STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY

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Letter No.:90-55

TO: All County Welfare Directors
All County Administrative Officers

SUBJECT: PERSONS LIVING IN THE HOME

REFERENCE: 83-7, 87-73

Counties often ask questions about situations involving temporary absence which affects the Medi-Cal Family Budget Unit (MFBU) situation. The purpose of this letter is to clarify Title 22, California Code of Regulations (CCR), Section 50071 which defines persons living in the home including the definition of temporary absence.

Some of the most common situations are listed below:

Scenario #1:

A seventeen year old child has been living outside the home, not living on other real property of the parents, and handling all of his/her affairs. He/she becomes ill and must return to the home of his/her parents for several months. His/her clothing and other personal articles remain at his/her past residence and he/she plans to return to this residence in the near future. He/she is not claimed as a tax dependent nor does he/she receive any financial support from his/her parents.

Question #1:

Should the county consider him/her to be living in the home of the parents and therefore in the same MFBU which may cause ineligibility or a share of cost depending on the property and income of the parent?

Answer #1:

No. Since the child normally does not live with the parents and is continuing to maintain a separate residence, he/she is not temporarily absent from his parent's home according to Title 22, CCR, Section 50071. Therefore, he/she should not be considered as living with his/her parents. The issue of tax dependency only applies to those persons 18 years of age or older but under 21 [22 CCR, Section 50351 (c)]. Had this child been 18 years of age or older but under 21 and been claimed as a tax dependent, he/she would be in the same MFBU with the parents unless he/she were an excluded child.

Scenario #2:

A disabled husband and his wife have separate residences and do not consider themselves as man and wife although they are not divorced. The husband is hospitalized for a week and upon discharge moves into the home of the wife until his health condition improves. He no longer retains his separate residence which he shared with friends. His personal articles, clothing, and furniture are now at the home of his wife.

Question #2:

Is the husband in the same MFBU with his wife?

Answer #2:

Yes. Since he no longer maintains a separate residence and will be living with the wife for an indefinite period, he and his wife are in the same MFBU.

Scenario #3:

A mother, unemployed father, and one child reside in the United States, however, there are two other children living with relatives in Mexico. Those children have never lived in California, do not spend time during vacations, weekends, or at other times in the home, are not legal residents of California, and the parents do not have responsibility for the care and control of the children who live in Mexico.

Question #3:

Are the children who reside in Mexico included in the MFBU with the parents and the sibling who reside in California?

Answer #3:

No. Since these children do not meet the criteria for temporary absence, they would not be included in the MFBU with the parents and the sibling residing here.

Scenario #4:

An unmarried pregnant 19 year old student permanently resides with the father of her unborn in their apartment. Her parents claim her as a tax dependent because they provide her with some financial assistance. She is ineligible for regular Medi-Cal due to excess resources because she must be included in her parent's MFBU [Title 22 CCR, Section 50351(c) and Section 50373(a)(4)].

Question #4:

May she apply for minor consent services even though she is not living in the home of the parents?

Answer #4:

Yes. Although Title 22, CCR, Section 50351(c) requires her to be included in her parents' MFBU because she is claimed as a tax dependent, she may apply for minor consent services so that her parents are not informed of her need for sensitive services. Therefore, the parents' income and resources are not counted.

Scenario #6:

A mother and her three children were receiving Medi-Cal due to the absence of the father of her children. She became ill and was unable to care for the children for several months. The children were sent to stay with friends until she recovered.

Question #6:

Could the mother receive Medi-Cal during the time that her children were living with friends?

Answer #6:

Yes. The children were only temporarily absent from the home, (i.e., their usual place of residence was still maintained); therefore, the mother may continue to be linked.

If you have any further questions, please contact Marge Buzdas at (916) 324-4972.

Sincerely,

ORIGINAL SIGNED BY

Frank S. Martucci, Chief
Medi-Cal Eligibility Branch

cc: Medi-Cal Liaisons
Medi-Cal Program Consultants