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CHAMPVA POLICY MANUAL

CHAPTER: 1
SECTION: 2.5
TITLE: CHILD

AUTHORITY: Public Law 101-508 and 102-86; 38 CFR 3.57 (except subsection (d)); 3.58; and 17.270(b) and 17.271

RELATED AUTHORITY: VA-DIG-OP WL 39507, 1977, VA-DIG-OP WL 39523, 1977, VA-OP-GC 14-79, 1979, VA-DIG-OP WL 489710, 1988, VA-OP-GC-ADV 9-97,1996

I. EFFECTIVE DATES

A. Reference [Chapter 1, Section 2.3, Beneficiary](#), for the effective beginning date of CHAMPVA eligibility.

B. The effective ending date of eligibility for a child through age 17 is:

1. midnight on the 18th birthday, or
2. the date of marriage.

C. The effective ending date of eligibility for a child between the ages of 18 and 23 is:

1. the date the child no longer is a full-time student, or
2. the date of marriage.

II. DEFINITIONS

A. Child means

1. An unmarried person who is:
 - a. a legitimate or illegitimate child of the sponsor, or
 - b. a child legally adopted before the age of 18, or

c. a stepchild who acquired that status before age 18 and who is a member of the sponsor's household (or was at the time of death).

2. A helpless child who, before reaching age 18, became permanently incapable of self-support.

3. A legitimate child who was born in wedlock.

4. An illegitimate child who was born out of wedlock, but who is:

a. acknowledged in writing by the sponsor, or

b. a child for whom the sponsor has been judicially ordered to contribute support, or

c. a child for whom the sponsor was judicially decreed to be the parent, or

d. a child recognized by Veterans Benefit Administration (VBA), after submission of satisfactory evidence, to be the child of the sponsor.

5. An adopted child who:

a. was adopted before age 18 (or age 23 if a full-time student) pursuant to a decree of adoption or placed for adoption under an agreement entered into by the adopting parent with any agency authorized under law [VA-OP-GC 14-79,1979], or

b. in the case of a deceased veteran, was living in the veteran's household prior to death and was adopted by the spouse under a decree issued within two years of the veteran's death. [VA-DIG-OP WL 489710,1988]

6. A stepchild who is the legitimate or illegitimate child of the sponsor's spouse, and who:

a. has not been adopted by the sponsor and acquired stepchild status prior to age 18 (or prior to age 23 if a full-time student), and

b. is a member of the sponsor's household or was a member of the sponsor's household at the time of the sponsor's death.

B. Willful misconduct means an act involving conscious wrongdoing or known prohibited action.

III. POLICY

A. To be eligible for CHAMPVA benefits, a child must:

1. be unmarried,

2. be legitimate, illegitimate, adopted, or stepchild of the sponsor, and
3. under the age of 18 or between the ages of 18 and 23 if a full-time student in an accredited educational institution, or
4. a helpless child.

B. A child of a qualifying sponsor is entitled to coverage for medical services as described in Chapter 2 of the CHAMPVA Policy Manual. (See Exclusions).

IV. POLICY CONSIDERATIONS

A. Student status (unmarried).

1. The child must be between the ages of 18 and 23.
2. Full-time school attendance in an accredited educational institution must be verified.
 - a. Schools include, but are not limited to high school, vocational/technical, undergraduate, graduate, or postgraduate levels of study.
 - b. Full-time attendance is defined as twelve semester credit hours for spring or fall semesters or the equivalent number of hours on an academic calendar at an accredited educational institution.
 - c. Student status may be established up to a full year with a letter from the school certifying the beginning and ending dates of the school terms for which the student has pre-enrolled.
 - d. Certification of full-time attendance must be submitted on school letterhead.
 - e. School vacation periods and holidays are not considered an interruption in full-time school attendance; therefore, a break in CHAMPVA eligibility does not occur.
 - f. Summer breaks are not considered an interruption in full-time school attendance when:
 - (1) the student is enrolled full-time in the semester (or quarter) prior to the summer break and pre-enrolled full time in the semester (or quarter) following summer break, or
 - (2) the student is enrolled full-time in the summer semester (or quarter) as verified by the educational institution.

