

DEPARTMENT OF HEALTH SERVICES

7 44 P STREET
SACRAMENTO, CA 95814

January 20, 1983

To: All County Welfare Directors

Letter No. 83- 7

QUESTIONS AND ANSWERS -- INCREASED PARENTAL RESPONSIBILITY

This letter is to respond to various questions asked by county personnel about recent legislative and regulatory changes with regard to increased parental responsibility. It also transmits new regulatory amendments regarding parental responsibility for married children, which were effective January 1, 1983.

1. Q. What is the intake procedure for parental responsibility cases?
 - A. If an applicant appears a likely candidate for parental responsibility cases (for example, a young college student), the eligibility worker asks if he/she is claimed by his/her parent(s) as a dependent for income tax purposes.
 - (1) If the response is "no", the answer is noted in the margin of the MC 210 and no further action is taken.
 - (2) If the response is "yes", the eligibility worker informs the applicant that the parent(s) must apply, and the applicant would be included in the parent's MFBU. The response is noted in the margin of the MC 210.
 - (3) If the response is "I do not know", the eligibility worker may either require the applicant to obtain the information or contact the parent(s) directly. The response is noted in the margin of the MC 210.
2. Q. Is verification of income tax claiming required?
 - A. No.
3. Q. How are continuing cases treated?
 - A. Continuing cases should be evaluated for parental responsibility at the time of redetermination.
4. Q. What action does the county take if the applicant or parents refuse to divulge information regarding dependency for income tax claiming?
 - A. The application is denied in accordance with Section 50175.

5. Q. What action does the county take when the applicant's parents live in another county and are claiming the applicant as a dependent?
 - A. The county may take a courtesy application and forward it to the county of responsibility, if it chooses. Otherwise, the county may inform the applicant that he/she should have the parents apply in their county.
6. Q. What steps does the county take if the applicant's parents live out of state and are claiming the applicant as a dependent?
 - A. The county forwards all application documents to the responsible parent(s) for completion, i.e., CA 1, MC 210, MC 217, to be returned to the county of the applicant's residence for usual processing procedures.
7. Q. If the parents do not respond within the time limits required by the application or recertification requirements, is the application denied and the ongoing case terminated?
 - A. Yes, if good cause for the delay does not exist. Counties should use Section 50175 for guidance.
8. Q. Do children voluntarily placed in residential treatment facilities have the ability to apply for Medi-Cal on their own behalf or are they precluded by the new Section 50351?
 - A. Yes, they are precluded from applying on their own. The parents are responsible if the child is claimed by them as an income tax deduction.
9. Q. Do the new parental responsibility regulations apply to children in juvenile hall?
 - A. Yes, if they are not on a penal hold.
10. Q. Who is the responsible parent in a situation where a child lives with one parent but is claimed by the absent parent as a dependent for income tax purposes?
 - A. In this instance both parents are responsible and the absent parent must be included in the MFBU and his/her income considered.
11. Q. In the case of a person under age 21 who is lawfully admitted to the United States for permanent residence but whose parents live outside the United States, does the county assume the parents are not responsible for his/her health care?

- A. If the parents live in a United States territory under the jurisdiction of the United States federal income tax system, then parental responsibility must be considered. If they do not live in such a territory, assume the parents are not responsible.
- 12. Q. Can it be assumed that a person who is married, divorced or separated from his/her spouse and not living with his/her parents is an emancipated minor?
 - A. If the eligibility worker has reason to believe the applicant is claimed by the parents as a dependent (e.g., no income), the applicant should be questioned. It cannot be assumed that a person is an emancipated minor in these instances.
- 13. Q. Does parental responsibility for married children mean there is no spouse-for-spouse responsibility in these cases?
 - A. No. See Sections 50373(a)(5)(A)19 and 50379(f) for guidance in establishing MFBUs.

If you have any further questions, please contact Gerry Senini at (916) 445-1797.

Sincerely,

ORIGINAL SIGNED BY

Madalyn M. Martinez, Chief
Eligibility Branch

cc: Medi-Cal Liaisons
Medi-Cal Program Consultants

50373. Medi-Cal Family Budget Unit Determination, No Family Member in LTC or Board and Care. (a) The MFBU for a family with no family member in LTC or board and care shall be determined in accordance with the following:

(1) Family members who are PA or Other PA recipients, except for persons eligible for four month continuing eligibility, shall not be included in the MFBU.

(2) All family members living in the home, other than those specified in (1), shall be included in the MFBU in accordance with (4) whether or not they are eligible for, or wish to receive, Medi-Cal. Potential members of the MFBU may be excluded in accordance with Section 50381.

