

(A) Family members living in the home.

(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 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. Minor parent, minor parent's children, the minor parent's parent and that person's spouse and/or children.
9. Unmarried minor parent, second unmarried parent, their mutual children, separate children of either or both, unmarried minor parent's parent and that person's spouse and/or children.
10. Married minor parent, minor parent's spouse, their mutual children, separate children of either or both, minor parent's parent and that person's spouse and/or children.

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. Minor parent as an ineligible member, minor parent's children.
 - b. Minor parent, the minor parent's parent and that person's spouse and/or children (MFBU is determined in accordance with (3) through (7)).
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. Three MFBU's:
 - a. Married minor parent; married minor parent's spouse and children as ineligible members, and married minor parent's parent and that person's spouse as ineligible member(s).
 - b. Married minor parent as an ineligible member, married child's spouse and children.
 - c. Married minor parent as an ineligible member, married minor's parent and that person's spouse and/or children.

11. 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(d)(3)(D), the child's children.
12. Sibling children if all other family members are PA or Other PA.
13. Parent, spouse if all children are PA or other PA.
14. Sibling children, caretaker relative.
15. Caretaker relative if all children are PA or other PA.
16. Sibling children, caretaker relative, caretaker relative's spouse and/or children.
17. Caretaker; sibling children; caretaker's spouse. (Spouse does not want Medi-Cal or is not eligible).
18. Caretaker; sibling children; caretaker's spouse; their own children. (Spouse has no linkage. Caretaker has linkage only as a caretaker relative).
19. Caretaker; sibling children; other related sibling children.
20. Caretaker; sibling children; caretaker's spouse is PA. (Caretaker has linkage only as a caretaker relative).
21. Caretaker; sibling children are PA; caretaker's spouse; their own children. (Caretaker has linkage only as a caretaker relative or chooses to be linked to related children other than his/her own).
22. Caretaker; sibling children; caretaker's spouse is PA; their own children. (Caretaker has linkage only as a caretaker relative or chooses to be linked to related children other than his/her own).

11. Child and the child's children.
12. Sibling children.
13. Parent, spouse.
14. Sibling children and caretaker relative, when the caretaker relative chooses to be included.
15. Caretaker relative.
16. 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)).
17. Caretaker; sibling children.
18. Two MFBU's:
 - a. Caretaker; sibling children.
 - b. Caretaker and caretaker's spouse as ineligible; their own children.
19. Two MFBU's:
 - a. Sibling children. (Caretaker has linkage only as a caretaker relative).
 - b. Other sibling children; Caretaker or
 - c. Sibling children; caretaker.
 - d. Other sibling children.
20. Caretaker; sibling children.
21. Two MFBU's:
 - a. Caretaker.
 - b. Caretaker as ineligible; spouse; his/her own children.
22. Two MFBU's:
 - a. Caretaker; sibling children.
 - b. Caretaker as ineligible member; his/her own children.

(C) Family members, not living in the home.

1. Person 18 to 21 when the person 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.

2. Person 18 to 21, person's spouse and children, and person's parent(s) when the person 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.

3. Child in foster care.

4. Sibling children in foster care.

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

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

7. 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.

(D) MFBU

1. Person and parents in accordance with (A).

2. Three MFBU's.

a. Person claimed as a tax dependent; person's spouse and children as ineligible members, and person's parent(s) as ineligible member(s).

b. Person claimed as a tax dependent as an ineligible member, person's spouse and children.

c. Person claimed as a tax dependent as an ineligible member, person's parent(s).

3. Child.

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

5. Child.

6. Child.

7. Child.

included in the MFBU of the parent specified in this section. The child shall be included in the MFBU of the parent:

(1) With whom the child stays for the majority of time unless the other parent can establish that he/she has majority responsibility, as defined in (c), or care and control of the child.

(2) Who has majority responsibility, as defined in (c), when the child spends an equal amount of time with each parent.

