

1 AN ACT concerning State government.

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

4 Section 1. Findings. The General Assembly finds that:

5 (1) Illinois law recognizes that individuals with  
6 disabilities should have self-determination and retain the  
7 right to make decisions about their own lives and care to the  
8 maximum extent possible.

9 (2) Illinois has established, as a bedrock principle of  
10 public policy, that support and protection of persons with  
11 disabilities should be unbiased and free from conflicts of  
12 interest.

13 (3) Fifty years ago, the Governor's Commission for  
14 Revision of the Mental Health Code of Illinois released its  
15 report recommending revisions to the civil and criminal laws  
16 that advance the rights and interests of persons with  
17 disabilities. The report reflected the work of 36 Commission  
18 members, 47 advisory members, consultants, and staff, engaged  
19 in a process that presented a democratic forum that welded  
20 together the input of many dedicated people into a cohesive  
21 whole.

22 (4) In 1979, the General Assembly used the recommendations  
23 to address the far-reaching and comprehensive need for  
24 statutory reform that would reflect the historical and

1 continued progress in the capacity of our people to rise above  
2 prejudice, superstition, and irrational fears, enabling  
3 persons with disabilities to participate more fully in the  
4 total life of our society.

5 (5) Part of the reform was the establishment of the  
6 Guardianship and Advocacy Commission, which since then has  
7 served as a national leader in protecting the rights and  
8 advancing the rights and interests of persons with  
9 disabilities.

10 (6) Today, the Guardianship and Advocacy Commission  
11 provides critical services to some of the most vulnerable  
12 residents of this State in accordance with statutory mandates  
13 that are unmatched by any other single agency in the United  
14 States, including:

15 (A) serving as court-appointed guardian for nearly  
16 5,000 adults with disabilities when no other suitable  
17 person is available;

18 (B) providing constitutionally mandated, direct legal  
19 representation in more than 7,000 involuntary mental  
20 health and developmental disability proceedings annually;  
21 and

22 (C) investigating allegations of disability rights  
23 violations by public and private disability service  
24 providers.

25 (7) Continued demographic pressures, including the aging  
26 population of this State and the deepening understanding that

1 persons with disabilities are entitled to full human rights  
2 and equal participation in society, require modernization of  
3 the Guardianship and Advocacy Commission to respond to the  
4 increasing need for its services and the evolving recognition  
5 and affirmation of the inherent dignity, right, and societal  
6 value of persons with disabilities.

7 Section 3. Purpose. It is the purpose of this Act to  
8 support the modernization of the Guardianship and Advocacy  
9 Commission by establishing the Department of Disability  
10 Advocacy and Guardianship as the successor agency to the  
11 Guardianship and Advocacy Commission. The Department of  
12 Disability Advocacy and Guardianship will maintain and  
13 strengthen this State's commitment to protecting and advancing  
14 the rights of persons with disabilities by retaining the core  
15 statutory duties, authorities, and functions assigned to the  
16 Guardianship and Advocacy Commission while adopting a  
17 governance structure that balances direct accountability with  
18 the independence necessary for effective advocacy.

19 Section 5. The State Budget Law of the Civil  
20 Administrative Code of Illinois is amended by changing Section  
21 50-28 as follows:

22 (15 ILCS 20/50-28)

23 Sec. 50-28. Youth Budget Commission.

1 (a) As used in this Section:

2 "Adolescent" or "youth" means a person between the ages of  
3 8 and 25 years.

4 "Commission" means the Youth Budget Commission established  
5 under this Section.

6 "Service models" include the following tiers of service  
7 delivered to adolescents and their families:

8 (1) Prevention: support for at-risk youth (deterrence,  
9 prevention of harm, extra supports).

10 (2) Treatment/intervention: respond to significant  
11 challenges in need of direct intervention to change,  
12 resolve or reverse behaviors, conditions, or both.

13 (3) Corrective/rehabilitation: correct or  
14 rehabilitate acute behaviors or conditions that pose a  
15 physical or psychological danger or threat to adolescents.

16 (4) Positive Youth Development: build individual  
17 assets and increase competencies.

18 "Youth developmental goals" are defined as the outcomes of  
19 stable, safe, healthy, educated, employable, and connected,  
20 which align with the following Budgeting for Results goals:

21 (1) Stable: meeting the needs of the most vulnerable;  
22 increasing individual and family stability and  
23 self-sufficiency.

24 (2) Safe: creating safer communities.

25 (3) Healthy: improving the overall health of  
26 Illinoisans.

1           (4) Educated: improving school readiness and student  
2 success for all.

3           (5) Employable: increasing employment and attracting,  
4 retaining and growing businesses.

5           (6) Connected: strengthening cultural and  
6 environmental vitality.

7           (b) Subject to appropriation, the Governor shall establish  
8 the Youth Budget Commission with the goal of producing an  
9 annual fiscal scan. The fiscal scan, under the direction of  
10 the Commission, shall be used to advise the Governor and  
11 General Assembly, as well as State agencies, on ways to  
12 improve and expand existing policies, services, programs, and  
13 opportunities for adolescents. The Governor's Office of  
14 Management and Budget shall post a link to the fiscal scan on  
15 its website. For fiscal year 2019 and each fiscal year  
16 thereafter, the Commission established under this Section,  
17 shall complete an analysis of enacted State budget items which  
18 directly impact adolescents. This analysis will categorize  
19 budget items by the 6 identified youth developmental goals and  
20 4 service models. The analysis will include State agency  
21 expenditures associated with these categories. General State  
22 Aid and federal funds such as Medicaid will be excluded from  
23 the analysis.

24           The Commission shall also be responsible for: (1)  
25 monitoring and commenting on existing and proposed legislation  
26 and programs designed to address the needs of adolescents; (2)

1 assisting State agencies in developing programs, services,  
2 public policies, and research strategies that will expand and  
3 enhance the well-being of adolescents; (3) facilitating the  
4 participation of and representation of adolescents in the  
5 development, implementation, and planning of policies,  
6 programs, and community-based services; and (4) promoting  
7 research efforts to document the impact of policies and  
8 programs on adolescents.

