**Section 270.210 Definitions**

*"Abandonment" means the desertion or willful forsaking of an eligible adult by an individual responsible for the care and custody of that eligible adult under circumstances in which a reasonable person would continue to provide care and custody.* [320 ILCS 20/2(a)]

*"Abuse" means causing any physical, mental or sexual injury to an eligible adult, including exploitation of such adult's financial resources, and abandonment.* [320 ILCS 20/2(a-1)]

*"Abuser" means a person who is a family member caregiver, or another person who has a continuing relationship with the eligible adult and abuses, neglects, or financially exploits an eligible adult.* [320 ILCS 20/2(a-5)]

"Act" means the Adult Protective Services Act [320 ILCS 20].

"Adult Protective Services Hotline" means the 24-hour toll-free statewide telephone number that can be called to report suspected cases of abuse, neglect, financial exploitation, or self-neglect of eligible adults.

"Adult protective services provider agency", "APS provider agency" or "designated agency" means any public or nonprofit agency, appointed by the regional administrative agency with prior approval by the Department, to receive and assess reports of alleged or suspected abuse, neglect, financial exploitation, or self-neglect.

*"Adult with disabilities" means a person age 18 through 59 who resides in a domestic living situation and whose disability* (see definition of "Disability") *impairs his or her ability to seek or obtain protection from abuse, abandonment, neglect or financial exploitation.* [320 ILCS 20/2(a‑6)]

"Allegation" means a charge or a claim of abuse, abandonment, neglect, financial exploitation, or self-neglect.

"Alleged abuser" means a person who is reported as abusing, abandoning, neglecting or financially exploiting an adult with disabilities or older person.

"Alleged victim" means an adult with disabilities or older person who is reported as being abused, abandoned, neglected or financially exploited, or who is neglecting himself or herself.

"APS" means adult protective services.

"Assessment" means the process of obtaining and documenting information about the case to determine if there is reason to believe abuse, abandonment, neglect, financial exploitation, or self-neglect is occurring (or has occurred), and to ascertain the level of risk to the eligible adult of future abuse or harm.

"Capacity to consent" to an assessment or services means an individual reasonably appears to be either:

able to receive and evaluate information related to the assessment or services; or

able to communicate in any manner decisions related to the assessment of the reported incident or services. (See 320 ILCS 20/9(d-5).)

*"Caregiver" means a person who either, as a result of a family relationship, voluntarily, or in exchange for compensation, has assumed responsibility for all or a portion of the care of an eligible adult who needs assistance with activities of daily livin*g *or instrumental activities of daily living*. [320 ILCS 20/2(a-7)]

"Case work" is the development and implementation of a service plan for the client, which minimally includes: the identification of the needs, problems, limitations and capacities of the client; interventions to protect the health, welfare and safety of the client; assisting the client in obtaining needed services; and respecting the self-determination and independence of the client.

"Case worker" means an employee of an APS provider agency who is authorized to receive and assess reports of alleged or suspected abuse, abandonment, neglect, financial exploitation, or self-neglect, and to develop and implement a service plan for a client.

"Clear and convincing" is the standard of proof that must be met to reach a "verified" substantiation decision in the Adult Protective Services Program. This standard of proof is met when the credible evidence, weighed in its entirety, creates a substantial certainty that the abuse, abandonment, neglect, or financial exploitation is occurring or has occurred.

"Client" is an eligible adult who is receiving services from the APS provider agency.

"Combined service area" means a designated service area, within a planning and service area where a single APS provider agency is responsible for providing a response, during non-business hours, to reports of alleged or suspected abuse, neglect, or self-neglect when an eligible adult is at risk of death or serious physical injury, pursuant to a cooperative agreement among the APS provider agencies involved. The APS provider agency shall respond to reports in accordance with the time frame outlined in Section 270.240.

"Confinement" means restraining or isolating an individual for other than bona fide medical reasons.

