

State of California—Health and Human Services Agency
Department of Health Services



California
Department of
Health Services

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MEDI-CAL ELIGIBILITY PROCEDURES MANUAL LETTER NO.: 276

TO: ALL HOLDERS OF THE MEDI-CAL ELIGIBILITY PROCEDURES MANUAL

ARTICLE 8C PERSONS UNDER AGE 21 LIVING AWAY FROM THE PARENT'S HOME

Enclosed are corrections and additions to this article of the procedures. There are some new footnotes. The new narrative footnote addition is marked with a black line in the right margin.

Filing Instructions:

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

Original signed by

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Enclosures



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8C--PERSONS UNDER AGE 21 LIVING AWAY FROM THE PARENT'S HOME

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MEDICAL ELIGIBILITY PROCEDURES MANUAL

Living Situation	Person's Characteristics	Status		Who Completes Statement of Facts	Whose Income and Property is Counted	Contact With Parent'
		Adult	Child			
1. Any living situation, claimed as tax dependent by parent.	A. 18-to-21-year-old. *9 B. Under 18.		X	Parents. Determine in accordance with 2 through 5, below.	Parent's, 18-to-21-year-old's, other MFBU member's.	Yes
2. Independent living situation. *9	A. 18-21-year-old.	X		18-to-21-year-old.	18-to-21-year-old's.	No
	B. 14-to-18-year-old handling all of his/her own financial affairs.	X		14-to-18-year-old.	14-to-18-year-old's. *2	No
	C. 14-to-18-year-old with a parent, caretaker relative, or legal guardian handling some or all of his/her financial affairs.		X	Parent, caretaker relative, or guardian. If they will not and public agency also refuses, 14-to-18-year-old may complete.	14-to-18-year-old's. *2	Yes/No
	D. Under 14.		X	Parent, caretaker relative, or legal guardian. If they will not and public agency also refuses, child may complete.	Under 14-year-old's.	Yes/No
3. Living on the parent's property in a building that would be considered the parent's "other real property" for Medi-Cal purposes.	A. 18-to-21-year-old not receiving any financial support from parents. *9	X		18-to-21-year-old.	18-to-21-year-old's. Parent's, 18-to-21-year-old's, other MFBU member's.	No Yes
	B. 18-to-21-year-old receiving financial support from parents. *9		x	Parent.	Parent's, 14-to-18-year-old's, other MFBU member's.	Yes
	C. 14-to-18-year-old.		x	Parent.	Parent's, under 14-year-old's, other MFBU member's.	Yes
	D. Under 14.		x	Parent.		Yes
4. Attending school away from parent's home. *9	A. 18-to-21-year-old who always returns home when not in school or considers the parent's home his/her home. *3		X	Parent.	Parent's, 18-to-21-year-old's, other MFBU member's.	Yes
	B. 18-to-21-year-old who handles his/her own financial affairs and considers himself/herself to be living on his/her own and returns home only for visits. *3	X		18-to-21-year-old.	18-to-21-year-old's.	No

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Living Situation	Person's Characteristics	Status		Who Completes Statement of Facts	Whose Income and Property is Counted	Contact With Parent'
		Adult	Child			
4. Attending school away from parent's home. (Cont.)	C. 14-to-18-year-old handling all his/her own financial affairs.			Determine as in 4. A and B.		
	D. 14-to-18-year-old with parent handling his/her financial affairs.		X	Parent.	Parent's, 14-to-18-year-old's, other MFBU member's.	Yes
	E. Under 14.		X	Parent.	Parent's, under 14-year-old's, other MFBU member's.	Yes
5. Out-of-home care (non-medical) public agency assuming financial responsibility in whole or part (Aid Code 45) *4,5	A. Under 21.		X	Public agency assuming financial responsibility.	N/A--assumption that public agency has made needy determination (form MC 250).	No
6. Out-of-home care (non-medical) including custodial care in the state hospital).	A. 18-to-21-year-old.			Determine in accordance with 1 or 2, above.		
	B. Under 18.			Determine in accordance with 2, above.		
7. Long-term care (LTC)	A. Disabled, 18-to-21-year-old.	X		18-to-21-year-old.	18-to-21-year-old's.	No
	B. Disabled, under 18.		X	Parent or person or agency responsible for child. *6	Disabled child's.	Yes
	C. Living with parents prior to LTC status, not disabled. *7		X	Parent.	Parent's, LTC child's, other MFBU member's.	Yes
	D. Independent living, attending school, out-of-home care prior to LTC status, not disabled.			Determine as in 1 through 4, above.		No
	E. Aid Code 45 or in foster care prior to LTC status, not disabled.		X	Person or agency responsible for child.	Child's.*8	No

