24. Non-MAGI MC MFBU

24.1 Definitions

24.1.1 Definition of an Adult [50014]

An adult means:

- A person 21 years of age or older.
- A blind or disabled person 18 to 21 years of age, living in the home of a parent and not currently enrolled in school.
- A person who is 18 to 21 years of age, who is not living in the home of a parent or caretaker relative and not claimed as a tax dependent by parent(s).
- A person 14 to 18 years of age who is not living with a parent or caretaker relative and who does not have a parent, caretaker relative or legal guardian handling any of his/her financial affairs.

24.1.2 Definition of a Child [50030, 50351]

A child means:

- A person under 21 years of age (married or unmarried) who lives with a parent(s) or caretaker relative.

Exception:
A blind or disabled person 18 to 21 years of age, living in the home of a parent and not in school, is considered an adult.

- A person (married or unmarried) 18 to 21 years of age who is living away from home and being claimed as a tax dependent by parent(s). [Refer to “Tax Dependency Requirements,” page 24-3]

Note:
This includes an 18 to 21 year old receiving out-of-home care and claimed by the parent as a tax dependent.
• A person 14-18 years of age living away from home, who has a parent, caretaker relative or legal guardian handling any of his/her financial affairs.

• Any person under 14 years of age, regardless of living situation.

• An unborn is considered a child for Medi-Cal purposes.

24.1.3 Definition of Responsible Relatives [50351]

The responsibility of a relative to contribute to the cost of health care services of a Medi-Cal applicant or beneficiary shall be limited to the following:

• Relative responsibility shall be spouse for spouse when the spouses are living together in the home.

Exception: There is no spousal responsibility if the spouse is a nonparent caretaker relative AND eligible for Section 1931(b) with his/her related child. [Refer to Section 23.9.7 and 60.3.1].

• If one or both of the spouses is in Long Term Care (LTC) or board and care, the spouses income and property shall be considered available in determining each others eligibility and share of cost, depending on the composition of the MFBU. [Refer to “Family Members in Long Term Care or Board and Care,” page 60-35 for MFBU determinations.]

• If neither of the spouses is in LTC or board and care, but the spouses are living apart, the spouses shall have their eligibility and share of cost determined as single persons the day following the separation. This cannot be a temporary separation.

[Refer to “Definitions,” page 1-1 for definitions of “Persons Living in the Home” and those considered absent.]

• Relative responsibility shall be parent for child living in the parent's home.

Exception: There is no parental responsibility when a:

1) Child is applying for Medi-Cal under Minor Consent Services.

2) Parent chooses to be aided with his/her related child and is eligible for Section 1931(b). [Refer to Section 23.9.7 and 60.3.1].
Relative responsibility shall be parent for child, for those children living in or away from the home, who are:

- 18-21 years of age, and
- Claimed as a dependent by a parent(s) in order to receive a tax credit or deduction for state or federal income tax purposes.

**Exception:**
There is no parental responsibility for a child applying for Minor Consent Services.

There is no parental responsibility for those children under 18 years of age, living away from home and handling ALL their own affairs, whether or not claimed as a tax dependent by parents.

**Note:**
A Medi-Cal applicant or beneficiary shall not be required, as a condition of eligibility, to cooperate with any agency effort to collect support payments from responsible relatives.

- There is no parental responsibility for children who are age 21 or older who are living in their parent’s home as he/she is considered an adult. Parental care and control only applies to a child, not to an adult as defined in the Medi-Cal program.
- If a couple is divorced and living together, they are treated as unmarried parents. They are not financially responsible for one another.
- Domestic partners are not financially responsible for each other except for any income that they may contribute to the household in excess of their share of the expenses.

### 24.2 Tax Dependency Requirements

#### 24.2.1 Tax Dependency Requirements [50351, 50373]

The following rules apply:
• Any child aged 20 or younger who is not blind or disabled living with his/her parents whether or not claimed as a tax dependent, and regardless of marital status, is considered to be a child.

• If a child under 18 years of age is claimed as a tax dependent by absent parents, parental responsibility is limited to the actual parental contributions from the absent parent, which must be counted as available to the child.

• Emancipation status has no bearing on any Medi-Cal determination.

• A deprived child who is living away from home and does not plan to return to the parent’s home state cannot provide linkage to parents even if he/she is claimed as a tax dependent. However, if the deprived child intends to return to his/her parent’s home, linkage can be established for the parents.

• Tax dependency must be explored for the following:
  • Any persons 18 to 21 years of age, living away from home.
  • Any persons under 18 years of age living away from home.
  • Minor parents, living away from home.
  • Children living with a caretaker relative or legal guardian.

• Tax dependency requirements DO NOT apply to any child applying for Medi-Cal under Minor Consent Services.

24.2.2 Persons 18-21 Years of Age [50351, 50373, 50379]

Persons 18-21 Years of Age Living at Home

Any person 18 to 21 years of age (not blind or disabled) LIVING AT HOME is considered A CHILD, regardless of marital status or tax dependency status. The term emancipation has no bearing on Medi-Cal determination as long as the child lives in the home.

• The parent(s) with whom the child lives is the responsible relative.

• The child must be included in the parent's MFBU.

In a situation where an 18-21 year old lives with one parent but is claimed by the absent parent for income tax purposes, both parents are responsible.

• The absent parent must be included as an ineligible member of the MFBU and his/her income and property considered in the eligibility determination.
• The parent, who is applying for the child and who states that the child is claimed as a tax dependent by the absent parent, must be able to give the Eligibility Worker (EW) enough information for the EW to contact the absent parent to obtain an MC 210, Medi-Cal Statement of Facts.

If the absent parent has remarried and wishes to apply for their present family:

• That parent would be a member of both their present family's MFBU and the former family's MFBU.

• The absent parent's income would be counted in both MFBU's.

• Eligibility would need to be determined for persons in each MFBU according to current regulations.

Persons 18-21 Years of Age Living Away from Home

1. The unmarried/married, divorced or separated person 18-21 years of age living away from home AND CLAIMED AS A TAX DEPENDENT by a parent(s) is considered A CHILD. The claiming parent(s) is the responsible relative.

• The child is ineligible to receive Medi-Cal on his/her own case.

• Advise the child that the parent(s) must apply for Medi-Cal for him/her.

Exception:

The child may have a Medi-Cal case in California if parents live out of state. The parent(s) and any siblings would be ineligible members in the child's MFBU.

Parent Lives in California

• A child 18-21 years of age determined to be claimed a tax dependent by his/her parent, must be included in the claiming parent's MFBU. There is ONE MFBU, even though the child and parent live apart.

• The county of responsibility for determining Medi-Cal for a family which includes a child 18-21 years of age living away from home, who is claimed by the parent as a tax dependent, shall be:

• The county in which the family's residence is located.

• The county of the child's physical presence if the family's residence is unclear.
Parent Lives Out of California

If the parent(s) of an 18-21 year old tax dependent child lives in another State, the Medi-Cal application is processed by the county where the child resides.

Advise the child whose parent(s) live out of state that the application documents can be forwarded to the parent if they wish to pursue the request for Medi-Cal. When Medi-Cal application is made.

- The parent(s) must respond within the time limits required by the application or redetermination process.
- If the parent(s) does not respond in time, the application shall be denied or Medi-Cal discontinued, unless good cause for the delay exists.

Note:
The unmarried/married, divorced or separated person 18-21 years of age living away from home and NOT claimed as a tax dependent by parent(s) is considered AN ADULT. The person's Medi-Cal application is processed as requested.

24.2.3 Persons Under 18 Years of Age [50373]

Persons Under 18 Years of Age Living at Home

Any person under 18 years of age living at home is considered A CHILD.

- The parent(s) with whom the child lives is the responsible relative.
- The child must be included in the parent's MFBU.

Persons Under 18 Years of Age Living Away from Home

The unmarried/married, divorced or separated person under 18 years of age living away from home AND HANDLING ALL HIS/HER FINANCIAL AFFAIRS (whether or not claimed as a tax dependent) is considered an ADULT.

- The person under 18 years of age living away from home, handling all own financial affairs, is in his/her OWN MFBU.
- Parental responsibility does not apply, even if claimed as a tax dependent by parents. Only actual parental contributions are included as available income.
The person under 18 years of age living away from home, with a parent, caretaker relative or legal guardian handling some or all of the minor’s financial affairs is considered A CHILD.

- The person who is handling the child's financial affairs must apply for Medi-Cal in the child's behalf.
- There is no parental responsibility when a caretaker relative claims a child as a tax dependent. Parental responsibility only extends to parent (natural or adoptive) for child.