*"Department" means the Department on Aging of the State of Illinois.* [320 ILCS 20/2(b)]

*"Director" means the Director of the Department.* [320 ILCS 20/2(c)]

*"Disability" means a physical or mental disability, including, but not limited to, a developmental disability, an intellectual disability, a mental illness as defined under the Mental Health and Developmental Disabilities Code* [405 ILCS 5/1-129]*, or dementia as defined under the Alzheimer's Disease Assistance Act* [410 ILCS 405/3(a-5)]. [320 ILCS 20/2(c-5)]

*"Domestic living situation" means a residence where the eligible adult, at the time of the report, lives alone or with his or her family or a caregiver, or others, or other community-based unlicensed facility, but is not:*

*A licensed facility as defined in Section 1-113 of the Nursing Home Care Act* [210 ILCS 45/1-113];

*A facility licensed under the ID/DD Community Care Act* [210 ILCS 47];

*A facility licensed under the MC/DD Act* [210 ILCS 46];

*A facility licensed under the Specialized Mental Health Rehabilitation Act* *of 2013* [210 ILCS 49];

A *"life care facility" as defined in the Life Care Facilities Act* [210 ILCS 40];

*A home, institution, or other place operated by the federal government or agency thereof or by the State of Illinois;*

*A hospital, sanitarium, or other institution, the principal activity or business of which is the diagnosis, care, and treatment of human illness through the maintenance and operation of organized facilities therefor, which is required to be licensed under the Hospital Licensing Act* [210 ILCS 85];

*A "community living facility" as defined in the Community Living Facilities Licensing Act* [210 ILCS 35];

*A "community-integrated living arrangement" as defined in the Community-Integrated Living Arrangements Licensure and Certification Act* [210 ILCS 135] *or a "community residential alternative" as licensed under that Act*;

*An assisted living or shared housing establishment as defined in the Assisted Living and Shared Housing Act* [210 ILCS 9]; and

*A supportive living facility as described in Section 5-5.01a of the Illinois Public Aid Code* [305 ILCS 5]. [320 ILCS 20/2(d)]

"Early Intervention Services" are the services purchased by APS provider agencies to provide temporary short term or emergency services necessary to secure the health, welfare and/or safety of a client when other existing resources are unavailable.

*"Eligible adult" means either an adult with disabilities age 18 through 59 or a person age 60 or older who resides in a domestic living situation and is, or is alleged to be, abused, abandoned, neglected, or financially exploited by another individual or who neglects himself or herself. "Eligible adult" also includes an adult who resides in any of the facilities that are excluded from the definition of "domestic living situation" if either:*

*the alleged abuse or neglect occurs outside of the facility and not under facility supervision and the alleged abuser is a family member, caregiver, or another person who has a continuing relationship with the adult; or*

*the alleged financial exploitation is perpetrated by a family member, caregiver, or another person who has a continuing relationship with the adult, but who is not an employee of the facility where the adult resides.* [320 ILCS 20/2(e)]

*"Emergency" means a situation in which an eligible adult is living in conditions presenting a risk of death or physical, mental or sexual injury and the APS provider agency has reason to believe the eligible adult is unable to consent to services that would alleviate that risk.* [320 ILCS 20/2(f)]

"Emotional abuse" means verbal assaults, threats of maltreatment, harassment, or intimidation.

"Fatality Review Team" means a regional interagency review team established pursuant to Section 15 of the Act.

*"Financial exploitation" means the use of an eligible adult's resources by another to the disadvantage of that adult or the profit or advantage of a person other than that adult.* [320 ILCS 20/2(f-1)]

"Follow-up" means the monitoring of substantiated cases of abuse, abandonment, neglect, financial exploitation, or self-neglect for clients of the program.

"Guardian" means a person appointed by a court of competent jurisdiction, who is legally responsible for the care of a person who has been adjudicated by the court to be incompetent to manage his or her own affairs and/or property.

"Initial interview" means the preliminary contact made by an APS provider agency to determine: the level of risk to an alleged victim, the need for early intervention services in order to assure safety and welfare or otherwise reduce risk to the alleged victim, and the alleged victim's decisional capacity to consent to an assessment and/or services.

"Intake" means the point at which trained staff of the Illinois Department on Aging's Adult Protective Services Hotline and Senior HelpLine, a regional administrative agency, or APS provider agency receives a report of alleged or suspected abuse, neglect, financial exploitation or self-neglect and relays the report to a case worker for further assessment.

"Intervention" means an action initiated by the APS case worker or the APS provider agency to provide medical, social, economic, legal, housing, law enforcement, or other protective, emergency or supportive services to, or on behalf of, the eligible adult.

"*Investment advisor" means* *any person required to register as an investment adviser or investment adviser representative under Section 8 of the Illinois Securities Law of 1953, which for purposes of* the *Act excludes any bank, trust company, savings bank, or credit union, or their respective employees*.

