

§ 50301. Citizenship or Immigration Status for Full Medi-Cal Benefits.

(a) "Full Medi-Cal benefits" means all the services ordinarily covered by the Medi-Cal program.

(b) To be eligible for full Medi-Cal benefits, an applicant or beneficiary shall be a California resident who is one of the following:

(1) A citizen of the United States.

(2) A national of the United States from American Samoa or Swain's Island.

(3) An alien who has been lawfully admitted to the United States for permanent residence. This category includes "conditional permanent resident" who have been granted a two-year period lawful admission for of permanent residence in accordance with section 216 of the Immigration and Nationality Act (8 USC 1186a).

(4) An alien permanently residing in the United States under color of law. (PRUCOL).

(5) An amnesty alien (lawful temporary resident or lawful permanent resident) whose status has been adjusted in accordance with section 210, 210A or 245A of the Immigration and Nationality Act (8 USC sections 1160, 1161 or 1255a) if the alien meets one of the following conditions:

(A) The alien is aged, blind, disabled, or under 18 years of age, or

(B) More than five years has elapsed since the date the alien was granted lawful temporary resident status. The date of granting is the date the alien filed his or her application for lawful temporary resident status.

§ 50301.1. Documentation of Status as a Citizen or National of the United States.

(a) Applicants in this classification shall present a document which establishes their identify, such as a driver's license, and an original document which serves as evidence that an applicant is a citizen or national of the United States.

(1) If the applicant declares a birthplace outside of the United States or its outlying possessions, or

(2) If evidence exists which suggests that the applicant may be falsely claiming to be a citizen or national of the United States.

(b) Documents which establish status as a citizen or national of the U.S. include the following:

(1) A birth certificate issued by a governmental entity within the United States or its outlying possessions.

(2) A United States passport.

(3) United States Citizen Identification Card (INS Form I-197) or Identification Card for Use of Resident Citizen in the United States (I-179).

(4) Certificate of Naturalization (INS Form N-550 or N-570).

(5) Certificate of Citizenship (INS Form N-560 or N-561).

(6) Certification of Birth Abroad (Dept. of State Form FS-545 or DS-1350).

(7) Report of Birth: Child Born Abroad of American Parent or Parents (Dept. of State Form FS-240).

(8) Northern Mariana Identification Card issued by INS to persons born in the Northern Mariana Islands who are now U.S. citizens.

(9) A religious document, of which the issuing organization has a record, showing that the birth took place in the U.S. Religious documents shall be accepted only in the absence of other types of evidence.

(10) An Individual Fee Register Receipt (INS Form G-711) which shows that the person has filed an Application for a New Naturalization or Citizenship Paper (INS Form N-565).

§ 50301.2. Documentation of Status as an Alien Lawfully Admitted for Permanent R Applicants in this classification shall present a document, such as a driver's license, which establishes their identity and one or more of the following documents:

(a) An Alien Registration Receipt Card (INS Form I-551 or earlier Forms I-151 of AR-3a).

(b) An Arrival-Departure Record (INS Form I-94) or foreign passport with a special stamp showing that an Alien Registration Receipt Card (INS Form I-551) will be issued.

(c) An INS Form I-181b notification letter issued in connection with an INS Form I-181, Memorandum of Creation of Record of Lawful Permanent Residence, which shows that an Alien Registration Receipt Card (INS Form I-551) will be issued.

(d) A Permit to Re-enter the United States (INS Form I-327).

(e) A letter from the Canadian Department of Indian Affairs, a birth or baptismal record issued on a Canadian Indian reservation or tribal or school records which establish that an American Indian born in Canada is of at least one half American Indian ancestry.

(f) An Individual Fee Register Receipt (INS Form G-711) for replacement of a lost stolen or unreadable alien registration or alien admission document listed in this section.