### 24.3 Charts

#### 24.3.1 Parental Responsibility Chart

**Unmarried Persons Under 21 Living at Home/Away From Home**

<table>
<thead>
<tr>
<th>Living Situation</th>
<th>Child</th>
<th>Claimed as a Tax Dependent by Parent(s)?</th>
<th>Who Applies for Medi-Cal?</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Yes</td>
<td>No</td>
<td>Adult</td>
</tr>
<tr>
<td>Independent living situation, away from parent's home; unmarried.</td>
<td>18-21 year old</td>
<td>X</td>
<td>18-21 year old</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td></td>
<td>X</td>
<td>Parent</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Under 18 year old handling all own financial affairs.</td>
<td>X</td>
<td>Under 18 year old</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td></td>
<td>X</td>
<td>Under 18 year old</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Under 18 year old with a parent, caretaker relative or legal guardian handling some or all child's financial affairs.</td>
<td>X</td>
<td>Parent, caretaker relative or legal guardian. If they will not and public agency refuses, under 18 year old may apply.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>X</td>
<td>Same as above</td>
<td>X</td>
</tr>
</tbody>
</table>
### Non-MAGI MC MFBU

<table>
<thead>
<tr>
<th>Living Situation</th>
<th>Child</th>
<th>Claimed as a Tax Dependent by Parent(s)?</th>
<th>Who Applies for Medi-Cal?</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Attending school away from parent's home; unmarried.</td>
<td>18-21 year old who returns home when not in school and considers the parent's home his home.</td>
<td>X</td>
<td>Parent</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td></td>
<td>X</td>
<td>Parent</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>18-21 year old who handles his own financial affairs and considers himself to be living on his own.</td>
<td>X</td>
<td>18-21 year old</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td></td>
<td>X</td>
<td>Under 18 year old</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td></td>
<td>X</td>
<td>Under 18 year old</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Under 18 year old with parent handling his financial affairs.</td>
<td>X</td>
<td>Parent</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td></td>
<td>X</td>
<td>Parent</td>
<td>X</td>
</tr>
<tr>
<td>Living at home; unmarried.</td>
<td>18-21 year old</td>
<td>X</td>
<td>Parent</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td></td>
<td>X</td>
<td>Parent</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Under 18 year old</td>
<td>X</td>
<td>Parent</td>
<td>X</td>
</tr>
</tbody>
</table>

**Reminder:**

Parental Responsibility regulations do not apply to any child applying for Medi-Cal under Minor Consent Services.
### Parental Responsibility Chart

**Married, Divorced or Separated Persons Under 21 Living at Home/Away from Home**

<table>
<thead>
<tr>
<th>Living Situation</th>
<th>Child</th>
<th>Claimed as a Tax Dependent by Parent(s)?</th>
<th>Who Applies for Medi-Cal?</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Yes</td>
<td>No</td>
<td>Adult</td>
</tr>
<tr>
<td>Independent living situation, away from parent's home; married, divorced or separated.</td>
<td>18-21 year old</td>
<td>X</td>
<td>Parent</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td></td>
<td>X</td>
<td>18-21 year old</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td></td>
<td>X</td>
<td>Parent</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Under 18 year old handling ALL own financial affairs</td>
<td>X</td>
<td>Under 18 year old</td>
<td>X</td>
</tr>
<tr>
<td>Attending school away from parent's home; married, divorced or separated.</td>
<td>18-21 year old who returns home when not in school and considers the parent's home his home.</td>
<td>X</td>
<td>Parent</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td></td>
<td>X</td>
<td>18-21 year old</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>18-21 year old who handles his own financial affairs and considers himself to be living on his own.</td>
<td>X</td>
<td>Parent</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td></td>
<td>X</td>
<td>18-21 year old</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Under 18 year old handling ALL own financial affairs</td>
<td>X</td>
<td>Under 18 year old</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td></td>
<td>X</td>
<td>Under 18 year old</td>
<td>X</td>
</tr>
<tr>
<td>Living at home; married, divorced or separated.</td>
<td>18-21 year old</td>
<td>X</td>
<td>Parent</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td></td>
<td>X</td>
<td>Parent</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td>Under 18 year old</td>
<td>X</td>
<td>Parent</td>
<td>X</td>
</tr>
</tbody>
</table>
Reminder:
Parental Responsibility regulations do not apply to any child applying for Medi-Cal under Minor Consent Services.

24.4 MFBU Determinations

Definitions

24.4.1 MFBU [50060]

Medi-Cal Family Budget Unit (MFBU) means the persons who will be included in the Medi-Cal eligibility and share of cost determination.

24.4.2 Family Member [50041]

Family member means the following persons living in the home:

- A child or sibling children.
- The parents (married or unmarried) of the sibling children.
- The stepparents of the sibling children.
- The separate children of either unmarried parent, married parent or stepparent.

Note:
If there are no children, family member means a single person or a married couple.

24.4.3 Child [50030]

A child includes:

- Any person under 21 years of age (married or unmarried) living at home with parent(s) or other caretaker relative, whether or not a tax dependent.

Exception:
Blind or disabled persons 18 to 21 years of age living at home and not in school are considered adults.
• Any person 18-21 years of age (married or unmarried) either living in the home or living away from home and who is being claimed as a tax dependent by parent(s).

• A person 18-21 years of age living with the parent(s) and not claimed as a tax dependent. (An “emancipated minor” is considered a child if he/she is living in the parent's home.)

• A person 14-18 years of age living away from home, who has a parent, other caretaker relative or legal guardian handling any of his/her financial affairs.

Note:
The person 14-18 years of age living away from home and handling his/her own affairs is considered AN ADULT, regardless of tax dependency.

• Any person under 14 years of age.

• An unborn (With verified multiple unborns, count each unborn as a separate child).

24.4.4 Caretaker Relative [50085, 50351]

A caretaker relative is a relative in the home who provides care and supervision to a child only when there is no natural or adoptive parent in the home.

Note:
Legal guardianship does not constitute status as a caretaker relative. Therefore, legal guardianship has no bearing on MFBU composition or linkage.

24.4.5 Responsible Relative [50351, 50377]

In determining Medi-Cal eligibility and share of cost, relative responsibility shall be determined in accordance with the following:

<table>
<thead>
<tr>
<th>If...</th>
<th>Then...</th>
</tr>
</thead>
<tbody>
<tr>
<td>The spouses are living together in the home,</td>
<td>Relative responsibility is spouse for spouse.</td>
</tr>
<tr>
<td>A legally separated couple is living together in the same home which contains common facilities (eating, bathing, etc.),</td>
<td>The couple is considered “married” by California law and must be in the same MFBU and responsibility is spouse for spouse.</td>
</tr>
</tbody>
</table>
### If... | Then...
---|---
The couple is divorced and living together, | They are treated as unmarried parents. They are not financially responsible for each other.
Two persons of the same sex live together as domestic partners, | They are not financially responsible for each other except for any income that they may contribute to the household in excess of their share of the expenses.
One or both spouses is in Long Term Care (LTC) or Board and Care, | Both spouse’s income and property is considered available in determining each other’s eligibility and share of cost [Refer to “Family Members in Long Term Care or Board and Care,” page 24-44.]
Neither spouse is in LTC or Board and Care, the spouses live apart and it is known that the separation will not be temporary, | The spouses shall have their eligibility and share of cost determined as single persons the day following the separation.
The child is under 21 years of age and living in the parent’s home, | Relative responsibility is parent for child.
The child is 18-21 years of age and living away from home and claimed as a federal or state tax dependent, | Relative responsibility is parent for child.

**Reminder:**
Parents are not held financially responsible, nor asked or required to contribute to, or provide other health coverage for children applying for Minor Consent Services.

### 24.5 MFBU Determinations: General Policy

#### 24.5.1 **Sneede** Requirements for MFBU Determinations

The *Sneede* lawsuit requires that MFBU composition rules ensure that:

- A child’s own income or property are not considered available to anyone but themselves.
- A stepparent’s income and property are not considered available to his or her spouse’s separate children.
• An unmarried individual’s income and property are not considered available to his or her partner, nor to the partner’s separate children.

• Caretaker relatives are not responsible for their related children. A caretaker relative’s income and property are not considered available to anyone but him or herself.

As a result of the Sneede lawsuit, for financial responsibility purposes, the following individuals must not be included in a single MFBU, when their inclusion results in a share of cost or excess property:

• Family members on the basis of a stepparent relationship

• Children who have their own nonexempt income or property

• Unmarried parents.

• Caretaker relatives.

24.5.2 Additional Rules for MFBU Determinations

Only individuals who are responsible relatives are included in the same MFBU. (A nonparent caretaker relative may also be linked to the related child and included).

• Responsible relatives are individuals who are responsible to contribute toward the health care services received by a Medi-Cal beneficiary.

• In the Medi-Cal program, federal law limits financial responsibility to spouse for spouse, when living in the same home, and parent for natural or adoptive child.

• All family members living in the home are potential members of the MFBU.

• Determine who wants to receive Medi-Cal benefits.

• Determine if any family member is in board and care or has Long Term Care status.

• Domestic partners are not considered couples in all aspects of Medi-Cal eligibility determination.

• Persons who meet all program requirements but do not wish to receive a BIC card are technically eligible members of the MFBU even though the EW may suppress the issuance of the card. In most cases, rather than excluding the child(ren) who do not wish benefits, it is more beneficial to the family to include
the child in the MFBU but suppress the card issuance. This can be done by reporting the child to MEDS as an Ineligible MFBU member, although the child does not meet the criteria under Medi-Cal Handbook Section 60.6.3.

24.5.3 Common-Law Marriage

California law recognizes any out-of-state marriage between a man and a woman as valid as long as it is valid where it was contracted or performed. In cases in which there was no formal marriage, it may be that a common-law marriage was established in another state. For the purpose of Medi-Cal eligibility, common-law marriages are treated the same way as regular marriages. Financial responsibility applies.

Basic Requirements For A Common-Law Marriage

- Agreement must exist to become husband and wife.
  - This agreement may consist of a written contract but usually is just a simple, oral statement such as “I take you for my wife” or “You are now my wife.” The words used must be in the present tense, and must express an intent to assume the relationship of husband and wife at the time involved and not at some future time.
  - The parties must have capacity to enter into an agreement. This means that both parties must be of sound mind and must be of minimum age.
  - Both parties must be living together as husband and wife following the verbal or written statements. Both assumes marital duties including but not limited to sexual relations.
  - If the above criteria are met and the state (where they entered into such agreement) recognizes common-law marriages, a marriage exists and is valid for all purposes in California and which can only be dissolved by formal divorce, even in the state in which it was performed.