(3) All family members living in the home, except those children excluded from the MFBU in accordance with 50381, shall be considered in determining the program for which the persons included in the MFBU are eligible.

(4) A person who is under age 21 or, through December 31, 1982, an MI person, who is claimed as a dependent in order to receive a tax credit or deduction for state or federal income tax purposes shall be included in his/her parent's MFBU.

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(5) Once the potential members of the MFBU have been identified, the MFBU shall be determined in accordance with the following:

(A) Family members living in the home who are not PA or Other PA recipients.

1. Individual adult.
2. Individual, spouse.
3. Parent, children.
4. Both unmarried parents, mutual children.
5. Both unmarried parents, mutual children, separate children of either or both parents.

6. Parent, spouse, mutual children.

7. Parent, spouse, mutual children and/or separate child of either or both parents.

8. Unmarried minor parent; children; the unmarried minor parent's parents and his/her spouse and/or children.

(B) MFBU

1. Individual adult.
2. Individual, spouse.
3. Parent, children.
4. Both unmarried parents, mutual children.
5. Both unmarried parents, mutual children, separate children, except that when all the mutual children are excluded in accordance with Section 50381, each unmarried parent and that parent's separate children shall be in a separate MFBU.

6. Parent, spouse, mutual children.

7. Parent, spouse, mutual children, separate children or the parent and the separate children of that parent if the conditions of 50375 are met.

8. Two MFBU's:

a. Unmarried minor parent as an ineligible member, unmarried minor parent's children.

b. Unmarried minor parent, the unmarried minor parent's parents and his/her spouse and/or children (MFBU is determined in accordance with (3) through (7)).

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9. Unmarried minor parent; second unmarried parent; their mutual children; separate children of either or both; unmarried minor parent's parent(s) and his/her spouse and/or children.

10. Child living with the child's parents requesting Medi-Cal for minor consent services, whose application is being processed in accordance with Section 50147.1 (a) (3) (D), the child's children.

11. Sibling children if all other family members PA or Other PA.

12. Sibling children, caretaker relative.

13. Sibling children, caretaker relative, caretaker relative's spouse and/or children.

14. Child in foster care.

15. Sibling children in foster care.

16. Child detained or placed by a court or court designated agency under Welfare and Institutions Code, Sections 300 or 601.

9. Two MFBU's:

a. Unmarried minor parent as an ineligible member, second unmarried parent, separate children of either unmarried parents, mutual children.

b. Unmarried minor parent, the unmarried minor parent's parent(s) and his/her spouse and/or children (MFBU is determined in accordance with (3) through (7)).

10. Child and the child's children.

11. Sibling children.

12. Sibling children and caretaker relative, except that the caretaker relative may choose to be in his/her own MFBU.

13. Two MFBU's:

a. Sibling children.

b. Caretaker relative and his/her spouse and/or children (MFBU is determined in accordance with (3) through (7)).

14. Child.

15. Each sibling child is in his/her own MFBU even if placed in the same foster home.

16. Child.

17. Child not living with a parent or relative for whom a public agency is assuming financial responsibility in whole or in part.

17. Child.

18. Child not living with a parent or caretaker relative when parents or public agencies have been contacted to determine whether they will accept legal responsibility for the child.

18. Child.

19. Married child, married child's spouse and children, and married child's parent(s) when the married child is claimed by his/her parent(s) as a dependent in order to receive a tax credit or deduction for state or federal income taxation.

19. Three MFBU's.

a. Married child claimed as tax dependent, married child's spouse and children as ineligible members, and married child's parent(s) as ineligible member(s).

b. Married child claimed as tax dependent as an ineligible member, married child's spouse and children.

c. Married child claimed as tax dependent as an ineligible member, married child's parent(s).

NOTE: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code; Section 87(c), Chapter 1594, Statutes of 1982.

Reference: Sections 14005.4, 14005.7 and 14008, Welfare and Institutions Code.

50379. Ineligible Members of the Medi-Cal Family Budget Unit. (a)

Persons who are ineligible for Medi-Cal for any of the following reasons shall be ineligible members of the MFBU, as limited by (b).

- (1) Refusal to apply for a Social Security number.
- (2) Refusal to apply for a health insurance claim number.
- (3) Refusal to apply for and accept unconditionally available income.
- (4) Alien status.

(5) Inability to establish retroactive eligibility in accordance with Section 50710.

(6) Parents who reside outside the state and who claim their children residing in the state as dependents in order to receive a tax credit or deduction for state or federal income tax purposes.