(3) a student who, within the same calendar year, has graduated from high school and has provided a pre-enrollment letter on school letterhead indicating the student's intent for fall enrollment. The student will be required to provide certificate of full-time attendance at the time the semester (or quarter) begins.

g. If a student withdraws from school during the semester (or quarter), full-time school status for that semester (or quarter) is not established.

3. If the child incurs a disabling illness or injury while enrolled full-time at an approved educational institution, and the disability is not due to the child's own willful misconduct, eligibility is retained when medical documentation is provided certifying the presence of an illness or injury which would preclude the child from continuing school for a specified period of time.

a. The child shall remain eligible for benefits:

(1) for a six-month period after the date the disability ceases, or

(2) until the end of a two-year period beginning on the date of the onset of the disability, or

(3) until the child's 23rd birthday, whichever occurs first.

b. This provision includes disabling illness or injury occurring between school terms, or during a vacation or holiday period.

4. A stepchild who attends school on a full-time basis and lives away from the sponsor's household for the sole purpose of attending school is considered a member of the sponsor's household.

5. A child between the age 18 and 23 who interrupts a period of full-time attendance for non-medical reasons or elects not to enroll after the pre-enrollment letter has been provided to CHAMPVA will lose CHAMPVA eligibility. Eligibility may be reinstated when full-time attendance is resumed. If a break in CHAMPVA occurs and payments are provided for medical benefits during the non-eligible period, CHAMPVA will recoup the cost of the benefits.

B. Marriage.

1. A child's eligibility for CHAMPVA benefits is not affected by the divorce or annulment of the sponsor's marriage.

2. A child who marries loses eligibility at midnight on the date of the marriage.

3. A child whose marriage is annulled, and the annulment has been confirmed by a court document, may **apply for reinstatement of eligibility** effective on the date of annulment.

C. Stepchild.

1. If the sponsor and the birth parent of the stepchild divorce, but the child continues to live with the sponsor, the stepchild's CHAMPVA eligibility continues.

2. A stepchild who has been residing with the sponsor and one birth parent and moves out of the sponsor's household to reside with the other birth parent (or other guardian) loses CHAMPVA eligibility.

D. Adoption.

1. A birth-child of a qualifying sponsor (living or deceased) remains a child for purposes of CHAMPVA eligibility even if another person has legally adopted the child [VA-OP-GC-ADV 9-97, 1996]

2. A child adopted by an eligible sponsor meets the definition of "child." Therefore, if someone outside the eligible sponsor's household then later adopts the child, benefits may continue for that child.

E. Helpless child.

1. The determination of helpless child status is made by the VBA.

2. A helpless child who marries loses CHAMPVA eligibility at midnight on the date of the marriage.

3. A helpless child may request reinstatement of benefits under the following circumstances:

a. The marriage is annulled, and the annulment has been confirmed by a court document. Eligibility for reinstatement of benefits is based on the effective date of the annulment.

b. The divorce or death of a helpless child's spouse.

F. Newborns.

To establish CHAMPVA eligibility for a newborn, the veteran must accomplish the following prior to the submission of a claim:

1. obtain a Social Security Number for the newborn by applying to the nearest Social Security Administration Office, and

2. establish dependency of the newborn to the veteran sponsor by contacting the appropriate VARO.

V. EXCLUSIONS

A. Some exclusions apply for CHAMPVA eligibility criteria when the child is also entitled to Medicare Part A (see [Chapter 1, Section 2.6](#), *Medicare*).

B. A grandchild, niece, nephew, or cousin is not an eligible beneficiary unless legally adopted by the sponsor.

C. A child who is eligible for TRICARE benefits.

END OF POLICY