24.5.4 Registered Domestic Partners and Same Sex Spouses

Background

Effective January 1, 2005, AB 205 extended the rights and responsibilities of a spouse under state law to registered domestic partners (RDP). AB 205 also extends these rights and responsibilities to a member of a legal union validly formed in another jurisdiction that is equivalent to a California RDP.
On May 15, 2008, the California Supreme Court determined that it is impermissible under the California Constitution to limit marriage only to opposite-sex couples. However, voters passed Proposition 8 in November 2008, a constitutional amendment which states that “only marriage between a man and a woman is valid or recognized in California.” The passage of Proposition 8 took effect November 5, 2008. Subsequently, same sex marriages are no longer allowed in California. In addition, Proposition 8 no longer allows California to recognize same-sex marriages that were entered into outside of California subsequent to that date.

Based on judicial resolution, all same-sex marriage licenses issued between June 16, 2008 and November 4, 2008 are deemed valid on the basis of marriage for the purposes of CalWORKs and Medi-Cal eligibility. Same-sex marriages that occurred in Massachusetts and Connecticut during that time period are also valid.

**Definition of a Registered Domestic Partnership**

A RDP exists when:

1. Two individuals of the same sex complete a notarized Declaration of Domestic Partnership that is signed by both partners and filed with the Secretary of State, OR

2. Two individuals of the opposite sex complete a notarized Declaration of Domestic Partnership that is signed by both partners and filed with the Secretary of State AND when one or both of the individuals:
   a. Meets the eligibility requirements under Title II of the Social Security Act as defined in 42 U.S.C., Section 402 (a) for old-age insurance benefits or Title XVI of the Social Security Act as defined in 42 U.S.C., Section 1381 for aged individuals, AND
   b. Is over the age of 62.

3. A legal union between two persons of the same sex, other than a marriage that was validly formed in another state, is also valid in California if it is substantially equivalent to a RDP as defined by AB 205.

**Note:**
For Medi-Cal-Only purposes, domestic partners are not required to verify their status. They only need to indicate on the application that they are domestic partners and then sign under penalty of perjury.
Eligibility for Medi-Cal

Federal law does not recognize RDP relationships. However, RDP rights and responsibilities under AB 204 apply for State-only funded Medi-Cal programs that are not based on federal law:

- RDPs/same-sex spouses are not eligible for federal Medi-Cal benefits unless:
  1. They are a natural or adoptive parent of a child in the MFBU
  2. The name of both RDPs/same-sex spouse appear on the child’s birth certificate, OR
  3. They can establish eligibility linkage on their own behalf (e.g., by being aged, blind, disabled, pregnant, etc).

- The RDP/same-sex spouse may be eligible for certain state-funded Medi-Cal programs because he/she is treated as a spouse under state law. These state only programs include:
  - Dialysis Program - Dialysis and supplemental dialysis-related services (Aid Code 71)
  - Total Parenteral Nutrition (TPN) Program - TPN only services of the Special Treatment Program (Aid Code 73)
  - The Medically Indigent Adults in Long-Term Care (LTC) program - LTC for individuals who have no linkage to federal programs (Aid Code 53)
  - Minor Consent program - Confidential services for individuals under 21 who meet the definition of a child under Title 22, CCR, Section 50033. (Aid Codes 7M, 7N, 7P, 7R)
  - State-funded Breast and Cervical Cancer Treatment Program (BCCTP) - Breast cancer treatment for 18 months; cervical cancer treatment for 24 months for those individuals not eligible for the federal BCCTP.

- If the RDPs/same-sex spouses have a mutual child (a natural/adopted child of one RDP/same-sex spouse that has been adopted by the other RDP/same-sex spouse), or the name of both RDPs/same-sex spouses appear on the child’s birth certificate, treat both parents as unmarried parents of the child when determining MC.
• Same-sex marriages that took place on or after 5:00 p.m. on June 16, 2008, and before November 5, 2008, remain valid as long as the marriage has not been dissolved or annulled. California RDPs/same-sex spouses have the same rights, protections and benefits, and are subject to the same responsibilities, obligations and duties under law granted to and imposed upon spouses in civil marriages.

• For CalWORKs purposes, California RDPs/Same-sex spouses have the same rights and responsibilities as stepparents of the children of their partners and shall be treated as stepparents for the purposes of determining eligibility and grant amount. Stepparents are considered "optional" for CalWORKs purposes.

• Since Medi-Cal is no longer categorically linked to CalWORKS, eligibility for the RDP/same-sex spouse and the family must be determined separately from the CalWORKS eligibility determination.

• Unlike CalWORKS, each RDP shall establish his/her own federal Medi-Cal eligibility without considering the presence of the other RDP. If no federal eligibility/linkage exists, treat the RDPs as spouses for purposes of determining eligibility for one of the State-only programs described above.

• Aid code 3S has been established for those individuals who are eligible for CalWORKS but who will not receive cash-based Medi-Cal. The use of Aid Code 3S will ensure RDPs do not receive federally funded Medi-Cal inappropriately.
24.6 Caretaker Relative Rules and Requirements

24.6.1 Rules

The following rules apply to caretaker relatives:

- ONLY one NON-PARENT caretaker relative may be linked to a child. If there is more than one child in the household and they are not siblings, each caretaker may be linked to a different child. The caretakers would be in separate budget units with their related child. Spouse for spouse responsibility rule does not apply.

- A caretaker relative is not required to be in the MFBU if he/she is not requesting Medi-Cal benefits for himself/herself.

- A caretaker relative with his/her own deprived child and a related child may choose to be linked to either his/her own child or the related child.

- If a relative of a child had his/her marriage annulled, the former spouse of the relative cannot be considered a caretaker relative.

- A caretaker relative who is not eligible for Section 1931(b) and is eligible for the MN program with a related child is also included in his/her spouse’s and/or children’s MN or MI MFBU as an ineligible member.

- A caretaker relative who is eligible for Section 1931(b) with a related child is not included in his/her spouse’s and/or children’s MN or MI MFBU, except when determining FPL eligibility for his/her spouse and/or children.

- Caretaker relatives of children receiving Public Assistance (e.g., CalWORKs, Foster Care, SSI) has AFDC-MN linkage and may qualify for Medi-Cal only benefits for themselves, if otherwise eligible.

Children who are receiving Public Assistance (PA) or Other PAs are not in the MFBU with the caretaker relative. For the MN program, children under 21 living in the home with the senior parent is considered a child. Therefore, a senior parent has MN linkage if the minor parent and the minor parent’s child are receiving CalWORKs.
24.6.2 Relationship to Child [50084]

The caretaker relative must be related to the applicant or eligible child. The caretaker relative may be any relation by blood, marriage or adoption who is within the fifth degree of kinship to the applicant or eligible child.

Note:
A relative may be the caretaker relative only if the child's parent is not living in the home.

24.6.3 Biological Relatives

An acceptable caretaker relative shall be:

- Parent (1st degree)
- Grandparent or sibling (2nd degree)
- Great grandparent, uncle or aunt, niece or nephew (3rd degree)
- Great-great grandparent, great uncle or aunt, or first cousin (4th degree)
- Great-great-great grandparent, great-great uncle or aunt, or first cousin, once removed (5th degree).

Example:
If Dick and Jane are first cousins, Jane's children are first cousins once removed to Dick, and Dick's children are first cousins once removed to Jane. Dick's and Jane's children are second cousins.

Note:
Second cousins are not within the 5th degree of kinship and therefore do not have appropriate caretaker relative status.

24.6.4 Step Relatives

An acceptable caretaker relative shall be the stepfather, stepmother, stepbrother or stepsister.

24.6.5 Spouses of Relatives

An acceptable caretaker relative shall be the stepfather, stepmother named above, or spouses of any person named above, even after the marriage has been terminated by death or dissolution.
24.6.6 Adoptive Relatives

An acceptable caretaker relative shall be a person who legally adopts the child, or that person's relatives, as specified above.

Note:
Once a child is adopted, the adoptive parents are legally responsible for that child’s support. Therefore, if there is absent parent deprivation, a CA 2.1Q must be completed on the absent adoptive parent.

24.6.7 Relinquishment

When a child has been relinquished, adopted or parental rights are terminated, the caretaker relative shall be any of the relatives listed. [Refer to “Caretaker Relative Rules and Requirements [50084],” page 24-18, biological or adoptive.]

Note:
The “AFDC Caretaker Relative Documentation Chart” (SC 1383) may be used to determine if appropriate caretaker relative relationship exists.

24.7 Joint Custody Rules

There are several regulations which address the issue of joint custody and the determination of the caretaker parent.

Note:
Deprivation based on continued absence may be established in joint custody cases as long as the child(ren) is not living with both parents at the same time.

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

• The EW must see a copy of the divorce decree to verify custody time periods.
24.7.1 Alternating Arrangements (Joint Custody) [50374, 50213]

When a child stays for alternate periods of one month or less with each of his/her parents who are separated or divorced, the following rules shall apply:

- The parent with whom the child stays for the majority of the time shall be the caretaker relative in most instances. The temporary absence of the parent or the child from the home does not affect this determination.

- The parent with whom the child stays for less than the majority of the time may be the caretaker relative, if that person can establish that he/she has majority responsibility for care and control of the child.

24.7.2 Equal Amount of Time with Each Parent

When the child spends an equal amount of time with each parent and each parent exercises an equal share of care and control responsibilities, the parent who applies for aid shall be the caretaker relative, provided that the child's other parent is not currently applying for or receiving aid for the child.

24.7.3 Equal Responsibility

When both parents exercise equal day-to-day care and control responsibilities, and both have applied for aid for the child, the caretaker parent shall be determined in the following order:

<table>
<thead>
<tr>
<th>IF...</th>
<th>THEN the caretaker parent shall be...</th>
</tr>
</thead>
<tbody>
<tr>
<td>There is a court order,</td>
<td>The parent designated as the primary caretaker for purposes of public assistance, under Civil Code Section 4600.5(h).</td>
</tr>
<tr>
<td>No court order designation exists and only one parent would be eligible for aid,</td>
<td>The parent who would be eligible and if both would be eligible, the parents shall designate one parent as caretaker.</td>
</tr>
<tr>
<td>The parents cannot agree on the designation of a caretaker,</td>
<td>The parent who first applied for aid for the child.</td>
</tr>
</tbody>
</table>
Note:
The parent who has been determined to be the caretaker parent of a child who stays with the other parent for alternating periods of one month or less shall remain the caretaker parent during the period when the child is with the other parent.