9 (c) The Commission shall collaborate with State agencies,  
10 including the Illinois State Board of Education, the  
11 Department of Human Services, the Department of Children and  
12 Family Services, the Department of Commerce and Economic  
13 Opportunity, the Illinois Student Assistance Commission, the  
14 Department of Healthcare and Family Services, the Department  
15 of Public Health, the Illinois Community College Board, the  
16 Department of Juvenile Justice, the Illinois Criminal Justice  
17 Information Authority, the Department of Military Affairs, the  
18 Illinois Arts Council, the Department of Corrections, the  
19 Board of Higher Education, Department of Disability Advocacy  
20 and Illinois Guardianship and Advocacy Commission, Department  
21 on Aging, and others.

22 (d) The Commission shall be comprised of 15 members  
23 appointed by the Governor. Each member shall have a working  
24 knowledge of youth development, human services, and economic  
25 public policy in Illinois. One chairperson shall be a  
26 representative of a statewide nonprofit children and family

1 services organization who has previously completed a similar  
2 analysis of the Illinois State budget. The other chairperson  
3 shall be a member of the General Assembly. Of the remaining  
4 members:

5 (1) at least one member representing an organization  
6 that has expertise in the needs of low-income youth;

7 (2) at least one member representing an organization  
8 that has expertise in the needs of youth of color;

9 (3) at least one member representing an organization  
10 that has expertise in the needs of youth who are  
11 immigrants or are children of immigrants;

12 (4) at least one member representing an organization  
13 that has expertise in the needs of youth who identify as  
14 LGBTQ, gender non-conforming, or both;

15 (5) at least one member representing an organization  
16 that has expertise in the needs of youth who are  
17 disconnected from traditional educational systems;

18 (6) at least one member representing an organization  
19 that has expertise in the needs of youth who are  
20 experiencing homelessness; and

21 (7) at least one member representing an organization  
22 that has expertise in the needs of youth and young adults  
23 involved with the justice system.

24 Commission members shall reflect regional representation  
25 to ensure that the needs of adolescents throughout the State  
26 of Illinois are met. Members will serve without compensation,

1 but shall be reimbursed for Commission-related expenses. Of  
2 the initial members appointed under this Section: 5 members  
3 shall serve for a 3-year term; 5 members shall serve for a  
4 4-year term; and 5 members shall serve for a 5-year term. Their  
5 successors shall serve for 5-year terms.

6 (e) The Governor's Office of Management and Budget shall  
7 provide administrative support to the Commission.

8 (Source: P.A. 100-818, eff. 8-13-18.)

9 Section 10. The Youth Homelessness Prevention Subcommittee  
10 Act is amended by changing Section 20 as follows:

11 (15 ILCS 60/20)

12 Sec. 20. Membership. The Youth Homelessness Prevention  
13 Subcommittee shall include the following members:

14 (1) One representative from the Governor's office.

15 (2) The Director of the Department of Children and  
16 Family Services.

17 (3) The Director of the Department of Healthcare and  
18 Family Services.

19 (4) The Secretary of the Department of Human Services.

20 (5) The Director of the Department of Juvenile  
21 Justice.

22 (6) The Director of the Department of Corrections.

23 (7) The Director of the Department of Public Health.

24 (8) The Director of the Department of Disability

1 Advocacy and Guardianship and ~~Advocacy Commission~~.

2 (9) Four representatives from agencies serving  
3 homeless youth.

4 (10) One representative from a homeless advocacy  
5 organization.

6 (11) One representative from a juvenile justice  
7 advocacy organization.

8 (12) Four youth who have a lived experience with  
9 homelessness.

10 (Source: P.A. 101-98, eff. 1-1-20.)

11 Section 15. The Civil Administrative Code of Illinois is  
12 amended by changing Sections 5-15 and 5-20 and by adding  
13 Sections 5-218, 5-348, and 5-543 as follows:

14 (20 ILCS 5/5-15) (was 20 ILCS 5/3)

15 Sec. 5-15. Departments of State government. The  
16 Departments of State government are created as follows:

17 The Department on Aging.

18 The Department of Agriculture.

19 The Department of Central Management Services.

20 The Department of Children and Family Services.

21 The Department of Commerce and Economic Opportunity.

22 The Department of Corrections.

23 The Department of Disability Advocacy and  
24 Guardianship.

1           The Department of Early Childhood.  
2           The Department of Employment Security.  
3           The Illinois Emergency Management Agency.  
4           The Department of Financial and Professional  
5 Regulation.  
6           The Department of Healthcare and Family Services.  
7           The Department of Human Rights.  
8           The Department of Human Services.  
9           The Department of Innovation and Technology.  
10          The Department of Insurance.  
11          The Department of Juvenile Justice.  
12          The Department of Labor.  
13          The Department of the Lottery.  
14          The Department of Natural Resources.  
15          The Department of Public Health.  
16          The Department of Revenue.  
17          The Illinois State Police.  
18          The Department of Transportation.  
19          The Department of Veterans Affairs.

20         (Source: P.A. 103-594, eff. 6-25-24; 104-234, eff. 8-15-25.)

21           (20 ILCS 5/5-20) (was 20 ILCS 5/4)

22           Sec. 5-20. Heads of departments. Each department shall  
23 have an officer as its head who shall be known as director or  
24 secretary and who shall, subject to the provisions of the  
25 Civil Administrative Code of Illinois, execute the powers and

1 discharge the duties vested by law in his or her respective  
2 department.

