

DEPARTMENT OF HEALTH SERVICES

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August 16, 1994

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

LETTER NO. 94-66

CHANGES IN THE DEFINITION OF A CARETAKER RELATIVE

The purpose of this letter is to inform counties of a pending change in the definition of Title 22, California Code of Regulations, Section 50084.

Federal regulations (Section 435.310) require that the Medi-Cal program follow the same definition of a caretaker relative as used in the Aid to Families with Dependent Children (AFDC) program.

Since Section 50084 is currently more restrictive than the definition used by AFDC, counties shall now use the broader definition as defined in the Department of Social Services' Eligibility and Assistance Standards (EAS) Manual, Section 82-808 for the AFDC program pending final regulations.

There are no changes to Section 50085 which states that a caretaker relative means a relative who provides care and supervision to a child if there is no natural or adoptive parent in the home.

82-808 CARETAKER RELATIVE REQUIREMENTS

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| .1 | Relationship of a Caretaker Relative | The caretaker relative shall be related to the applicant/eligible child as specified below. |
| .11 | Degree of Relatedness | The caretaker relative may be any relation by blood, marriage, or adoption who is within the fifth degree of kinship to the dependent child. |
| .111 | Biological Relatives | The acceptable caretaker relative shall be a parent (1st degree), grandparent (2nd degree), sibling (2nd degree), great-grandparent (3rd degree), uncle or aunt (3rd degree), nephew or niece (3rd degree), great-great grandparent (4th degree), great-uncle or aunt (4th degree), first cousin (4th degree), great-great-great grandparent (5th degree), great-great uncle or aunt (5th degree), or a first cousin once removed (5th degree).* |

* If A or B first cousins, B's children are first cousins once removed to A and A's children are first cousins once removed to B. A's children and B's children are second cousins.

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| .112 | Step Relatives | A stepfather, stepmother, stepbrother or stepsister, or |
| .113 | Spouses of Relatives | A spouse of any person named above even after the marriage has been terminated by death or dissolution, or |
| .114 | Adoptive Relatives | A person who legally adopts the child or that person's relatives, as specified. |
| .12 | Relinquishment/Adoption | The caretaker relative shall be any of the relatives specified above when a child has been relinquished, adopted, or parental rights are terminated. |

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

Sincerely,

ORIGINAL SIGNED BY
RICARDO BUSTAMANTE for

Frank S. Martucci, Chief
Medi-Cal Eligibility Branch