24.7.4 Alternating Periods of One Month or More

When a child stays for alternating periods of one month or more with different persons who are not living together, the caretaker parent shall be determined as follows:

• The person who applies for aid and meets the requirements of a caretaker parent, or

• When more than one person applies for aid and could meet the requirements of a caretaker parent, the caretaker parent shall be the person with whom the child stays on the first of each month for which aid is provided.

24.8 How to Establish an MFBU [50373- 50379]

To establish an MFBU, the EW shall:

• Determine which family members are applying for Medi-Cal.

• Evaluate family composition and potential MFBU members.

• Determine LTC/non-LTC or Board and Care status of those family members applying for Medi-Cal.

• Establish relative responsibility where necessary.

• Determine program linkage.
24.9 No Family Member in LTC or Board and Care [50371]

24.9.1 Determine Family Composition [50373]

All family members living in the home, other than those specified in EXCEPTIONS below, shall be included in the MFBU, whether or not they are eligible for, or wish to receive Medi-Cal.

Exception:
Family members who are Public Assistance (PA) or Other PA recipients are not included in the MFBU. However, those Other PA recipients eligible for Edwards, Four Month Continuing or Transitional Medi-Cal shall be included in the MFBU as ineligible members.

Some potential members of the MFBU may be excluded. [Refer to “Excluded Members [50381],” page 24-28.]

All family members living in the home, except those excluded from the MFBU, shall be considered in determining the proper program linkage.

Examples:

• A family consisting of an incapacitated father, mother and two minor children would be linked to AFDC Incapacitated Parent Deprivation.

• A 69 year old mother living with her 23 year old daughter, would be ABDMN linked (due to age). The adult daughter is not considered a family member and hence is not considered in Medi-Cal MFBU determination nor in program linkage.

24.9.2 MFBU Composition [50373]

Note:
This chart pertains only to MFBU composition. Separate cases may or may not need to be established, depending on family relationships and linkage.
Some examples follow:

<table>
<thead>
<tr>
<th>Family Composition</th>
<th>No. of MFBUs</th>
<th>Who Is Included In Each MFBU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Individual adult</td>
<td>1</td>
<td>Individual adult</td>
</tr>
<tr>
<td>Individual and spouse</td>
<td>1</td>
<td>Individual and spouse</td>
</tr>
<tr>
<td>Parent(s) and children</td>
<td>1</td>
<td>Parent(s) and children</td>
</tr>
<tr>
<td>Both unmarried parents and mutual children</td>
<td>1</td>
<td>Both unmarried parents and mutual children</td>
</tr>
<tr>
<td>Both unmarried parents, mutual children and separate children of either/both parents</td>
<td>1</td>
<td>Both unmarried parents, mutual children, separate children.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>EXCEPTION: When all the mutual children are excluded, each unmarried parent and that</td>
</tr>
<tr>
<td></td>
<td></td>
<td>unmarried parent's separate children shall be in a separate MFBU = 2 MFBUs.</td>
</tr>
<tr>
<td>Parent, spouse, mutual children</td>
<td>1</td>
<td>Parent, spouse, mutual children</td>
</tr>
<tr>
<td>Parent, spouse, mutual children and/or separate child of either or both parents</td>
<td>1</td>
<td>Parent, spouse, mutual children, separate children or the parent and the separate children</td>
</tr>
<tr>
<td></td>
<td></td>
<td>of that parent if the conditions under [Refer to “Stepparents,” page 24-40] are met.</td>
</tr>
<tr>
<td>Sibling children if all other family members are PA or Other PA</td>
<td>1</td>
<td>Sibling children</td>
</tr>
<tr>
<td>Sibling children, with a caretaker relative other than a natural/adoptive parent.</td>
<td>1 OR 2</td>
<td>Sibling children and caretaker relative, if latter chooses to be included in children's MFBU</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Two MFBUs:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Sibling children (separate case)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Caretaker relative with other linkage, (separate case)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>If the caretaker relative chooses to be in his/her own MFBU, there is NO AFDCMN linkage</td>
</tr>
<tr>
<td></td>
<td></td>
<td>for the caretaker relative.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>EXCEPTION: The caretaker relative of a PA, Other PA, or SSI child retains AFDCMN linkage.</td>
</tr>
</tbody>
</table>
24.9.3 Ineligible Members [50379, 50657]

Ineligible members of an MFBU include:

1. Persons who refuse to apply for a Social Security number (SSN).

   Note:
   (Non immigrant aliens are not required to possess or apply for a SSN as a condition of eligibility)

2. Persons who refuse to apply for a health insurance claim (HIC) number (Medicare).

3. Persons who refuse to apply for and accept unconditionally available income.

4. Persons who are eligible for Edwards, Four Month Continuing or Transitional Medi-Cal.

5. Married or unmarried minor parent(s) living with parents when minor parent's children need Medi-Cal. [Refer to "MFBU determination when child lives at home," page 24-30.]
Exception:
A minor parent who applies for Minor Consent Services is eligible for Medi-Cal in his/her own MFBU.

6. Parent of the separate children in stepparent cases in which only the one parent's separate children wish to receive Medi-Cal. [Refer to “Stepparents,” page 24-40.]

7. Parents who reside outside California who claim their California resident children as tax dependents.

8. A married child living with his/her own parents, whether claimed by parents as tax dependents or not is considered to be a child and shall not be included in his/her own MFBU as an adult. The married child is in one MFBU as the only eligible member (following her mother’s name and case serial #). The married child’s spouse and children and the married child’s parent(s) must be included in the same MFBU as ineligible (IE) members.

- If the married child’s parent(s) want Medi-Cal, another MFBU (same case serial # as above) would include the married child’s parents as eligible members, and the married minor parent child as an INELIGIBLE member.

- If the married child’s spouse and children want Medi-Cal, their MFBU would follow the children’s mother’s name and serial # and include the married child’s spouse and children as eligible members and the married child as an ineligible (IE) member because he/she is financially responsible for his/her spouse and children. [Refer to “Income In-Kind to Minor,” page 24-33].

9. Persons unable to meet the basic eligibility criteria for any Medi-Cal programs, e.g., MIAs in mixed households.

10. A parent or a spouse who chooses to be aidedlinked with his/her related child in the MN program is also an ineligible member in his/her spouse/children’s MN/MI MFBU.

11. A parent or caretaker relative who refuses to assign to the state all rights to medical support and payments for medical care from any third party.

12. A parent or caretaker relative who refuses, without good cause, to

(1) Cooperate in establishing paternity for a child under eighteen years of age born out of wedlock for whom Medi-Cal is requested, and/or

(2) Obtain medical support and payments, and/or
(3) Identify and provide any information concerning any third party who is or may be liable to pay for medical care or support.

13. Persons who refuse to complete the Health Insurance Questionnaire.

14. Persons (responsible relatives) who are eligible, but refuse Medi-Cal; their income and property must be included in the eligibility determination.

Important:

Persons who refuse Medi-Cal may want Medi-Cal in the future. They shall be added the month of request, and up to 3 months Retro, if needed.

The following applies to ineligible members of an MFBU:

• Property is included in determining eligibility.

• Income is used in determining share of cost.

• Maintenance need for the MFBU includes all ineligible members.

• Medical expenses of ineligible members can be used to meet the share of cost for the MFBU.

Important:

Ineligible Members who are receiving Medi-Cal under any of the following aid types may also use their non Medi-Cal covered health care costs to help meet the share of cost for the MFBU:

Edwards, Aid Code 38.
Four-Month Continuing Eligibles, Aid Code 54.
Transitional Medi-Cal Eligibles, Aid Codes 39, 3T, 59, 5T.

• Ineligible members do not receive Medi-Cal cards.

Note:

Ineligible child(ren) cannot establish AFDC linkage for the MFBU. [Refer to “Additional Rules for MFBU Determinations,” page 24-13 for information regarding eligible children but parent chooses not to receive Medi-Cal card.]
24.9.4 Excluded Members [50381]

Who are Excluded Members

Excluded members of an MFBU may include the following:

- Any child, other than an unborn, who either:
  - Chooses not to receive Medi-Cal, or
  - Refuses to provide information about his/her property and/or income.

- Members of a stepparent unit (other than the parent) when only the separate children of one parent want Medi-Cal.

Rules Applied to Excluded Members

The following rules apply to persons who are excluded from an MFBU:

- The parent or other caretaker relative must complete an “Sneede v. Kizer Excluded Child Statement from Parent or Caretaker Relative” (MC 239-SN3) when choosing to exclude child(ren) from the MFBU.

- Property is not included in determining eligibility for the MFBU.

- Income is not used in determining the share of cost for MFBU.

- If the excluded child's income verification is not provided, DO NOT complete the “Allocation/Special Deduction Worksheet”, MC 176 W, Part A, Section I which allows the child an allocation.

- The maintenance need or the property limit for the MFBU does not include these persons.

- Medical expenses of excluded members cannot be used to meet the share of cost for the MFBU.

- Excluded members do not receive Medi-Cal cards.

- Application cannot be made separately, unless for Minor Consent Services.

- Excluded child(ren) cannot provide AFDC linkage for the MFBU.
Adding Excluded Persons to the MFBU

If Medi-Cal is later requested for an excluded person, s/he can be added to the MFBU the month of request and up to three months Retro.