§ 50301.3. Documentation of Status as an Alien Permanently Residing in the United S

Applicants in this classification shall present a document which establishes their identity, such as a driver's license, and one or more of the following INS-issued documents:

- (a) Aliens admitted to the United States before April 1, 1980 in accordance with Immigration and Nationality Act (INA) section 203(a)(7) (8 USC 1153(a)(7)): Arrival-Departure Record, INS Form I-94, annotated "REFUGEE-CONDITIONAL ENTRY."
- (b) Aliens paroled into the United States for an indefinite period including Cuban/Haitian Entrants and PublicInterest/Humanitarian Parolees: INS Form I-94, with notation that the alien has been paroled into the United States pursuant to INA section 212(d)(5) (8 USC 1182(d)(5)) or stamped "Cuban/Haitian Entrant (Status Pending) reviewable January 15, 1981. Employment authorized until January 15, 1981".
- (c) Aliens subject to an Order of Supervision: INS Form I-220B.
- (d) Aliens granted an indefinite stay of deportation: INS Form I-94 or a letter from INS showing this status.
- (e) Aliens granted an indefinite voluntary departure: INS Form I-94 or a letter from INS showing this status.
- (f) Aliens on whose behalf an INS Form I-130 (Petition to Classify Status of Alien Relative for Issuance of Immigrant Visa) has been filed, with their families covered by the petition, who are entitled to voluntary departure but whose departure INS does not contemplate enforcing: INS Form I-94 showing this status or Alien Voluntary Departure Notice, INS Form I-210.
- (g) Aliens who have filed applications for adjustment to lawfully admitted for permanent residence status that INS has accepted as "properly filed": an INS Form I-181 Memorandum of Creation of Record of Lawful Permanent Residence, an INS Form I-94 (Arrival-Departure Record) stamped I&NA section 245 Applicant, or a properly endorsed U.S. passport.
- (h) Aliens granted a stay of deportation for a specific period by court order, statute or regulation, or by individual determination of INS in accordance with INA section 106 (8 USC 1105a) or relevant INS Operating Instruction and whose departure INS does not contemplate enforcing: INS Form I-94, a letter from INS, or an order issued by a District Director of INS, the Executive Office of Immigration Review, or a federal court.
- (i) Aliens granted asylum in accordance with INA section 208 (8 USC 1158): INS Form I-94 and a letter from INS showing this status.
- (j) Aliens admitted as refugees since April 1, 1980: Arrival-Departure Record, INS Form I-94, annotated: "ADMITTED AS A REFUGEE PURSUANT TO SECTION 207 OF THE IMMIGRATION AND NATIONALITY ACT" or an unexpired Refugee Travel Document, INS Form I-571.
- (k) Aliens granted voluntary departure, whose departure INS does not contemplate enforcing: INS Form I-94 showing this status or Alien Voluntary Departure Notice, INS Form I-210 bearing a departure date.
- (l) Aliens in deferred action status pursuant to INS operating instructions: Alien Voluntary Departure Notice, INS Form I-210 or a letter from INS showing this status.

(m) Aliens who have applied for an adjustment of status from undocumented alien to alien lawfully admitted for permanent residence in accordance with INA section 249 (8 USC 1259) on the basis of having entered and continuously resided in the United States since before January 1, 1972: Individual Fee Register Receipt, INS Form G-711 and an Interview Appointment Letter, INS Form I-468.

(n) Aliens who have been granted suspension of deportation in accordance with INA section 244 (8 USC 1254) whose departure INS does not contemplate enforcing: Arrival-Departure Record, INS Form I-94 and an order issued by the Executive Office of Immigration Review.

(o) Aliens whose deportation is being withheld in accordance with INA section 243(h) (8 USC 1253(h)): Arrival-Departure Record, INS Form I-94 and an order issued by the Executive Office of Immigration Review.

(p) Citizens of the Republic of the Marshall Islands or the Federated States of Micronesia who, in accordance with 48 USC sections 1681 through 1695, may live, work or study in the United States without restrictions: Arrival-Departure Record, INS Form I-94 annotated "CFA/MIS" or "CFA/FSM."

(q) Aliens granted extended voluntary departure for a specified time due to conditions in their home countries: Arrival-Departure Record, INS Form I-94 showing this status or Alien Voluntary Departure Notice, INS Form I-210.

(r) Aliens whose INS documents have been lost or stolen or are unreadable: An Individual Fee Register Receipt (INS Form G-711) which shows the person has applied for replacement of a lost, stolen or unreadable alien registration or alien admission document listed in this section.

(s) Aliens living in the United States with the knowledge and permission of INS whose departure that agency does not contemplate enforcing: INS documents which establish these facts.

§ 50301.4. Documentation of Status as an Amnesty Alien.

(a) Aliens whose status has been adjusted in accordance with Immigration and Nationality Act sections 210, 210A or 254A (8 USC sections 1160, 1161 or 1255a) who are applying for full Medi-Cal benefits shall present one of the following INS documents:

(1) Aliens granted lawful temporary resident status: Temporary Resident Card, INS Form I-688.

