

**County of San Diego, Health and Human Services Agency (HHSA)
County Medical Services (CMS) Program Guide**

Responsible Relatives

Number

02.07

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Background

This article contains information for establishing responsibility of a relative to contribute to the cost of health care services. In accordance with California law same-sex marriages and Registered Domestic Partners (RDP) will be evaluated under the CMS program as married couples.

Policy:

A: Who is considered a Responsible Relative

The responsibility of a relative to contribute to the cost of health care services of a CMS applicant or beneficiary shall be limited to spouse for spouse and parent for child. See below for additional information regarding same sex marriages and Registered Domestic Partners (RDP).

B: Same-sex Marriages

Performed in California on June 17, 2008 through November 04, 2008

Same-sex marriages lawfully performed in California on June 17, 2008 through November 4, 2008 will be recognized by CMS. These persons will be evaluated as married couples. In accordance with California law (Prop 8), CMS cannot recognize same sex marriages performed in other jurisdictions outside of California

Performed in California and outside of California on June 28, 2013 and ongoing

Same-sex marriages lawfully performed in California between June 17, 2008 and November 4, 2008 and June 28, 2013 and ongoing and lawfully performed in other jurisdictions outside of California will be recognized by CMS. These persons will be evaluated as married couples.

C: California Registered Domestic Partners (RDP)

California RDPs shall be treated the same as if the persons were spouses. RDP from other states and other countries shall be recognized as a valid partnership, if the partnership is substantially equivalent to California's RDP based on California Family Code § 297 – 297.5. A RDP which has been established outside of California must be reviewed by CMS Program to determine if the partnership is substantially equivalent to California's RDP.

Note: A self-declaration of the date and place the unions took place from RDP and same-sex married couples will be recognized as valid by a sworn statement. The worker will give the applicant a sworn statement to complete. The sworn statement must contain the valid date the union was recognized in California.

Other Program Impact:

None

Reference(s):

None

Sunset Date:

This policy will be reviewed for continuance by 04/30/2019.

Release Date:

April 04, 2016