24.9.5 Excluded Child Statement (Medi-Cal), MC 239 SN-3

This form must be completed whenever a parent or other caretaker relative chooses to exclude a child from the MFBU. The excluded child statement is not a mandatory form but is required as part of a lawsuit negotiation. Therefore, the EW will exclude the child, and the child’s income and property, rather than deny/discontinue benefits to the MFBU. The EW must document that the parent/caretaker was asked to complete the form but refused or failed to sign or return it.

24.9.6 Ineligible vs. Excluded

Rules

• An ineligible person MUST BE included in the MFBU. The client has no choice.

Example:
An undocumented alien father, who refuses to apply for restricted Medi-Cal benefits, must be included in the MFBU as an ineligible member when his spouse and/or children are requesting Medi-Cal.

• An excluded person CANNOT BE included in the MFBU.

• EWs shall explain to the applicant who has a choice of including or excluding members, the advantages and disadvantages of such an action, before the choice is made.

• An otherwise eligible person should not refuse Medi-Cal unless it is clearly advantageous for the MFBU to do so or unless they do not need Medi-Cal and the card is suppressed. Medical needs cannot be anticipated.

Note:
If an excluded person later wishes to apply for Medi-Cal, he/she can only be added the month of request and up to 3 months Retro.
24.9.7 Unmarried Pregnant Women

Requirements

Due to changes resulting from the Sneede v. Kizer lawsuit and Continued Eligibility (CE) rules, an unmarried pregnant woman (including Minor Consent applicants) may choose to apply for Medi-Cal only for herself, even though the unmarried father is residing in the home.

• When CE rules apply, the unmarried father shall be added to the MFBU when the child is age one unless he is requesting Medi-Cal for himself and/or his other mutual or separate children.

• The unmarried father may choose to be included in an MFBU with the unborn and mother. He may receive Medi-Cal if he has linkage.

Note:
EWs shall determine AFDC-MN linkage for the unmarried pregnant woman whenever possible before establishing MI.

[Refer to “Continued Eligibility for Pregnant Women, Infants, and Children [50262.3],” page 22-1, for additional Continued Eligibility information.]

• The unmarried pregnant woman may choose to exclude:
  • Her other mutual child(ren).

Note:
If other mutual child(ren) are included, then the father must also be in the MFBU.
  • Her separate child(ren).

24.9.8 MFBU determination when child lives at home

The minor child living at home is included in the parent's MFBU.

EXCEPTIONS:

• A child applying only for Minor Consent Services is not included in the parent's MFBU.
• An excluded child is not included in the parent's MFBU.
• A blind or disabled MN person who is 18-21 years of age living in the home is considered an adult.

The minor living with CalWORKs (cash) parents will be set up in his/her own MFBU. The AFDC parents are PA, and not considered part of the family composition. [Refer to “Determine Family Composition [50373],” page 24-23.]

Example:
A 19 year old living with CalWORKs parents would be an MFBU of one. Only the 19 year old's income and resources are included in eligibility and SOC determination. He/she maintains AFDC linkage. Medi-Cal is set up in the parent's case.

24.9.9 MFBU Determinations when an Unmarried Minor Parent Lives in the Home of Senior Parent(s)

MFBU Rules for Unmarried Pregnant Minor

Minor parent cases are three generation households. The senior parents are financially responsible for the minor parent but not for his/her child (their grandchild).

A minor parent may be included in the senior parent(s) MFBU.

If the senior parent(s) have knowledge of the pregnancy and are applying for or receiving Medi-Cal, the minor's unborn can be included in the senior parent(s)' MFBU at their request, in addition to an MFBU which includes the unborn's parent(s).

• Once the minor's child is born, the child must be placed in his/her own MFBU apart from the grandparents the month following the month of delivery. (In this example, establish a separate case in the minor mother's name.)

• This will insure that the grandparent's income and property do not affect the child’s eligibility and share of cost.

• The minor parent is an ineligible member of the newborn’s MFBU because she is financially responsible for her children.

• The minor mother will have her Medi-Cal eligibility determined in the senior parent's MFBU once the 60 day Postpartum period is past.
Note:
The minor mother's eligibility and SOC during the 60-day postpartum period are not affected.

A minor parent may be in his/her own MFBU under the Minor Consent Program. When the minor requests only minor consent services, the unborn is not added to the senior parent’s Medi-Cal case.

The unborn can establish linkage for the unmarried father if he is also in the home and applying for Medi-Cal.

Unmarried Minor Parent’s Child(ren)

The child(ren) [not unborns] are in their own MFBU which:

- Includes the minor parent as an ineligible person.
- May include the second unmarried parent, if in the home as eligible.
- May include the separate children of either unmarried parent as eligible.

Unmarried minor parents, their child and minor mother’s parents

Example:
The family consists of unmarried minor parents who live with the minor mother's parents. They have one mutual child and the minor mother has a separate child. There are two MFBU:

- Unmarried minor mother parent as an INELIGIBLE (IE) member with second unmarried parent, mutual children and separate child as ELIGIBLE members.
- Unmarried minor mother parent, the unmarried minor parent's parent(s) and his/her spouse and/or children as eligible members.

Minor’s Property

The property of the unmarried minor parent is used in both the senior parent(s)' and minor parent(s)’ MFBU.

*Sneede v. Kizer* rules may apply if excess property results.
Minor's Income

Income of the unmarried minor parent is used to determine the share of cost in both the senior parent(s)’ and minor parent(s)’ MFBU.

*Sneede v. Kizer* rules may apply if there is a share of cost.

Income In-Kind to Minor

The parent(s) of the minor are responsible relatives. Do not count income in-kind to the minor parent when determining the share of cost for the MFBU which includes his/her children. Income in-kind may apply to others in this MFBU.

MFBU Chart— Married or Unmarried Minor Parent(s) Living at Home

<table>
<thead>
<tr>
<th>Family Composition</th>
<th>No. of MFBU</th>
<th>Who Is Included In Each MFBU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unmarried minor parent; children; the minor parent's parent and his/her spouse and/or children.</td>
<td>2</td>
<td>1. Unmarried minor parent as an ineligible member, minor parent's children.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. Unmarried minor parent, the minor parent's parent and his/her spouse and/or child(ren). **</td>
</tr>
<tr>
<td>Unmarried Minor parent; second parent; their mutual children; separate children of either or both, minor parent's parent(s) and his/her spouse and/or children.</td>
<td>2</td>
<td>1. Unmarried minor parent as an ineligible member, second parent, separate children of either parents, mutual children.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. Unmarried minor parent, the minor parent's parent(s) and his/her spouse and/or child(ren). **</td>
</tr>
</tbody>
</table>

** The Unmarried minor’s unborn can also be included in the senior parent's MFBU at their request when the senior parent(s) are aware of the pregnancy. Once the child is born, a separate MFBU (and separate case) must be established the month following the month of delivery.
### MFBU Chart—Married Minor Child Living With Parents

<table>
<thead>
<tr>
<th>Family Composition</th>
<th>No. of MFBUs***</th>
<th>Who Is Included In Each MFBU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Married minor child; minor parent's spouse, their mutual children; separate children of either or both, minor child’s parent(s) and his/her spouse and/or children.</td>
<td>3</td>
<td>1. Married minor child as eligible; married minor child’s spouse and children as INELIGIBLE members, and married minor child’s parent(s) and that person’s spouse as INELIGIBLE members. (Case follows minor child’s mother’s (senior parent) name and case serial #) *&lt;br&gt;2. Married minor child as INELIGIBLE member; married child’s spouse and child(ren) as eligible, if requesting Medi-Cal. (The case follows the minor child’s name and case serial #) <em>&lt;br&gt;3. Married minor’s parent(s) and that person’s spouse as eligible, if they are linked; married minor child as INELIGIBLE member ** (The case follows the minor child’s mother’s (senior parent) name and case serial #)</em></td>
</tr>
<tr>
<td>Married minor child (no spouse in the home), his/her children and minor child’s parent(s) and his/her spouse and/or children.</td>
<td>2</td>
<td>1. Married minor child and his/her parent(s) and his/her spouse and/or children as eligible members. &lt;br&gt;2. Married minor child’s children as eligible; married minor parent as ineligible.</td>
</tr>
</tbody>
</table>

*These cases are considered COMPANION cases and MUST be carried by the same EW.

** The Minor’s unborn can also be included in the senior parent’s MFBU at their request when the senior parent(s) are aware of the pregnancy. Once the child is born, a separate MFBU (and separate case) must be established the month following the month of delivery.

***THESE MFBUS MAY NOT BE IN THE SAME CASE NUMBER.
MFBU Determination When a Minor, Living Away from Home, Is Claimed as Tax Dependent

The following applies when a parent lives in California:

- A minor, 18-21 years, determined to be claimed as a tax dependent by his/her parent, must be included in the claiming parent's MFBU. There is ONE MFBU, even though the child and parent live apart.

- The county of responsibility for determining Medi-Cal for a family which includes a person 18-21 years living away from home, who is claimed by his/her parent as a tax dependent, shall be:
  - The county in which the family's residence is located.
  - The county of the child's physical presence if the family's residence is unclear.

The following applies when a parent lives out of California.

If the parent(s) of 18-21 year old tax dependent child(ren) lives in another state, the child's residence is determined by the child's physical presence.

- Parents and any siblings at home, living outside California and claiming their children for tax purposes, are ineligible members of the child's MFBU.

- Child's family receiving Medi-Cal or Medicaid in their state are all still considered ineligible members of the child's MFBU.

Note:

The tax dependent child(ren) under 18 years who is not living at home or with a caretaker relative and is handling all his own financial affairs is in his/her OWN MFBU.

Determining Maintenance Need Level

To determine a Maintenance Need level when a family includes a tax dependent child(ren) living away from home, use the following steps:

- Determine the maintenance need for the parent's household.
- Determine the maintenance need for the child's household.
• Add the two or more maintenance needs determined in (a) and (b). This is the total maintenance need for the entire MFBU.