(2) Aliens granted lawful permanent resident status: Alien Registration Receipt Card, INS Form I-551 or an INS Form I-688 with a sticker on the back which reads "Temporary evidence of lawful admission for permanent residence and employment authorization. Valid for 1 year from the expiration date on the reverse of this I-688.....Form I-688 Ext."

(3) Aliens whose INS documents have been lost or stolen or are unreadable: An individual Fee Register Receipt (INS Form G-711) which shows the person has applied for replacement of a lost, stolen or unreadable I-688 or I-551.

(4) Aliens who were issued an I-688 extension sticker which subsequently was lost or stolen or which became unreadable: an I-94 (Arrival-Departure Record) with the stamp: "PROCESSED FOR I-551. TEMPORARY EVIDENCE OF LAWFUL ADMISSION FOR PERMANENT RESIDENCE. VALID UNTIL _____." (The expiration date is one year from the date lawful permanent residence status was granted.)

§ 50301.5. Opportunity to Document Satisfactory Immigration Status.

(a) Alien applicants for full Medi-Cal benefits must present documents from INS or an order issued by the District Director of INS, the Executive Office of Immigration Review, or a federal court which serve as reasonable evidence of satisfactory immigration status for Medi-Cal purposes. After they are informed of this fact, they shall have 30 calendar days, or the time it actually takes the county department to process their Medi-Cal applications, whichever is longer, to submit such documents. The 30-day period begins at the time the applicant submits a completed form MC 13 (5/89) containing a declaration in writing, under penalty of perjury, which attests to his or her status as an alien.

(b) Applicants who do not present documentation indicating satisfactory immigration status within the period prescribed in subsection (a), are eligible for restricted Medi-Cal benefits if they meet all other program requirements.

(c) The county department shall provide adequate notice to the individual of any adverse action and shall accord to the individual an opportunity for a hearing in accordance with the Department of Social Services Manual of Policies and Procedures sections 22-017, 22-021 and 22-022.

§ 50301.6. Verification of Satisfactory Immigration Status.

(a) "Satisfactory immigration status" for Medi-Cal purposes means lawful admission for permanent residence in the United States, status as an alien permanently residing in the U.S. under color of law, or status as an amnesty alien.

(b) The authenticity of all INS-issued documents presented as reasonable evidence of such status shall be verified through the Systematic Alien Verification of Entitlements (SAVE) system operated by INS or by direct contact with INS officials.

(c) Applicants for full Medi-Cal benefits who have declared themselves to be aliens, must also declare in writing whether, to the best of their knowledge and belief, they have a satisfactory immigration status. Such aliens shall present INS-issued documents which indicate their status. At least one of these documents should contain an alien registration or alien admission number.

(d) A primary SAVE system verification shall be used to access the biographical/immigration status computer record contained in the Alien Status Verification Index maintained by INS. This procedure shall be used to verify the status of all aliens claiming satisfactory immigration status who present an INS-issued document which contains an alien registration or alien admission number.

(e) The secondary SAVE system verification procedure shall be used to forward copies of original INS documents in cases where:

(1) A primary check of the Alien Status Verification Index instructs the county department to "Institute secondary verification."

(2) The document presented indicates immigration status but does not include an alien registration or alien admission number.

(3) The Alien Status Verification Index record includes the alien registration or admission number on the document presented by the alien but does not match other information contained in the document.

(4) The document is suspected to be counterfeit or to have been altered.

(5) The document includes an alien registration number in the A60 000 000 (not yet issued) or A80 000 000 (illegal border crossing) series.

(6) The document is a fee receipt from INS for replacement of a lost, stolen or unreadable INS document.

(7) The document is one of the following: an INS Form I-181b notification letter issued in connection with an INS Form I-181 Memorandum of Creation of Record of Permanent Residence, an Arrival-Departure Record (INS Form I-94) or a foreign passport stamped "PROCESSED FOR I-551, TEMPORARY EVIDENCE OF LAWFUL PERMANENT RESIDENCE" that INS issued more than one year before the date of application for Medi-Cal.

(f) The status of amnesty aliens who are eligible only for restricted Medi-Cal benefits because they are not aged, blind, disabled or under 18 years of age, shall be verified through the SAVE system; provided, however, that the county department shall not require or request an applicant for or beneficiary of restricted Medi-cal benefits to disclose their citizenship or immigration status, birthplace, country of citizenship, alien registration number and/or alien admission number, date of first entry into the United States, name upon first entry into the United States, or whether they have a Social Security Number.

