



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4676

Introduced 1/12/2006, by Rep. Julie Hamos

SYNOPSIS AS INTRODUCED:

320 ILCS 20/2	from Ch. 23, par. 6602
320 ILCS 20/3	from Ch. 23, par. 6603
320 ILCS 20/3.5	
320 ILCS 20/4	from Ch. 23, par. 6604
320 ILCS 20/4.2	
320 ILCS 20/5	from Ch. 23, par. 6605
320 ILCS 20/8	from Ch. 23, par. 6608
320 ILCS 20/9	from Ch. 23, par. 6609
320 ILCS 20/13	

Amends the Elder Abuse and Neglect Act. Provides that a "domestic living situation" includes an assisted living or shared housing establishment or a supportive living facility. Provides that an "eligible adult" includes one who neglects himself or herself, and adds a definition of "self-neglect". Provides for immunity from criminal or civil liability and from professional disciplinary action for a mandated reporter who does not make a report of self-neglect as required under the Act. Provides that face-to-face assessments, casework, and follow-up of reports of self-neglect by the provider agencies designated to receive reports of self-neglect shall be subject to sufficient appropriation for statewide implementation. Provides that the Department on Aging shall collaborate with representatives of regional administrative agencies and others to develop a protocol that outlines the procedure for referral of cases involving elder abuse, neglect, financial exploitation, and self-neglect and other matters, and makes other changes in connection with investigations of reports under the Act. Provides for access to records by staff of the Chicago Department on Aging while that agency is designated as a regional administrative agency.

LRB094 12640 DRJ 54015 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT in relation to aging.

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 2, 3, 3.5, 4, 4.2, 5, 8, 9, and 13 as
6 follows:

7 (320 ILCS 20/2) (from Ch. 23, par. 6602)

8 Sec. 2. Definitions. As used in this Act, unless the
9 context requires otherwise:

10 (a) "Abuse" means causing any physical, mental or sexual
11 injury to an eligible adult, including exploitation of such
12 adult's financial resources.

13 Nothing in this Act shall be construed to mean that an
14 eligible adult is a victim of abuse or neglect for the sole
15 reason that he or she is being furnished with or relies upon
16 treatment by spiritual means through prayer alone, in
17 accordance with the tenets and practices of a recognized church
18 or religious denomination.

19 Nothing in this Act shall be construed to mean that an
20 eligible adult is a victim of abuse because of health care
21 services provided or not provided by licensed health care
22 professionals.

23 (a-5) "Abuser" means a person who abuses, neglects, or
24 financially exploits an eligible adult.

25 (a-7) "Caregiver" means a person who either as a result of
26 a family relationship, voluntarily, or in exchange for
27 compensation has assumed responsibility for all or a portion of
28 the care of an eligible adult who needs assistance with
29 activities of daily living.

30 (b) "Department" means the Department on Aging of the State
31 of Illinois.

32 (c) "Director" means the Director of the Department.

1 (d) "Domestic living situation" means a residence where the
2 eligible adult lives alone or with his or her family or a
3 caregiver, or others, or a board and care home or other
4 community-based unlicensed facility, but is not:

5 (1) A licensed facility as defined in Section 1-113 of
6 the Nursing Home Care Act;

7 (2) A "life care facility" as defined in the Life Care
8 Facilities Act;

9 (3) A home, institution, or other place operated by the
10 federal government or agency thereof or by the State of
11 Illinois;

12 (4) A hospital, sanitarium, or other institution, the
13 principal activity or business of which is the diagnosis,
14 care, and treatment of human illness through the
15 maintenance and operation of organized facilities
16 therefor, which is required to be licensed under the
17 Hospital Licensing Act;

18 (5) A "community living facility" as defined in the
19 Community Living Facilities Licensing Act;

20 (6) A "community residential alternative" as defined
21 in the Community Residential Alternatives Licensing Act;

22 ~~and~~

23 (7) A "community-integrated living arrangement" as
24 defined in the Community-Integrated Living Arrangements
25 Licensure and Certification Act; ~~and~~

26 (8) An assisted living or shared housing establishment
27 as defined in the Assisted Living and Shared Housing Act;

28 or

29 (9) A supportive living facility as described in
30 Section 5-5.01a of the Illinois Public Aid Code.