**Example #1** For one child living alone or one child sharing a residence with other persons (not financially responsible for the child) use the maintenance need for one person.

**Maintenance Need Determination:** A family is composed of mother, father, son and daughter at home and one child living separately who is claimed as a tax dependent by the parents. The maintenance need is computed as follows:

```
Maintenance Need for 4 = 1100
Maintenance Need for 1 = 600
1700 combined maintenance need for single MFBU.
```

**Example #2** Two or more children living together and claimed as tax dependent use the maintenance need level for the corresponding number of persons.

**Maintenance Need Determination:** Same family as example above, but which has two children sharing housing and living separately from the rest of the family. Both of these children are claimed as tax dependents by their parents.

```
Maintenance Need for 4 = 100
Maintenance Need for 2 = 750
1850 combined maintenance need for single MFBU.
```

**Example #3** For two or more children who live alone in separate residence, use the maintenance need level for one for each child established.

**Maintenance Need Determination:** A mother, son and daughter at home and two children, each in his/her own housing, and living separately from the rest of the family. Both of these children are claimed as tax dependents by their mother.

```
Maintenance Need for 3 = 934
Maintenance Need for 1 = 600
Maintenance Need for 1 = 600
--------
2134 combined maintenance need for single MFBU.
```
24.9.12 Minor Consent Services [50147, 50351, 50373]

A child eligible for Medi-Cal under Minor Consent Services is established in his/her own MFBU, without regard to parental responsibility or parental contact. Parental income and resources are not considered.

[Refer to “Minor Consent,” page 39-1 regarding Medi-Cal eligibility requirements of this program.]

24.9.13 Children in Foster Care or Relinquished for Adoption

Definition of a child in foster care:

A child who is not living with a parent or relative and for whom a public agency is assuming financial responsibility in whole or in part.

Children in foster care:

• Shall be eligible and certified for Medi-Cal:
  • On the basis of the information provided by the public agency on form MC 250.
  • Without considering the property or income of the child or the child's parents.
• Shall be eligible under the Medically Indigent (MI) program.
• Shall be in his/her own MFBU.

Definition of a child relinquished for adoption:

A child receiving assistance under Aid for Adoption of Children.

A Child(ren) relinquished for adoption:

• Shall be eligible and certified for Medi-Cal without any additional determinations by the county department.
• Shall be eligible under the MI program.
• Shall be in his/her own MFBU.
Note:

Above does not apply to adopted children, only to those children receiving assistance under Aid for Adoption of Children.

MFBU Chart — Foster Care/ Relinquished for Adoption

<table>
<thead>
<tr>
<th>Family Composition</th>
<th>No. of MFBU(s)</th>
<th>Who Is Included In Each MFBU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child in foster care</td>
<td>1</td>
<td>Child</td>
</tr>
<tr>
<td>Two sibling children in foster care</td>
<td>2</td>
<td>Each sibling child is in his/her own MFBU, even if placed in the same foster home</td>
</tr>
<tr>
<td>Child detained or placed by a court or court designated agency under Welfare and Institutions Code Sections 300 or 601</td>
<td>1</td>
<td>Child</td>
</tr>
<tr>
<td>Child not living with a parent or another caretaker relative, and for whom a public agency is assuming financial responsibility in whole or in part</td>
<td>1</td>
<td>Child</td>
</tr>
<tr>
<td>Child not living with a parent or another caretaker relative when parents or public agencies have been contacted to determine whether they will accept legal responsibility for the child</td>
<td>1</td>
<td>Child</td>
</tr>
</tbody>
</table>

24.9.14 MFBU Limitations When Families are AFDC-MN Linked [50211, 50213]

When deprivation of a child is due solely to deceased or absent parent, and the parent in the home is married, and the spouse (stepparent) has separate children in the home:

- Both parents can be linked to AFDC, deceased/absent parent deprivation.
- The separate children of each parent can be linked to AFDC.
- Any mutual children could be MI eligible.

When deprivation of a child is due to incapacitated or unemployed parent, and the parent in the home is married, and the spouse (stepparent) has separate children in the home:
• Both parents (parent and spouse of parent) can be linked to AFDC, incapacitated/unemployed parent deprivation.

• Both parents can therefore be included in the MFBU as eligible members.

Example:
John 45 years of age, and Joan 41 years of age, are married. Joan has one child living in the home. Also living in the home are John's two children from a prior marriage. John and Joan have no common children. They are applying for Medi-Cal for all, based upon absent parent deprivation for their separate children. Both parents can be AFDC Linked.

Example:
Ervin and Rose are married. Both have separate children and one mutual child living in the home. Ervin is currently unable to work and receiving workman's compensation. All are Medi-Cal eligible, linked to AFDC as follows:


When deprivation of a child is due to the incapacity of a parent, the spouse of the child’s parent can also be linked to AFDCMN.

MFBU Chart —
Families with Absent or Deceased Parent Deprivation

<table>
<thead>
<tr>
<th>Family Composition</th>
<th>No. of MFBU</th>
<th>Who Is Included In Each MFBU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parent and child(ren)</td>
<td>1</td>
<td>Parent and child(ren); both are linked to AFDC.</td>
</tr>
<tr>
<td>Parent and SSI child</td>
<td>1</td>
<td>Parent; parent is linked to AFDC because a child who is deprived of parental support is living in the home. (SSI child is not in the MFBU.)</td>
</tr>
</tbody>
</table>
# 24.10 Stepparents

## 24.10.1 Definitions [50094, 50375]

- A stepparent is a person who is married to the natural or adoptive parent of a child and who is not the other parent of that child. The term stepparent applies equally to either sex.

- Definition of a Stepparent Case. A stepparent case is one in which:

<table>
<thead>
<tr>
<th>Family Composition</th>
<th>No. of MFBUs</th>
<th>Who Is Included In Each MFBU</th>
</tr>
</thead>
</table>
| Parent, child and parent's spouse (stepparent) | 1 OR 1 | 1. If Medi-Cal is requested for ONLY the separate child (a Stepparent Case): Only the child is linked to AFDC. (The child's parent is included as an ineligible member of the MFBU.)
| | | 2. If Medi-Cal is requested for parent and child, everyone is included in the MFBU. (Not a Stepparent Case):
| | | Parent and child are linked to AFDC; parent's spouse (stepparent) is an ineligible member of the MFBU unless s/he has other linkage. |
| Parent, parent's separate child, parent's spouse and parent's spouse's separate child | 1 | Parent, parent's separate child, parent's spouse and parent's spouse's separate child. Both parents are AFDC linked and both children from a prior are AFDC linked. NOTE: Any mutual children could be eligible as MI. |
| Unmarried mother and her child, unmarried father and his child (no common children) | 2 | Two MFBUs:
| | | 1. Unmarried mother and her child; both are linked to AFDC
| | | 2. Unmarried father and his child; both are linked to AFDC |
| Unmarried mother and her child, unmarried father and his child, one mutual child | 1 | Unmarried mother, her child, unmarried father, his child, mutual child; both parents are AFDC linked; the separate children of each parent are AFDC linked; the common child is medically indigent (the common child did not meet AFDC-incap or AFDC-U deprivation). |
• Medi-Cal is requested for ONLY the separate child(ren) of one parent, AND
• The child(ren)'s parent is an ineligible member of the MFBU.

Note:
The applicant's right to include ONLY his/her separate child(ren) and how this effects the case shall be explained at the time of the face-to-face interview.

• If any member of the Stepparent Unit (stepparent, parent, mutual children and/or stepparent's separate children) wants Medi-Cal, a stepparent case CANNOT be established. The entire family must apply for Medi-Cal as a single MFBU. *Sneede v. Kizer* rules apply if there is excess property or a share of cost.

• Important: Effective with *Sneede v. Kizer* implementation, 4/1/91, the determination of the Stepparent Unit's neediness is eliminated.

DO NOT use the “Allocation/Special Deduction Worksheet”, MC 176 W, Part A, Section V to show if the stepparent has sufficient income to meet the needs of the Stepparent Unit. DO NOT apply the needs test to retroactive months.

Use the “Stepparent Computation” (MC 176 W.1) to determine property and income of the MFBU.

• If the stepparent refuses to cooperate or does not wish to be aided, his/her spouse would be an ineligible member of the MFBU with her separate children. If the mutual children or the stepparent’s separate children wants to be aided, the stepparent must be included, otherwise there is no eligibility for either the mutual or the stepparent’s separate children.

**24.10.2 Establishing the Stepparent MFBU [50375]**

1. When a Stepparent Case is established the MFBU consists of the following persons:
   a. Separate child(ren) of parent.
   b. Parent as an Ineligible Member.

   **Note:**
   Parental Responsibility regulations may apply to the separate child(ren).
   [Refer to “Responsible Relatives,” page 59-1.]

2. All other members of the family are considered excluded from the MFBU.
24.10.3  Stepparent Budget Computation and MC 176 W.1

(These regulations apply when only the separate child(ren) of one parent want Medi-Cal.)

MC 176 W.1

The “Stepparent Computation” (MC 176 W.1) must be used whenever the separate child(ren) of one parent are applying for Medi-Cal.

24.10.4  Stepparent Case Property Determination

1. Include the separate child(ren)’s net nonexempt property.

2. Include only the parent’s separate property and his/her share of community property, after allowing equal allocations to his/her spouse and to any of the parent’s other children.

3. Presume equal ownership of property if property is jointly owned with other members of the MFBU.

4. If the client disagrees with this division, evidence which clearly substantiates ownership must be presented.

Note:
Affidavits alone are NOT sufficient evidence. This rule also applies when property is owned jointly with persons outside of the MFBU.