(g) Full Medi-Cal benefits received pending completion of a determination of immigration status by INS shall be reduced to restricted Medi-Cal benefits upon receipt of notice from the SAVE system, from an INS official, or the applicant/beneficiary of a lack of satisfactory immigration status.

(h) The county department shall provide adequate notice to the individual of any adverse action and shall accord to the individual an opportunity for a hearing in accordance with the Department of Social Services Manual of Policies and Procedures and Procedures sections 22-017, 22-021 and 22-022.

§ 50302. Restricted Medi-Cal Benefits for Certain Aliens.

(a) "Restricted Medi-Cal benefits" to certain applicants and beneficiaries means program-covered services to treat an emergency medical condition as defined in section 14007.5(d) of the Welfare and Institutions Code and section 440.255 of title 42 of the Code of Federal Regulations, and pregnancy-related services, as defined in section 1(g)

of chapter 1441 of the Statutes of 1988 and section 440.255 of title 42 of the Code of Federal Regulations.

(b) To be eligible for restricted Medi-Cal benefits, an applicant or beneficiary shall be a California resident, as specified in section 50320, who is one of the following:

(1) An alien who lacks a document from INS or an order issued by a District Director of INS, the Executive Office of Immigration Review, or a federal court that serves as reasonable evidence of satisfactory immigration status.

(2) A nonimmigrant alien legally admitted to the U.S. for a limited period.

(3) An amnesty alien whose status has been adjusted to lawful temporary resident or lawful permanent resident in accordance with section 210, 210A, or 245A of the Immigration and Nationality Act (8 USC section 1160, 1161, or 1255a) who is not eligible for full Medi-Cal benefits under these regulations.

(c) Alien applicants for restricted Medi-Cal benefits who lack documentation of satisfactory immigration status or who are nonimmigrant aliens shall meet all other requirements for program eligibility except for possessing or having applied for an SSN.

(d) Applicants for restricted Medi-Cal benefits who are amnesty aliens must possess or have applied for an SSN.

(e) The Systematic Alien Verification for Entitlements (SAVE) system operated by INS shall not be used to verify the immigration status of persons applying for restricted Medi-Cal benefits unless these persons indicate that they are amnesty aliens.

§ 50302.1. Limitations on Medi-Cal Benefits for Aliens.

§ 50302.2. Limitations on Medi-Cal Benefits for Aliens.

(a) Pursuant to Section 411 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 USC section 1611), and notwithstanding any other provision of this division, aliens who are not qualified aliens, nonimmigrant aliens under the Immigration and Nationality Act (INA) (8 USC section 1101 et seq.), or aliens paroled into the United States under Section 212(d)(5) of the INA (8 USC section 1182(d)(5)), for less than one year, are not eligible to receive the state-only funded long-term care services described in subdivision (f) of Section 1 of Chapter 1441 of the Statutes of 1988.

(b) A qualified alien is an alien who, at the time he or she applies for, receives, or attempts to receive a public benefit, is any of the following:

(1) An alien lawfully admitted for permanent residence under the INA (8 USC section 1101 et seq.).

(2) An alien who is granted asylum under Section 208 of the INA (8 USC section 1158).

(3) A refugee who is admitted to the United States under Section 207 of the INA (8 USC section 1157).

(4) An alien who is paroled into the United States under Section 212(d)(5) of the INA (8 USC section 1182(d)(5)) for a period of at least one year.

(5) An alien whose deportation is being withheld under Section 243(h) of the INA as in effect immediately before the effective date of Section 307 of Division C of Public Law 104-208 or Section 241(b)(3) of the Act (as amended by Section 305(a) of Division C of Public Law 104-208).

(6) An alien who is granted conditional entry pursuant to Section 203(a)(7) of the INA as in effect prior to April 1, 1980. (See editorial note under 8 USC section 1101, "Effective Date of 1980 Amendment".)

(7) An alien who is a Cuban and Haitian entrant (as defined in Section 501(e) of the Refugee Education Assistance Act of 1980).

(8) An alien who meets all of the conditions of subparagraphs (A), (B), (C), and (D) below:

(A) The alien has been battered or subjected to extreme cruelty in the United States by a spouse or a parent, or by a member of the spouse's or parent's family residing in the same household as the alien, and the spouse or parent of the alien consented to, or acquiesced in, such battery or cruelty.

