

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. 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 STAMP BENEFITS

1. Determining State Of Residence/Movement Between States

NOTE: If the Food Stamp assistance 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 Stamp benefits 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, which is defined as over 50% of three meals daily, as part of the institution's normal services, and the institution has not been authorized to accept Food Stamp benefits.

NOTE: A school dormitory is considered an institution. Therefore, any student who resides in a school dormitory and receives the majority of his meals from the institution's meal plan is ineligible to participate in the Food Stamp Program. This includes, but is not limited to, colleges and military and boarding schools, even when the student returns home for weekends. See the exemptions below for those who do not receive the majority of their meals from the institution.

The following groups are exempt from this policy:

- Narcotic addicts or alcoholics who reside at a facility or treatment center under the supervision of a drug or alcoholic treatment and rehabilitation program. See Chapter 14 for specific instructions for these groups.
- Individuals who reside in a Group Living Facility (GLF). 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. See Chapters 9 and 14.
- 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. This includes those students who reside in school dormitories with optional meal plans and do not receive the majority of their meals from the institution.
- 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. See Chapter 14.

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.

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 divorced man and woman both live in West Virginia. On May 29th, 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 reports the presence of the child on June 10th and requests that he be added to his Food Stamp benefits. The child is added as of July 1st.

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.

Common Eligibility Requirements

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.

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

The residence of a student is determined as follows:

- When the student under age 18 is under the control of a parent, or a person acting as a parent, the state of residence is the residence of the student's parents.
- When the student under age 18 is not under the control of a parent or a person acting as a parent, the state of residence is the location where the student actually lives, including dormitory or campus housing.
- When the student is age 18 or older, the state of residence is the location where the student actually lives, including dormitory or campus housing.

See the Exception in item 2 above for dormitory residence.

B. 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.

SSI-Related: For individuals age 21 and older or emancipated individuals, the state of residence is the state in which the individual is living, with the intent to remain permanently or for an indefinite period. An individual age 21 and older or an emancipated individual has established residence if he is living in a state and entered that state with a job commitment or seeking employment, even if not currently employed.

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.

NOTE: Individuals who are incarcerated are considered to be a resident of an institution and, therefore, not eligible for Medicaid. **Individuals on home confinement are not considered incarcerated and may receive Medicaid if otherwise eligible.**

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 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.

Common Eligibility Requirements

- 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.

NOTE: Individuals temporarily out of the home to receive medical care or treatment within the state are West Virginia residents and remain in the AG.

EXCEPTION: Long-term care.

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.

SSI-Related: The state of residence of a student who is age 21 or older or emancipated is the state in which the individual is living with the intent to remain there permanently or for an indefinite period.

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 **AG** 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 15th, 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 4th, 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:

Common Eligibility Requirements

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.

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.