

**DEPARTMENT OF HEALTH SERVICES**

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November 3, 2000

MEDICAL ELIGIBILITY PROCEDURES MANUAL LETTER NO.: 232

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

8D – MFBU DETERMINATIONS – CARETAKER RELATIVES

Enclosed is an updated Article 8D of the Medi-Cal Eligibility Procedures Manual. This new section includes information from All County Welfare Director Letter No. 94-66 and the California Work Opportunity and Responsibility to Kids Program Eligibility and Assistance Standards Manual. Some of the information in this article is also contained in Article 5S.

**Filing Instructions:**

**Remove Pages:**

Article 8  
Pages 8D-1 through 4

**Insert Pages:**

Article 8  
Pages 8D 1 through 9

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

Sincerely,

Original signed by

Glenda Arellano, Acting Chief  
Medi-Cal Eligibility Branch

Enclosures





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## MEDI-CAL ELIGIBILITY PROCEDURES MANUAL

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### 8D--MFBU DETERMINATIONS-CARETAKER RELATIVES

#### RELATIONSHIP REQUIREMENTS

Relationship requirements are based on the Department of Social Services CalWORKs program (formerly Aid to Families with Dependent Children) Manual Section 82-808.

Relationship of a Caretaker	The caretaker relative shall be related to the applicant/eligible child as specified below.
Degree of Relatedness	The caretaker relative may be any relation by blood, marriage or adoption who is within the fifth degree of kinship to the dependent child.
Biological Relatives	The acceptable caretaker relative shall be a parent (1 <sup>st</sup> degree), grandparent (2 <sup>nd</sup> degree), sibling (2 <sup>nd</sup> degree), great-grandparent (3 <sup>rd</sup> degree), uncle or aunt (3 <sup>rd</sup> degree), nephew or niece (3 <sup>rd</sup> degree), a great-great grandparent (4 <sup>th</sup> degree), a great-uncle or aunt (4 <sup>th</sup> degree), first cousin (4 <sup>th</sup> degree), a great-great-great grandparent (5 <sup>th</sup> degree), a great-great uncle or aunt (5 <sup>th</sup> degree), or a first cousin once removed (5 <sup>th</sup> degree).
Step Relatives	A stepfather, stepmother, stepbrother or stepsister, or
Spouses of Relatives	A spouse of any person named above even after the marriage has been terminated by death or dissolution, or
Adoptive Relatives	A person who legally adopts the child or that person's relatives, as specified. See Section 50068.
Relinquishment/Adoption	The caretaker relative shall be any of the relatives specified above when a child has been relinquished, adopted, or parental rights are terminated.

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

Example B: A step-grandparent is not a caretaker relative, however he/she may be a caretaker if she/he is a spouse of a grandparent.

Example C: An ex-wife of a spouse who had no children between them may be a caretaker to the children of her ex-husband's second wife as an ex-spouse, but not as a stepparent.

Example D: If an adopted child returns to live with a biological parent, the biological parent may choose to be linked as a caretaker relative even though the adoptive parent may still have legal responsibility.

Evidence includes:

- ◇ Adoption papers or records
- ◇ Baptismal records of birth and parentage
- ◇ Birth certificate
- ◇ Bureau of Vital Statistics or local government
- ◇ Records of birth and parentage
- ◇ Census records
- ◇ Church records, (including a statement from priest, minister, etc.) of parentage or relationship.
- ◇ Court records of parentage
- ◇ Court support records
- ◇ Day care center records
- ◇ Divorce papers
- ◇ Family Bible
- ◇ Hospital or public health records of birth and parentage
- ◇ Indian census records
- ◇ Insurance policy
- ◇ Juvenile court records
- ◇ Marriage licenses/records
- ◇ Outpatient care records from a hospital, clinic, or physician
- ◇ Paternity records maintained by a Child Support Agency
- ◇ School records
- ◇ Voluntary social service agency records

If there is no evidence, a sworn statement signed by the caretaker is acceptable when evidence is not conflicting and attempts to obtain verification are documented in the case record.

### DETERMINING CARE AND CONTROL

The following factors may be considered when determining whether the caretaker has care and control when the child is living in the home with a caretaker.

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- ◆ Deciding where the child attends school or child care.
- ◆ Dealing with the school on educational decisions and problems.
- ◆ Controlling participation in extracurricular and recreational activities.
- ◆ Arranging medical and dental care services.
- ◆ Claiming the child as a tax dependent.
- ◆ Purchasing and maintaining the child's clothing.

### MEDI-CAL FAMILY BUDGET UNIT

Non-parent caretaker relatives are not required to be in the MFBU if they are not requesting benefits for themselves. They are linked because the parent is absent from the home or for Section 1931(b) purposes only, the parent lives in the home, but has no care and control. Only one caretaker may be linked to a child. If there is more than one child in the household, each caretaker may be linked to a different child. If the caretaker has linkage based on the deprivation of his/her own child or is pregnant, aged, blind, or disabled etc., he/she need not be included with the related child.

