



302-1 Residence/Home/Temporary Absence

Supersedes:	TANF 302-1 (01/01/06); TB-30 (1/17/07)
References:	ARM 37.78.102, .206; .207 and .221
Overview:	<u>GENERAL RULE</u> —Applicants and participants must be Montana residents. The minor child must reside with a caretaker relative in a setting maintained as a home.
RESIDENCY	<p>Residency is established when an individual is living in Montana voluntarily with the intention of making a home here and not for a temporary purpose.</p> <p>Temporary residence with no intent to remain within the state does not fulfill the residency requirements.</p> <p>Residence is retained until abandoned. A participant’s temporary absence (not to exceed 90 consecutive days) from the state does not interrupt continuity of residence.</p>
HOME	<p>A home is the family setting evidenced by the assumption and continuation of responsibility for the day-to-day care of the child by the caretaker relative with whom the child is living or will be living. <u>If the child is not living with a specified relative at the time of application but will do so within 30 days of the receipt of the first benefits</u>, the child is considered to be in the home.</p> <p>A home exists so long as the relative exercises responsibility for the child’s care, even though the child or the relative is temporarily absent from the home.</p>
HOMELESS	<p>Assistance may be provided to otherwise eligible individuals who are homeless who, therefore, have no fixed address nor live in permanent dwellings. The individual must declare his/her intent to reside in Montana and meet the criteria stated above.</p> <p>Lack of a permanent dwelling or lack of a fixed home or mailing address does not mean a home does not exist for purposes of determining whether a child lives with a specified relative in a setting maintained as a home.</p>
COUNTY OF RESIDENCE	Participants may choose to receive TANF cash assistance benefits in their county of residence or any adjacent county . If the participant wishes to receive TANF cash assistance benefits in a county other than their county of residence or adjacent county, they can do so only if they meet the temporary absence requirements.
SCHOOL BREAKS	<p>If an individual is attending post-secondary education and reports that they will be residing in another county of residence during a time period that is not considered an interim break (longer than 45 days on the school calendar) the case must be transferred to the new county of residence.</p> <p>If the time period is less than 45 days (considered an interim break), the individual’s case will be maintained in the current county of residence and all individuals who are required to participate in employment and training activities must continue to participate during the interim school break or be subject to sanction.</p>
TEMPORARY	Temporary absence occurs when an assistance unit member is away from his/her

ABSENCE LESS THAN 90 DAYS	<p>home for a period of time not to exceed 90 consecutive days, (unless the absence meets one of the special criteria listed below).</p> <p>Benefits continue for these members as long as the following conditions are met:</p> <ol style="list-style-type: none"> 1. The absent member intends to return to his home within 90 days; 2. While the individual is away, the caretaker relative continues to exercise responsibility and maintains a home for the child; 3. The caretaker relative plans to continue such responsibility for the child upon return to the home; and 4. The individual is not incarcerated.
TEMPORARILY ABSENT MEMBER, MEMBER DOES NOT RETURN WITHIN 90 DAYS	<p>If the household member who was temporarily absent does not return to the home within the 90 days, without good cause (TANF 1509-1), the individual is removed from the assistance unit unless the special criteria outlined below applies. If he/she is the only eligible child, eligibility terminates for the entire assistance unit. If the absent member is the child's specified caretaker relative, the child no longer meets the requirement of living with a specified caretaker relative and eligibility ends.</p>
SPECIAL CRITERIA	<p>If the absent member meets the following special criteria, they are considered temporarily absent, he/she is not subject to the 90-day limit and, if otherwise eligible, may continue to receive benefits for an unspecified period of time:</p> <ol style="list-style-type: none"> 1. Child or adult away from home for medical treatment; 2. A child away from the home for the sole purpose of attending a boarding school as long as the child is expected to return home at the end of the school term and verification of school enrollment and attendance is provided; 3. An adult away from the home and the absence is for a specific short-term training or employment.
ABSENCES LONGER THAN 90 DAYS	<p>When an individual is expected to be absent from the home for longer than 90 days, and they do not meet the special criteria above, it is not considered a temporary absence.</p> <p>This includes absences for the following reasons:</p> <ol style="list-style-type: none"> 1. An adult attending post-secondary education; or 2. An adult or child who is incarcerated for any length of time. <p>The individual must be removed from the assistance unit.</p>
Date Revised	July 1, 2007