

1 AN ACT in relation to the elderly.

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

4 Section 5. The Code of Civil Procedure is amended by
5 changing Section 8-2701 as follows:

6 (735 ILCS 5/8-2701)

7 Sec. 8-2701. Admissibility of evidence; out of court
8 statements; elder abuse.

9 (a) An out of court statement made by an eligible adult,
10 as defined in the Elder Abuse and Neglect Act, who has been
11 diagnosed by a physician to suffer from (i) any form of
12 dementia, developmental disability, or other form of mental
13 incapacity or (ii) any physical infirmity that which prevents
14 the eligible adult's appearance in court, describing any act
15 of elder abuse, neglect, or financial exploitation, or
16 testimony by an eligible adult of an out of court statement
17 made by the eligible adult that he or she complained of such
18 acts to another, is admissible in any civil proceeding, if:

19 (1) the court conducts a hearing outside the
20 presence of the jury and finds that the time, content,
21 and circumstances of the statement provide sufficient
22 safeguards of reliability; and

23 (2) the eligible adult either:

24 (A) testifies at the proceeding; or

25 (B) is unavailable as a witness and there is
26 corroborative evidence of the act which is the
27 subject of the statement.

28 (b) If a statement is admitted pursuant to this Section,
29 the court shall instruct the jury that it is for the jury to
30 determine the weight and credibility to be given to the
31 statement and that, in making its determination, it shall

1 consider the condition of the eligible adult, the nature of
2 the statement, the circumstances under which the statement
3 was made, and any other relevant factors.

4 (c) The proponent of the statement shall give the
5 adverse party reasonable notice of an intention to offer the
6 statement and the particulars of the statement.

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