3 The following officers are hereby created:

4 Director of Aging, for the Department on Aging.

5 Director of Agriculture, for the Department of  
6 Agriculture.

7 Director of Central Management Services, for the  
8 Department of Central Management Services.

9 Director of Children and Family Services, for the  
10 Department of Children and Family Services.

11 Director of Commerce and Economic Opportunity, for the  
12 Department of Commerce and Economic Opportunity.

13 Director of Corrections, for the Department of  
14 Corrections.

15 Director of Disability Advocacy and Guardianship, for  
16 the Department of Disability Advocacy and Guardianship.

17 Director of the Illinois Emergency Management Agency,  
18 for the Illinois Emergency Management Agency.

19 Secretary of Early Childhood, for the Department of  
20 Early Childhood.

21 Director of Employment Security, for the Department of  
22 Employment Security.

23 Secretary of Financial and Professional Regulation,  
24 for the Department of Financial and Professional  
25 Regulation.

26 Director of Healthcare and Family Services, for the

1 Department of Healthcare and Family Services.

2 Director of Human Rights, for the Department of Human  
3 Rights.

4 Secretary of Human Services, for the Department of  
5 Human Services.

6 Secretary of Innovation and Technology, for the  
7 Department of Innovation and Technology.

8 Director of Insurance, for the Department of  
9 Insurance.

10 Director of Juvenile Justice, for the Department of  
11 Juvenile Justice.

12 Director of Labor, for the Department of Labor.

13 Director of the Lottery, for the Department of the  
14 Lottery.

15 Director of Natural Resources, for the Department of  
16 Natural Resources.

17 Director of Public Health, for the Department of  
18 Public Health.

19 Director of Revenue, for the Department of Revenue.

20 Director of the Illinois State Police, for the  
21 Illinois State Police.

22 Secretary of Transportation, for the Department of  
23 Transportation.

24 Director of Veterans Affairs, for the Department of  
25 Veterans Affairs.

26 (Source: P.A. 103-594, eff. 6-25-24; 104-234, eff. 8-15-25.)

1 (20 ILCS 5/5-218 new)

2 Sec. 5-218. Director of Disability Advocacy and  
3 Guardianship. The Director of Disability Advocacy and  
4 Guardianship shall be a person thoroughly conversant with the  
5 purposes of the Guardianship and Advocacy Act, actively  
6 interested in the development of programs to advocate for  
7 individuals with disabilities, and not affiliated with any  
8 entity that provides services to individuals with  
9 disabilities.

10 (20 ILCS 5/5-348 new)

11 Sec. 5-348. In the Department of Disability Advocacy and  
12 Guardianship. For terms beginning on or after July 1, 2027,  
13 the Director of Disability Advocacy and Guardianship shall  
14 receive an annual salary of \$197,000 or as set by the Governor,  
15 whichever is higher. On each July 1 thereafter, the Director  
16 shall receive an increase in salary based on a cost-of-living  
17 adjustment as authorized by Senate Joint Resolution 192 of the  
18 86th General Assembly.

19 (20 ILCS 5/5-543 new)

20 Sec. 5-543. In the Department of Disability Advocacy and  
21 Guardianship. A Disability Advocacy and Guardianship Advisory  
22 Council composed and appointed as provided in the Guardianship  
23 and Advocacy Act.

1           Section 20. The Department of Innovation and Technology  
2 Act is amended by changing Section 1-5 as follows:

3           (20 ILCS 1370/1-5)

4           Sec. 1-5. Definitions. In this Act:

5           "Dedicated unit" means the dedicated bureau, division,  
6 office, or other unit within a transferred agency that is  
7 responsible for the information technology functions of the  
8 transferred agency.

9           "Department" means the Department of Innovation and  
10 Technology.

11           "Information technology" means technology,  
12 infrastructure, equipment, systems, software, networks, and  
13 processes used to create, send, receive, and store electronic  
14 or digital information, including, without limitation,  
15 computer systems and telecommunication services and systems.

16           "Information technology" shall be construed broadly to  
17 incorporate future technologies that change or supplant those  
18 in effect as of the effective date of this Act.

19           "Information technology functions" means the development,  
20 procurement, installation, retention, maintenance, operation,  
21 possession, storage, and related functions of all information  
22 technology.

23           "Secretary" means the Secretary of Innovation and  
24 Technology.

1 "State agency" means each State agency, department, board,  
2 and commission under the jurisdiction of the Governor to which  
3 the Department provides services.

4 "Transferred agency" means the Department on Aging; the  
5 Departments of Agriculture, Central Management Services,  
6 Children and Family Services, Commerce and Economic  
7 Opportunity, Corrections, Employment Security, Financial and  
8 Professional Regulation, Healthcare and Family Services, Human  
9 Rights, Human Services, Insurance, Juvenile Justice, Labor,  
10 Lottery, Military Affairs, Natural Resources, Public Health,  
11 Revenue, Transportation, and Veterans' Affairs; the Illinois  
12 State Police; the Capital Development Board; the Deaf and Hard  
13 of Hearing Commission; the Environmental Protection Agency;  
14 the Governor's Office of Management and Budget; the Department  
15 of Disability Advocacy and Guardianship ~~and Advocacy~~  
16 ~~Commission~~; the Abraham Lincoln Presidential Library and  
17 Museum; the Illinois Arts Council; the Illinois Council on  
18 Developmental Disabilities; the Illinois Emergency Management  
19 Agency; the Illinois Gaming Board; the Illinois Liquor Control  
20 Commission; the Office of the State Fire Marshal; the Prisoner  
21 Review Board; and the Department of Early Childhood.

22 (Source: P.A. 103-588, eff. 6-5-24; 104-195, eff. 1-1-26.)

23 Section 25. The Mental Health and Developmental  
24 Disabilities Administrative Act is amended by changing  
25 Sections 4.3 and 14 as follows:

1 (20 ILCS 1705/4.3) (from Ch. 91 1/2, par. 100-4.3)

2 Sec. 4.3. Site visits and inspections.

3 (a) (Blank).

