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Title 22@ Social Security

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Division 3@ Health Care Services

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Subdivision 1@ California Medical Assistance Program

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Chapter 2@ Determination of Medi-Cal Eligibility and Share of Cost

|-&gt;

Article 10@ INCOME

|-&gt;

Section 50549.3@ Guardian and Conservator Fees

## **50549.3 Guardian and Conservator Fees**

### **(a)**

Reasonable court approved guardian/conservator fees shall be allowed as a deduction to the unearned income of an aged, blind, or disabled medically needy person if all of the following conditions are met: (1) The fees are paid to a court-appointed guardian or conservator of an individual who has been declared by a court to be substantially unable to manage his/her own financial resources and then only to the extent the fees are actually owed in the month in which the payment is made. (2) A court-appointed guardian or conservator is required by the entity paying the unearned income as a condition of rendering payment to incompetent persons. (3) The guardian or conservator provides a signed statement from the entity making such payment verifying the requirement set forth in (a)(2).

### **(1)**

The fees are paid to a court-appointed guardian or conservator of an individual who has been declared by a court to be substantially unable to manage his/her own financial resources and then only to the extent the fees are actually owed in the month in which the payment is made.

### **(2)**

A court-appointed guardian or conservator is required by the entity paying the unearned income as a condition of rendering payment to incompetent persons.

### **(3)**

The guardian or conservator provides a signed statement from the entity making such payment verifying the requirement set forth in (a)(2).

**(b)**

Payments rendered by the Social Security Administration or other entity to incompetent persons which may be made to a representative payee or other similar individual regardless of guardian/conservator status, shall not be considered to meet the conditions specified in subsection (a)(2).

**(c)**

When the conditions set forth in subparagraph (a) are not met, the unearned income of an aged, blind, or disabled medically needy person which is used to pay reasonable or court ordered guardian/conservator fees shall be considered available in accordance with section 50513.