

#### 4. Students Not Living With A Parent Or Other Responsible Adult

For AFDC-Related, Deemed AFDC Recipients and 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.

### C. WV WORKS

**NOTE:** There is a restriction on the amount of time that an assistance 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 **received or is** 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. **Cash assistance received from another state makes that individual ineligible for WV WORKS cash assistance during the same month regardless of the amount received in the other state.**

**NOTE:** When the client, who received cash benefits in another state, moves to WV, **each month in which benefits were received counts** as only 1 month of benefits toward the client's lifetime limit on the receipt of cash assistance. **Some states count receipt of TANF in the number of days instead of the number of months. When this occurs, the Worker must request that state to provide the exact months that cash assistance was received by the client in that state.**

**EXAMPLE:** Mother and children receive TANF benefits in Kentucky for May. On May 15<sup>th</sup>, the family moves to West Virginia. The household is ineligible to receive WV WORKS benefits until June.

**EXAMPLE:** Father comes in to apply for WV WORKS on May 4<sup>th</sup>, his two children have just moved into his household and they received TANF benefits for May in their mother's case in Kentucky. Only the father is eligible to receive WV WORKS benefits for the month of May. The children will be eligible in June.

## 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. 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 and 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.