

1983 WL 182040 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 31, 1983

*1 Peter D. Hyman, Esquire
Hyman, Morgan, Brown, Jeffords, Rushton & Fallon
Post Office Box 1170
Florence, South Carolina 29503

Dear Mr. Hyman:

Your letter of August 9, 1983, was referred to me by Attorney General Medlock. In your letter, you requested the opinion of this Office on when and under what circumstances a person becomes a legal resident of Florence County.

Legal residence, or domicile, involves two factors: physical residence in a locale and the intention to remain there. The intention to remain permanently is not necessary; it is only necessary that one intends to make the new locale his home and that he has no present intention of going elsewhere. [Miller v. Lee, 241 F. Supp. 19 \(W.D.S.C. 1965\)](#); 1969 Op. Atty. Gen. 87. Furthermore, one must evince no conduct which is inconsistent with residence in the new locale. [Ravenel v. Dekle, 265 S.C. 364, 218 S.E.2d 521 \(1975\)](#); 1969 Op. Atty. Gen. 254.

Because intent is the primary issue, each case must be determined according to its own circumstances. 1969 Op. Atty. Gen. 34. The nursing home residents in question obviously physically reside in Florence County. Assuming they intend to remain there, they would be legal residents of Florence County.

Sincerely,

Carlisle Roberts, Jr.
Staff Attorney

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