(b) A child ineligible for Medi-Cal for any of the reasons listed in (a) who has separate income or property may be treated as an ineligible member of the MFBU or be excluded from the MFBU in accordance with Section 50381. This choice is the option of the person who has legal responsibility for the child.

(c) Persons who are eligible for four month continuing eligibility shall be ineligible members of the MFBU.

(d) Unmarried minor parents living with their parents shall be ineligible members of the MFBU that includes the unmarried minor parent's children except when the unmarried minor parent wishes to receive only minor consent services. Unmarried minor parents who wish to receive Medi-Cal, other than minor consent services, shall be included in the MFBU with their parents.

(e) The parent of the separate children in a stepparent case who are the only family members who wish to receive Medi-Cal in accordance with Section 50375 shall be:

- (1) An ineligible member of the separate children's MFBU.
- (2) Included in the stepparent unit.

(f) The following persons shall be ineligible members of the MFBU when a married child is claimed by his/her parent as a dependent in order to receive a tax credit or deduction for state or federal income taxation:

(1) The spouse, children, and parent(s) of the married child claimed as a tax dependent shall be ineligible members of the MFBU which includes the married child.

(2) The married child claimed as a tax dependent shall be an ineligible member of the MFBU which includes:

- (A) His/her parent(s).
- (B) His/her spouse and children.

~~(f)~~ (g) Ineligible members of a MFBU shall:

(1) Be included in the MFBU for the purpose of determining eligibility based on property and share of cost.

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(2) Be listed on the MC 177 and have their health care costs used to meet the share of cost, except for four month continuing eligibles who shall not be listed on the MC 177.

(3) Not be issued a Medi-Cal card.

NOTE: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code; Section 87(c), Chapter 1594, Statutes of 1982.

Reference: Section 14008, Welfare and Institutions Code.

50604. Maintenance Need--Family Members Maintaining Separate Residences with Eligibility Determined as a Single MFBU. (a) An MFBU which includes a child who maintains a separate residence from his/her parent(s) in accordance with Section 50351(c) shall be assigned a combined maintenance need to be calculated according to (1) through (3).

(1) In accordance with Section 50603, determine the maintenance need for the separate household of the child as follows:

(A) For one child living alone or one child sharing a residence with other persons not financially responsible for the child, use the AFDC payment level for one.

(B) For two or more children who are living together and who are claimed as dependents by the parent(s) for tax purposes, use the AFDC payment level for the corresponding number of persons.

(C) For two or more children who live alone in separate residences, use the AFDC payment level for one for each child.

(D) For a married child living with his/her spouse, use the AFDC payment level for two.

(2) Determine the maintenance need for the parent's household in accordance with Section 50603.

(3) Combine the maintenance need determined in (1) and (2). This is the total maintenance need for the entire MFBU.

NOTE: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code;
Section 57(c), Chapter 328, Statutes of 1982;
Section 87(c), Chapter 1594, Statutes of 1982.

Reference: Sections 14005,12, 14008, Welfare and Institutions Code.

NOTE: This draft regulation reflects the increase in the maintenance need to 133 1/3 percent of the AFDC payment level, and it should be filed and effective by February 1, 1983. It will replace the version of Section 50604 included in this package.

50604. Maintenance Need -- Family Members Maintaining Separate Residences with Eligibility Determined as a Single MFBU. (a) An MFBU which includes a child who maintains a separate residence from his/her parent(s) in accordance with Section 50351(c) shall be assigned a combined maintenance need to be calculated according to (1) through (3).

(1) In accordance with Section 50603, determine the maintenance need for the separate household of the child as follows:

(A) For one child living alone or one child sharing a residence with other persons not financially responsible for the child, use the ~~AFDC payment-level-for-one~~ maintenance need level for one person established in Section 50603(a).

(B) For two or more children who are living together and who are claimed as dependents by the parent(s) for tax purposes; use the ~~AFDC payment-level~~ maintenance need level for the corresponding number of persons established in Section 50603(a).

(C) For two or more children who live alone in separate residences, use the ~~AFDC-payment-level~~ maintenance need level for one for each child established in Section 50603(a).

(D) For a married child living with his/her spouse, use the ~~AFDC payment-level~~ maintenance need level for two established in Section 50603(a).

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(2) Determine the maintenance need for the parent's household in accordance with Section 50603.

(3) Combine the maintenance need determined in (1) and (2). This is the total maintenance need for the entire MFBU.

Note: Authority Cited: Sections 10725 and 14124.5, Welfare and Institutions Code; Section 57(c) Chapter 328, Statutes of 1982; Section 87(c), Chapter 1594, Statutes of 1982.

Reference: Sections 14005.12, 14008, Welfare and Institutions Code.