

10A NCAC 71P .0903 RESIDENCE

(a) State Residence Eligibility Requirement. An individual shall meet the requirements in G.S. 108A-41(b)(3) to be eligible for the State/County Special Assistance Program.

An individual who moves to another state and intends to remain there shall not be eligible for the State/County Special Assistance Program.

(b) County Residence Eligibility Requirement:

- (1) An individual shall be a resident of the county in which he or she lived in an in-home living arrangement prior to entering an Adult Care Facility.
- (2) If a disabled adult child as defined in 20 C.F.R. 404.350 has remained in a facility such as an Adult Care Facility, he or she remains a resident of the county and state in which his or her parent(s) resided immediately prior to him or her reaching age 18. If he or she is an adult and is entering an Adult Care Facility and it is not possible to trace his or her county of residence as a minor, he or she may establish residence based on his or her intent to remain regardless of his or her parent's current legal residence.

(c) Temporary Absence.

- (1) An applicant or recipient shall not receive the State/County Special Assistance Program payments for those days he or she is not living in the Adult Care Facility unless his or her absence is not expected to exceed 30 calendar days. This Subparagraph (c)(1) shall not apply to recipients of the State/County Special Assistance In-Home Program or State/County Special Assistance for the Certain Disabled Program.
- (2) Temporary absence from the State or county of residence with subsequent return or intent to return does not make a recipient of the State/County Special Assistance for Certain Disabled Program in an in-home living arrangement ineligible for such assistance.

(d) Verification. The Caseworker shall accept the applicant's or recipient's statement regarding residence unless the Caseworker has information that conflicts with the applicant's or recipient's statement. If there is conflicting information, documentary evidence from the applicant or recipient shall be required.

(e) If a recipient of the State/County Special Assistance for Certain Disabled Program visits another county within the State or another state for a period exceeding three months, the Caseworker in the responsible county shall verify the following:

- (1) the recipient's intent to return;
- (2) the reason for the continuing absence; and
- (3) the continuing maintenance of a home in the responsible county.

History Note: Authority G.S. 108A-40; 108A-41; 108A-41(b); 143B-153; 42 U.S.C. 1382e(c)(1); Eff. January 1, 1983; Amended Eff. June 1, 1990; Temporary Amendment Eff. October 28, 1997; Amended Eff. June 1, 2016; April 1, 1999; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 20, 2017.