



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB1511

Introduced 02/10/05, by Rep. Art Tenhouse - Jack McGuire

SYNOPSIS AS INTRODUCED:

20 ILCS 2435/45

from Ch. 23, par. 3395-45

Amends the Abuse of Adults with Disabilities Intervention Act. Provides that if the guardian of the person of an adult with disabilities is alleged to be the perpetrator of abuse, neglect, or exploitation, the Adults with Disabilities Abuse Project may (now, shall) seek the appointment of a temporary substitute guardian pursuant to the Illinois Domestic Violence Act of 1986 under the Probate Act of 1975. Effective immediately.

LRB094 04018 MKM 34034 b

1 AN ACT concerning human services.

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

4 Section 5. The Abuse of Adults with Disabilities
5 Intervention Act is amended by changing Section 45 as follows:

6 (20 ILCS 2435/45) (from Ch. 23, par. 3395-45)

7 Sec. 45. Consent.

8 (a) If the Adults with Disabilities Abuse Project has
9 received a report of alleged or suspected abuse, neglect, or
10 exploitation with regard to an adult with disabilities who
11 lacks the capacity to consent to an assessment or to services,
12 the Adults with Disabilities Abuse Project may seek, directly
13 or through another agency, the appointment of a temporary or
14 permanent guardian for assessment, provision of services, or
15 any other decision-making authority as is appropriate for the
16 individual as provided in Article XIa of the Probate Act of
17 1975 or other relief as provided under the Illinois Domestic
18 Violence Act of 1986.

19 (a-5) If the adult with disabilities consents to the
20 assessment, such assessment shall be conducted. If the adult
21 with disabilities consents to the services included in the
22 service plan, such services shall be provided. If the adult
23 with disabilities refuses or withdraws his or her consent to
24 the completion of the assessment, the assessment shall be
25 terminated. If the adult with disabilities refuses or withdraws
26 his or her consent to the provision of services, the services
27 shall not be provided.

28 (b) A guardian of the person of an adult with disabilities
29 who is abused, neglected, or exploited by another individual in
30 a domestic living situation may consent to an assessment or to
31 services being provided pursuant to the service plan. If the
32 guardian is alleged to be the perpetrator of the abuse,

1 neglect, or exploitation, the Adults with Disabilities Abuse
2 Project may ~~shall~~ seek the appointment of a temporary
3 substitute guardian pursuant to Section 213.3 of the Illinois
4 Domestic Violence Act of 1986 under the provisions of Article
5 XIa of the Probate Act of 1975. If a guardian withdraws his
6 consent or refuses to allow an assessment or services to be
7 provided to the adult with disabilities, the Adults with
8 Disabilities Abuse Project may seek directly or through another
9 agency a court order seeking appropriate remedies, and may in
10 addition request removal of the guardian and appointment of a
11 successor guardian pursuant to Article XIa of the Probate Act
12 of 1975.

13 (c) For the purposes of this Section only, "lacks the
14 capacity to consent" shall mean that the adult with
15 disabilities reasonably appears to be unable by reason of
16 physical or mental condition to receive and evaluate
17 information related to the assessment or services, or to
18 communicate decisions related to the assessment or services.

19 (Source: P.A. 90-655, eff. 7-30-98; 91-671, eff. 7-1-00.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.