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LME-MCO Communication Bulletin #J156

Date: September 10, 2015

To: LME-MCOs

From: Mabel McGlothlen, LME System Performance Team Leader, DMH/DD/SAS and Kathy Nichols, Clinical Program Manager, Behavioral Health Section, DMA

Subject: Determination of County of Residency for Inmates

The purpose of this bulletin is to provide clarification regarding the determination of county of residency for inmates released from prison.

The Attorney General's office has provided guidance for a uniform statewide policy establishing the inmate's county of residence to be that in which the inmate was residing prior to his or her incarceration. Statute GS122C-3(10) defines the "County of **residence**" of a client as *"the county of his domicile at the time of his admission or commitment to a facility. A county of residence is not changed because an individual is temporarily out of his county in a facility or otherwise."*

An individual does not lose his or her domicile by being moved to an institution, whether it be medical or penal. **Therefore, effective immediately, the county of residence for any inmate released from prison should be the county in which the inmate was residing prior to the inmate's incarceration, and not the location of the prison in which he or she was incarcerated prior to his or her release.** Similarly, the state hospital serving the inmate upon his or her release must be the hospital designated to serve the inmate's county of residence, and not the hospital serving the county in which the inmate's prison is located.

Although an inmate could theoretically abandon his old domicile and choose to be domiciled in the county where the prison is located, this must be at the request of the inmate who has indicated an intent to reside in the new domicile indefinitely, and this requires an affirmative act evidencing such intent. The mere presence in a location such as a prison or hospital, no matter how long, will not act to abandon a domicile or create a new one.

This policy makes clear that inmates will typically remain residents of the county where they were living prior to incarceration, and the LME-MCO responsible for their care before incarceration will remain responsible for their care upon their release from prison.

Please contact Bob Kurtz, Program Manager, if you have questions at: 919-715-2771 or via email at bob.kurtz@dhhs.nc.gov.

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