

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

MAGI Group and Transitional Medicaid (TM): **The state of residence of a student is the state in which he lives.**

EXCEPTION: A full-time student in West Virginia ages 18 to 22 is not considered a West Virginia resident if all of the following criteria are met:

- **Neither parent lives in West Virginia.**
- **The student is claimed as a tax dependent by someone in another state; and**
- **The student is applying on their own behalf**

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 reside.

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.

Common Eligibility Requirements

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.

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.