

50071 Persons Living in the Home

(a)

Persons living in the home means all of the following: (1) Persons physically present in the home; (2) Persons temporarily absent from the home because of hospitalization, visiting, vacation, trips in connection with work, or because of similar reasons as limited by (d). (3) Persons away at school or vocational training who will resume living in the home as evidenced by the person returning home for vacations, weekends and at other times.

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(2)

Persons temporarily absent from the home because of hospitalization, visiting, vacation, trips in connection with work, or because of similar reasons as limited by (d).

(3)

Persons away at school or vocational training who will resume living in the home as evidenced by the person returning home for vacations, weekends and at other times.

(b)

A temporary absence is normally one in which the person leaves and returns to the home in the same month or the following month.

(c)

Whether a person is living in the home while in LTC or board and care shall be

determined in accordance with Section 50377.

(d)

A child, other than specified in (e), temporarily absent from the home in accordance with (a)(2) shall be considered to be living in the home as long as the parent continues to have responsibility for the care and control of the child. A parent continues to have responsibility for the care and control of a child until the court removes this responsibility or the parent voluntarily relinquishes it in accordance with Department of Social Services, Manual of Policies and Procedures, Division 30.

(e)

The home in which a child shall be determined in accordance with Section 50374 when both of the following conditions exist: (1) The child stays alternately for periods of one month or less with each of his/her parents. (2) The child's parents are separated or divorced.

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(2)

The child's parents are separated or divorced.

(f)

An 18 to 21 year old or unmarried minor parent living on the parent's property shall not be considered to be living in the parent's home if both of the following conditions exist: (1) The 18 to 21 year old or unmarried minor parent does not receive any support from the parents. (2) The building the 18 to 21 year old or unmarried minor parents lives in would be considered other real property of the parents.

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(g)

A person whose institutional status results in ineligibility for Medi-Cal shall not be considered to be living in the home during any full month of institutionalization.