#### Family Members Living in the Home Who are not PA or Other PA

#### MFBU Composition

##### EXAMPLE 1

Grandmother requests Medi-Cal for herself and her grandchildren (siblings or half siblings). The grandfather and their children also live in the home. The grandfather has no linkage and does not wish Medi-Cal nor do their own children.

##### Household

##### 1 MFBU

Caretaker grandmother; related children;  
caretaker's spouse; their own children.

a) Caretaker; related children

##### EXAMPLE 2

Grandmother requests Medi-Cal for herself, her grandchildren (siblings or half siblings), her spouse, and her own children, none of whom are the grandchildren's parent(s). The grandfather and their children live in the home. The grandfather has no linkage. The grandmother has no basis for linkage except as a non-parent caretaker relative to her grandchildren.

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### Household

2 MFBU(s)

Caretaker grandmother; related children;  
caretaker's spouse; their own children

a) Caretaker; related children

(b) Caretaker and caretaker's spouse as  
ineligible members; their own eligible  
children.

### EXAMPLE 3

Aunt requests Medi-Cal for herself, her sister's children (siblings or half siblings), and her spouse who is aged. They have no children of their own in the home. The aunt has no basis for linkage except as a non-parent caretaker relative to her nieces and nephews.

### Household

2 MFBU(s)

Caretaker aunt; related children;  
caretaker's spouse.

a) Caretaker; related children

b) Caretaker as ineligible member.  
Caretaker's spouse (aged).

### EXAMPLE 4

Grandmother requests Medi-Cal for herself, her grandchild, and her sister's children related. She has no spouse or children of her own living in the home.

### Household

2 MFBU(s)

Grandmother; grandchild, sister's children  
(some who are not siblings or half  
siblings)

a) Grandchild

b) Niece, nephew, caretaker.

or

a) Grandchild, caretaker

b) Niece, nephew.

A caretaker may choose either/any MFBU. Children who are not siblings or half siblings must be in their own MFBU.

### Example 5

Grandmother requests Medi-Cal for herself and her grandchild. She is 65 years old and chooses not to be aided as an aged person. She has no income. Her spouse does not wish to be aided.

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### Household

1 MFBU

Caretaker grandmother, related child  
Caretaker's spouse

a) Caretaker; related child

### Example 6

Grandfather requests Medi-Cal for himself, his grandchild, and his nephew. His minor child has no other parent in the home. The grandfather may choose to be linked to either his nephew or his minor children; however, his income and resources must be included when determining the eligibility of his children.

### Household

2 MFBUs

Caretaker grandfather, nephew  
Caretaker's grandchild

a) Caretaker, nephew  
b) Grandchild

or

a) Nephew  
b) Caretaker and grandchild.

### Example 7

Brother Bill requests Medi-Cal for himself (age 22), his younger brother Bobby (age 13), and his cousin John (age 5). Bill is the caretaker of both children who live in the home. The brother has a net nonexempt income of \$2000 per month. The other children have no income. Assume the family is property eligible. Since we do not combine children who are not siblings or half siblings, the brother may choose to be linked to either child.

### Household

2 MFBUs

Caretaker, younger brother, cousin

a) Caretaker, younger brother  
(b) Cousin

or

a) Caretaker, cousin  
b) Younger brother

Assume that the caretaker and the younger brother are in MFBU#1. The cousin is in his own separate MFBU. Evaluate the caretaker and the younger brother for Section 1931(b).

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Assume that the caretaker and the younger brother are in MFBU#1. The cousin is in his own separate MFBU. Evaluate the caretaker and the younger brother for Section 1931(b).

Section 1931(b) MFBU #1		Section 1931(b) MFBU #2	
Caretaker	\$2000 Net nonexempt income	Cousin	\$ 0
Brother Bobby	\$ 0	Total	<u>\$ 0</u>
Total	<u>\$2000</u>	Limit (100%)	\$696
Limit (100%)	\$ 938		

MFBU #1 is not eligible. Apply SneeDe/Gamma since this is a caretaker relative case. No income is deemed from the caretaker to the child as he is not responsible for him.

MBU #1		MBU# 2	
Caretaker	\$2000 Net nonexempt income	Brother Bobby	\$ 0
Total	<u>\$2000 Net nonexempt income</u>	Total	<u>\$ 0</u>
Limit (100%)	\$ 696	Limit (100%)	\$696

The caretaker is not eligible for Section 1931(b) He should be evaluated for the MN program

### MN MFBU

Caretaker Bill	\$2000
Total	<u>\$2000</u>
Limit	\$ 600
SOC	\$1400

In month two, evaluate the Caretaker and brother Bobby using Section 1931(b) recipient income rules. See Procedures Manual 8G for Section 1931(b) MFBU and income rules.

### **Family Members Living in the Home Who are PA or Other PA**

### **MFBU Composition**

#### Example 8

#### MFBU(s)

Uncle, his brother's daughters (siblings or half siblings), his wife and their own children request Medi-Cal. His wife is incapacitated. Nieces are SSI recipients.

#### Household

#### 1 MFBU

Caretaker uncle, related children on PA; caretaker's spouse; their own children

Caretaker; spouse; their own children.



