

1 AN ACT concerning elder abuse.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Elder Abuse and Neglect Act is amended by
5 changing Sections 3.5, 4, and 7 as follows:

6 (320 ILCS 20/3.5)

7 Sec. 3.5. Other Responsibilities. The Department shall
8 also be responsible for the following activities, contingent
9 upon adequate funding:

10 (a) promotion of a wide range of endeavors for the
11 purpose of preventing elder abuse, neglect, and financial
12 exploitation in both domestic and institutional settings,
13 including, but not limited to, promotion of public and
14 professional education to increase awareness of elder abuse,
15 neglect, and financial exploitation, to increase reports, and
16 to improve response by various legal, financial, social, and
17 health systems;

18 (b) coordination of efforts with other agencies,
19 councils, and like entities, to include but not be limited
20 to, the Office of the Attorney General, the State Police, the
21 Illinois Law Enforcement Training Standards Board, the State
22 Triad, the Criminal Justice Information Authority, the
23 Departments of Public Health, Public Aid, and Human Services,
24 the Family Violence Coordinating Council, the Violence
25 Prevention Authority, and other entities which may impact
26 awareness of, and response to, elder abuse, neglect, and
27 financial exploitation;

28 (c) collection and analysis of data;

29 (d) monitoring of the performance of regional
30 administrative agencies and elder abuse provider agencies;
31 and

1 (e) promotion of prevention activities;-

2 (f) establishment and coordination of an aggressive
3 training program about the unique nature of elder abuse cases
4 with other agencies, councils, and like entities, including
5 but not limited to the Office of the Attorney General, the
6 State Police, the Illinois Law Enforcement Training Standards
7 Board, the State Triad, the Criminal Justice Information
8 Authority, the Departments of Public Health, Public Aid, and
9 Human Services, the Family Violence Coordinating Council, the
10 Illinois Violence Prevention Authority, and other entities
11 that may impact awareness of, and response to, elder abuse,
12 neglect, and financial exploitation;

13 (g) coordination of efforts with banks and other
14 financial institutions to educate elders about investing and
15 to warn them about financial exploitation and telemarketing
16 frauds, including: (i) an ombudsman program and (ii) efforts
17 by banks and other financial institutions, in conjunction
18 with the Department on Aging, to send with customers'
19 statements flyers containing this information; and

20 (h) coordination of efforts with utility companies to
21 send notices in utility bills which explain elder rights
22 regarding telemarketing home repair frauds.

23 (Source: P.A. 92-16, eff. 6-28-01.)

24 (320 ILCS 20/4) (from Ch. 23, par. 6604)

25 Sec. 4. Reports of abuse or neglect.

26 (a) Any person who suspects the abuse, neglect, or
27 financial exploitation of an eligible adult may report this
28 suspicion to an agency designated to receive such reports
29 under this Act or to the Department.

30 (a-5) If any mandated reporter has reason to believe
31 that an eligible adult, who because of dysfunction is unable
32 to seek assistance for himself or herself, has, within the
33 previous 12 months, been subjected to abuse, neglect, or

1 financial exploitation, the mandated reporter shall, within
2 24 hours after developing such belief, report this suspicion
3 to an agency designated to receive such reports under this
4 Act or to the Department. Whenever a mandated reporter is
5 required to report under this Act in his or her capacity as a
6 member of the staff of a medical or other public or private
7 institution, facility, board and care home, or agency, he or
8 she shall make a report to an agency designated to receive
9 such reports under this Act or to the Department in
10 accordance with the provisions of this Act and may also
11 notify the person in charge of the institution, facility,
12 board and care home, or agency or his or her designated agent
13 that the report has been made. Under no circumstances shall
14 any person in charge of such institution, facility, board and
15 care home, or agency, or his or her designated agent to whom
16 the notification has been made, exercise any control,
17 restraint, modification, or other change in the report or the
18 forwarding of the report to an agency designated to receive
19 such reports under this Act or to the Department. The
20 privileged quality of communication between any professional
21 person required to report and his or her patient or client
22 shall not apply to situations involving abused, neglected, or
23 financially exploited eligible adults and shall not
24 constitute grounds for failure to report as required by this
25 Act.

26 (a-7) A person making a report under this Act in the
27 belief that it is in the alleged victim's best interest shall
28 be immune from criminal or civil liability or professional
29 disciplinary action on account of making the report,
30 notwithstanding any requirements concerning the
31 confidentiality of information with respect to such eligible
32 adult which might otherwise be applicable.

33 (a-9) Law enforcement officers shall continue to report
34 incidents of alleged abuse pursuant to the Illinois Domestic

1 Violence Act of 1986, notwithstanding any requirements under
2 this Act.

3 (b) Any person, institution or agency participating in
4 the making of a report, providing information or records
5 related to a report, assessment, or services, or
6 participating in the investigation of a report under this Act
7 in good faith, or taking photographs or x-rays as a result of
8 an authorized assessment, shall have immunity from any civil,
9 criminal or other liability in any civil, criminal or other
10 proceeding brought in consequence of making such report or
11 assessment or on account of submitting or otherwise
12 disclosing such photographs or x-rays to any agency
13 designated to receive reports of alleged or suspected abuse
14 or neglect. Any person, institution or agency authorized by
15 the Department to provide assessment, intervention, or
16 administrative services under this Act shall, in the good
17 faith performance of those services, have immunity from any
18 civil, criminal or other liability in any civil, criminal, or
19 other proceeding brought as a consequence of the performance
20 of those services. For the purposes of any civil, criminal,
21 or other proceeding, the good faith of any person required to
22 report, permitted to report, or participating in an
23 investigation of a report of alleged or suspected abuse,
24 neglect, or financial exploitation shall be presumed.

25 (c) The identity of a person making a report of alleged
26 or suspected abuse or neglect under this Act may be disclosed
27 by the Department or other agency provided for in this Act
28 only with such person's written consent or by court order.

29 (d) The Department shall by rule establish a system for
30 filing and compiling reports made under this Act.

31 (e) Any professional person who is a mandated reporter
32 who willfully fails to report suspected financial
33 exploitation, abuse, or neglect of an elderly person as
34 required by this Act, as determined by the Department, shall

1 be referred by the Department to the appropriate licensing or
2 disciplinary board for disciplinary action. Any mandated
3 reporter required by this Act to report suspected financial
4 exploitation, abuse, or neglect of an elderly person who
5 willfully fails to report shall be guilty of a Class A
6 misdemeanor.

7 (Source: P.A. 90-628, eff. 1-1-99.)

8 (320 ILCS 20/7) (from Ch. 23, par. 6607)

9 Sec. 7. Review. All services provided to an eligible
10 adult shall be reviewed by the provider agency on at least a
11 quarterly basis for up to 2 years one-year to determine
12 whether the service care plan should be continued or
13 modified.

14 (Source: P.A. 90-628, eff. 1-1-99.)