

SB0340



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0340

Introduced 2/7/2007, by Sen. Gary Forby

SYNOPSIS AS INTRODUCED:

320 ILCS 20/3

from Ch. 23, par. 6603

Amends the Elder Abuse and Neglect Act. Provides that in the case of a report of alleged or suspected abuse or neglect that places an eligible adult at risk of injury or death, a provider agency shall respond to the report without delay and shall ensure that it is capable of responding to such a report 24 hours per day, 7 days per week. Provides that a provider agency may use an on-call system to respond to reports of alleged or suspected abuse or neglect after hours and on weekends. Effective immediately.

LRB095 07142 DRJ 27269 b

A BILL FOR

1 AN ACT concerning 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 Section 3 as follows:

6 (320 ILCS 20/3) (from Ch. 23, par. 6603)

7 Sec. 3. Responsibilities.

8 (a) The Department shall establish, design and manage a
9 program of response and services for persons 60 years of age
10 and older who have been, or are alleged to be, victims of
11 abuse, neglect, financial exploitation, or self-neglect. The
12 Department shall contract with or fund or, contract with and
13 fund, regional administrative agencies, provider agencies, or
14 both, for the provision of those functions, and, contingent on
15 adequate funding, with attorneys or legal services provider
16 agencies for the provision of legal assistance pursuant to this
17 Act.

18 (b) Each regional administrative agency shall designate
19 provider agencies within its planning and service area with
20 prior approval by the Department on Aging, monitor the use of
21 services, provide technical assistance to the provider
22 agencies and be involved in program development activities.

23 (c) Provider agencies shall assist, to the extent possible,

1 eligible adults who need agency services to allow them to
2 continue to function independently. Such assistance shall
3 include but not be limited to receiving reports of alleged or
4 suspected abuse, neglect, financial exploitation, or
5 self-neglect, conducting face-to-face assessments of such
6 reported cases, determination of substantiated cases, referral
7 of substantiated cases for necessary support services,
8 referral of criminal conduct to law enforcement in accordance
9 with Department guidelines, and provision of case work and
10 follow-up services on substantiated cases. In the case of a
11 report of alleged or suspected abuse or neglect that places an
12 eligible adult at risk of injury or death, a provider agency
13 shall respond to the report without delay and shall ensure that
14 it is capable of responding to such a report 24 hours per day,
15 7 days per week. A provider agency may use an on-call system to
16 respond to reports of alleged or suspected abuse or neglect
17 after hours and on weekends.

18 (d) By January 1, 2008, the Department on Aging, in
19 cooperation with an Elder Self-Neglect Steering Committee,
20 shall by rule develop protocols, procedures, and policies for
21 (i) responding to reports of possible self-neglect, (ii)
22 protecting the autonomy, rights, privacy, and privileges of
23 adults during investigations of possible self-neglect and
24 consequential judicial proceedings regarding competency, (iii)
25 collecting and sharing relevant information and data among the
26 Department, provider agencies, regional administrative

1 agencies, and relevant seniors, (iv) developing working
2 agreements between provider agencies and law enforcement,
3 where practicable, and (v) developing procedures for
4 collecting data regarding incidents of self-neglect. The Elder
5 Self-Neglect Steering Committee shall be comprised of one
6 person selected by the Elder Abuse Advisory Committee of the
7 Department on Aging; 3 persons selected, on the request of the
8 Director of Aging, by State or regional organizations that
9 advocate for the rights of seniors, at least one of whom shall
10 be a legal assistance attorney who represents seniors in
11 competency proceedings; 2 persons selected, on the request of
12 the Director of Aging, by statewide organizations that
13 represent social workers and other persons who provide direct
14 intervention and care to housebound seniors who are likely to
15 neglect themselves; an expert on geropsychiatry, appointed by
16 the Secretary of Human Services; an expert on issues of
17 physical health associated with seniors, appointed by the
18 Director of Public Health; one representative of a law
19 enforcement agency; one representative of the Chicago
20 Department on Aging; and 3 other persons selected by the
21 Director of Aging, including an expert from an institution of
22 higher education who is familiar with the relevant areas of
23 data collection and study.

24 (Source: P.A. 94-1064, eff. 1-1-07.)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.