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### Example 9

Uncle, his brother's daughters (siblings or half siblings), his pregnant wife and their own children request Medi-Cal. Nieces are SSI recipients. Uncle has no linkage except to nieces.

#### Household

2 MFBU(s)

Caretaker uncle, related children on PA;  
caretaker's spouse; their own children.

- a) Caretaker,
- b) Caretaker as ineligible member; wife;  
unborn; other mutual children.

### Example 10

Grandmother requests Medi-Cal for herself and her grandchildren (siblings or half siblings). The grandfather receives SSI because he is aged and lives in the home.

#### Household

1 MFBU

Caretaker grandmother; related children;  
caretaker's spouse on PA

Caretaker; related children.

### Example 11

Grandmother requests Medi-Cal for herself, her grandchildren (siblings or half siblings), and her own children, none of whom are the grandchildren's parents. The grandfather receives SSI because he is aged. The grandparent's children are medically indigent; the grandmother's only linkage would be as the non-parent caretaker relative of her grandchildren.

#### Household

2 MFBUs

Caretaker grandmother; related children;  
caretaker's spouse on PA; their  
own children.

- a) Caretaker; related children
- b) Caretaker as ineligible member; her own  
children.

### Example 12

Grandmother requests Medi-Cal for herself but not for her spouse. Her grandchild lives in the house and receives AFDC foster care based Medi-Cal. Grandmother has no other linkage except her grandchild.

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### Household

### MFBU

Caretaker grandmother; related child on PA, caretaker's spouse.

Caretaker

### Treatment of Income and Property

In households where there is an MFBU which contains a caretaker relative and related children and the spouse or children of the caretaker either do not wish Medi-Cal or receive public assistance (PA) or other PA and do not appear in any MFBU, no income or property allocation is made to either the spouse or the caretaker's own children by the caretaker or vice versa. If the spouses have joint checking accounts or savings, assume  $\frac{1}{2}$  is community property unless it is separate.

If the caretaker relative is in two MFBUs, consider the caretaker relative's full income in both and allow his/her medical expenses to be used to meet the share of cost in both MFBUs as specified in Section 50379.

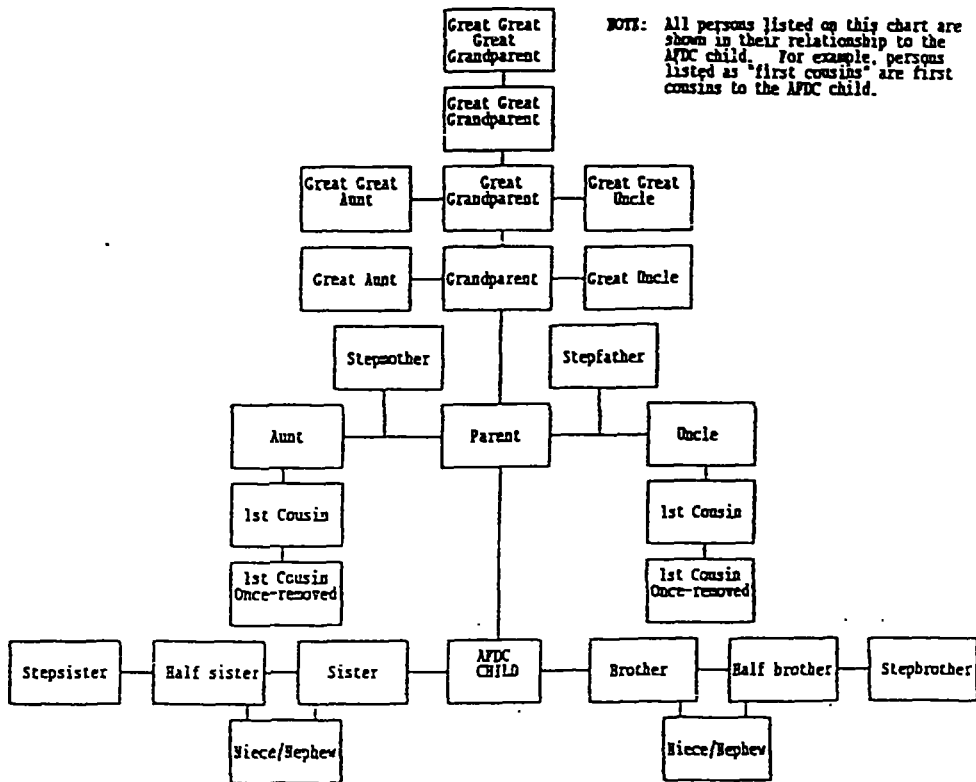
If an MFBU which contains a caretaker relative and related children has excess property or a share of cost, follow existing Sneede/Gamma procedures in Article 8F.

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**APPENDIX A**

**HANDBOOK BEGINS HERE**

**CHART FOR DETERMINING RELATEDNESS OF CARETAKER RELATIVES**



- 1) The caretaker relative also includes the spouse or former spouse of the relatives listed above.
- 2) The caretaker relative also includes the adoptive parents and their relatives as listed above.

**HANDBOOK ENDS HERE**

