



Rep. Sara Wojcicki Jimenez

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10000HB4309ham001

LRB100 15441 HEP 37136 a

1 AMENDMENT TO HOUSE BILL 4309

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4309 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title; references to Act.

5 (a) Short title. This Act may be cited as the Frail Elderly  
6 Individual Family Visitation Protection Act.

7 (b) References to Act. This Act may be referred to as the  
8 Kasem/Baksys Visitation Law.

9 Section 5. Definitions. As used in this Act:

10 "Family caregiver" means an adult family member who is a  
11 provider of in-home care to a frail elderly individual.

12 "Family member" means the spouse, adult child, adult  
13 grandchild, or other close relative of the frail elderly  
14 individual.

15 "Frail elderly individual" means an adult over 60 years of  
16 age who is determined by a court to be functionally impaired

1 because the person: (i) is unable to perform at least 2  
2 activities of daily living without substantial human  
3 assistance, including verbal reminding, physical cueing, or  
4 supervision; or (ii) due to a cognitive or other mental  
5 impairment, requires substantial supervision because the  
6 person behaves in a manner that poses a serious health or  
7 safety hazard to the person or to another person.

8 Section 10. Visitation with frail elderly individuals.

9 (a) If a family caregiver unreasonably prevents a family  
10 member from visiting the frail elderly individual, the court,  
11 upon a verified petition by the family member, may order the  
12 family caregiver to permit such visitation as the court deems  
13 reasonable and appropriate under the circumstances.

14 (b) In making its determination, the court shall consider:

15 (1) the nature and extent of the frail elderly  
16 individual's functional impairment;

17 (2) the frail elderly individual's previously  
18 expressed preferences in regard to visitation with the  
19 family member petitioning for visitation;

20 (3) the history of visitation between the frail elderly  
21 individual and the family member petitioning for  
22 visitation;

23 (4) the opinions of any family members and the family  
24 caregiver with respect to visitation between the  
25 petitioner and the frail elderly individual; and

1           (5) any other area of inquiry deemed appropriate by the  
2           court under the circumstances.

3           (c) The court shall not allow visitation if the court finds  
4           that: (i) the frail elderly individual, while having capacity  
5           to evaluate and communicate decisions regarding visitation,  
6           expresses a desire to not have visitation with the family  
7           member; or (ii) visitation between the family member and the  
8           frail elderly individual is not in the best interests of the  
9           frail elderly individual.

10          (d) The court may appoint a guardian ad litem for the frail  
11          elderly individual if it determines such appointment to be in  
12          the frail elderly individual's best interests.

13          Section 15. Notice of hospitalization, change or  
14          residence, or death of frail elderly individual. If the court  
15          grants the petition of a family member for visitation in  
16          accordance with Section 10, the court may also order the family  
17          caregiver to use reasonable efforts to notify the family member  
18          of the frail elderly individual's hospitalization, admission  
19          to a healthcare facility, change in permanent residence, or  
20          death.

21          Section 20. Applicability. This Act does not apply if: (i)  
22          the frail elderly individual is a person under guardianship  
23          pursuant to Article XIa of the Probate Act of 1975; or (ii) the  
24          family caregiver is acting as agent under a power of attorney

1 or acting at the direction of an agent under a power of  
2 attorney pursuant to the Illinois Power of Attorney Act.".