

II. Jurisdiction

The Division of Human Services of the New Hampshire Department of Health and Human Services administers several welfare programs under the authority of the laws of the State. Assistance provided under these categorical assistance programs is known as Public Assistance. Programs now administered include:

- Temporary Assistance to Needy Families (TANF)
- Old Age Assistance (OAA)
- Aid to the Needy Blind (ANB)
- Aid to the Permanently and Totally Disabled (APTD)
- Medical Assistance (Medicaid)
- The Food Stamp Program (SNAP)
- Programs of social and rehabilitation services which are either provided directly by the Division of Human Services or purchased under the provisions of Title XX of the Social Security Act as amended in 1975.

The County unit of government pays a share of assistance provided to people under some of these programs. (More information concerning these programs is set forth in Appendix B.)

General assistance may be provided by a city or town until a person receives public assistance. Only in extraordinary circumstances will a person receiving public assistance also be considered eligible for general assistance. No person receiving Old Age Assistance or cash from Aid to Permanently and Totally Disabled under RSA 167 or 161 shall at the same time be eligible for General Assistance except for medical and surgical assistance (RSA 167:27).

Any persons residing or temporarily present in a municipality may apply to the welfare official of that municipality for general assistance.

“Residence or residency shall mean a person’s place of abode or domicile. The place of abode or domicile is that designated by a person as his principal place of physical presence for the indefinite future to the exclusion of all others. Such residence or residency shall not be interrupted or lost by a temporary absence from it, if there is intent to return to such residence or residency as the principal place of physical presence.” (RSA 21:6-a)

Minors. The residence of a minor shall be presumed to be the residence of his or her custodial parent or guardian. The minor’s intent is not relevant nor does this change if the minor is, himself or herself, the parent of a child. In re: Tammy S., 126 NH 734 (1985) (A “minor” is defined as any person under 18 years of age.) Any minor asking for assistance will be referred to the New Hampshire Department of Children, Youth & Families (DCYF) as the parent or legal guardian is financially and legally responsible for said minor and DCYF has the power to seek support and provide protection to the minor.

Adults. For competent adults, the standard for determining residence shall be the overall intent of the applicant as set forth in the definition of residence above.

Nonresidents: No person shall be refused assistance solely on the basis of residence (RSA 165:1). The application procedure, eligibility standards and standard of need shall be the same for nonresidents as for residents. At the request of a nonresident applicant, any aid, temporary or otherwise, to which he or she would be otherwise entitled under the standards set forth in these Guidelines, may be used by the welfare official to cause the person to be returned to his or her community of residence (RSA 165:1-c.) Any aid given to a nonresident, including the cost of transportation in order to return home, may be recovered from his or her community of residence (RSA 165:20.)