24.10.5  Stepparent Case Income Determination

1. Use only the separate child(ren)’s own net nonexempt income.

2. Use the balance of the ineligible natural or adoptive parent’s income which is available to the members of the MFBU.

3. To determine the amount of the ineligible parent’s income available to the MFBU, i.e., the balance, the EW must follow the methodology similar to that developed in Sneede, even if it is not yet known whether the case will be a Sneede.
4. The ineligible parent is allowed appropriate income exemptions and deductions including a parental needs deduction, and then net nonexempt income is equally allocated to:

(1) His/her excluded spouse, and

(2) All of his/her natural/adoptive children in the household who are both in and out of the MFBU.

5. The amount allocated to non-MFBU members is then deducted from the ineligible parent’s gross income (as are other appropriate deductions and exemptions) and the balance of the income is available to the MFBU.

6. Do not use income belonging to the stepparent or to other children in the family.

7. The EW will then determine if this is a Sneede income case.

Unearned Income In-Kind and stepparent case

When a stepparent is not in the MFBU, but is providing a full item of need, the EW must determine the value of income in kind based upon the number of stepchildren in the MFBU. The value of income in kind is equally allocated to only the stepchildren. This is considered to be the child’s own income. There is no in kind income to a spouse.

Example:
Sally and Sam are married; they have a mutual child and Sally has two separate children. They want Medi-Cal for Sally’s two separate children only. Sam pays all of the bills for the entire household. The MFBU consists of Sally as an ineligible parent and her two separate children. The EW determines that the income in kind for two is $475 and will budget $237.50 as income in kind for each child ($475 divided by two). No income in kind is budgeted for Sam’s wife, Sally.

24.10.6 Stepparent Determination When Parent is PA

If the separate child(ren)’s parent is on PA (e.g., AFDC, SSI), DO NOT complete the “Stepparent Computation” (MC 176 W.1).

1. The MFBU includes only the separate child(ren).

2. Use only the child(ren)’s separate property and income.
MFBU Illustration

Stepparent unit composition when a Medi-Cal Stepparent Case is established; the MFBU consists of the following persons:

```
married | Mother - | 
Stepfather | ineligible | member |
| | | |
| his | common | her | her |
child | child | child | child |
```

24.11 Family Members in Long Term Care or Board and Care

24.11.1 Definitions

Board and Care [50025.3]

Board and Care (B & C) is the receipt of board, room, personal care and designated supplemental services related to individual needs in a nonmedical protective living environment for a full calendar month. Inpatient medical care is NOT provided as part of board and care.

Nonmedical protective living environments include, but are not limited to:

- Licensed residential care facilities.

Note:

EWs do not have to verify that the facility is licensed unless it is questionable.
• The home of a relative or legally appointed guardian or conservator, other than the home of a spouse, or, the home of a parent for a blind or disabled child.

• A home in which a child is placed by a court under Welfare and Institutions Code 727(a).

• An exclusive use home approved by a licensed home finding agency.

A person is considered to have board and care status if s/he is expected to be in a B & C home for a full calendar month.

**Example 1** Harry goes into a B & C home on March 1 and is expected to remain there at least six months. He is considered to have B & C status beginning March 1st.

**Example 2** Maryann goes into a B & C home on March 2 and is expected to stay indefinitely. B & C status begins on the first of the following month. (Enters B & C on March 2; B & C status begins April 1st.

**Long-Term Care Status [50056]**

Long Term Care (LTC) status means inpatient medical care which lasts for more than the month of admission and is expected to last for at least one full calendar month after the month of admission. LTC status terminates the first day of the month in which the client is discharged from a medical facility.

Long-Term Care Status applies only to individuals in a Long Term Care medical facility who do not have a community spouse. [Refer to “Continuous Period of Institutionalization [50033.5],” page 24-46 if the LTC individual has a community spouse.]

Long-Term Care medical facilities include the following:

• Acute care hospitals
• Acute psychiatric hospitals
• Intermediate care facilities
• Skilled nursing facilities

**Example 1** Abel, a single person, enters a nursing home on February 25 and is expected to stay until April 6. This is considered LTC status for March as he is expected to stay at least the full month after the month of admission.

**Example 2** Hilda, a widow, enters a hospital on February 25 and is expected to be released on March 28. This is NOT considered LTC status as Hilda will not be hospitalized for at least one full month (March) after the month of admission.
Example 3 Max, a widower, enters the hospital on February 25 and is expected to stay until April 6. His maintenance need for February is that for “Persons Living in the Home” as LTC status does not begin until March. LTC status begins on March 1st; his maintenance need for March is $35.00, the personal needs allowance. Maintenance need for April is that for “Persons Living in the Home”, as Max will be in the hospital for only a portion of the month (April).

Other LTC Income Allowances An LTC patient may be allowed to retain additional income for upkeep of a home or to pay for the support of a disabled relative. [Refer to “Income/General,” page 53-1.]

Community Spouse [50031.5]

A person who is NOT an inpatient in a medical or nursing facility and who is married to an institutionalized spouse or for income purposes, a person with LTC status.

Institutionalized Spouse [50046.5]

Beginning with the date of admission into the nursing facility or medical institution, an institutionalized spouse is one who is all of the following:

• Is applying for Medi-Cal on or after 1/1/90.
• Is beginning a “Continuous Period of Institutionalization” on or after 9/30/89 as an inpatient in a medical institution or a nursing facility.
• Is expected to remain in the medical institution or nursing facility for a continuous period of at least 30 consecutive days as evidenced by a statement, signed and dated by his/her physician.
• Is married to a community spouse.
• Is NOT AFDC-MN.

Continuous Period of Institutionalization [50033.5]

A “Continuous Period of Institutionalization” is 30 or more consecutive days of inpatient medical care in a medical institution or nursing facility. A “Continuous Period of Institutionalization” begins when an institutionalized person is expected to remain an inpatient for 30 consecutive days and ends when the institutionalized person is no longer an inpatient for a full calendar month.
“Continuous Period of Institutionalization” applies only to LTC individuals who have a community spouse. [Refer to “Long-Term Care Status [50056],” page 24-45 if the LTC individual does not have a community spouse.]

Note:
Persons are considered “expected to remain” even though they do not actually stay in an institution, when it was determined at the beginning of the period of institutionalization that he/she was “expected to remain”.

24.11.2 Adults in LTC or Board and Care [50377, PROC 8-B]

LTC Person with a Community Spouse

An institutionalized spouse, or, for income purposes, an LTC spouse, shall be considered to be in his/her own MFBU at the beginning of the “Continuous Period of Institutionalization”.

- The LTC spouse may provide the community spouse resource allowance (CSRA) and an income allocation to the community spouse beginning with the month of admission to the long term care facility.
- The spouses are in separate budget units beginning with the month of admission.
- The Maintenance Need for the LTC spouse shall be $35 (the personal needs allowance) beginning with the first month of admission.
- When the institutionalized spouse or the LTC spouse and the community spouse are both beneficiaries and their budgets are being revised at the beginning of the “Continuous Period of Institutionalization”, there can be no increase in the share of cost until a ten day notice of action is issued, even though an allocation to the community spouse has been given.

ABD, No Community Spouse

An aged, blind or disabled (ABD) person in Long Term Care or Board and Care with no community spouse shall be in his/her own separate MFBU when “LTC Status” is attained (the month after the month of entry).

- The Maintenance Need for the LTC individual shall be $35 (the personal needs allowance) beginning with the month after the month of entry.
Non-MAGI MC MFBU

ABD Couple

ABD spouses in the same medical facility, or sharing the same room in LTC, shall have their eligibility and share of cost determined as two separate MFBU's the month after the month of admission.

Non-ABD Persons

A non-ABD person in LTC or Board and Care married to a non-ABD spouses shall be included in the MFBU with his/her spouse and/or children or, if the person is a child, with his/her parents.

24.11.3 Children in LTC [50377, PROC 8-B]

Blind/Disabled LTC Child

Beginning the first of the month following the month of admission to LTC, a blind or disabled child shall be in his own MFBU. [Refer to “Disabled Newborns,” page 24-48.]

- Only the child's separate and available property/income may be used to determine his eligibility and share of cost.
- The resources and income of the child's family may NOT be used in determining the child's Medi-Cal eligibility and share of cost.

Non-Blind/Disabled LTC Child

Children in LTC who are Not determined as blind or disabled must be in the MFBU with their parents.

Exception:
A child who was NOT living with his parents immediately prior to entering LTC shall be in his own MFBU.

Disabled Newborns

A disabled or a presumptively disabled premature newborn who is born in a facility and remains an inpatient for the remainder of the month is in his/her own MFBU beginning with the month of birth rather than in the following month.
Example:

A premature baby girl is born April 15 and weighs 2 lbs., thus she meets “presumptive disability” criteria. She remains in the hospital through July 17 when she is discharged to her home. From April-July she is in her own MFBU. The EW would use only the baby’s own income and resources to determine eligibility. Beginning in August, she is in the same MFBU as her parent(s) or caretaker and their income and resources are counted.

A newborn who is not disabled (or presumptively disabled), or who is released to the home and is later hospitalized during the month of birth, must be included in the parent’s MFBU in the month of admission.

Placements

A child who is a ward of the court, or a child who is the responsibility of a public agency due to a voluntary placement by a parent or guardian, and who is a patient in a medical facility, shall be in his/her own MBFU.

24.11.4 Medically Indigent Adults in LTC [50157, 50377, 50191, PROC 19-C]

Background

The State discontinued the Medically Indigent Adult (MIA) category, from the Medi-Cal program, with a few exceptions, effective 1/1/83. One of the exceptions is the category of MIAs residing in a skilled nursing facility (SNF) or intermediate care facility (ICF) or intermediate care/developmentally disabled facility (ICD).

Note:

These facilities are all licensed as medical facilities and are different from board and care homes, which are only licensed to give personal care.

