

SA-3250 RESIDENCE
Re-issued 09-01-2010

I. STATE RESIDENCE REQUIREMENT

An individual must be making his/her home in North Carolina voluntarily with the intent to remain. The applicant must apply at the county department of social services in the county in which he/she resides. Refer to [SA-3110 IX.](#), courtesy applications for exceptions.

II. MOVING INTO OR VISITING NORTH CAROLINA

A. Moving Into or Visiting North Carolina from Other States

An individual visiting in the state without a stated intent to remain is not considered a North Carolina resident. The individual is not eligible for SA until the a/r has lived in the state for 90 days, with the intent to remain.

1. When an individual moves into North Carolina and states his intent to remain, a written statement of intent must be obtained.

Example:

"I, _____, am living in North Carolina and plan to remain in this state."

Or:

"_____, for whom I, _____, am authorized representative, is living in North Carolina and plans to remain in this state."

NOTE: An applicant cannot declare an intent to remain in North Carolina and also sign an intent to return home in order to exclude his/her home site in another state. Refer to [SA-3200, Resources](#), V.A. for information on intent to return.

2. If the applicant's statement of residency is questionable, obtain one of the following documents for verification:
 - a. Post-marked letters
 - b. Public utilities records or credit accounts
 - c. Voter Registration Records
 - d. Rental records
 - e. Real property ownership

f. Employment records

Other documentary evidence presented by the applicant. (Example: whether or not applicant has all their belongings in this residence)

3. If the applicant applies before the 90-day requirement is met, the a/r is not eligible for SA. Deny the application and document in the eligibility record the date the applicant moved to North Carolina (with the intent to remain) and when the 90th day of state residency will be met.

NOTE: Do not deny an application if the residency requirement will be met during the application processing time frame, if all other eligibility criteria are met. Payment cannot be authorized prior to the applicant meeting residency requirements.

4. If an applicant applies on or after the 90th day of state residency, the a/r is eligible for SA effective the day all other eligibility requirements are met. If the 90th day falls after the first day of the month, authorize a partial payment for that month, prorated from the 90th day of state residency, even if the applicant was in an SA facility on the first day of that month. A Special Assistance payment cannot be made for any days in an SA facility during the waiting period. The effective date for retroactive payments cannot be earlier than the 90th day of residency in the state. As always, when computing a partial payment, include the full personal needs allowance, but do not show income for that month.
5. Ask the a/r when he/she voluntarily moved and decided to remain in North Carolina to determine the 90th day of residency. Beginning with, and including the date of intent to remain, count forward 90 days (or add 89 days to the date of intent to remain). Payment may begin effective the 90th day, if all other eligibility criteria have been met.

Example: (assuming applicant meets all other eligibility requirements)

Date applicant moved to NC with intent to remain:	7/01/01
Date admitted to SA facility:	7/01/01
90 th day of NC residency:	9/28/01
Date of application:	9/30/01
Effective date of first SA payment:	9/28/01

6. Exceptions to the 90-day residency requirement:
 - a. When the applicant moves into North Carolina to join a close relative that has lived in the state for at least 180 days (for the purpose of state residency, joining a close relative does not require applicant to live with or reside in the same county). As

defined in G.S. 108A-41(b) (3) b, a close relative is limited to the person's parent, grandparent, brother, sister, spouse, or child. The law states that the close relative shall furnish verification of residency to the county department of social services at the time the applicant applies for Special Assistance.

- (1) Kinship: birth certificates, proof of marriage, or signed and notarized affidavits are examples of ways that close relatives can verify their kinship with the applicant.
- (2) State Residency: tax records, utility bills, and driver licenses are examples of ways that close relatives can verify that they have resided in North Carolina for at least 180 consecutive days immediately prior to the applicant's date of application.

NOTE: The intent of this provision in the law is to place the burden on the close relative to prove kinship with the applicant and that the relative has resided in North Carolina for at least 180 consecutive days immediately prior to the SA application rather than imposing that responsibility on the county DSS staff.

- (3) If an individual moving to North Carolina to join a close relative applies before the close relative has met the 180-day requirement, the a/r is not eligible for SA under this provision. Deny the application and document in the eligibility record the date the close relative moved to North Carolina (with the intent to remain) and when the 180th day of state residency will be met.

NOTE: Do not deny an application if the residency requirement will be met during the application processing time frame, if all other eligibility criteria are met. Payment cannot be authorized prior to the applicant meeting residency requirements. (Calculate partial payment when residency requirement is met after the first of the month).

