STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY GEORGE DEUKMEJIAN, Governor

DEPARTMENT OF HEALTH SERVICES
714/744 P STREET
SACRAMENTO, CA 95814

October 24, 1986

TO: All County Welfare Directors
All County Administrative Officers

Letter No.: 86-60

Subject: JOINT CUSTODY AND THE DETERMINATION OF THE CARETAKER PARENT

Attached are the guidelines to be used in Medi-Cal eligibility determinations where children live alternately with parents who are divorced or separated. Essentially the Department of Health Services guidelines will follow the criteria used in the Aid To Families with Dependent Children (AFDC) Program as outlined in the Department of Social Services All County Information Notice No. I-41-86.

We expect that Medi-Cal regulations incorporating these guidelines will be effective by September 1987.

Until Medi-Cal regulations are formalized, please follow the policy in the attachment.

If you have any questions, please feel free to contact Teri Hodges or Ric Morales of my staff at (916) 324-4972.

Sincerely,

Original signed by

Frank S. Martucci, Chief
Medi-Cal Eligibility Branch

Attachment

cc: Medi-Cal Liaisons
Medi-Cal Program Consultants

Expiration Date: October 31, 1987

Attachment

Deprivation, Joint Custody and the Determination of the Caretaker Parent

Deprivation

Deprivation based on continued absence is not precluded for children who live alternately with each parent, i.e., the child(ren) may be considered deprived of the support and care of one parent as long as the child(ren) is not living with both parents at the same time.

Determining the Caretaker Relative When the Child Lives Alternately with Each Parent

In the past, in cases of separation or divorce of parents, one parent usually had custody of the child and the other parent was considered absent from the child's home. Currently, the home of the child may alternate, at some frequency, between the separated or divorced parents.

A. Child(ren)'s Home Alternates for Periods of One Month or Less

The parent with whom the child stays the majority of the time will generally be the caretaker relative when a child alternately stays with each parent for periods of one month or less. The parent with whom the child stays for less than the majority of the time may be the caretaker relative when: 1) the other parent has not applied for nor is receiving Medi-Cal for the child; and 2) the parent applying for Medi-Cal can establish that he/she has the major responsibility for the care and control of the child.

When a child spends an equal amount of time with both parents and each parent provides equal care and control, the following guidelines will apply. The parent who applies for Medi-Cal will be the caretaker relative, provided the other parent is not applying for nor receiving Medi-Cal for the child. If both parents apply for Medi-Cal for the child, the parent designated in a court order as the caretaker for Medi-Cal purposes will be the caretaker relative.

When there is no court designation of caretaker and only one parent would be found eligible, that parent will be the caretaker relative. When both parents would be eligible and no court order exists, the parents will be asked to designate the caretaker relative parent. If the parents cannot reach agreement, the parent who first applied will be the

caretaker relative. Periods of time spent in the home of the parent who is not the caretaker relative will be considered temporary absences.

B. Child(ren)'s Home Alternates for Periods Greater than One Month

The caretaker relative will be the parent the child lives with for each alternating period.