**Section 51.70 Consent**

a) If the Project receives *a report of alleged or suspected abuse, neglect, or exploitation of an adult with disabilities who lacks the capacity to consent to an assessment or to services, the Project may seek, directly or through another agency, the appointment of a temporary or permanent guardian for assessment, provision of services, or any other decision-making authority as is appropriate for the individual as provided in Article XIa of the Probate Act of 1975* [755 ILCS 5/11a-10] *or other relief as provided under the Illinois Domestic Violence Act of 1986* [750 ILCS 60/101]. *For purpose of this Section only "lacks the capacity to consent" shall mean that the adult with disabilities reasonably appears to be unable by reason of physical or mental condition to receive and evaluate information related to the assessment or services, or to communicate decisions related to assessments or services*.

b) *If the adult with disabilities consents to the assessment, such assessment shall be conducted. If the adult with disabilities consents to the services included in the service plan, such services shall be provided. If the adult with disabilities refuses or withdraws his or her consent to the completion of the assessment* or the service plan*, the assessment shall be terminated or the service shall not be provided.*

c) *A guardian of the adult with disabilities who is abused, neglected or exploited by another individual in a domestic living situation may consent to an assessment or to services being provided pursuant to a service plan.*

1) *If the guardian is the alleged perpetrator of the abuse, neglect or exploitation, the Project shall, when there is an immediate and urgent necessity, seek the appointment of a temporary substitute guardian pursuant to Section 213.3 of the Illinois Domestic Violence Act of 1986* [750 ILCS 60/213.3] *under the provisions of Article XIa of the Probate Act of 1975.* The threshold for seeking temporary substitute guardianship is a risk of death or great bodily harm and includes, but is not limited to, allegations of sexual abuse with credible evidence, physical injuries that require medical treatment, and serious neglect (e.g., lack of food, lack of essential hygiene, unsafe environment, failure to provide necessary medications or medical treatment such as dialysis).

2) *If a guardian withdraws his* or her *consent or refuses to allow an assessment or services to be provided to the adult with disabilities, the Project may seek directly or through another agency a court order seeking appropriate remedies, and may in addition request removal of the guardian and appointment of a successor guardian pursuant to the Probate Act.* [20 ILCS 2435/45]

3) When the *Office of Inspector General is the petitioner* in a guardianship case, *consistent with Section 45 of the Abuse of Adults with Disabilities Intervention Act* [20 ILCS 2435], *no guardian ad litem or legal fees shall be assessed against the Office of the Inspector General.* [755 ILCS 5/11a-10]

(Source: Amended at 35 Ill. Reg. 8476, effective May 23, 2011)