

DEPARTMENT OF HEALTH SERVICES

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June 26, 2000

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

Letter No.: 00-36

APPLICATIONS FROM NON-CUSTODIAL PARENTS

Counties have reported an increase in the number of applications received from non-custodial parents since the implementation of the MC 321 HFP. The purpose of this letter is to provide clarification and direction for county staff when processing Medi-Cal applications received from non-custodial parents.

Title 22, California Code of Regulations (CCR), Section 50143 allows anyone to make an application for a child with a need for Medi-Cal. However, Title 22, CCR Section 50163, (a)(1) states, "Generally, the person or agency having legal responsibility for the child shall complete and sign the Statement of Facts." The mail-in Healthy Families/Medi-Cal for Children application functions as **both** the Application (SAWS 1) and Statement of Facts. The non-custodial parent has a right to make a Medi-Cal application for his/her child. However, the non-custodial parent cannot complete the Statement of Facts (MC 210, SAWS 2 or MC 321 HFP) for his/her child except when the custodial parent is unable to complete the application. If the custodial parent is incompetent, in a comatose condition, or suffering from amnesia, then the non-custodial parent can complete the Statement of Facts.

When the MC 321 HFP is completed by the non-custodial parent, it must be viewed as the Application (SAWS 1) only and not the Statement of Facts. When the MC 321 HFP or SAWS 1 is signed by the non-custodial parent, the county would have to obtain an MC 321 HFP, MC 210 or SAWS 2 signed by the custodial parent. The date of application would be the date that the application (SAWS 1 or MC 321 HFP) was received from the non-custodial parent. Medi-Cal eligibility is based on the circumstances of the custodial parent who has care and control of the child. It is the custodial parent who will receive the benefits and notices for the children once the Statement of Facts is received. If no Statement of Facts was received from the custodial parent, the denial notice would be sent to the non-custodial parent. The information provided by the non-custodial parent can be shared with the custodial parent. However, information from the non-custodial parent that is not needed for purposes of eligibility determination should be protected as confidential. Information from the custodial parent cannot be shared with the non-custodial parent.

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The following Questions and Answers are to help clarify the above:

Question 1: When an application (MC 321 HFP or SAWS 1) is completed by the non-custodial parent, can the county deny the application, without trying to contact the custodial parent?

Answer: No. The county must first try to obtain the Statements of Facts from the custodial parent. The non-custodial parent has a right to make a Medi-Cal application for his/her child. Absent parents often make application for Healthy Families because Family Support has told them of their responsibility to pay for the child's medical expenses.

Question 2: If the non-custodial parent completed an MC 321 HFP with information about the custodial parent, must the custodial parent complete a new Statement of Facts?

Answer: County option. The custodial parent can be sent or given the MC 321 HFP completed by the non-custodial parent for his/her review and signature or the custodial parent can be instructed to complete a new MC 321 HFP, MC 210 or SAWS 2.

Question 3: When the non-custodial parent makes an application for children and the custodial parent fails to respond to a request for a Statement of Facts, to whom is the denial notice sent to?

Answer: The non-custodial parent, because the custodial parent did not complete the Statement of Facts. If the custodial parent completed the requested Statement of Facts and then failed to provide any required information or documents, the denial would be sent to the custodial parent.

Question 4: If the county determines that the children are already receiving Medi-Cal, what action does the county take?

Answer: The county needs to send the custodial parent a denial Notice of Action indicating that a Medi-Cal application was made on behalf of the children and that the application is being denied because the children are already receiving Medi-Cal.

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If you have any questions, please contact Mr. Chet Heine of my staff at (916) 657-0837.

Sincerely,

ORIGINAL SIGNED BY

Angeline Mrva, Chief
Medi-Cal Eligibility Branch