31 (e) "Eligible adult" means a person 60 years of age or
32 older who resides in a domestic living situation and is, or is
33 alleged to be, abused, neglected, or financially exploited by
34 another individual or who neglects himself or herself.

35 (f) "Emergency" means a situation in which an eligible
36 adult is living in conditions presenting a risk of death or

1 physical, mental or sexual injury and the provider agency has
2 reason to believe the eligible adult is unable to consent to
3 services which would alleviate that risk.

4 (f-5) "Mandated reporter" means any of the following
5 persons while engaged in carrying out their professional
6 duties:

7 (1) a professional or professional's delegate while
8 engaged in: (i) social services, (ii) law enforcement,
9 (iii) education, (iv) the care of an eligible adult or
10 eligible adults, or (v) any of the occupations required to
11 be licensed under the Clinical Psychologist Licensing Act,
12 the Clinical Social Work and Social Work Practice Act, the
13 Illinois Dental Practice Act, the Dietetic and Nutrition
14 Services Practice Act, the Marriage and Family Therapy
15 Licensing Act, the Medical Practice Act of 1987, the
16 Naprapathic Practice Act, the Nursing and Advanced
17 Practice Nursing Act, the Nursing Home Administrators
18 Licensing and Disciplinary Act, the Illinois Occupational
19 Therapy Practice Act, the Illinois Optometric Practice Act
20 of 1987, the Pharmacy Practice Act of 1987, the Illinois
21 Physical Therapy Act, the Physician Assistant Practice Act
22 of 1987, the Podiatric Medical Practice Act of 1987, the
23 Respiratory Care Practice Act, the Professional Counselor
24 and Clinical Professional Counselor Licensing Act, the
25 Illinois Speech-Language Pathology and Audiology Practice
26 Act, the Veterinary Medicine and Surgery Practice Act of
27 2004, and the Illinois Public Accounting Act;

28 (2) an employee of a vocational rehabilitation
29 facility prescribed or supervised by the Department of
30 Human Services;

31 (3) an administrator, employee, or person providing
32 services in or through an unlicensed community based
33 facility;

34 (4) any religious practitioner who provides treatment
35 by prayer or spiritual means alone in accordance with the
36 tenets and practices of a recognized church or religious

1 denomination, except as to information received in any
2 confession or sacred communication enjoined by the
3 discipline of the religious denomination to be held
4 confidential ~~a Christian Science Practitioner;~~

5 (5) field personnel of the Department of Public Aid,
6 Department of Public Health, and Department of Human
7 Services, and any county or municipal health department;

8 (6) personnel of the Department of Human Services, the
9 Guardianship and Advocacy Commission, the State Fire
10 Marshal, local fire departments, the Department on Aging
11 and its subsidiary Area Agencies on Aging and provider
12 agencies, and the Office of State Long Term Care Ombudsman;

13 (7) any employee of the State of Illinois not otherwise
14 specified herein who is involved in providing services to
15 eligible adults, including professionals providing medical
16 or rehabilitation services and all other persons having
17 direct contact with eligible adults;

18 (8) a person who performs the duties of a coroner or
19 medical examiner; or

20 (9) a person who performs the duties of a paramedic or
21 an emergency medical technician.

22 (g) "Neglect" means another individual's failure to
23 provide an eligible adult with or willful withholding from an
24 eligible adult the necessities of life including, but not
25 limited to, food, clothing, shelter or medical care. This
26 subsection does not create any new affirmative duty to provide
27 support to eligible adults. Nothing in this Act shall be
28 construed to mean that an eligible adult is a victim of neglect
29 because of health care services provided or not provided by
30 licensed health care professionals.

31 (h) "Provider agency" means any public or nonprofit agency
32 in a planning and service area appointed by the regional
33 administrative agency with prior approval by the Department on
34 Aging to receive and assess reports of alleged or suspected
35 abuse, neglect, or financial exploitation.