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FOOTNOTES:

- 1 Except for minor consent cases, contact with parents is not precluded where it is necessary to verify information provided by the child, and a release information is obtained.
- 2 The source of the 14-to-18-year-old's income does not affect his/her status as an adult. It may be a contribution from a parent, earnings, or income from any other source so long as the 14-to-18-year-old controls it and how it is spent. If the 14-to-18-year-old's only income is income in kind from a friend or nonrelative, the 14-to-18-year-old could still be considered an adult.
- 3 Generally, an 18-to-21-year-old away from home to attend school would be considered to be living in the parent's home if either of the following are true.
 - a. The 18-to-21-year-old always resumes living in the parent's home when not in school.
 - b. The 18-to-21-year-old considers the parent's home as his/her home when not in school.

An 18-to-21-year-old away from home to attend school would *not* be considered to be living in the parent's home if all of the following are true:

- a. The 18-to-21-year-old handles his/her own financial affairs, i.e., pays for his/her own bills, etc.
- b. The 18-to-21-year-old considers himself/herself to be living on his/her own.
- c. The 18-to-21-year-old returns home only for visits.

These are general criteria, not an all-inclusive list. Each 18-to-21-year-old's circumstances should be evaluated separately. The fact that the parents provide 18-to-21-year-old with some financial support should not be a deciding factor in determining the 18-to-21-year-old's home.

- 4 The basic questions in determining whether a child is eligible for Medi-Cal under Aid Code 45 is whether a public agency is assuming financial responsibility for the child's care in whole or in part. Per Section 50077, a public agency is any administrative division of federal, state, or local government. The agency must be assuming the responsibility to see that the child's care is paid for. This responsibility must exist even when the child's own income is used to pay for a part of the care. The amount contributed to the child's care by the public agency does not have to be any certain amount, but it is not sufficient that the public agency be contributing a set amount that has no relation to the cost of care. In addition, the agency that is providing the financial support must have responsibility for the child's placement, i.e., have the responsibility to decide where the child will live. Receipt of a cash grant or other income from a public source is not sufficient to make a child an Aid Code 45.
- 5 Included in this category are children detained or placed under Welfare and Institutions Code, Section 300 or 601. These sections allow the court to detain or place a child when that child is not adequately being cared for or when the child cannot be controlled at home.
- 6 If the disabled child was 14 to 18 years old and met the criteria in part 2B of this chart prior to LTC status, the disabled 14-to-18-year-old would complete the Statement of Facts. Likewise if the conditions of 2B are not met and no person or agency will accept responsibility or the child is under 14 and no person or agency will accept responsibility, the child may complete the Statement of Facts.
- 7 A child who was AFDC-MN prior to LTC status retains this linkage as he/she is still considered to be living in the parent's home.
- 8 These children would lose their status as Aid Code 45 and would be MI children, Aid Code 82 or 83, with one exception. If the public agency which assumed financial responsibility for the Aid Code 45 child continues to pay for his/her personal (nonmedical) needs in whole or in part, the child would continue to be considered an Aid Code 45 child and the MC 250 would be the appropriate Statement of Facts.
9. Exception: The Section 1931(b) program does not cover children up to age 21. This program covers children up to age 18 or a child who is 18 years of age up to age 19 who is enrolled in school and expected to graduate prior to age 19. To be eligible for Section 1931(b), the child must be deprived and live with a parent or relative. If the person is 18-21 years old and not enrolled in school, he/she is considered an adult and is not eligible for Section 1931(b) as a child, but may apply as an adult if he/she has a deprived child in the home or she has a deprived unborn and is in her last trimester.

