**Section 120.311 Residence**

a) Only those persons who are legally admitted to the United States can be found to be residents of the State of Illinois.

b) In order to be eligible an individual must be a resident of Illinois, but does not require actual physical presence within the State.

c) An individual is a resident of Illinois if living in Illinois (as defined by Section 2‑10 of the Illinois Public Aid Code, Ill. Rev. Stat. 1983, ch. 23, par. 2-10) or if living in an out-of-state institution (as defined at 42 CFR 435.403(b)(1984)) and was placed there by an Illinois Agency unless:

1) the individual maintains a house, apartment or other home in another State; or

2) the individual voluntarily leaves the out-of-state institution in which the individual was placed by an Illinois agency and does not return to Illinois; or

3) the individual is receiving a State Supplementary Payments (as defined at 42 CFR 435.4 (1984), Mandatory State Supplement or Optional State Supplement) from another State as a resident of that State; or

4) the individual was placed in an institution located in Illinois by another State.

d) An out-of-State Title IV-E eligible adoption assistance/foster care child living in Illinois is considered an Illinois resident for medical assistance coverage.

e) An Illinois resident who is temporarily absent from the State retains Illinois residency if the individual intends to return to Illinois when the reason for the absence is accomplished. If an individual remains outside of Illinois for a continous period of more than twelve (12) months, he/she must provide evidence (e.g. a copy of his/her most recent State Income Tax return) documenting that the absence was not due to an intent to change his/her residency.

(Source: Amended at 12 Ill. Reg. 6234, effective March 22, 1988)