4 (b) The Department shall establish a system of regular and  
5 ongoing on-site inspections that shall occur at least annually  
6 of each facility under its jurisdiction. The inspections shall  
7 be conducted by the Department's central office to:

8 (1) Determine facility compliance with Department  
9 policies and procedures;

10 (2) Determine facility compliance with audit  
11 recommendations;

12 (3) Evaluate facility compliance with applicable  
13 federal standards;

14 (4) Review and follow up on complaints made by  
15 community mental health agencies and advocates, and on  
16 findings of the Division of Disability Human Rights and  
17 Protections Authority ~~division~~ of the Department of  
18 Disability Advocacy and Guardianship and Advocacy  
19 Commission;

20 (5) Review administrative and management problems  
21 identified by other sources; and

22 (6) Identify and prevent abuse and neglect.

23 (Source: P.A. 95-427, eff. 1-1-08.)

24 (20 ILCS 1705/14) (from Ch. 91 1/2, par. 100-14)

1           Sec. 14. Chester Mental Health Center. To maintain and  
2 operate a facility for the care, custody, and treatment of  
3 persons with mental illness or habilitation of persons with  
4 developmental disabilities hereinafter designated, to be known  
5 as the Chester Mental Health Center.

6           Within the Chester Mental Health Center there shall be  
7 confined the following classes of persons, whose history, in  
8 the opinion of the Department, discloses dangerous or violent  
9 tendencies and who, upon examination under the direction of  
10 the Department, have been found a fit subject for confinement  
11 in that facility:

12           (a) Any male person who is charged with the commission  
13 of a crime but has been acquitted by reason of insanity as  
14 provided in Section 5-2-4 of the Unified Code of  
15 Corrections.

16           (b) Any male person who is charged with the commission  
17 of a crime but has been found unfit under Article 104 of  
18 the Code of Criminal Procedure of 1963.

19           (c) Any male person with mental illness or  
20 developmental disabilities or person in need of mental  
21 treatment now confined under the supervision of the  
22 Department or hereafter admitted to any facility thereof  
23 or committed thereto by any court of competent  
24 jurisdiction.

25           If and when it shall appear to the facility director of the  
26 Chester Mental Health Center that it is necessary to confine

1 persons in order to maintain security or provide for the  
2 protection and safety of recipients and staff, the Chester  
3 Mental Health Center may confine all persons on a unit to their  
4 rooms. This period of confinement shall not exceed 10 hours in  
5 a 24-hour ~~24-hour~~ period, including the recipient's scheduled  
6 hours of sleep, unless approved by the Secretary of the  
7 Department. During the period of confinement, the persons  
8 confined shall be observed at least every 15 minutes. A record  
9 shall be kept of the observations. This confinement shall not  
10 be considered seclusion as defined in the Mental Health and  
11 Developmental Disabilities Code.

12 The facility director of the Chester Mental Health Center  
13 may authorize the temporary use of handcuffs on a recipient  
14 for a period not to exceed 10 minutes when necessary in the  
15 course of transport of the recipient within the facility to  
16 maintain custody or security. Use of handcuffs is subject to  
17 the provisions of Section 2-108 of the Mental Health and  
18 Developmental Disabilities Code. The facility shall keep a  
19 monthly record listing each instance in which handcuffs are  
20 used, circumstances indicating the need for use of handcuffs,  
21 and time of application of handcuffs and time of release  
22 therefrom. The facility director shall allow the Department of  
23 Disability Advocacy and ~~Illinois~~ Guardianship ~~and Advocacy~~  
24 ~~Commission~~, the agency designated by the Governor under  
25 Section 1 of the Protection and Advocacy for Persons with  
26 Developmental Disabilities Act, and the Department to examine

1 and copy such record upon request.

2 The facility director of the Chester Mental Health Center  
3 may authorize the temporary use of transport devices on a  
4 civil recipient when necessary in the course of transport of  
5 the civil recipient outside the facility to maintain custody  
6 or security. The decision whether to use any transport devices  
7 shall be reviewed and approved on an individualized basis by a  
8 physician, an advanced practice registered nurse, or a  
9 physician assistant based upon a determination of the civil  
10 recipient's: (1) history of violence, (2) history of violence  
11 during transports, (3) history of escapes and escape attempts,  
12 (4) history of trauma, (5) history of incidents of restraint  
13 or seclusion and use of involuntary medication, (6) current  
14 functioning level and medical status, and (7) prior experience  
15 during similar transports, and the length, duration, and  
16 purpose of the transport. The least restrictive transport  
17 device consistent with the individual's need shall be used.  
18 Staff transporting the individual shall be trained in the use  
19 of the transport devices, recognizing and responding to a  
20 person in distress, and shall observe and monitor the  
21 individual while being transported. The facility shall keep a  
22 monthly record listing all transports, including those  
23 transports for which use of transport devices was not sought,  
24 those for which use of transport devices was sought but  
25 denied, and each instance in which transport devices are used,  
26 circumstances indicating the need for use of transport

1 devices, time of application of transport devices, time of  
2 release from those devices, and any adverse events. The  
3 facility director shall allow the Department of Disability  
4 Advocacy and ~~Illinois~~ Guardianship and ~~Advocacy~~ Commission,  
5 the agency designated by the Governor under Section 1 of the  
6 Protection and Advocacy for Persons with Developmental  
7 Disabilities Act, and the Department to examine and copy the  
8 record upon request. This use of transport devices shall not  
9 be considered restraint as defined in the Mental Health and  
10 Developmental Disabilities Code. For the purpose of this  
11 Section "transport device" means ankle cuffs, handcuffs, waist  
12 chains or wrist-waist devices designed to restrict an  
13 individual's range of motion while being transported. These  
14 devices must be approved by the Division of Mental Health,  
15 used in accordance with the manufacturer's instructions, and  
16 used only by qualified staff members who have completed all  
17 training required to be eligible to transport patients and all  
18 other required training relating to the safe use and  
19 application of transport devices, including recognizing and  
20 responding to signs of distress in an individual whose  
21 movement is being restricted by a transport device.