*"Mandated reporter"* *means any of the following persons while engaged in carrying out their professional duties:*

*a professional or professional's delegate while engaged in:*

*social services;*

*law enforcement;*

*education;*

*the care of an eligible adult or eligible adults; or*

*any of the occupations required to be licensed under the Behavior Analyst Licensing Act* [225 ILCS 6], *Clinical Psychologist Licensing Act* [225 ILCS 15], *the Clinical Social Work and Social Work Practice Act* [225 ILCS 20], *the Illinois Dental Practice Act* [225 ILCS 25], *the Dietitian Nutritionist Practice Act* [225 ILCS 30], *the Marriage and Family Therapy Licensing Act* [225 ILCS 55], *the Medical Practice Act of 1987* [225 ILCS 60], *the Naprapathic Practice Act* [225 ILCS 63], *the Nurse Practice Act* [225 ILCS 65], *the Nursing Home Administrators Licensing and Disciplinary Act* [225 ILCS 70], *the Illinois Occupational Therapy Practice Act* [225 ILCS 75], *the Illinois Optometric Practice Act of 1987* [225 ILCS 80], *the Pharmacy Practice Act* [225 ILCS 85], *the Illinois Physical Therapy Act* [225 ILCS 90], *the Physician Assistant Practice Act of 1987* [225 ILCS 95], *the Podiatric Medical Practice Act of 1987* [225 ILCS 100], *the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act* [225 ILCS 107], *the Respiratory Care Practice Act* [225 ILCS 106], *the Illinois Speech-Language Pathology and Audiology Practice Act* [225 ILCS 110], *the Veterinary Medicine and Surgery Practice Act of 2004* [225 ILCS 115], *and the Illinois Public Accounting Act* [225 ILCS 450];

*an employee of an entity providing developmental disabilities services or service coordination funded by the Department of Human Services;*

*an employee of a vocational rehabilitation facility prescribed or supervised by the Department of Human Services;*

*an administrator, employee, or person providing services in or through an unlicensed community-based facility;*

*any religious practitioner who provides treatment by prayer or spiritual means alone in accordance with the tenets and practices of a recognized church or religious denomination, except as to information received in any confession or sacred communication enjoined by the discipline of the religious denomination to be held confidential;*

*field personnel of the Department of Healthcare and Family Services, Department of Public Health, and Department of Human Services, and any county or municipal health department;*

*personnel of the Department of Human Services, the Guardianship and Advocacy Commission, the State Fire Marshal, local fire departments, the Department on Aging and its subsidiary Area Agencies on Aging and APS provider agencies, except the State Long Term Care Ombudsman and any of their representatives or volunteers where prohibited from making such a report pursuant to 45 CFR 1324.11(e)(3)(iv);* provided that attorneys contracted or employed by the Area Agencies and their senior legal services providers and licensed to practice in Illinois are not mandated to report abuse, although they may voluntarily do so;

*any employee of the State of Illinois not otherwise specified in this definition who is involved in providing services to eligible adults, including professionals providing medical or rehabilitation services and all other persons having direct contact with eligible adults;*

*a person who performs the duties of a coroner or medical examiner;*

*a person who performs the duties of a paramedic or an emergency medical technician; or* [320 ILCS 20/2(f-5)]

*a person who performs the duties of an investment advisor.*

*"Neglect" means another individual's failure to provide an eligible adult with or willful withholding from an eligible adult the necessities of life including, but not limited to, food, clothing, shelter or health care. This definition does not create any new affirmative duty to provide support to eligible adults. Nothing in the Act shall be construed to mean that an eligible adult is a victim of neglect because of health care services provided or not provided by licensed health care professionals.* [320 ILCS 20/2(g)]

"Passive neglect" means the failure by a caregiver to provide an eligible adult with the necessities of life including, but not limited to, food, clothing, shelter, or medical care, because of failure to understand the eligible adult's needs, lack of awareness of services to help meet needs, or a lack of capacity to care for the eligible adult.

"Physical abuse" means the causing of physical pain or injury to an eligible adult.

"Preponderance of the evidence" is the standard of proof that, must be met to reach a "some indication" substantiation decision in the Adult Protective Services Program. This standard of proof is met when the credible evidence, weighed in its entirety, creates a reasonable certainty that more likely than not the abuse, abandonment, neglect, financial exploitation, or self-neglect is occurring or has occurred.

"Procurement" means the method and documentation issued by the regional administrative agency or the Department to allow potential APS provider agencies to submit qualifications for purposes of designation as an APS provider agency.

