

St. Alphonsus Reg'l Med. Ctr.

v.


Board of Ada County  
Commissioners

Claire S. Tardiff



*In Re Sandoval*  
146 Idaho 51 (2008)

- Immigration status is not pertinent to the residency determination
- Immigration status is an objective test that is not required in the residency analysis

- 
- Board of Ada County Commissioners concluded that Sandoval was undocumented and necessarily subject to deportation; therefore, his presence must be deemed to be temporary.

- Supreme Court held:

All that is required to be a resident under Idaho Code § 31-3502(12) is living in an Idaho county for at least thirty days and a present, subjective intent to remain for a period of time. *E. Idaho Reg'l Med. Ctr.*, 139 Idaho 882, 884 (2004).

# Intent element

## *Eastern Idaho*

- BLACK'S [LAW DICTIONARY] defines resident as: “a present intent to remain within the State for a period of time.” (citation omitted) Thus, an Idaho resident, for purposes of I.C. § 31-3502(12) must intend to remain in Idaho either permanently or at least longer than temporarily.

## *Sandoval*

- A present, subjective intent to remain for a period of time.


- The Supreme Court in dicta tried to differentiate “residence” from “domicile.”

If his intent be to remain, it becomes his domicil; if his intent be to leave as soon as his purpose is accomplished, it is his residence. (Citations omitted.) Thus, a person can be a resident of a certain place he intends to eventually leave.

*Intermountain Health Care v. Blaine County*, 109 Idaho 412, 414 (1985)(Donaldson, J., *specially concurring*).

# Facts in Sandoval:

- Testified of his intent to return to Mexico;
- Testified he came to work for his family;
- His wife and seven children were in Mexico; and
- He was working when he had the stroke.


- 
- “[H]is purpose for taking up abode in Boise had not yet ended.”
  - “He did not testify that he came only as a seasonal laborer or only temporarily.”





Idaho Code § 31-3502(12)...

A resident does not include a person who comes into this state for temporary purposes, including, but not limited to, education, vacation, or seasonal labor.

- 
- Supreme Court expanded the statute to include as a resident an undocumented person who comes to Idaho to work.
  - Coming for employment is not, then, a temporary purpose?

## Troublesome that the Supreme Court

- looked for testimony as to when Sandoval intended to leave;
- looked for testimony that he was in Idaho as “a seasonal laborer or only temporarily.”



Supreme Court concluded Sandoval was a resident:

“[Sandoval] intended to remain in Idaho while working to support his wife and children in Mexico.”



The law changed in 2007 with the passing of Idaho Code § 67-7901, requiring proof of citizenship in order to qualify to receive public benefits.

But, someone who comes into the State to work is not here for a temporary purpose?

- 
- Questions?