- (4) If such an individual applies on or after the 180th day of the close relative's state residency, the a/r is eligible for SA effective the day all other eligibility requirements are met. If the 180th day falls after the first day of the month, authorize a partial payment for that month, prorated from the 180th day of the relative's state residency, even if the applicant was in an SA facility on the first day of that month. A SA payment cannot be made for any days in SA facility prior to the close relative meeting the 180-day residency requirement. The effective date for retroactive payments cannot be earlier than the 180th day of the close relative's residency in the state. As always, when computing a partial payment, include the full personal needs allowance, but do not show income for that month.

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- (5) To determine if the close relative has resided in North Carolina for 180 consecutive days prior to the application date, proceed as follows. Beginning with, and including the date of application, count backward 180 days (or subtract 179 days from the date of application). Compare the resulting date to the information provided by the close relative. If the close relative was a North Carolina resident on or before that date, the 90-day waiting period for the SA applicant does not apply. Payment would begin effective the date of application, provided all other eligibility requirements are met.

Example: (assuming applicant meets all other eligibility requirements)

Date of application:	7/01/01
180 days prior to application date:	1/03/01
Earliest verified date of close relative's residency:	11/23/00
Effective date of first SA payment:	7/01/01

- (6) To determine the applicant's county of residence, see [II.B.](#) below. The applicant's county of residence is not necessarily the same as the close relative's county of residence.

- b. When the applicant is discharged from a State facility who was a patient in the facility as a result of an interstate mental health compact.

- (1) There is no 90-day waiting period for applicants who meet this criterion.
- (2) The state facility discharging the applicant must provide the county DSS with verification that the applicant was a patient in the state facility on a [DMA-5010, Referral for Inpatient Hospital and Intermediate Care Facilities](#).

For purposes of this provision in the law, a state facility is a facility listed under G.S.122C-181. This includes the four state psychiatric hospitals (Cherry, Dorothea Dix, Central Regional, Broughton); the three regional developmental centers (Caswell, Murdoch, J. Iverson Riddle); the three alcohol/substance abuse centers (Julian F. Keith, F.J. Blackley, Walter B. Jones); and the neuro-medical treatment centers (Black Mountain, O'Berry, Longleaf)

- (3) A person who was a patient in a state facility as a result of an interstate mental health compact arrangement and who is discharged from the state facility directly into an SA facility becomes a legal resident of the county in which the SA facility is located.

B. County Residence

1. An individual has residence in the county in which the a/r resides. However, if the a/r is in a hospital, mental institution, intermediate care facility, skilled nursing home, boarding home, SA facility, confinement center or similar facility, the county in which the facility is located is not necessarily their legal residence. The county of legal residence would be the county in which the individual maintained or intended to establish a private living arrangement prior to entering a facility.
2. Exceptions
 - a. A woman in an SA facility has the county residence of her husband, unless they are legally divorced. A man in an SA facility has the county residence of the county where he last lived in a private living arrangement.
 - b. **A child (under age 18) is always a resident of the State and County which is the legal residence of the parent(s) who have legal custody of the child.** If the parent(s) with legal custody of the child move(s) out of a county and the child remains in a specialized community residential center, the new county of residence of the parent(s) will be financially responsible for the child the month following the month the parent(s) move to the new county. Transfer the case to the new county following transfer procedures in EIS 3500, County Transfers for Active Cases
 - (1) **If the child is in the custody of a county department of social services, that county is the child's legal residence and thus financially responsible for the child until the child turns 18.**
 - (2) Once the child turns 18, if a county DSS becomes the legal guardian of the adult, then the adult continues to be/becomes a resident of the county named as guardian.
 - c. A disabled adult child (DAC) in a facility is a resident of the county and state in which the DAC's parent(s) had residence immediately prior to the DAC reaching age 18.
 - d. If the applicant **IS NOT** a resident of the county in which the a/r is currently applying for SA and has no intent to remain in that county, determine county financial responsibility.
 - (1) The county in which the applicant last resided in a private living arrangement is the county of residence. Document applicant's previous private living arrangement.
 - (2) If the applicant's county of residence cannot be established:

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- (a) The county of residence is the county in which the a/r is currently applying for SA.
- (b) If the applicant resides in a facility at the time of application, the county of residence is the county in which the SA facility is located.
- e. If the applicant states an intent to return home, thereby excluding the real property home site, the county of residence must be the county where the property is located.