

CHAPTER 9
SECTION 8.1C

BENEFICIARY ELIGIBILITY REQUIREMENTS WHEN INCAPABLE OF
SELF-SUPPORT DUE TO MENTAL OR PHYSICAL DISABILITY

Issue Date: September 9, 1993

Authority: Title 10 U.S.C., Chapter 55, PL. 102-484

I. ISSUE

When are individuals eligible to qualify for children incapable of self-support as a result of a mental or physical disability?

II. BACKGROUND

The Defense Authorization Act for 1993 (Public Law 102-484, section 706) extended the age requirements for children incapable of self-support because of a mental or physical incapacity up to age 23, including those children who become incapacitated between the ages of 21 and 23 while enrolled in a full-time course of study at an institution of higher learning approved by the Administering Secretary.

III. POLICY

A. A child may qualify as an incapacitated child eligible for TRICARE/CHAMPUS benefits if the child is determined to be a member of one of the classes of dependent child identified in [Chapter 9, Section 8.1A](#), is not married, and is incapable of self-support because of a mental or physical disability that:

1. Existed before the child's 21st birthday; or
2. Occurred between the ages of 21 and 23 while the child was enrolled in a full-time course of study in an institution of higher learning approved by the Administering Secretary or the Department of Education (see NOTE below), and is, or was at the time of the member's or former member's death, in fact dependent on the member or former member for over one-half of his or her support.

NOTE: An institution of higher learning is a college, university, or similar institution, including a technical or business school, offering post-secondary level academic instruction that leads to an associate or higher degree, if the school is empowered by the appropriate State education authority under State law to grant an associate, or higher, degree. When there is no State law to authorize the granting of a degree, the school may be recognized as an institution of higher learning, if it is accredited for degree programs by a recognized accrediting agency. The term also shall include a hospital offering educational programs at the postsecondary level regardless of whether the hospital grants a postsecondary degree. The term also shall include an educational institution that is not

located in a State, that offers a course leading to a standard college degree, or the equivalent, and that is recognized as such by the Secretary of Education (or comparable official) of the country, or other jurisdiction, in which the institution is located (38 U.S.C. Chapter 34, Section 1661, and Chapter 35, Section 1701, reference (z)).

Courses of education offered by institutions listed in the "Education Directory", "Higher Education" or Accredited Higher Institutions" issued periodically by the Department of Education meet the criteria approved by the Administering Secretary or the Secretary of Education. For determination of approval of courses offered by a foreign institution, by an institution not listed in either of the above directories, or by an institution not approved by a state agency pursuant to Chapters 34 and 35 of 38 U.S.C. a statement may be obtained from the Department of Education, Washington, DC 20202.

B. The incapacity must be continuous. If the incapacity significantly improves or ceases at any time TRICARE/CHAMPUS eligibility cannot be reinstated on the basis of the incapacity unless the incapacity recurs and the beneficiary is under age 21 or is under age 23 and is enrolled as a full time student under A.2. above. If the child was not incapacitated on his or her 23rd birthday, but becomes incapacitated after that date, no TRICARE/CHAMPUS eligibility exists on the basis of the incapacity.

C. Incapacitated children who marry and who subsequently become unmarried through divorce, annulment, or death of spouse, may be reinstated as long as they still meet all other requirements.

IV. EFFECTIVE DATE

The effective date for beneficiaries qualifying under item A.2. under "Policy" is October 23, 1992. TRICARE/CHAMPUS benefits may be extended to beneficiaries who qualify under item A.2. under "Policy" above for services or supplies provided on or after the October 23, 1992 effective date.

V. POLICY CONSIDERATIONS

A. The claims processor is responsible for verification of TRICARE/CHAMPUS eligibility in accord with [OPM Part Two, Chapter 1, Section IV.E.](#)

B. The claims processor is also responsible for any additional or distinctive TRICARE/CHAMPUS eligibility verification procedures related to a specific class of dependent outlined in other sections of this Chapter.

C. The claims processors shall ensure that all claims received for TRICARE/CHAMPUS beneficiaries determined to meet the requirements under A.2. above under "POLICY" and are for services or supplies provided on or after October 23, 1992.

D. For more specific information on eligibility requirements for qualifying as an eligible dependent child refer to [32 CFR 199.3](#), and [Chapter 9, Section 8.1A, Section 8.1B.](#)

E. For additional requirements necessary to qualify as an incapacitated abused child, see [Chapter 9, Section 10.1B.](#)

F. For additional requirements necessary to qualify as an incapacitated child of certain deceased reservists, see [Chapter 9, Section 10.1C](#).

G. For circumstances which may result in an incapacitated child losing TRICARE/CHAMPUS eligibility, see [Chapter 9, Section 12.1](#).

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