36 (i) "Regional administrative agency" means any public or

1 nonprofit agency in a planning and service area so designated
2 by the Department, provided that the designated Area Agency on
3 Aging shall be designated the regional administrative agency if
4 it so requests. The Department shall assume the functions of
5 the regional administrative agency for any planning and service
6 area where another agency is not so designated.

7 (i-5) "Self-neglect" means a condition that is the result
8 of an eligible adult's inability, due to physical or mental
9 impairments, or both, or a diminished capacity, to perform
10 essential self-care tasks that substantially threaten his or
11 her own health, including: providing essential food, clothing,
12 shelter, and medical care; and obtaining goods and services
13 necessary to maintain physical health, mental health,
14 emotional well-being, and general safety.

15 (j) "Substantiated case" means a reported case of alleged
16 or suspected abuse, neglect, ~~or~~ financial exploitation, or
17 self-neglect in which a provider agency, after assessment,
18 determines that there is reason to believe abuse, neglect, or
19 financial exploitation has occurred.

20 (Source: P.A. 92-16, eff. 6-28-01; 93-281 eff. 12-31-03;
21 93-300, eff. 1-1-04; revised 9-22-03.)

22 (320 ILCS 20/3) (from Ch. 23, par. 6603)

23 Sec. 3. Responsibilities.

24 (a) The Department shall establish, design and manage a
25 program of response and services for persons 60 years of age
26 and older who have been, or are alleged to be, victims of
27 abuse, neglect, ~~or~~ financial exploitation, or self-neglect.

28 The Department shall contract with or fund or, contract with
29 and fund, regional administrative agencies, provider agencies,
30 or both, for the provision of those functions, and, contingent
31 on adequate funding, with attorneys or legal services provider
32 agencies for the provision of legal assistance pursuant to this
33 Act.

34 (b) Each regional administrative agency shall designate
35 provider agencies within its planning and service area with

1 prior approval by the Department on Aging, monitor the use of
2 services, provide technical assistance to the provider
3 agencies and be involved in program development activities.

4 (c) Provider agencies shall assist, to the extent possible,
5 eligible adults who need agency services to allow them to
6 continue to function independently. Such assistance shall
7 include but not be limited to receiving reports of alleged or
8 suspected abuse, neglect, ~~or~~ financial exploitation, or
9 self-neglect, conducting face-to-face assessments of such
10 reported cases, determination of substantiated cases, referral
11 of substantiated cases for necessary support services,
12 referral of criminal conduct to law enforcement in accordance
13 with Department guidelines, and provision of case work and
14 follow-up services on substantiated cases.

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

16 (320 ILCS 20/3.5)

17 Sec. 3.5. Other Responsibilities. The Department shall
18 also be responsible for the following activities, contingent
19 upon adequate funding:

20 (a) promotion of a wide range of endeavors for the purpose
21 of preventing elder abuse, neglect, ~~and~~ financial
22 exploitation, and self-neglect in both domestic and
23 institutional settings, including, but not limited to,
24 promotion of public and professional education to increase
25 awareness of elder abuse, neglect, ~~and~~ financial exploitation,
26 and self-neglect, to increase reports, and to improve response
27 by various legal, financial, social, and health systems;

28 (b) coordination of efforts with other agencies, councils,
29 and like entities, to include but not be limited to, the Office
30 of the Attorney General, the State Police, the Illinois Law
31 Enforcement Training Standards Board, the State Triad, the
32 Illinois Criminal Justice Information Authority, the
33 Departments of Public Health, Public Aid, and Human Services,
34 the Family Violence Coordinating Council, the Illinois
35 Violence Prevention Authority, and other entities which may

1 impact awareness of, and response to, elder abuse, neglect, ~~and~~
2 financial exploitation, and self-neglect;

3 (c) collection and analysis of data;

4 (d) monitoring of the performance of regional
5 administrative agencies and elder abuse provider agencies;

6 (e) promotion of prevention activities;