22 If and when it shall appear to the satisfaction of the  
23 Department that any person confined in the Chester Mental  
24 Health Center is not or has ceased to be such a source of  
25 danger to the public as to require his subjection to the  
26 regimen of the center, the Department is hereby authorized to

1 transfer such person to any State facility for treatment of  
2 persons with mental illness or habilitation of persons with  
3 developmental disabilities, as the nature of the individual  
4 case may require.

5 Subject to the provisions of this Section, the Department,  
6 except where otherwise provided by law, shall, with respect to  
7 the management, conduct and control of the Chester Mental  
8 Health Center and the discipline, custody and treatment of the  
9 persons confined therein, have and exercise the same rights  
10 and powers as are vested by law in the Department with respect  
11 to any and all of the State facilities for treatment of persons  
12 with mental illness or habilitation of persons with  
13 developmental disabilities, and the recipients thereof, and  
14 shall be subject to the same duties as are imposed by law upon  
15 the Department with respect to such facilities and the  
16 recipients thereof.

17 The Department may elect to place persons who have been  
18 ordered by the court to be detained under the Sexually Violent  
19 Persons Commitment Act in a distinct portion of the Chester  
20 Mental Health Center. The persons so placed shall be separated  
21 and shall not comingle with the recipients of the Chester  
22 Mental Health Center. The portion of Chester Mental Health  
23 Center that is used for the persons detained under the  
24 Sexually Violent Persons Commitment Act shall not be a part of  
25 the mental health facility for the enforcement and  
26 implementation of the Mental Health and Developmental

1 Disabilities Code nor shall their care and treatment be  
2 subject to the provisions of the Mental Health and  
3 Developmental Disabilities Code. The changes added to this  
4 Section by this amendatory Act of the 98th General Assembly  
5 are inoperative on and after June 30, 2015.

6 (Source: P.A. 99-143, eff. 7-27-15; 99-581, eff. 1-1-17;  
7 100-513, eff. 1-1-18.)

8 Section 30. The Guardianship and Advocacy Act is amended  
9 by changing the title of the Act and Sections 2, 3, 4, 5, 6, 7,  
10 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24,  
11 25, 26, 27, 28, 30, 31, 32, 33.5, 34, and 36 as follows:

12 (20 ILCS 3955/Act title)

13 An Act concerning the Department of Disability Advocacy  
14 and Guardianship, created to safeguard the rights of and  
15 advocate for persons with disabilities ~~to create the~~  
16 ~~Guardianship and Advocacy Commission, to safeguard the rights~~  
17 ~~and to provide legal counsel and representation for eligible~~  
18 ~~persons and to create the Office of State Guardian for persons~~  
19 ~~with disabilities.~~

20 (20 ILCS 3955/2) (from Ch. 91 1/2, par. 702)

21 Sec. 2. As used in this Act, unless the context requires  
22 otherwise:

23 "Advisory Council" means the Disability Advocacy and

1 Guardianship Advisory Council created by Section 5-543 of the  
2 Civil Administrative Code of Illinois.

3 ~~(a) "Authority" means a Human Rights Authority.~~

4 ~~(b) "Department Commission" means the Department of~~  
5 ~~Disability Advocacy and Guardianship and Advocacy Commission.~~

6 ~~(c) "Director" means the Director of the Department~~  
7 ~~Guardianship and Advocacy Commission.~~

8 ~~(d) "Guardian" means a court-appointed ~~court-appointed~~~~  
9 ~~guardian for an adult ~~or conservator.~~~~

10 ~~(e) "Services" includes but is not limited to examination,~~  
11 ~~diagnosis, evaluation, treatment, care, training,~~  
12 ~~psychotherapy, pharmaceuticals, after-care, habilitation, and~~  
13 ~~rehabilitation provided for an eligible person.~~

14 ~~(f) "Person" means an individual, corporation,~~  
15 ~~partnership, association, unincorporated organization, or a~~  
16 ~~government or any subdivision, agency, or instrumentality~~  
17 ~~thereof.~~

18 ~~(g) "Eligible persons" means individuals who have~~  
19 ~~received, are receiving, have requested, or may be in need of~~  
20 ~~mental health services, or are "persons with a "developmental~~  
21 ~~disability" as defined in the federal Developmental~~  
22 ~~Disabilities Assistance and Bill of Rights Act of 2000 (42~~  
23 ~~U.S.C. 15002(8)) Services and Facilities Construction Act~~  
24 ~~~~(Public Law 94-103, Title II), as now or hereafter amended, or~~~~  
25 ~~"persons "with one or more disabilities" as defined in the~~  
26 ~~Rehabilitation of Persons with Disabilities Act.~~

1           "Regional board" means a regional board of the Division of  
2 Disability Rights and Protections.

3           ~~(h)~~ "Rights" includes but is not limited to all rights,  
4 benefits, and privileges guaranteed by law, the Constitution  
5 of the State of Illinois, and the Constitution of the United  
6 States.

7           ~~(i)~~ "Legal Advocacy ~~Service~~ attorney" means an attorney  
8 employed by or under contract with the Division of Legal  
9 Advocacy ~~Service~~.

10          ~~(j)~~ "Service provider" means any public or private  
11 facility, center, hospital, clinic, program, or any other  
12 person devoted in whole or in part to providing services to  
13 eligible persons.

14          ~~(k)~~ "State Guardian" means the Division ~~Office~~ of State  
15 Guardian.

16          ~~(l)~~ "Ward" means a ward as defined by the Probate Act of  
17 1975, as now or hereafter amended, who is at least 18 years of  
18 age.

19          (Source: P.A. 99-143, eff. 7-27-15.)