(B) There is a substantial connection between such battery or cruelty and the need for the benefits to be provided.

(C) The alien has been approved or has a petition pending which sets forth a prima facie case for:

1. status as a spouse or child of a United States citizen pursuant to clause (ii), (iii), or (iv) of Section 204(a)(1)(A) of the INA (8 USC section 1154(a)(1)(A)),

2. classification pursuant to clause (ii) or (iii) of Section 204(a)(1)(B) of the INA (8 USC section 1154),

3. suspension of deportation and adjustment of status pursuant to Section 244(a)(3) of the INA (8 USC section 1254), as in effect prior to April 1, 1997,

4. status as a spouse or child of a United States citizen pursuant to clause (i) of Section 204(a)(1)(A) of the INA (8 USC section 1154(a)(1)(A)) or classification pursuant to clause (i) of Section 204(a)(1)(B) of the INA (8 USC section 1154(a)(1)(B)), or

5. Cancellation of removal pursuant to Section 240A(b)(2) of the INA.

(D) For the period for which benefits are sought, the individual responsible for the battery or cruelty does not reside in the same household or family eligibility unit as the individual subjected to the battery or cruelty.

(9) An alien who meets all of the conditions of subparagraphs (A), (B), (C), (D) and (E) below:

(A) The alien has a child who has been battered or subjected to extreme cruelty in the United States by a spouse or a parent of the alien (without the active participation of the alien in the battery or cruelty), or by a member of the spouse's or parent's family residing in the same household as the alien, and the spouse or parent consented or acquiesced to such battery or cruelty.

(B) The alien did not actively participate in such battery or cruelty.

(C) There is a substantial connection between such battery or cruelty and the need for the benefits to be provided.

(D) The alien meets the requirements of subsection (b)(8)(C) above.

(E) For the period for which benefits are sought, the individual responsible for the battery or cruelty does not reside in the same household or family eligibility unit as the child subjected to the battery or cruelty.

(10) An alien child who meets all of the conditions of subparagraphs (A), (B), and (C) below:

(A) The alien child resides in the same household as a parent who has been battered or subjected to extreme cruelty in the United States by that parent's spouse or by a member of the spouse's family residing in the same household as the parent and the spouse consented or acquiesced to such battery or cruelty.

(B) There is a substantial connection between such battery or cruelty and the need for the benefits to be provided.

(C) The alien child meets the requirements of subsection (b)(8)(C) above.

(c) For purposes of this section, there is a "substantial connection between such battery or cruelty and the need for benefits to be provided" if the alien declares, and the county welfare department verifies, any of the following circumstances:

(1) The alien or the alien's child is receiving cash assistance based on battery or extreme cruelty;

(2) The benefits are needed due to a loss of financial support resulting from the alien's and/or his or her child's separation from the abuser;

(3) The benefits are needed because the alien or his or her child requires medical attention or mental health counseling, or has become disabled, as a result of the battery or cruelty;

(4) The benefits are needed to provide medical care during an unwanted pregnancy resulting from the abuser's sexual assault or abuse of, or relationship with, the alien or his or her child, and/or to care for any resulting children; or

(5) The medical coverage and/or health care services are needed to replace medical coverage or health care services the applicant or child had when living with the abuser.

(d) For purposes of this section, "nonimmigrant" is defined the same as in Section 1101(a)(15) of the INA (8 USC section 1101(a)(15)).

(e) For purposes of establishing eligibility for state-only funded long-term care services described in subdivision (f) of Section 1 of Chapter 1441 of the Statutes of 1988, all of the following requirements must be met:

(1) The alien must declare himself or herself to be a qualified alien under subsection (b), a nonimmigrant alien under subsection (d), or an alien paroled into the United States for less than one year under Section 212(d)(5) of the INA (8 USC section 1182(d)(5)). The alien shall declare that status through use of the "Supplemental Alienage and Immigration Status Declaration" MC 13S (12/96).

(2) The alien must present documents issued by or acceptable to the Immigration and Naturalization Service (INS) which serve as reasonable evidence of the alien's declared status.

(3) The alien must complete and sign Form MC 13S (12/96).

(4) The documentation presented by the alien as reasonable evidence of the alien's declared immigration status must be submitted to the INS for verification through the Systematic Alien Verification for Entitlements (SAVE) system procedures as follows:

(A) A primary SAVE system verification must be used to access the biographical/immigration status computer record contained in the Alien Status Verification Index maintained by the INS. Subject to subparagraph (B), this procedure must be used to verify the status of all aliens who claim to be qualified aliens and who present an INS-issued document that contains an alien registration or alien admission number.