*"Provider agency" means any public or nonprofit agency in a planning and service area that is selected by the Department or* *appointed by the regional administrative agency with prior approval by the Department on Aging to receive and assess reports of alleged or suspected abuse, neglect, or financial exploitation.* A provider agency may provide services in more than one planning and service area when appointed by the regional administrative agency with prior approval by the Department. [320 ILCS 20/2(h)]

*"Regional administrative agency" means any public or nonprofit agency in a planning and service area that provides regional oversight and performs functions as set forth in* Section 3(b) *of the Act*. *The Department shall designate an Area Agency on Aging as the regional administrative agency or, in the event the Area Agency on Aging in that planning and service area is unwilling or unable to provide those functions, the Department may serve as the regional administrative agency or designate another qualified entity to serve as the reginal administrative agency; any such designation shall be subject to terms set forth by the Department.* [320 ILCS 20/2(i)]

"Report taker" means the trained staff of the Department's Adult Protective Services Hotline and Senior HelpLine, regional administrative agencies or APS provider agencies that performs intake of alleged or suspected abuse, abandonment, neglect, financial exploitation or self-neglect.

"Reporter" means the person who calls, visits or otherwise communicates to an authorized intake agency allegations or suspicions that an eligible adult has been or is being abused, abandoned, neglected, or financially exploited, or is neglecting himself or herself.

"Senior HelpLine" means the Department's toll-free statewide number that can be called to report suspected cases of abuse, abandonment, neglect, financial exploitation, or self-neglect to obtain additional information about services available to eligible adults.

"Self-determination" means the right of an eligible adult with decisional capacity to:

decide where and how to will live;

choose whether to accept program services or other community assistance; and

make decisions different from those a reasonable adult would make, including "bad" decisions, that are not harmful to others.

*"Self-neglect" means a condition that is the result of an eligible adult's inability, due to physical or mental impairments, or both, or a diminished capacity, to perform essential self-care tasks that substantially threaten his or her own health, including: providing essential food, clothing, shelter, and health care; and obtaining goods and services necessary to maintain physical health, mental health, emotional well-being, and general safety. The term includes compulsive hoarding, which is characterized by the acquisition and retention of large quantities of items and materials that produce an extensively cluttered living space, which significantly impairs the performance of essential self-care tasks or otherwise substantially threatens life or safety.* [320 ILCS 20/2(i-5)]

"Services" means medical, social, economic, legal, housing, law enforcement, or other protective, early, emergency or supportive action provided to, or on behalf of, the eligible adult.

"Sexual abuse" means any sexual activity with an eligible adult who is unable to understand, unwilling to consent, threatened, or physically forced to engage in such sexual activity.

"Shared service area" means the designated area within a planning and service area where two or more APS provider agencies are responsible for providing a response, during non-business hours, to reports of alleged or suspected abuse, abandonment, neglect, or self-neglect when an eligible adult is at risk of death or serious physical injury, pursuant to a cooperative agreement among the APS provider agencies involved. The APS provider agencies shall respond to reports in accordance with the time frame outlined in Section 270.240.

"State Triad" is a statewide, unincorporated, voluntary association of law enforcement, senior citizens and community groups, organized around the issue of senior safety, crime against the elderly, and financial exploitation of the elderly. The State Triad Council was created under the aegis of the National Association of Triads, Inc., 1450 Duke Street, Alexandria VA 22314.

"Substantiation" is the process by which an APS provider agency determines, after a review of all available information, that abuse, abandonment, neglect, financial exploitation, or self-neglect of an eligible adult has occurred.

*"Substantiated case" means a reported case of alleged or suspected abuse, neglect, financial exploitation or self-neglect in which an APS provider agency, after assessment, determines that there is reason to believe abuse, abandonment,* *neglect, financial exploitation*, or self-neglect *has occurred.* [320 ILCS 20/2(j)]

"Suspicious death" means an instance in which an APS provider agency reasonably believes that the death of an individual may be the result of abuse or neglect.

*"Verified" means a determination that there is "clear and convincing evidence" that the specific injury or harm alleged was the result of abuse, abandonment, neglect, or financial exploitation.* [320 ILCS 20/2(k)]

"Victim" means an eligible adult who is the subject of a substantiated report of abuse, abandonment,neglect, financial exploitation, or self-neglect.

"Willful deprivation" is the deliberate denial to an eligible adult of required medication, medical care, shelter, food, therapeutic devices, or other physical assistance, thereby exposing that person to the risk of physical, mental, or emotional harm. Willful deprivation shall not include the discontinuation of medical care or treatment when the eligible adult has expressed a desire to forego such medical care or treatment.

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