20           (20 ILCS 3955/3) (from Ch. 91 1/2, par. 703)

21          Sec. 3. The Department of Disability Advocacy and  
22 Guardianship and Advocacy Commission is hereby created as an  
23 executive agency of state government. The Division of Legal  
24 Advocacy ~~Service~~, the Division of Disability Rights and  
25 Protections, ~~Human Rights Authority~~ and the Division ~~Office~~ of

1 State Guardian shall be established as divisions of the  
2 Department Commission.

3 (Source: P.A. 80-1487.)

4 (20 ILCS 3955/4) (from Ch. 91 1/2, par. 704)

5 Sec. 4. (a) The Advisory Council ~~Commission~~ shall consist  
6 of 11 members, ~~one of whom shall be a senior citizen age 60 or~~  
7 ~~over, who shall be~~ appointed by the Governor, with the advice  
8 and consent of the Senate, taking into account the  
9 requirements of State and federal statutes. At least one  
10 member of the Advisory Council shall be a senior citizen age 60  
11 or older. At least one member shall be a person with one or  
12 more disabilities or members of their families who receive  
13 services and support as required under Section 15 of the  
14 Persons with Disabilities on State Agency Boards Act. All  
15 appointments shall be filed with the Secretary of State by the  
16 appointing authority, ~~with the advice and consent of the~~  
17 ~~Senate~~.

18 ~~All appointments shall be filed with the Secretary of~~  
19 ~~State by the appointing authority.~~

20 (b) The ~~terms of the~~ original members of the Advisory  
21 Council shall be the immediate former members of the  
22 Guardianship and Advocacy Commission serving an unexpired term  
23 on the Guardianship and Advocacy Commission on the day before  
24 the effective date of this amendatory Act of the 104th General  
25 Assembly, who shall continue to serve out their immediate

1 terms on the Advisory Council and may serve up to 2 full  
2 consecutive terms thereafter. Any terms as a member of the  
3 Guardianship and Advocacy Commission immediately preceding the  
4 creation of the Department shall be considered in determining  
5 term limits. The terms shall be 3 years beginning on July 1,  
6 with each member serving no more than 2 full consecutive  
7 terms. All terms shall continue until a successor is appointed  
8 ~~3 one year terms, 3 two year terms, and 3 three year terms, all~~  
9 ~~terms to continue until a successor is appointed and~~  
10 ~~qualified. The length of the terms of the original members~~  
11 ~~shall be drawn by lot of the first meeting held by the~~  
12 ~~Commission. The members first appointed under this amendatory~~  
13 ~~Act of 1984 shall serve for a term of 3 years. Thereafter all~~  
14 ~~terms shall be for 3 years, with each member serving no more~~  
15 ~~than 2 consecutive terms. Vacancies in the membership are to~~  
16 ~~be filled in the same manner as original appointments.~~  
17 Appointments to fill vacancies occurring before the expiration  
18 of a term are for the remainder of the unexpired term. A member  
19 of the Commission shall serve for a term ending on June 30 and  
20 until his successor is appointed and qualified.

21 (c) The Advisory Council ~~Commission~~ shall annually elect a  
22 Chair and a Vice-Chair ~~Chairman and any other officers it~~  
23 ~~deems necessary.~~ The Advisory Council ~~Commission~~ shall meet at  
24 least ~~once every 3~~ times annually. A majority of the members of  
25 the Advisory Council, excluding vacancies, constitutes a  
26 quorum ~~months with the times and places of meetings determined~~

1 ~~by the Chairman. Additional meetings may be called by the~~  
2 ~~Chairman upon written notice 7 days before the meeting or by~~  
3 ~~written petition of 5 members to the Chairman. Six members of~~  
4 ~~the Commission constitute a quorum.~~

5 (d) Members of the Advisory Council ~~Commission~~ are not  
6 entitled to compensation but shall receive reimbursement for  
7 actual expenses incurred in the performance of their duties.

8 (e) The Advisory Council shall advise and make  
9 recommendations to the Department for the development of  
10 policies and operations that will aid in carrying out the  
11 purposes of this Act.

12 (Source: P.A. 83-1538.)

13 (20 ILCS 3955/5) (from Ch. 91 1/2, par. 705)

14 Sec. 5. (a) The Department ~~Commission~~ shall establish  
15 throughout the State such regions as it considers appropriate  
16 to effectuate the purposes of the Division of Disability  
17 Rights and Protections ~~Authority~~ under this Act, taking into  
18 account the requirements of State and federal statutes;  
19 population; civic, health and social service boundaries; and  
20 other pertinent factors.

21 (b) The Department may ~~Commission shall~~ act through its  
22 divisions as provided in this Act.

23 (c) The Department ~~Commission~~ shall establish general  
24 policy guidelines for the operation of the Division of Legal  
25 Advocacy Service, the Division of Disability ~~Human Rights and~~

1 Protections, Authority and the Division of State Guardian in  
2 furtherance of this Act. The policy guidelines shall ensure  
3 that each division makes decisions with an appropriate level  
4 of independence. Any action taken by a regional board  
5 authority is subject to the review and approval of the  
6 Director Commission. The Director Commission, ~~acting on a~~  
7 ~~request from the Director,~~ may disapprove any action of a  
8 regional board authority, in which case the regional board  
9 authority shall cease such action.

10 (d) The Director Commission shall hire ~~a Director and~~  
11 staff to carry out the powers and duties of the Department  
12 ~~Commission~~ and its divisions pursuant to this Act and the  
13 rules and regulations promulgated by the Department  
14 ~~Commission.~~ All staff, other than the Director, shall be  
15 subject to the Personnel Code.

16 (e) (Blank). ~~The Commission shall review and evaluate the~~  
17 ~~operations of the divisions.~~

18 (f) The Department Commission shall operate subject to the  
19 provisions of the Illinois Procurement Code.

20 (g) The Department Commission shall prepare its budget.