(B) The secondary SAVE system verification procedure must be used to forward copies of original INS documents evidencing an alien's status as a qualified alien, as a nonimmigrant alien under the INA, or as an alien paroled into the United States under Section 212(d)(5) of the INA (8 USC section 1182(d)(5)), for less than one year in any of the following cases:

1. a primary check of the Alien Status Verification Index instructs the county department to "Institute secondary verification."
2. The document presented indicates immigration status but does not include an alien registration or alien admission number.
3. The Alien Status Verification Index record includes the alien registration or admission number on the document presented by the alien but does not match other information contained in the document.
4. The document is suspected to be counterfeit or to have been altered.

5. The document includes an alien registration number in the A60 000 000 (not yet issued) or A80 000 000 (illegal border crossing) series.

6. The document is a fee receipt from INS for replacement of a lost, stolen or unreadable INS document.

7. The document is one of the following: an INS Form I-181b notification letter issued in connection with an INS Form I-181 Memorandum of Creation of Record of Permanent Residence, an Arrival-Departure Record (INS Form I-94) or a foreign passport stamped "PROCESSED FOR I-551, TEMPORARY EVIDENCE OF LAWFUL PERMANENT RESIDENCE" that INS issued more than one year before the date of application for Medi-Cal.

(5) Verification of the alien's declared status must be received from the INS before eligibility for state-only funded long-term care services is established.

(f) A nonprofit charitable organization that provides federal, state, or local public benefits shall not be required to determine, verify, or otherwise require proof of eligibility of any applicant or beneficiary with respect to his or her immigration status or alienage.

(g) Nothing in this section shall be construed to withdraw eligibility for state public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of symptoms of communicable diseases whether or not such symptoms are caused by a communicable disease.

(h) An alien who is a qualified alien pursuant to paragraphs (8), (9) or (10) of subsection (b), will remain eligible for Medi-Cal benefits as long as the need for benefits related to the battery or cruelty is necessary as determined by the county welfare department, and the alien continues to meet all Medi-Cal program eligibility requirements. The county eligibility worker shall review the alien's circumstances to evaluate the beneficiary's continued need for Medi-Cal benefits at the annual redetermination.

(i)(1) Any alien who was made eligible for state-only funded long-term care services for the month in which this section becomes effective and whose services are terminated, suspended, or reduced, pursuant to subsection (a), is entitled to a hearing, pursuant to Welfare and Institutions Code Section 10950 and Title 22, California Code of Regulations, Section 50951, on the issue of whether the alien is a qualified alien as defined under subsection (b), a nonimmigrant alien as defined under subsection (d), or an alien paroled into the United States for less than one year under Section 212(d)(5) of the INA or on the issue of whether a service requested by the alien falls within one of the exceptions provided in 8 USC section 1621(b).

(2) Subject to the provisions of Welfare and Institutions Code Section 10950 and Title 22, California Code of Regulations, Section 50951, any alien whose application for Medi-Cal benefits is denied for any reason, including the provisions of subsection (a), is entitled to a hearing.

§ 50303. Alien Status Verification.

§ 50304. Written Declaration of Status as a Citizen of the United States, a National of t

(a) Individuals requesting or receiving Medi-Cal benefits shall state in writing, under penalty of perjury, whether they are citizens or nationals of the United States or aliens. In the case of a child under 21 years of age, the child's parent, caretaker relative, or legal guardian shall attest to this fact on the child's behalf unless the child is considered an adult for Medi-Cal purposes in accordance with sections 50014 and 50030(a).

§ 50305. Documentation of an Alien's Legal Status.

§ 50310. WR 6 Procedure.

§ 50311. Lawful Presence in the United States.

§ 50313. Legal Entry for a Limited Period.

§ 50320. California Residence -General.

(a) California residence is a requirement for Medi-Cal eligibility.

(b) California residence shall be established by either of the following if the verification requirements of Section 50320.1 are met:

(1) The applicant is physically present and is living in California with the intention to remain permanently or for an indefinite period.

(2) The applicant is physically present, is living in California and entered the State with a job commitment or to seek employment, whether or not currently employed.