7 (f) establishing and coordinating ~~establishment and~~
8 ~~coordination of a~~ an aggressive training program on ~~about~~ the
9 unique nature of elder abuse cases with other agencies,
10 councils, and like entities, to include ~~including~~ but not be
11 limited to the Office of the Attorney General, the State
12 Police, the Illinois Law Enforcement Training Standards Board,
13 the State Triad, the Illinois Criminal Justice Information
14 Authority, the State Departments of Public Health, Public Aid,
15 and Human Services, the Family Violence Coordinating Council,
16 the Illinois Violence Prevention Authority, and other entities
17 that may impact awareness of, and response to, elder abuse,
18 neglect, ~~and~~ financial exploitation, and self-neglect;

19 (g) solicitation of financial institutions for the purpose
20 of making information available to the general public warning
21 of financial exploitation of the elderly and related financial
22 fraud or abuse, including such information and warnings
23 available through signage or other written materials provided
24 by the Department on the premises of such financial
25 institutions, provided that the manner of displaying or
26 distributing such information is subject to the sole discretion
27 of each financial institution; and

28 (h) coordinating ~~coordination of~~ efforts with utility and
29 electric companies to send notices in utility bills to ~~which~~
30 explain to persons 60 years of age or older their ~~elder~~ rights
31 regarding telemarketing and home repair fraud ~~frauds~~.

32 (Source: P.A. 92-16, eff. 6-28-01; 93-300, eff. 1-1-04; 93-301,
33 eff. 1-1-04; revised 1-23-04.)

34 (320 ILCS 20/4) (from Ch. 23, par. 6604)

35 Sec. 4. Reports of abuse or neglect.

1 (a) Any person who suspects the abuse, neglect, ~~or~~
2 financial exploitation, or self-neglect of an eligible adult
3 may report this suspicion to an agency designated to receive
4 such reports under this Act or to the Department.

5 (a-5) If any mandated reporter has reason to believe that
6 an eligible adult, who because of dysfunction is unable to seek
7 assistance for himself or herself, has, within the previous 12
8 months, been subjected to abuse, neglect, ~~or~~ financial
9 exploitation, or self-neglect, the mandated reporter shall,
10 within 24 hours after developing such belief, report this
11 suspicion to an agency designated to receive such reports under
12 this Act or to the Department. Whenever a mandated reporter is
13 required to report under this Act in his or her capacity as a
14 member of the staff of a medical or other public or private
15 institution, facility, board and care home, or agency, he or
16 she shall make a report to an agency designated to receive such
17 reports under this Act or to the Department in accordance with
18 the provisions of this Act and may also notify the person in
19 charge of the institution, facility, board and care home, or
20 agency or his or her designated agent that the report has been
21 made. Under no circumstances shall any person in charge of such
22 institution, facility, board and care home, or agency, or his
23 or her designated agent to whom the notification has been made,
24 exercise any control, restraint, modification, or other change
25 in the report or the forwarding of the report to an agency
26 designated to receive such reports under this Act or to the
27 Department. The privileged quality of communication between
28 any professional person required to report and his or her
29 patient or client shall not apply to situations involving
30 abused, neglected, ~~or~~ financially exploited, or
31 self-neglected, eligible adults and shall not constitute
32 grounds for failure to report as required by this Act.

33 (a-7) A person making a report under this Act in the belief
34 that it is in the alleged victim's best interest, or a mandated
35 reporter who does not make a report of self-neglect as required
36 under this Act, shall be immune from criminal or civil

1 liability or professional disciplinary action on account of
2 making or not making the report, notwithstanding any
3 requirements concerning the confidentiality of information
4 with respect to such eligible adult which might otherwise be
5 applicable.

6 (a-9) Law enforcement officers shall continue to report
7 incidents of alleged abuse pursuant to the Illinois Domestic
8 Violence Act of 1986, notwithstanding any requirements under
9 this Act.

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

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

36 (d) The Department shall by rule establish a system for

1 filing and compiling reports made under this Act.

2 (e) Any physician who willfully fails to report as required
3 by this Act, except when pursuant to subsection (a-7) of this
4 Section, shall be referred to the Illinois State Medical
5 Disciplinary Board for action in accordance with subdivision
6 (A) (22) of Section 22 of the Medical Practice Act of 1987. Any
7 dentist or dental hygienist who willfully fails to report as
8 required by this Act shall be referred to the Department of
9 Professional Regulation for action in accordance with
10 paragraph 19 of Section 23 of the Illinois Dental Practice Act.
11 Any other mandated reporter required by this Act to report
12 suspected abuse, neglect, or financial exploitation who
13 willfully fails to report the same is guilty of a Class A
14 misdemeanor.