21 (h) The Department Commission shall prepare an annual  
22 report on its operations and submit the report to the Governor  
23 and the General Assembly.

24 The requirement for reporting to the General Assembly  
25 shall be satisfied by filing copies of the report as required  
26 by Section 3.1 of the General Assembly Organization Act, and

1 filing such additional copies with the State Government Report  
2 Distribution Center for the General Assembly as is required  
3 under paragraph (t) of Section 7 of the State Library Act.

4 (i) The Department ~~Commission~~ shall establish rules and  
5 regulations for the conduct of the work of its divisions,  
6 including rules and regulations for the Division of Legal  
7 Advocacy ~~Service~~ and the Division of State Guardian in  
8 evaluating an eligible person's or ward's financial resources  
9 for the purpose of determining whether the eligible person or  
10 ward has the ability to pay for legal or guardianship services  
11 received. The determination of the eligible person's financial  
12 ability to pay for legal services shall be based upon the  
13 number of dependents in the eligible person's family unit and  
14 the income, liquid assets and necessary expenses, as  
15 prescribed by rule of the Department ~~Commission~~ of: (1) the  
16 eligible person; (2) the eligible person's spouse; and (3) the  
17 parents of minor eligible persons. The determination of a  
18 ward's ability to pay for guardianship services shall be based  
19 upon the ward's estate. An eligible person or ward found to  
20 have sufficient financial resources shall be required to pay  
21 the Department ~~Commission~~ in accordance with standards  
22 established by the Department ~~Commission~~. No fees may be  
23 charged for legal services given unless the eligible person is  
24 given notice at the start of such services that such fees might  
25 be charged. No fees may be charged for guardianship services  
26 given unless the ward is given notice of the request for fees

1 filed with the probate court and the court approves the amount  
2 of fees to be assessed. All fees collected shall be deposited  
3 with the State Treasurer and placed in the Guardianship and  
4 Advocacy Fund. The Department ~~Commission~~ shall establish rules  
5 and regulations regarding the procedures of appeal for clients  
6 prior to termination or suspension of legal services. Such  
7 rules and regulations shall include, but not be limited to,  
8 client notification procedures prior to the actual  
9 termination, the scope of issues subject to appeal, and  
10 procedures specifying when a final administrative decision is  
11 made.

12 (j) The Department ~~Commission~~ shall take such actions as  
13 it deems necessary and appropriate to receive private, federal  
14 and other public funds to help support the divisions and to  
15 safeguard the rights of eligible persons. Private funds and  
16 property may be accepted, held, maintained, administered and  
17 disposed of by the Department ~~Commission~~, as trustee, for such  
18 purposes for the benefit of the People of the State of Illinois  
19 pursuant to the terms of the instrument granting the funds or  
20 property to the Department ~~Commission~~.

21 (k) The Department ~~Commission~~ may expend funds under the  
22 State's plan to protect and advocate the rights of persons  
23 with a developmental disability established under the federal  
24 Developmental Disabilities Assistance and Bill of Rights Act  
25 of 2000 ~~Services and Facilities Construction Act (Public Law~~  
26 ~~94 103, Title II)~~. If the Governor designates the Department

1 ~~Commission~~ to be the organization or agency to provide the  
2 services called for in the State plan, the Department  
3 ~~Commission~~ shall make these protection and advocacy services  
4 available to persons with a developmental disability by  
5 referral or by contracting for these services to the extent  
6 practicable. If the Department ~~Commission~~ is unable to so make  
7 available such protection and advocacy services, it shall  
8 provide them through persons in its own employ.

9 (1) The Department ~~Commission~~ shall, to the extent funds  
10 are available, monitor issues concerning the rights of  
11 eligible persons and the care and treatment provided to those  
12 persons, including but not limited to the incidence of abuse  
13 or neglect of eligible persons. For purposes of that  
14 monitoring the Department ~~Commission~~ shall have access to  
15 reports of suspected abuse or neglect and information  
16 regarding the disposition of such reports, subject to the  
17 provisions of the Mental Health and Developmental Disabilities  
18 Confidentiality Act.

19 (Source: P.A. 100-1148, eff. 12-10-18.)

20 (20 ILCS 3955/6) (from Ch. 91 1/2, par. 706)

21 Sec. 6. (a) The Department ~~Commission~~ may recommend to any  
22 State agency or service provider regulations or procedures for  
23 the purpose of safeguarding the rights of eligible persons.  
24 The State agency or service provider shall notify the  
25 Department ~~Commission~~, within 60 days of the receipt of the

1 recommendations, of the action taken thereon and the reason  
2 therefor. The Department ~~Commission~~ shall not make  
3 recommendations that ~~which~~ interfere with the proper practice  
4 of medical or other professions.

5 (b) The Department ~~Commission~~ may recommend to the General  
6 Assembly legislation for the purpose of safeguarding the  
7 rights of eligible persons.

8 (c) The Department ~~Commission~~ may take any other action as  
9 may be reasonable to carry out the purposes of this Act.

10 (Source: P.A. 80-1487.)

11 (20 ILCS 3955/7) (from Ch. 91 1/2, par. 707)

12 Sec. 7. The Director shall:

13 (1) carry out the policies and programs of the  
14 Department; ~~Commission and~~

15 (2) coordinate the activities of ~~the~~ its divisions of  
16 the Department; and may delegate to the Human Rights  
17 Authority Director any duties described in Sections 14,  
18 15, and 16 of this Act.

19 (3) organize and administer programs to provide legal  
20 counsel and representation for eligible persons to ensure  
21 that their legal rights are protected;

22 (4) examine and delineate the needs of eligible  
23 persons for legal counsel and representation and the  
24 resources necessary to meet those needs, subject to the  
25 approval of the Department; and

1           (5) institute or cause to be instituted legal  
2           proceedings as may be necessary to enforce and give effect  
3           to any of the duties or powers of the Department or its  
4           divisions.

