, the child may not be eligible to participate in public benefit programs such as Medicaid or TAFI unless the grandparent qualifies for those benefits.

Issues Confronting Grandparents

Many issues arise for grandparents caring for their grandchildren. These include finding ways to economically support grandchildren, providing for medical insurance coverage, and enrolling grandchildren in school.

Child Support

Parents have a duty to support their children. Grandparents who have obtained legal authority to parent their grandchildren through legal custody or guardianship should be able to obtain a child support order requiring parents to support the child.

If, however, the parental rights of either the mother or the father of the child have been terminated, child support from that parent is not available.

If a grandparent is parenting grandchildren pursuant to a Parenting Power of Attorney, he or she can go to court and seek child support from either or both parents. However, a parent who is upset about a grandparent's decision to seek child support may revoke the Parenting Power of Attorney.

For questions about obtaining child support, grandparents should contact the Idaho Department of Health and Welfare. The contact information is included in the appendix to this pamphlet.

The basic statutory authority for child support is Idaho Code § 32-706. Idaho Child Support Guidelines are Idaho Rule of Civil Procedure 6(c)(6). The Idaho Code provisions regarding withholding of income for child support payments are found in Idaho Code §§ 32-1201 through 32-1217.

Public Assistance

Temporary Assistance to Families in Idaho (TAFI)

Children in the care of their grandparents may be eligible to apply for Temporary Aid to Families in Idaho (TAFI) for a “child only” grants. These grants provide up to \$309/month per family and are available based on the child's income. These “child-only” grants are not subject to the 24-month lifetime limit applicable to other TAFI assistance (see below).

Before applying for a “child only” grant, grandparents should be aware that the Idaho Department of Health and Welfare generally brings a child support action against parents when their children apply for TAFI. However, it is possible for grandparents to apply for a “good cause” exemption from this requirement. Grandparents who believe that a child support action would be disruptive or dangerous should inquire whether they qualify for the “good cause” exemption.

Grandparents should keep in mind that “child only” grants are not be available if the grandparent adopts the child.

If grandparents adopt their grandchild, they may be eligible to apply for TAFI themselves. This program is limited. TAFI:

- ✓ Has a 24-month lifetime limit;
- ✓ Pays \$309 per month regardless of household size;
- ✓ Requires participants to work;

- ✓ Includes alcohol and substance abuse screening;
- ✓ Is available only to "needy" families with children; and
- ✓ Provides enhanced work services to families receiving cash assistance.

A family is “needy” if the household’s countable income is below 32% of current federal poverty level. In addition to the \$309 per month, supportive services funds are available to assist participants to find or retain work.

Qualification for the program will be determined by the grandparent’s income, work, and previous participation in the program.



Information about TAFI is available online at <http://www.healthandwelfare.idaho.gov> (click “food/cash/assistance” then “cash” then “families”) or from your local office of the Idaho Department of Health and Welfare.

Food Stamps

Grandparents may also be eligible for food stamps. Eligibility may exist even if grandparents are employed or are receiving Social Security. Information about food stamps is available at <http://www.healthandwelfare.idaho.gov> (click “food/cash/assistance,” then click “food stamps”).

Health Care

Children’s Health Insurance Programs (CHIP) and Access Card

Idaho CHIP provides free and/or low-cost health coverage to uninsured eligible children. These programs are administered by the Idaho Department of Health and Welfare.

A family of four with an annual income up to \$35,797.50 may be eligible for children’s coverage. Income from non-biological or legal adoptive parents doesn’t count against the family income limit. Thus a grandparent’s income does not count against the income limit unless the grandparent has adopted the grandchild.

In addition to the income requirements, to qualify for these programs, the family resources/assets, such as savings and other disposable assets, must not exceed \$5000. As with income, however, only resources from the biological or adoptive parents count against the \$5000 limit.

A qualifying family has a choice between two programs:

1. **Access Card** – a premium assistance program which provides up to \$100/month toward a private group or individual health care plan premium.
2. **CHIP-B** – a health care plan (not including dental care) that is available for a monthly premium of \$15/month per child.