(c) Children living with their parents shall have their residence determined as that of their parents, except that parents who do not meet the California residency requirements may establish California residence for their children if both of the following circumstances apply. The parents:

(1) Intend for their children to remain in California on other than a temporary basis.

(2) Have made arrangements for the children to remain in California independent of the parents.

(d) Family members may establish separate residences without a break in marital or family ties. Only those family members who meet the requirements of this article shall be eligible for Medi-Cal.

(e) Once California residence is established it continues until residence is established in another state or country.

(f) A person's declaration on the MC 210 Statement of Facts (Medi-Cal), or on the SAWS 2 Statement of Facts, together with the evidence required in Section 50320.1, shall be accepted for purposes of establishing residence unless there is evidence to the contrary.

§ 50320.1. California Residence -Evidence.

(a) In addition to the declaration of residence on the MC 210 Statements of Facts (Medi-Cal), or on the SAWS 2 Statement of Facts, California residence is not established unless both of the following conditions are met as required in Subdivision 50230(f):

(1) The applicant produces one of the following:

(A) A current California rent or mortgage receipt or utility bill in the applicant's name bearing the current address of the applicant. Rent receipts provided by a relative shall not be accepted for purposes of Section 50320.1(a)(1) in the absence of other credible evidence that supports a finding that the applicant is a resident of California pursuant to Section 50320(b) unless the relative declares under penalty of perjury that the information set forth on the rent receipt provided by the applicant is true and correct.

(B) A current and valid California motor vehicle driver's license or California Identification Card issued by the California Department of Motor Vehicles in the applicant's name bearing the current address of the applicant.

(C) A current and valid California motor vehicle registration in the applicant's name bearing the current address of the applicant.

(D) A document showing that the applicant is employed in this state.

(E) A document showing that the applicant has registered with a public or private employment service in this state.

(F) Evidence that the applicant has enrolled his or her children in a school in this state.

(G) Evidence that the applicant is receiving public assistance other than Medi-Cal in this state.

(H) Evidence that the applicant has registered to vote in this state.

(I) Any evidence produced in accordance with subdivision b.

(2) The applicant declares under penalty of perjury, that all of the following apply:

(A) The applicant does not maintain a principal residence outside this state. When an applicant is unable to make this declaration because he or she claims an out-of-state principal residence as exempt property under section 50425, the county shall consider any evidence provided by the applicant pursuant to Section 50320.2(c).

(B) The applicant is not receiving public assistance outside this state. As used in the section, "public assistance" does not include unemployment insurance benefits.

(b) If an applicant, including but not limited to homeless persons and migrant workers, declares under penalty of perjury, that he or she does not have one of the residency verification documents required in Subdivision (a)(1)(A) through (a)(1)(H), the county shall consider, pursuant to Section 50320.2, any other evidence produced by an applicant to verify residency except those documents specified in subdivision 50320.2(b).

§ 50320.2. California Residency -County Verification.

(a) The county may request clarification of the applicant's residency if it determines that any information provided as part of his or her Medi-Cal application is inconsistent with the statement on the MC 210 Statement of Facts (Medi-Cal), or on the SAWS 2 Statement of Facts that the applicant is a resident of California.

(b) A declaration, affidavit, or other statement from the applicant, or any other person that the applicant is a resident of California is unacceptable as verification of residency in the absence of other credible evidence that supports a finding that the applicant is a resident of California pursuant to Section 50320(b).

(c) When an applicant claims an out-of-state principal residence as exempt property under Section 50425, the county shall determine that such an applicant is a resident of California only if a preponderance of the credible evidence provided under Section 50320.1 supports a finding that the applicant is a resident of California pursuant to Section 50320(b).

(d) A migrant worker who claims to be a resident of California pursuant to Section 50320(b)(2) shall provide evidence that he or she entered the state with a job commitment or evidence that he or she entered the state to seek employment, whether or not currently employed. The county shall determine that such an applicant is a resident of California only if a preponderance of the credible evidence supports a finding that the applicant is a resident of California pursuant to Section 50320(b)(2).

(e) The county may determine that the claim on the MC 210 Statement of Facts (Medi-Cal), or on the SAWS 2 Statement of Facts is supported, and that the applicant is a resident of California if a preponderance of the credible evidence produced by the applicant supports a finding that the applicant is a resident of California. If a preponderance of the credible evidence produced by the applicant does not support the finding that the applicant is a resident of California, the applicant shall be determined not to be a resident of California, shall be denied eligibility for Medi-Cal benefits, and shall be afforded all notification and fair hearing rights provided to any person denied eligibility for Medi-Cal.