Aid Code and Benefits

MIA persons in SNF/ICF are identified by Aid Code 53. A MIA residing in an SNF/ICF is entitled to all benefits normally covered by Medi-Cal. However, should that MIA person become an inpatient at an acute care hospital, any services provided during that hospital stay will not be covered by the Medi-Cal program.
MFBU Determination

A MIA in LTC who is a single person shall be in an MFBU of one (1). Long term care status shall begin with the day of LTC entry. He/she must be expected to stay a full calendar month after the month of LTC admission.

Adults

A MIA in LTC whose spouse is not ABD shall be included in the MFBU with his/her spouse and/or children. However a MIA in LTC can be considered an “institutionalized spouse” as long as there is no AFDC-MN linkage, (e.g. there is no temporary absence from the home). The at-home spouse (“community spouse”) would be entitled to the CSRA and the spousal income allocation if all criteria are met. See the previous pages of this section.

Child(ren)

The Medically Indigent Child in LTC shall be included in the MFBU with his/her parents.

Exception:

The child who was not living with parent(s) immediately prior to entering LTC shall be in his/her own MFBU.

EW Responsibilities

APD Program

If acute care is needed, it may be provided through the Ability to Pay Determination (APD) program at Valley Medical Center. The EW must refer any aid type 53 MIA person to the APD program when that person becomes an inpatient at an acute care facility. DO NOT refer client to the VMC Medi-Cal Unit.

Note:

The aid type 53 person who goes to an acute care hospital other than VMC will usually be referred to VMC if he/she has no other health coverage.

A client may have concurrent Aid Code 53 Medi-Cal coverage and county medical assistance in any month medical services were received in both an SNF/ICF and an acute care facility.

DED Approvals

Should a disability evaluation subsequently be approved, Aid Code 53 must be changed to a disabled aid code category (e.g. 64, 67), effective with or retroactive to the disability onset date.
Terminating Benefits: If the client is subsequently released from the LTC facility, he/she is no longer eligible for Medi-Cal as Aid Code 53. A 10-day notice shall be required to discontinue Medi-Cal under this aid category.

Status Reports: A Midyear Status Reports (MSR) are required for MIAs in LTC. MSRs are generated for Aid Code 53.

24.11.5 Registered Domestic Partners/Same Sex Spouses in Long Term Care

The policy for eligibility determinations for RDPs/Same-sex spouses is as follows:

- If one RDP is applying for Medi-Cal and is in an LTC facility and is not federally eligible (i.e., ABD), then he/she must be placed in the State-only LTC program for Medically Indigent Adults with or without a share-of-cost if otherwise eligible (Aid Code 53).

- If his/her RDP is not an inpatient in a medical institution or nursing facility, then the EW shall apply the spousal impoverishment provisions as if the RDP is a Community Spouse.

- If the institutionalized RDP later turns 65 or is determined disabled, then he/she is no longer eligible under the State-only LTC program and spousal impoverishment would no longer apply.

- Because the CSRA is determined for the initial month for which MC is being requested, the property transferred to the community RDP becomes the property of the community RDP and is not counted again. The Spousal income allocation will no longer be deducted from the income of the institutionalized RDP.

- If an application is made for two institutionalized RDPs, then the spousal impoverishment provisions would not apply and the division of community property rules would apply.

- Two RDPs in Board and Care would not be eligible under state-only LTC. State-only LTC provides coverage only when the individual is in an intermediate or skilled nursing facility, not Board and Care. Therefore, EWs must determine eligibility for two RDPs in Board and Care as individuals under federal law or determine whether eligibility might exist for one of the other state-only programs.
## 24.12 Adult/Child Status Chart

### Persons Under Age 21 Living Away from Parent’s Home

<table>
<thead>
<tr>
<th>Living Situation</th>
<th>Person’s Characteristics</th>
<th>Status Adult/Child</th>
<th>Who Completes Statement of Facts</th>
<th>Whose Income and Property is Counted</th>
<th>Contact with Parent</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Any living situation, claimed as tax dependent by parent.</td>
<td>18-to-21-year-old.</td>
<td>X</td>
<td>Parent.</td>
<td>Parent’s, 18-to-21 year-old’s other MFBU member’s.</td>
<td>Yes</td>
</tr>
<tr>
<td>Under 18.</td>
<td>[Determine in accordance with numbers 2 through 6, below.]</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Independent living situation</td>
<td>18-to-21-year-old.</td>
<td>X</td>
<td>18-to-21-year-old.</td>
<td>18-to-21-year-old’s.</td>
<td>No</td>
</tr>
<tr>
<td>14-to-18-year-old handling all of his/her own financial affairs.</td>
<td>X</td>
<td>14-to-18-year-old</td>
<td>14-to-18-year-old’s.</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>14-to-18-year-old with a parent, caretaker relative, or legal guardian handling some or all of his/her financial affairs.</td>
<td>X</td>
<td>Parent, caretaker relative, or guardian. If they will not and public agency also refuses, 14-to-18-year-old may complete.</td>
<td>14-to-18-year-old’s.</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Under 14.</td>
<td>X</td>
<td>Parent or legal guardian. If they will not and public agency also refuses, child may complete.</td>
<td>Under 14-year-old’s.</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>
### PERSONS UNDER AGE 21 LIVING AWAY FROM PARENT'S HOME

<table>
<thead>
<tr>
<th>Living Situation</th>
<th>Person's Characteristics</th>
<th>Status Adult/Child</th>
<th>Who Completes Statement of Facts</th>
<th>Whose Income and Property is Counted</th>
<th>Contact with Parent</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. Living on the parents property in a building would be considered the parent's &quot;other real property&quot; for Medi-Cal purposes.</td>
<td>18-21-year-old not receiving any financial support from parents.</td>
<td>X</td>
<td>18-21-year-old.</td>
<td>18-to-21-year-old's.</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>18-21-year-old receiving financial support from parents.</td>
<td>X</td>
<td>Parent</td>
<td>Parent's, 18-to-21-year-old's, other MFBU member's.</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>14-to-18-year-old.</td>
<td>X</td>
<td>Parent</td>
<td>Parent's, 14-to-18-year-old's, other MFBU member's.</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Under 14.</td>
<td>X</td>
<td>Parent</td>
<td>Parent's, under 14-year-old's, other MFBU member's.</td>
<td>Yes</td>
</tr>
</tbody>
</table>
### PERSONS UNDER AGE 21 LIVING AWAY FROM PARENT’S HOME

<table>
<thead>
<tr>
<th>Living Situation</th>
<th>Person’s Characteristics</th>
<th>Status Adult/Child</th>
<th>Who Completes Statement of Facts</th>
<th>Whose Income and Property is Counted</th>
<th>Contact with Parent</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. Attending school away from parent’s home.</td>
<td>18-to-21-year-old who always returns home when not in school or considers the parent’s home his/her home.</td>
<td>X</td>
<td>Parent.</td>
<td>Parent’s, 18-to-21-year-old’s, other MFBU members</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>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.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>14-to-18-year-old handling all his/her own financial affairs.</td>
<td>X</td>
<td>18-to-21-year-old.</td>
<td>18-to-21-year-old’s.</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>14-to-18-year-old with parent handling his/her financial affairs.</td>
<td>X</td>
<td>Parent.</td>
<td>Parent’s, 14-to-18-year-old’s, other MFBU member’s.</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Under 14.</td>
<td>X</td>
<td>Parent</td>
<td>Parent’s, under 14-year-old’s, other MFBU member.</td>
<td>Yes</td>
</tr>
<tr>
<td>5. Out-of-home care (nonmedical) public agency assuming financial responsibility in whole or part (Aid Code 45)</td>
<td>Under 21</td>
<td>X</td>
<td>Public agency assuming financial responsibility.</td>
<td>N/A-assumption that public agency has made needy determination (form MC 250).</td>
<td>No</td>
</tr>
</tbody>
</table>
### Persons Under Age 21 Living Away from Parent’s Home

<table>
<thead>
<tr>
<th>Living Situation</th>
<th>Person’s Characteristics</th>
<th>Status Adult/Child</th>
<th>Who Completes Statement of Facts</th>
<th>Whose Income and Property is Counted</th>
<th>Contact with Parent</th>
</tr>
</thead>
<tbody>
<tr>
<td>6. Out-of-home care (nonmedical) including custodial care in the state hospital.</td>
<td>18-to-21-year-old.</td>
<td>Determine in accordance with 1 or 2, above.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Under 18.</td>
<td>Determine in accordance with 2, above.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Long-term care (LTC).</td>
<td>Disabled, 18-to-21-year-old.</td>
<td>X</td>
<td>18-to-21-year-old.</td>
<td>18-to-21-year-old’s.</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>Disabled, under 18.</td>
<td>X</td>
<td>Parent or person or agency responsible for child.</td>
<td>Disabled child’s.</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Living with parents prior to LTC status, not disabled.</td>
<td>X</td>
<td>Parent.</td>
<td>Parent’s, LTC child’s, other MFBU member’s.</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Independent living, attending school, out-of-home care prior to LTC status, not disabled.</td>
<td></td>
<td>Determine as in 1 through 4, above.</td>
<td></td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>Aid Code 45 or in foster care prior to LTC status, not disabled.</td>
<td>X</td>
<td>Person or agency responsible for child.</td>
<td>Child’s</td>
<td>No</td>
</tr>
</tbody>
</table>
**PERSONS UNDER AGE 21 LIVING AWAY FROM PARENT’S HOME**

<table>
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<tr>
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</tr>
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</table>

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 of 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 considered the parent’s home as his/her home when not in school.

   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 the 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 form 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 2B of this chart prior to LTC status, the disabled 14-to-18-year-old completes 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 assumes financial responsibility for the Aid Code 45 child continues to pay for his/her person (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.