Any Idaho adult caring for a child can apply for health care assistance for children in their care. Thus a grandparent may apply on behalf of a grandchild regardless of whether he or she has a parenting power of attorney, meets the requirements of a de facto custodian or has been appointed the legal guardian.

If a grandparent has adopted a grandchild, he or she is the legal parent. The income and resources of such a grandparent would be counted in determining whether a child qualifies for CHIP.

Information about Idaho CHIP is available at <http://www.healthandwelfare.idaho.gov/>

(click on “children” then “health insurance” then “children”).

Employer Health Insurance

Grandchildren may be eligible for coverage on grandparents’ employer-provided health insurance. The terms of employer health insurance differ from plan to plan. Some plans may offer coverage to any household member. Other plans may require a Parenting Power of Attorney. Yet other plans may require guardianship or adoption. Grandparents should contact their employee benefits office for information about their specific plan.

should be persistent and should attempt to work with school district officials to address their concerns. Generally, children may be enrolled in school if the concerns of school officials are satisfied.

Enrolling Grandchildren in School

In Idaho, most school districts require an up-to-date Parenting Power of Attorney, legal custody, guardianship, or adoption to enroll a child in school. At present, the Idaho Department of Education regulations require that Parenting Powers of Attorney must be signed each year that a child is enrolled in school even though the power of attorney law allows parenting powers naming close family members to be of unlimited duration.

Idaho schools have a responsibility to educate children in Idaho. When a person attempts to enroll children in school without evidence of legal authority, school officials may be concerned that the child may have been kidnapped or that the person with the child is interfering with the parents’ rights. School officials may also be concerned that persons who live outside the school district are trying to take advantage of district programs without becoming residents of the district.

Grandparents who have not adopted their grandchild, been appointed a guardian, or do not have a parenting power of attorney

Appendix

POWER OF ATTORNEY DELEGATING PARENTAL POWERS
To a grandparent, sibling of parent, or sibling of the minor child/ren

_____, a parent or guardian
Typewritten or Printed Name of Parent or Guardian

of the minor child/ren *[name(s) and birthdate(s)]*

, born _____

, born _____

, born _____

pursuant to Idaho Code Section 15-5-104, delegates his/her parental powers to (name(s))

Of (current address) _____

who is a grandparent, **or** sibling of a parent , **or** sibling of the above minor child/ren.

This delegation of power includes all powers regarding the care, custody, and property of the minor child/ren except the power to consent to marriage or adoption of the minor child/ren.

This power expressly allows my delegate to travel outside the United States with the minor child/ren. Yes No

This power of attorney shall remain in full force and effect for three (3) years, unless earlier revoked by me in writing; **OR** until _____

_____,
unless earlier revoked by me in writing.

Signature of Parent or Guardian

Optional Notarization

STATE OF _____)
: ss
County of _____)

On the _____ day of _____, 20____, before me, a Notary Public, personally appeared _____, known or identified to me to be the person whose name is subscribed to the within or foregoing instrument, and acknowledged to me that s/he executed the same.

Notary Public for _____
Residing at _____
Commission expires: _____

Important Resources

Idaho Department of Health and Welfare

Website: <http://www.healthandwelfare.idaho.gov/>

State-wide toll free telephone number: 1.800.356.9868

Boise Area Telephone Number 208.334.2479

Idaho CareLine 211

E-mail: idses@policy-studies.com

Regional Offices of the Idaho Department of Health and Welfare:

Region 1, Coeur d'Alene
Michelle Britton, Director
208.769.1515, ext. 360

Region 5, Twin Falls
Kathleen Allyn, Director
208.736.2182

Region 2, Lewiston
Dave Reynolds, Director
208.799.4338

Region 6, Pocatello
Nick Arambarri, Director
208.239.6280

Region 3, Caldwell
Randy Woods, Director
208.455.7106

Region 7, Idaho Falls
John Hathaway, Director
208.528.5791

Region 4, Boise
Randy Woods, Director
208.334.6727

Idaho KinCare Coalition Support Groups

Support groups and information centers are available throughout the state and there is a continuing effort to develop additional support groups. Current support groups and resource information are active or available in the following areas:

Bonnars Ferry

Elsie Hollenbeck
208.267.2485
hollenbeck@imbris.com

Grangeville

Angie Rose
208.983.2006
rarose@mtida.net

Pocatello

Judi Robinson
208.233.4032 ext.16
or 1.800.526.8129
judilou@sciog.org

Carol Hampton

208.267.3235
champton@uidaho.edu

Hayden

Sarah McLain
208.772.3851
smclain@sd271.k12.id.us

Treasure Valley/Boise/- Meridian

Tracee Crawford
208.323.7538
craw2@mindspring.com

Caldwell, Nampa, Weiser

Linda Dripps
208.459.0063
KinCare@spro.net

Idaho Falls, Driggs, Salmon

Emily Hoyt
208.522.5391
1.800.632.4813
ehoyt@eicap.org

Georgia Mackley
bus. 208.939.6000
home 208.938.3206
gmackley@group-one.com

Coeur d'Alene

Kaye Wilson
208.667.3179
1.800.786.5536
kbwilson@agingadultservices.org

Lewiston

Kathee Tifft
208.799.3096
ktifft@uidaho.edu

Twin Falls, Burley/Rupert, Hailey

Judy Gerard
208.736.2122 ext. 303
1.800.574.8656
jgerard@rmci.net

Coeur d'Alene Tribe

Janette I. Taylor
208.686.6602
Fax 208.686.6501
jitaylor@cdatribe.com

Moscow

Sarah Rial
208.883.6483
sarah.rial@gritman.org

Fern Warren

208.736.8856
208.404.4506
fleadbottom@msn.com

Organizational Contacts

Idaho Commission on Aging

Tina Rice

toll free 1.877.471.2777

trice@aging.idaho.gov

http://www.idahoaging.com/programs/ps_caregiverGAP.htm

Area Agencies On Aging

Area I

Coeur d'Alene

1.800.786.5938 or 208.667.3179

Area II

Lewiston

1.800.877.3206 or 208.743.5580

Area III

Weiser/Boise

1.800.859.03244 or 208.549.2411

Area IV

Twin Falls

1.800.574.8656 or 208.736.2122

Area V

Pocatello

1.800.526.8129 or 208.233.4032

Area VI

Idaho Falls

1.800.632.4813 or 208.522.5370

AARP Idaho

Cathy McDougall

3080 Gentry Way, Suite 100 • Meridian, ID 83643

208.855.4003 • cmcdougall@aarp.org

Support Group State Coordinator:

Marie V. Sonderman

208.323.9568 • msond83704@aol.com

Idaho Legal Aid Services

<http://www.idaholegalaid.org/Home/PublicWeb>

Senior Legal Hotline:

Toll free outside the Boise area 1-866-345-0106

In the Boise area 345-0106

En Español: 1-866-945-2591

TTY: 1-800-245-7573

Helpful Websites For Grandparents And Other Kin Raising Children

www.kincaregrandparents.org Website of Canyon County Organization on Aging (CCOA) – a non-profit human services agency located in Idaho, established in 1973, which offers an array of senior and community support programs.

www.aarp.org/grandparents Grandparents section of the AARP website. AARP is the largest support and advocacy group in the country for older Americans.

www.gu.org Website of Grandparents United – a national group advocating on inter-generational issues.

www.grandplace.com GrandPlace.com – a web portal with links to many sites on the web dealing with issues important to grandparents.

www.grandparentagain.com Website of Grand Parent Again containing information on legal, medical and lifestyle issues for grandparents.

www.childrensdefense.org Website of the Children’s Defense Fund -- an advocacy group for children that contains useful information regarding children’s health, legal issues, and developmental issues.

www.idahohealth.org Website sponsored by the Idaho Department of Health and Welfare containing information about the CHIP program and Medicaid.