
NONFINANCIAL ELIGIBILITY FACTORS

STATE RESIDENCE

**A. STATE
RESIDENCE
REQUIREMENTS
(42 CFR 435.403)**

An eligible individual must be a resident of the State of Mississippi. A resident is someone who is:

- voluntarily living in Mississippi with the intention to remain permanently or for an indefinite period; or
- living in Mississippi having entered with a job commitment or for the purpose of seeking employment (whether or not currently employed).

**1. Intent
to Reside**

Residence is based on the concept of intent to reside. An individual must be capable of indicating intent. An individual would be considered incapable of stating intent if the individual:

- Has an IQ of 49 or less or has a mental age of 7 or less on tests acceptable to the Department of Education; or,
- Is judged legally incompetent; or,
- Is found incapable of indicating intent based on medical documentation obtained from a physician, psychologist, or other person licensed by the State in the field of mental retardation.

2. Exceptions

To determine whether an applicant is a resident of Mississippi or whether a recipient continues to be a resident of Mississippi, apply one of the rules listed below based on the client's age and living arrangement. The exception to the rules listed below are as follows:

- An individual who is receiving a state supplementary payment (optional or mandatory) is considered a resident of the state making the payment.
- For individuals of any age who are receiving Federal payments for foster care under title IV-E and individuals with respect to whom there is an adoption assistance agreement in effect under title IV-E, the state of residence is the state where the individual is living.

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- 3. Individuals**
- Under Age 21**
- For any individual who is emancipated from his/her parents
- or who is married and capable of stating intent, the state of residence is the state where the individual is living with the intention to remain permanently or for an indefinite period.
- For any individual in a private living arrangement whose Medicaid eligibility is based on blindness or disability, the state of residence is the state in which the individual is living.
- For any institutionalized individual who is neither married nor emancipated, the state of residence is:
- a. The parent's state of residence at the time of placement (if a legal guardian has been appointed and parental rights are terminated, the state of residence of the guardian is used instead of the parent); or,
 - b. The current state of residence of the parent who files the application if the individual is institutionalized in that state (if a legal guardian has been appointed and parental rights are terminated, the state of residence of the guardian who files the application is used); or,
 - c. The state of residence of the individual or party who files an application is used if the individual has been abandoned by his/her parent(s), does not have a legal guardian and is institutionalized in that state.
- 4. Individuals Age 21 and Over - In a Private Living Arrangement**
- For any individual in this category the state of residence is the state where the individual is living with the intention to remain permanently or for an indefinite period or the state where the individual is living which the individual entered with a job commitment or seeking employment (whether or not currently employed).
- If the individual in this category is incapable of stating intent, the state of residence is the state where the individual is living.

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**5. Individuals
Age 21 and
Over - In
Institutions**

For an institutionalized individual who became incapable of indicating intent before age 21, the state of residence is:

- a. That of the parent applying for Medicaid on the individual's behalf (if the parents reside in separate states). If a legal guardian has been appointed, the state of residence of the guardian is used; or,
- b. The parent's state of residence at the time of placement (or if a legal guardian has been appointed, the state of residence of the guardian is used); or,
- c. The current state of residence of the parent who files the application if the individual is institutionalized in that state (or if a legal guardian has been appointed, the state of residence of the guardian is used); or,
- d. The state of residence of the individual or party who files an application is used if the individual has been abandoned by his/her parent(s), does not have a legal guardian and is institutionalized in that state.

For any institutionalized individual who became incapable of indicating intent at or after age 21, the state of residence is the state in which the individual is physically present, except where another states makes a placement. A state agency that arranges for an individual to be placed in an institution located in another state is recognized as acting on behalf of the state in making a placement. The state arranging or actually making the placement is considered as the individual's state of residence.

For any other institutionalized individual, the state of residence is the state where the individual is living with the intention to remain there permanently or for an indefinite period.