

**DEPARTMENT OF HEALTH SERVICES**

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June 12, 1998



MEDI-CAL ELIGIBILITY PROCEDURES MANUAL LETTER NO.: 199

TO: All Holders of the Medi-Cal Eligibility Procedures Manual

Enclosed is a revision to the chart under Article 8 Section C, titled "Persons Under Age 21 Living Away from the Parent's Home." This change allows the public agency to complete the MC 250 for a person under 21 who is in Aid Code 45 because he/she is not living independently and will be treated as a child rather than an adult. This change is based on amended regulations which were filed December 9, 1997 and operative January 8, 1998.

**Procedure Revision****Description**

Article 8C

This is a revision to the existing article.

**Filing Instructions:****Remove Pages****Insert Pages**Article 8C  
Pages 8C-1 and 2Article 8C  
Pages 8C-1 through 8C-3

If you have any questions concerning this article, please contact Margie Buzdas of my staff at (916) 657-0726.

Sincerely,

Original signed by

Tom Welch, Chief  
Policy Section A  
Medi-Cal Eligibility Branch

Enclosure

8C--PERSONS UNDER AGE 21 LIVING AWAY FROM PARENT'S HOME

Living Situation	Person's Characteristics	Status		Who Completes Statement of Facts	Whose Income and Property is Counted	Contact With Parent
		Adult	Child			
1. Any living situation, claimed as tax dependent by parent.	A. 18-to-21-year-old.		X	Parents.	Parent's, 18-to-21-year-old's, other MFBU member's.	Yes
	B. Under 18.	Determine in accordance with 2 through 5, below.				
2. Independent living situation.	A. 18-21-year-old.	X		18-to-21-year-old.	18-to-21-year-old's.	No
	B. 14-to-18-year-old handling <i>all</i> of his/her own financial affairs.	X		14-to-18-year-old.	14-to-18-year-old's. <sup>2</sup>	No
	C. 14-to-18-year-old with a parent, caretaker relative, or legal guardian handling some or all of his/her financial affairs.		X	Parent, caretaker relative, or guardian. If they will not and public agency also refuses, 14-to-18-year-old may complete.	14-to-18-year-old's. <sup>2</sup>	Yes
	D. Under 14.		X	Parent or legal guardian. If they will not and public agency also refuses, child may complete.	Under 14-year-old's.	Yes
3. Living on the parent's property in a building that would be considered the parent's "other real property" for Medi-Cal purposes.	A. 18-to-21-year-old not receiving any financial support from parents.	X		18-to-21-year-old.	18-to-21-year-old's.	No
	B. 18-to-21-year-old receiving financial support from parents.		X	Parent.	Parent's, 18-to-21-year-old's, other MFBU member's.	Yes
	C. 14-to-18-year-old.		X	Parent.	Parent's, 14-to-18-year-old's, other MFBU member's.	Yes
	D. Under 14.		X	Parent.	Parent's, under 14-year-old's, other MFBU member's.	Yes
4. Attending school away from parent's home.	A. 18-to-21-year-old who always returns home when not in school or considers the parent's home his/her home. <sup>3</sup>		X	Parent.	Parent's, 18-to-21-year-old's, other MFBU member's.	Yes
	B. 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. <sup>3</sup>	X		18-to-21-year-old.	18-to-21-year-old's.	No

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FOOTNOTES:

- 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 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 considers the parent's home as his/her home when not in school.

An 18-to-21-year-old away from home to attend school would *not* be considered to be living in the parent's home if all of the following are true:

- a. The 18-to-21-year-old handles his/her own financial affairs, i.e., pays for his/her own bills, etc.
- b. The 18-to-21-year-old considers himself/herself to be living on his/her own.
- c. The 18-to-21-year-old returns home only for visits.

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 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 from 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 part 2B of this chart prior to LTC status, the disabled 14-to-18-year-old would complete the 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 assumed financial responsibility for the Aid Code 45 child continues to pay for his/her personal (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 Acts.

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