15 (Source: P.A. 93-300, eff. 1-1-04; 93-301, eff. 1-1-04.)

16 (320 ILCS 20/4.2)

17 Sec. 4.2. Testimony by mandated reporter and investigator.
18 Any mandated reporter who makes a report or any person who
19 investigates a report under this Act shall testify fully in any
20 judicial proceeding resulting from such report, as to any
21 evidence of abuse, neglect, ~~or~~ financial exploitation, or
22 self-neglect or the cause thereof. Any mandated reporter who is
23 required to report a suspected case of abuse, neglect, ~~or~~
24 financial exploitation, or self-neglect under Section 4 of this
25 Act shall testify fully in any administrative hearing resulting
26 from such report, as to any evidence of abuse, neglect, ~~or~~
27 financial exploitation, or self-neglect or the cause thereof.
28 No evidence shall be excluded by reason of any common law or
29 statutory privilege relating to communications between the
30 alleged abuser or the eligible adult subject of the report
31 under this Act and the person making or investigating the
32 report.

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

34 (320 ILCS 20/5) (from Ch. 23, par. 6605)

1 Sec. 5. Procedure.

2 (a) A provider agency designated to receive reports of
3 alleged or suspected abuse, neglect, ~~or~~ financial
4 exploitation, or self-neglect under this Act shall, upon
5 receiving such a report, conduct a face-to-face assessment with
6 respect to such report. Face-to-face assessments, casework,
7 and follow-up of reports of self-neglect by the provider
8 agencies designated to receive reports of self-neglect shall be
9 subject to sufficient appropriation for statewide
10 implementation of assessments, casework, and follow-up of
11 reports of self-neglect. In the absence of sufficient
12 appropriation for statewide implementation of assessments,
13 casework, and follow-up of reports of self-neglect, the
14 designated elder abuse provider agency shall refer all reports
15 of self-neglect to the designated case management agency for
16 any appropriate follow-up. The assessment shall include, but
17 not be limited to, a visit to the residence of the eligible
18 adult who is the subject of the report and may include
19 interviews or consultations with service agencies or
20 individuals who may have knowledge of the eligible adult's
21 circumstances. If, after the assessment, the provider agency
22 determines that the case is substantiated it shall develop a
23 service care plan for the eligible adult and may report its
24 findings to the appropriate law enforcement agency. In
25 developing the plan, the provider agency may consult with any
26 other appropriate provider of services, and such providers
27 shall be immune from civil or criminal liability on account of
28 such acts. The plan shall include alternative suggested or
29 recommended services which are appropriate to the needs of the
30 eligible adult and which involve the least restriction of the
31 eligible adult's activities commensurate with his or her needs.
32 Only those services to which consent is provided in accordance
33 with Section 9 of this Act shall be provided, contingent upon
34 the availability of such services.

35 (a-5) The Illinois Department on Aging shall collaborate
36 with representatives of regional administrative agencies,

1 provider agencies, local law enforcement agencies, State's
2 Attorneys, the Illinois Department of State Police, the
3 Illinois Attorney General, the Illinois Criminal Justice
4 Information Authority, and others, as appropriate, to develop a
5 protocol for dissemination within one year after the effective
6 date of this amendatory Act of the 94th General Assembly. The
7 protocol shall outline (i) the procedure for referral of cases
8 involving elder abuse, neglect, financial exploitation, and
9 self-neglect; (ii) the access to records and information; and
10 (iii) the procedure for development of working agreements
11 between provider agencies and law enforcement, where
12 practicable.

13 (b) A provider agency shall refer evidence of crimes
14 against an eligible adult to the appropriate law enforcement
15 agency according to Department policies. A referral to law
16 enforcement may be made at intake or any time during the case.
17 Where a provider agency has reason to believe the death of an
18 eligible adult may be the result of abuse or neglect, the
19 agency shall immediately report the matter to the coroner or
20 medical examiner and shall cooperate fully with any subsequent
21 investigation.

