STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY

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January 25, 1995

TO: All County Welfare Directors
All County Administrative Officers
All County Medi-Cal Program Specialists/Liaisons

Letter No.: 95-07

QUESTIONS AND ANSWERS REGARDING RESPONSIBLE RELATIVES

This letter is in response to questions from counties regarding responsible relatives, linkage, and the Medi-Cal Family Budget (MFBU) composition.

Question No. 1: Is a legally separated couple living in the same home in the same MFBU?

Answer No. 1 Yes. Couples who are legally separated continue to remain married under California law. If a legally separated couple is living together in the same home which contains common facilities (i.e., eating, bathing, etc.), the couple would be in the same MFBU per Section 50351 and 50373. This answer does not apply to cases where one spouse is institutionalized.

Question No. 2: If an emancipated 19 year old child living with his/her parents is self supporting and <u>not</u> claimed by his/her parents as a tax dependent, is he/she in the <u>same</u> MFBU with the parents?

Answer No. 2: Yes. Even though a child or adult between 18 and 21 years of age (either living in the home or away) who is claimed as a tax dependent by his/her parents is in the same MFBU with the parent, a child between 18 and 21 years of age who is <u>not</u> claimed as a tax dependent is also in the MFBU if he/she is living in the same home. Medi-Cal regulations do not define an "emancipated minor" as an adult if he/she is living in the home of his/her parents.

Question No. 3: Can a grandmother who is the legal guardian of a child living in her home be linked to Medi-Cal if the parent of the child is also living in the home?

Answer No. 3: No. Legal guardianship does not constitute status as caretaker relative. Therefore, legal guardianship has no bearing on MFBU composition or linkage. Section 50085 provides that a relative may be the caretaker relative only if the child's parent is not living in the home. Even if the grandmother were both the legal guardian and a caretaker relative, the grandmother may not be linked to the deprived child if the child's parent is also living in the home. NOTE: A parent who is only there temporarily, i.e., visiting, is not considered living in the home. We are considering amending this regulation in the future.

Question No. 4: Must an unmarried father of an unborn who lives in the home with the mother of his unborn be included in the MFBU if he does not wish to be aided?

Answer No. 4: No. If the father has no other mutual children living in the home who are requesting Medi-Cal, he does not have to be included in the MFBU with the mother and his unborn until the child is age one. Since the implementation of Sneede v. Kizer would require that the unmarried parents be in separate MBUs if there were a share of cost or excess property and the father's income and property would not affect the child until age one (continued eligibility), counties are not required to include the father in the MFBU.

Question No. 5: A pregnant mother receiving Supplemental Security Income (SSI) payments is living in the home with the unborn's father and their mutual two year old. The father and the two year old apply for Medi-Cal. What is the MFBU composition?

Answer No. 5: The father, the unborn, and the two year old are in the same MFBU. The mother is not included because she is receiving public assistance (Section 50373).

Question No. 6: If an Aid to Families With Dependent Children Foster Care (AFDC-FC) or county foster care child is living with a caretaker relative, may that relative be linked for Medi-Cal benefits?

Answer No. 6: Yes. The AFDC program allows caretaker relatives of children receiving foster care grants to receive AFDC and also receive automatic Medi-Cal; therefore, a caretaker relative of these children may also apply for Medi-Cal-only benefits, if otherwise eligible. This would be similar to parents or caretaker relatives that are linked to children who receive Public Assistance (PA), e.g., AFDC or SSI NOTE: Children who are receiving PA are not in the MFBU with the caretaker relative.

Question No. 7: If the stepparent refuses to cooperate, can the separate child of the spouse receive Medi-Cal?

Answer No. 7: Yes. Sneede v. Kizer procedures changed Section 50375. The mother would be an ineligible member in the MFBU with her child regardless of whether the stepparent has sufficient income to meet the needs of the stepparent unit.

Counties with other questions regarding responsible relatives may also review the questions and answers in the Medi-Cal Procedures Manual 1B entitled "Persons Living In the Home," the Sneede v. Kizer training material and All County Welfare Directors Letter No. 92-09.

If you have any questions, please contact Margie Buzdas of my staff at (916) 657-0726.

Sincerely,

ORIGINAL SIGNED BY

Frank S. Martucci, Chief
Medi-Cal Eligibility Branch