

DEPARTMENT OF HEALTH SERVICES

714/744 P STREET
SACRAMENTO, CA 95814

April 10, 1984



To: All County Welfare Directors

Letter No. 84-13

COURT ORDERED GUARDIAN/CONSERVATOR FEES

Recently, we have received numerous inquiries regarding court ordered guardian and conservator fees and whether those fees are an allowable deduction from income when computing the share of cost for medically needy persons.

Court ordered guardian or conservator fees are fees paid by the conservatee to the guardian or conservator for his/her services. The amount of the fee and the frequency of payment are established by the court order. The guardian or conservator receives the conservatee's income and uses that income to meet the needs and pay the debts of the conservatee, one of which is the court-ordered guardian or conservator fee.

There is no regulatory basis for deducting such fees from income when computing the share of cost. Also, the amounts expended for such fees do not meet the criteria set forth in Title 22, CAC, Section 50515 for unavailable income. That regulation is intended to exclude from countable income those amounts received by a beneficiary which are never available to meet the needs of the MFBU. While a court order may establish that the beneficiary's guardian or conservator is entitled to the fee, it does not affect treatment of the beneficiary's income for Medi-Cal purposes.

Any further questions regarding such fees should be directed to Toni Bailey of my staff at (916) 324-4953.

Sincerely,

Original signed by

Caroline Cabias, Chief
Medi-Cal Eligibility Branchcc: Medi-Cal Liaisons
Medi-Cal Program Consultants