22 (c) If any person other than the alleged victim refuses to
23 allow the provider agency to begin an investigation, interferes
24 with the provider agency's ability to conduct an investigation,
25 or refuses to give access to an eligible adult, the appropriate
26 law enforcement agency must be consulted regarding the
27 investigation.

28 (d) A representative of a provider agency, while
29 investigating a report of alleged or suspected abuse, neglect,
30 financial exploitation, or self-neglect, may, with the
31 eligible adult's consent if he or she is able to consent, take
32 or cause to be taken photographs, videotapes, and digital or
33 electronic recordings of the eligible adult, and of his or her
34 environment, that are relevant to the investigation. All
35 photographs, videotapes, and digital or electronic recordings
36 taken during the course of the investigation are to be treated

1 as records and shall be used only as other records are allowed
2 to be used under this Act.

3 (e) If a provider agency has reason to believe that records
4 not in its possession would be of assistance in an
5 investigation of suspected abuse, neglect, financial
6 exploitation, or self-neglect under this Act, then the provider
7 agency may petition the chief judge, or another judge
8 designated by the chief judge, of the judicial circuit in which
9 the eligible adult resides for the issuance of a subpoena to
10 the holder of the records sought by the provider agency. Upon a
11 showing by the provider agency that the records are relevant to
12 the investigation and upon notice to the holder of the records
13 and notice to the eligible adult or his or her guardian, the
14 court shall direct that a subpoena shall issue to the holder of
15 the records. All records disclosed pursuant to a subpoena
16 issued under this Section shall be treated as records under
17 Section 8 of this Act.

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

19 (320 ILCS 20/8) (from Ch. 23, par. 6608)

20 Sec. 8. Access to records. All records concerning reports
21 of elder abuse, neglect, ~~and~~ financial exploitation, or
22 self-neglect and all records generated as a result of such
23 reports shall be confidential and shall not be disclosed except
24 as specifically authorized by this Act or other applicable law.
25 Access to such records, but not access to the identity of the
26 person or persons making a report of alleged abuse, neglect, ~~or~~
27 financial exploitation, or self-neglect as contained in such
28 records, shall be provided, upon request, ~~allowed~~ to the
29 following persons and for the following persons:

30 (1) Department staff, provider agency staff, other aging
31 network staff, and regional administrative agency staff,
32 including staff of the Chicago Department on Aging while that
33 agency is designated as a regional administrative agency, in
34 the furtherance of their responsibilities under this Act;

35 (2) A law enforcement agency investigating known or

1 suspected elder abuse, neglect, ~~or~~ financial exploitation, or
2 self-neglect. Where a provider agency has reason to believe
3 that the death of an eligible adult may be the result of abuse
4 or neglect, the agency shall immediately provide the
5 appropriate law enforcement agency with all records pertaining
6 to the eligible adult;

7 (3) A physician who has before him or her or who is
8 involved in the treatment of an eligible adult whom he or she
9 reasonably suspects may be abused, neglected, ~~or~~ financially
10 exploited, or self-neglected or who has been referred to the
11 Elder Abuse and Neglect Program;

12 (4) An eligible adult reported to be abused, neglected, ~~or~~
13 financially exploited, or self-neglected, or such adult's
14 guardian unless such guardian is the abuser or the alleged
15 abuser;

16 (5) A court or a guardian ad litem, upon its or his or her
17 finding that access to such records may be necessary for the
18 determination of an issue before the court. However, such
19 access shall be limited to an in camera inspection of the
20 records, unless the court determines that disclosure of the
21 information contained therein is necessary for the resolution
22 of an issue then pending before it;

23 (6) A grand jury, upon its determination that access to
24 such records is necessary in the conduct of its official
25 business;

26 (7) Any person authorized by the Director, in writing, for
27 audit or bona fide research purposes;

28 (8) A coroner or medical examiner who has reason to believe
29 that an eligible adult has died as the result of abuse,
30 neglect, ~~or~~ financial exploitation, or self-neglect. The
31 provider agency shall immediately provide the coroner or
32 medical examiner with all records pertaining to the eligible
33 adult; and

34 (9) Department of Professional Regulation staff and
35 members of the Social Work Examining and Disciplinary Board in
36 the course of investigating alleged violations of the Clinical

1 Social Work and Social Work Practice Act by provider agency
2 staff.

3 (Source: P.A. 89-387, eff. 8-20-95; 90-628, eff. 1-1-99.)