(f) A denial of a determination of residency may be appealed in the same manner as any other denial of eligibility. The Administrative Law Judge shall receive any proof of residency offered by the applicant and may inquire into any facts relevant to the question of residency. A determination of residency shall not be granted unless a preponderance of the credible evidence supports either the applicant's intent to remain indefinitely in this state, or any other basis provided by the laws governing the Medi-Cal program for establishing residency for Medi-Cal eligibility.

§ 50321. Temporary Absence from the State.

(a) Residence shall not be affected by temporary absence from the State for periods of 60 days or less. An absence of 60 days or less shall be presumed to be a temporary absence unless there is evidence to the contrary.

(b) An application, restoration, redetermination or reapplication from an applicant or beneficiary who is temporarily absent from the State for 60 days or less shall be accepted.

§ 50323. Absence from the State for More Than 60 Days.

(a) Absence from the State for more than 60 days shall be presumptive evidence of the applicant's or beneficiary's intent to change residence from California to a place outside the State unless the person declares in writing both:

(1) An intent to return to California.

(2) The existence of one of the following circumstances:

(A) Illness or emergency circumstances which prohibit return to California.

(B) Family members with whom the applicant or beneficiary lives are California residents and are physically present in the State.

(C) The applicant or beneficiary maintains California housing arrangements.

(b) Unless there is evidence to the contrary, California residence may be considered to be terminated when an applicant or beneficiary leaves California and then takes any of the following actions in another state:

(1) Purchases, leases or rents a residence.

(2) Becomes employed.

(3) Obtains an out-of-state driver's license.

(4) Applies for aid in another state.

(c) Medi-Cal shall be discontinued effective the last day of the month in which residence terminated, if the 10 day notice can be given. Otherwise, the discontinuance shall be effective the last day of the following month.

§ 50325. Death During Absence from the State.

A person who dies during an absence from the State shall be considered a resident if there is evidence that the requirements of Section 50321 or Section 50323 were met at the time of death.

§ 50327. Persons Living on Land Leased or Owned by the United States.

Persons living within the boundaries of California on land owned or leased by the Federal Government shall be considered California residents.

§ 50329. Persons on Parole from Correctional or Other Institutions.

Persons on parole from correctional or other institutions may establish California residence.

§ 50331. United States Citizen Children of Aliens.

§ 50333. Foster Children and Institutionalized Persons Placed Out-of-State.

(a) A child placed in out-of-state foster care maintains California residence if the child was placed under either of the following:

(1) Through the Interstate Compact on the Placement of Children.

(2) By a state or county agency responsible for the child's care.

(b) A person placed in an out-of-state institution by a state or county agency responsible for the person's care maintains California residence unless the other state accepts responsibility for the person.

§ 50334. Out-of-State Foster Children and Institutionalized Persons Placed in California.

(a) An out-of-state child placed in foster care in California is a California resident if both of the following conditions are met:

(1) The child was placed by an out-of-state court directly with a guardian or foster parent in California.

(2) The other state has not adopted the Interstate Compact on the Placement of Children.

(b) An out-of-state person placed in an institution in California by another state agency, or a local government agency in another state, responsible for the person's care remains a resident of the placing state unless a California state or county agency accepts responsibility for the person.

§ 50336. Other Persons in Out-of-State Institutions.

(a) The Director shall have the authority to determine the state of residence for a person who is living in an institution in another state when that state's medical assistance agency claims the person is a California resident.

(b) Applications for Medi-Cal on behalf of the persons specified in (a) shall be referred to the Director by the county department.

(c) The determination shall be made in accordance with federal Medicaid regulation 42 CFR 435.403, and shall be based upon such factors as the person's age, competency, former state of physical presence, the residence of the person's parents or in accordance with an interstate agreement entered into by the Director and another state's medical assistance agency.

§ 50338. Other Persons in California Institutions.

(a) Persons living in California institutions, other than persons specified in Section 50334 shall be considered California residents.

(b) Notwithstanding (a), the Director shall have the authority to determine the state of residence for persons in California institutions in accordance with federal Medicaid regulation 42 CFR 435.403. The determination shall be based upon such factors as the person's age, competency, former state of physical presence and the residence of the person's parents, or in accordance with an interstate agreement entered into by the Director and another state's medical assistance agency. The county department shall, upon request by the Director, obtain the information necessary for the determination to be made.