

8.2 RESIDENCE

To be eligible to receive benefits, the client must meet the eligibility requirement of residence.

The client must live within the borders of West Virginia. Intent to remain permanently in West Virginia is not a requirement, although the client must reside in the State for purposes other than vacation or visitation. A time limit cannot be set for how long the client must live in West Virginia. The client cannot be required to maintain a permanent or fixed dwelling.

An individual remains a resident of the former state until he arrives in West Virginia with the intention of remaining indefinitely. Therefore, intent to establish or abandon residency must be known before the state of residence is determined.

A. FOOD STAMPS

1. Determining State of Residence/Movement Between States

NOTE: If the Food Stamp benefit group is Categorically Eligible, the residency requirement is considered met. See Chapter 1 for more information about Categorical Eligibility.

When an individual, who is receiving Food Stamps in another state, establishes residence in West Virginia and applies for benefits the Worker must determine when Food Stamp benefits in the other state were stopped. The individual is eligible in West Virginia for the month following the month he last received benefits in the former state of residence, if otherwise eligible.

2. Institutional Status

An individual must not be a resident of a public or private institution. These are defined as follows:

Public Institution: Institution which provides shelter, custody and care and for which a governmental unit has responsibility or exercises administrative control.

Private Institution: Non-governmental institution which provides shelter, custody and care and which is required by State law to have a license to operate.

The individual is considered a resident of an institution when the institution provides the majority of their meals (over 50% of three meals daily), as part of the institution's normal services, and the institution has not been authorized to accept Food Stamps.

The following groups are exempt from the non-institutional residence policy:

- Any narcotics addict or alcoholic who resides at a facility or treatment center under the supervision of a drug or alcoholic treatment and rehabilitation program. See Chapters 9 and 14 for specific instructions for these groups.
- Individuals who reside in a Group Living Facility (GLF) may qualify for Food Stamps. See Chapters 9 and 14 for the definition of a GLF and for instructions regarding which residents of a GLF qualify.
- Residents of shelters for battered women and their children. The facility must be a public or private non-profit facility that exclusively serves battered women and their children or, if the shelter also serves other groups of individuals, a portion of the facility must be set aside, on a long-term basis, to shelter battered women and children. In addition, the facility must be a residence, not simply a place to eat meals.
- Residents of institutions who do not receive their meals from the institution, but who purchase and prepare their own food, or participate in a delivered meals program or a communal dining program are eligible, if they meet all other eligibility requirements.
- Residents of federally-subsidized housing for the elderly, built under either Section 202 of the Housing Act of 1959 or Section 236 of

the National Housing Act qualify, if otherwise eligible.

- Residents of public or private non-profit shelters for homeless persons qualify, if otherwise eligible.

3. Prolonged Absence From The Home

Regardless of the reason for the absence, any person expected to be absent from the home for a full calendar month or more is not eligible to be included in the AG.

NOTE: This policy applies to in-state and out-of-state travel.

Although an individual may meet the residency requirement, he may not be eligible to be included in the AG. Refer to Chapter 9 for specific requirements about who may be included in the AG.

a. Visiting

Temporary visits with the intent to return, do not affect the individual's place of residence, unless he has been or is expected to be absent from the home for a full calendar month.

b. Obtaining Vocational Training or Education

Absence from the home to obtain vocational training or education does not affect the individual's inclusion in the AG, unless the individual has been or is expected to be absent from the home for a full calendar month.

c. Receiving Medical Care

If the individual temporarily leaves the home to obtain medical care or treatment, he is included in the AG, unless he has been or is expected to be absent from the home for a full calendar month.

EXAMPLE: A child is residing in West Virginia with his mother and is included in her Food Stamp AG. On June 22 he goes to Ohio to visit his father and will remain for an

undetermined amount of time. As of July 31, he is still in Ohio. Notice is sent to remove him from his mother's AG.

EXAMPLE: A Food Stamp AG consists of a man and his wife who reside in West Virginia. His wife goes to Maryland on July 7 to receive medical treatment and is not sure how long she will stay. She returns home on August 29. Her eligibility to remain in the AG is unaffected.

EXAMPLE: A divorced man and woman both live in West Virginia. On May 15 the woman reports her oldest child will be visiting his father during summer vacation from June 11 to September 1. After proper notice, the oldest child is removed from the woman's AG for July and August, because he will be absent from the home for those two full calendar months. The father applies for FS for the child on July 1 and is denied, because the child's place of residence is still with the mother and he is only temporarily visiting his father.

4. Students Not Living With A Parent or Other Responsible Adult

The residence of a student is determined as follows:

- Student under age 18: The state of residence is the residence of the student's parents, when the student is under the control of a parent, or a person acting as a parent. Students under age 18, who are not under parental control, are treated as found below.
- Student age 18 or older: The state of residence is the location where the student actually lives, including dormitory or campus housing.

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he does not meet the residency requirement of the state in which he lives.

c. Medical Care

If the individual temporarily leaves the State to obtain medical care or treatment, he is considered a West Virginia resident.