4 (320 ILCS 20/9) (from Ch. 23, par. 6609)

5 Sec. 9. Authority to consent to services.

6 (a) If an eligible adult consents to services being
7 provided according to the service care plan, such services
8 shall be arranged to meet the adult's needs, based upon the
9 availability of resources to provide such services. If an adult
10 withdraws his or her consent or refuses to accept such
11 services, the services shall not be provided.

12 (b) If it reasonably appears to the Department or other
13 agency designated under this Act that a person is an eligible
14 adult and lacks the capacity to consent to necessary services,
15 including an assessment, the Department or other agency may
16 seek the appointment of a guardian as provided in Article XIa
17 of the Probate Act of 1975 for the purpose of consenting to
18 such services.

19 (c) A guardian of the person of an eligible adult may
20 consent to services being provided according to the service
21 care plan. If a guardian withdraws his or her consent or
22 refuses to allow services to be provided to the eligible adult,
23 the Department, an agency designated under this Act, or the
24 office of the Attorney General may request a court order
25 seeking appropriate remedies, and may in addition request
26 removal of the guardian and appointment of a successor
27 guardian.

28 (d) If an emergency exists and the Department or other
29 agency designated under this Act reasonably believes that a
30 person is an eligible adult and lacks the capacity to consent
31 to necessary services, the Department or other agency may
32 request an ex parte order from the circuit court of the county
33 in which the petitioner or respondent resides or in which the
34 alleged abuse, neglect, ~~or~~ financial exploitation, or
35 self-neglect occurred, authorizing an assessment of a report of

1 alleged or suspected abuse, neglect, ~~or~~ financial
2 exploitation, or self-neglect or the provision of necessary
3 services, or both, including relief available under the
4 Illinois Domestic Violence Act of 1986. Petitions filed under
5 this subsection shall be treated as expedited proceedings.

6 (e) Within 15 days after the entry of the ex parte
7 emergency order, the order shall expire, or, if the need for
8 assessment or services continues, the provider agency shall
9 petition for the appointment of a guardian as provided in
10 Article XIa of the Probate Act of 1975 for the purpose of
11 consenting to such assessment or services or to protect the
12 eligible adult from further harm.

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

14 (320 ILCS 20/13)

15 Sec. 13. Access.

16 (a) The designated provider agencies shall have access to
17 eligible adults who have been reported or found to be victims
18 of abuse, neglect, ~~or~~ financial exploitation, or self-neglect
19 in order to assess the validity of the report, assess other
20 needs of the eligible adult, and provide services in accordance
21 with this Act.

22 (b) Where access to an eligible adult is denied, the Office
23 of the Attorney General, the Department, or the provider agency
24 may petition the court for an order to require appropriate
25 access where:

26 (1) a caregiver or third party has interfered with the
27 assessment or service plan, or

28 (2) the agency has reason to believe that the eligible
29 adult is denying access because of coercion, extortion, or
30 justifiable fear of future abuse, neglect, or financial
31 exploitation.

32 (c) The petition for an order requiring appropriate access
33 shall be afforded an expedited hearing in the circuit court.

34 (d) If the elder abuse provider agency has substantiated
35 financial exploitation against an eligible adult, and has

1 documented a reasonable belief that the eligible adult will be
2 irreparably harmed as a result of the financial exploitation,
3 the Office of the Attorney General, the Department, or the
4 provider agency may petition for an order freezing the assets
5 of the eligible adult. The petition shall be filed in the
6 county or counties in which the assets are located. The court's
7 order shall prohibit the sale, gifting, transfer, or wasting of
8 the assets of the eligible adult, both real and personal, owned
9 by, or vested in, the eligible adult, without the express
10 permission of the court. The petition to freeze the assets of
11 the eligible adult shall be afforded an expedited hearing in
12 the circuit court.

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