(3) Who applies for Medi-Cal on behalf of the child, when the child spends an equal amount of time with each parent and each parent exercises an equal share of care and control responsibilities. When both parents apply for Medi-Cal for such a child, the child's MFBU shall be determined in accordance with (b).

(b) A child described in (a) (3) shall be included in the MFBU of the parent who solely meets one of the following conditions in the order specified. The parent who:

(1) Is designated in a current court order as the primary parent for purposes of public assistance, under Civil Code, Section 4600.5(h).

(2) Is eligible for Medi-Cal.

(3) Is designated, through mutual agreement of both parents, as the primary parent for purposes of public assistance.

(4) First applied for Medi-Cal on behalf of the child.

(c) For purposes of this section, when determining which parent has majority responsibility for care of a child, the following factors shall be considered. In addition, other similar factors shall also be considered as a single factor may not be determinative. The determination shall include, the extent to which the parent:

(1) Decides where the child attends school.

(2) Deals with the school on educational decisions and problems.

(3) Controls participation in extracurricular and recreational activities.

(4) Arranges medical and dental care services.

(5) Claims the child as a tax dependent.

(6) Purchases and maintains the child's clothing.

(d) Once the MFBU has been determined with (a), (b) and (c), the child shall remain in that MFBU while staying with the other parent for alternating periods of one month or less. If the child stays with the other parent consecutively for more than one month, then the child shall be included in the MFBU of that parent.

NOTE: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code. Reference: Sections 14005.7, 14008 and 14051, Welfare and Institutions Code.

HISTORY

1. New section filed 4-17-89; operative 5-17-89 (Register 89, No. 48).

NOTE: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code. Reference: Sections 14005.4, 14005.7, 14005.8, 14008 and 14010, Welfare and Institutions Code.

HISTORY

1. Amendment of subsections (a)(1) and (a)(4) filed 4-15-85 as an emergency; effective upon filing (Register 85, No. 16). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 8-13-85. For prior history, see Register 83, No. 21.

2. Certificate of Compliance transmitted to OAL, 8-13-85 and filed 9-18-85 (Register 85, No. 38).

3. Amendment of subsection (a)(4) filed 12-3-85; effective thirtieth day thereafter (Register 85, No. 49).

4. Change without regulatory effect of subsections (a)(2) and (a)(5) (A) 10. (Register 87, No. 11).

5. Amendment of subsection (a)(3) filed 6-3-87; operative 7-3-87 (Register 87, No. 47). Ed. Note: The changes to the text of subsection (a)(3) were printed in Register 87, No. 24; however, the HISTORY NOTE was inadvertently omitted.

6. Amendment of subsection (a)(5) filed 4-17-89; operative 5-17-89 (Register 89, No. 48).

7. Editorial correction of printing error in subsection (a)(5)(B)9. (Register 93, No. 13).

8. Amendment of section and NOTE filed 12-9-97; operative 1-8-98 (Register 97, No. 50).

§ 50374. MFBU Determination—Child Stays Alternately with Each Parent.

(a) A child, who stays alternately for periods of one month or less with each of his/her parents and the parents are separated or divorced, shall be

§ 50375. Medi-Cal Family Budget Unit Determination, Stepparent Cases.

(a) Family members in a family which includes a stepparent shall be in the same MFBU unless only the separate children of one parent wish to receive Medi-Cal.

(b) If the applicant requests that only the separate children of one parent receive Medi-Cal, the right to make this choice and its effects shall be explained to the applicant at the time of the face-to-face interview.

(c) The stepparent unit shall consist of the following:

(1) Stepparent.

(2) Parent.

(3) Mutual children.

(4) Stepparent's separate children.

(d) When only the separate children of one parent will receive Medi-Cal:

(1) The parent of the separate children shall be an ineligible member of the separate children's MFBU in accordance with Section 50379(e).

(2) The members of the stepparent unit, other than the parent of the separate children shall be excluded from the MFBU in accordance with Section 50381(b).

NOTE: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code. Reference: Sections 14005.4, 14005.7, 14008, 14051 and 14052, Welfare and Institutions Code.