EXCEPTION: Long-term care.

4. Students Not Living With A Parent or Other Responsible Adult

The state of residence of a student is the specified relative's state of residence.

C. MEDICAID

1. Determining State of Residence/Movement Between States

When an individual receiving Medicaid from another state, moves to West Virginia and applies for Medicaid, the Worker must determine when payments by the previous state of residence stopped. See Chapter 17 for long-term care cases. Medicaid coverage in West Virginia will begin the month the client establishes residence in West Virginia.

See Section 1.15,M,1 for the beginning date of eligibility for QMB.

2. Institutional Status

An individual must not be a resident of a public or private institution, defined as follows:

Public Institution: Institution which provides shelter, custody and care, and for which a governmental unit has responsibility or exercises administrative control.

Private Institution: Non-governmental institution which provides shelter, custody and care, and which is required by State law to have a license to operate.

An individual is not a resident of an institution under the following circumstances:

a. Educational or Training Institution

He is living in an institution for the purpose of securing education or training. Examples include Rehabilitation Services centers, West Virginia Schools for the Deaf and Blind, and any college or institution of education.

b. General Medical Institution

He is a patient in any section of an institution which has been certified as a medical facility under Medicare or Medicaid standards. Examples include General medical hospitals, licensed nursing homes.

3. Out-of-State Travel

a. Visiting

Temporary visits out-of-state with the intent to return, do not affect the individual's state of residence.

b. Obtaining Vocational Training or Education (AFDC Related, Qualified and Poverty-Level Children).

When the Department establishes a plan for a child to leave the State to obtain vocational training or education, he continues to be a West Virginia resident.

If the individual leaves the State to obtain vocational or educational training, and the plan was not made by the Department, he continues to be a West Virginia resident if he does not meet the residence requirement of the state in which he lives.

c. Medical Care

If the individual temporarily leaves the State to obtain medical care or treatment, he is considered a West Virginia resident. **EXCEPTION:** Long-term care.

4. Students Not Living With A Parent or Other Responsible Adult

For AFDC/U-Related, Deemed AFDC/U Recipients, TM: The state of residence of a student is the specified relative's state of residence.

Qualified and Poverty-Level Children: The state of residence of a student is the state of residence of the parent or other adult with whom the child lived prior to becoming a student.

All Others: The state of residence of a student is the state in which he lives.

D. WV WORKS

NOTE: There is a restriction on the amount of time that a benefit group member can be out of the home and still be included in the benefit. This requirement is found in Chapter 9 since it does not necessarily involve the state of residence.

1. Determining State of Residence/Movement Between States

When an individual receiving cash assistance from another state, moves to West Virginia and applies for benefits, the Worker must determine if the case in the other state is closed. Whether the case is still active for the entire month or not, the individual may be eligible to receive benefits in West Virginia, provided all other eligibility requirements are met. The cash assistance amount from the other state is counted as unearned income.

EXAMPLE: A mother and child move to West Virginia from Pennsylvania. The case was closed on February 9th, and she received her last check from Pennsylvania on February 3rd. Pennsylvania's cash assistance checks are issued semi-monthly. She received one check of \$150. The case is approved in West Virginia, effective February, with \$150 counted as unearned income.

NOTE: When the client, who received cash benefits in another state, moves to WV and has the payment from the other state counted as income in WV, the benefits received count as only 1 month of

benefits toward the client's lifetime limit on the receipt of cash assistance. The client has received 1 payment from each state, but the payments were for the same month.

2. Institutional Status

An individual must not be a resident of a public or private institution, defined as follows:

Public Institution: Institution which provides shelter, custody and care, and for which a governmental unit has responsibility or exercises administrative control.

Private Institution: Non-governmental institution which provides shelter, custody and care and which is required by State law to have a license to operate.

A client is eligible while living in an institution under the following circumstances:

a. Educational or Training Institution

He is living in an institution for the purpose of securing education or training. **EXAMPLE:** Rehabilitation Services centers, West Virginia Schools for the Deaf and Blind, and any college or institution of education.

b. General Medical Institution

He is a patient in any section of an institution which has been certified as a medical facility under Medicare or Medicaid standards. **EXAMPLE:** General medical hospitals, licensed nursing homes.

3. Out-of-State Travel

a. Visiting

Temporary visits out-of-state with the intent to return, do not affect the individual's state of residence as long as the duration is less than 30 days.

b. Obtaining Vocational Training or Education

When the Department establishes a plan for an individual to leave the State to obtain vocational training or education, he continues to be a West Virginia resident.

If the individual leaves the State to obtain vocational or educational training, and the plan was not made by the Department, he continues to be a West Virginia resident if he does not meet the residency requirement of the state in which he lives.

c. Medical Care

If the individual temporarily leaves the State to obtain medical care or treatment, he is considered a West Virginia resident. **EXCEPTION:** Long-term care.

4. Students Not Living With A Parent or Other Responsible Adult

The state of residence of a student is the specified relative's state of residence.