5           (Source: P.A. 96-271, eff. 1-1-10.)

6           (20 ILCS 3955/8) (from Ch. 91 1/2, par. 708)

7           Sec. 8. The Director may delegate to employees of the  
8           Department any of the duties described in Section 7 of this  
9           Act. shall:

10           ~~(1) Organize and administer programs to provide legal~~  
11           ~~counsel and representation for eligible persons so as to~~  
12           ~~ensure that their legal rights are protected;~~

13           ~~(2) Examine and delineate the needs of eligible persons~~  
14           ~~for legal counsel and representation and the resources~~  
15           ~~necessary to meet those needs, subject to the approval of the~~  
16           ~~Commission; and~~

17           ~~(3) Institute or cause to be instituted such legal~~  
18           ~~proceedings as may be necessary to enforce and give effect to~~  
19           ~~any of the duties or powers of the Commission or its divisions.~~

20           (Source: P.A. 80-1487.)

21           (20 ILCS 3955/10) (from Ch. 91 1/2, par. 710)

22           Sec. 10. The Division of Legal Advocacy Service shall:

23           (1) Make available legal counsel to eligible persons in  
24           judicial proceedings arising out of the "Mental Health and

1 Developmental Disabilities Code<sup>u</sup>, enacted by the Eightieth  
2 General Assembly, as now or hereafter amended, including but  
3 not limited to admission, civil commitment, involuntary  
4 treatment, ~~legal competency~~ and discharge;

5 (2) Make available or provide legal counsel and  
6 representation to eligible persons to enforce rights or duties  
7 arising out of any mental health or related laws, local, State  
8 or federal.

9 (Source: P.A. 80-1487.)

10 (20 ILCS 3955/11) (from Ch. 91 1/2, par. 711)

11 Sec. 11. The Division of Legal Advocacy ~~Service~~ shall make  
12 available counsel for eligible persons by referral or by  
13 contracting for legal services to the extent practicable. The  
14 Division of Legal Advocacy ~~Service~~ shall make a good faith  
15 effort to assist eligible persons to engage private counsel,  
16 and to contact private counsel for eligible persons whose  
17 disabilities limit their capacity to independently contact  
18 private counsel. If the Division of Legal Advocacy ~~Service~~ is  
19 unable to so make available counsel, it shall provide  
20 attorneys in its own employ. Taking into consideration the  
21 availability of private counsel in the eligible person's local  
22 area, the Department ~~Commission~~ shall establish, by rule, the  
23 standards and procedures by which it will attempt to assist  
24 eligible persons to engage private counsel.

25 (Source: P.A. 84-1358.)

1 (20 ILCS 3955/12) (from Ch. 91 1/2, par. 712)

2 Sec. 12. A Legal Advocacy ~~Service~~ attorney shall:

3 (1) have ready access to view and copy all mental health  
4 records pertaining to his client, ~~as provided in the "Mental~~  
5 ~~Health and Developmental Disabilities Confidentiality Act",~~  
6 ~~enacted by the Eightieth General Assembly, as now or hereafter~~  
7 ~~amended,~~ and such other records to which he is permitted  
8 access; and

9 (2) have the opportunity to consult with his client  
10 whenever necessary for the performance of his duties. Service  
11 providers shall provide adequate space and privacy for the  
12 purpose of attorney-client consultation. No attorney shall  
13 have the right to visit eligible persons or look at their  
14 records for the purpose of soliciting cases for  
15 representation.

16 (Source: P.A. 80-1487.)

17 (20 ILCS 3955/13) (from Ch. 91 1/2, par. 713)

18 Sec. 13. Nothing in this Act shall be construed to  
19 prohibit an eligible person from being represented by  
20 privately retained counsel or from waiving his right to an  
21 attorney in proceedings under the "Mental Health and  
22 Developmental Disabilities Code", approved by the Eightieth  
23 General Assembly, as now or hereafter amended, or as otherwise  
24 provided by law. If a Legal Advocacy ~~Service~~ attorney has been

1 appointed by a court and the eligible person secures his own  
2 counsel or is permitted to self-represent, the court shall  
3 discharge the Legal Advocacy ~~Service~~ attorney.

4 (Source: P.A. 80-1487.)

5 (20 ILCS 3955/14) (from Ch. 91 1/2, par. 714)

6 Sec. 14. Each regional board ~~authority~~ shall consist of at  
7 least 7 members and no more than 9 members appointed by the  
8 Director, in accordance with this Section. Each regional board  
9 ~~authority~~ shall include insofar as possible one professionally  
10 knowledgeable and broadly experienced employee or officer of a  
11 provider of each of the following services: mental health,  
12 developmental disabilities, and vocational rehabilitation. No  
13 other employee or officer of a service provider shall be  
14 appointed to a regional board ~~authority~~. In making  
15 appointments, the Director shall strive to ensure  
16 representation of minority groups and of eligible persons, and  
17 shall give due consideration to recommendations of persons and  
18 groups assisting eligible persons. The Director may remove for  
19 incompetence, neglect of duty, or malfeasance in office any  
20 member of a regional board ~~authority~~. Each member of a  
21 regional board shall become a member of a regional board while  
22 retaining the existing end date of the member's current term.  
23 All terms shall be for 3 years, with each member serving no  
24 more than 2 consecutive terms, including terms as a member of a  
25 regional authority of the Guardianship and Advocacy Commission

1 immediately preceding the creation of the Department. No  
2 member shall serve for more than 2 full consecutive 3-year  
3 terms. A quorum shall consist of a majority of appointed  
4 members, excluding vacancies ~~All actions taken by the Director~~  
5 ~~to appoint or remove members shall be reported to the~~  
6 ~~Commission at the next scheduled Commission meeting.~~

7 Each regional board authority shall annually elect a Chair  
8 ~~chairman~~ and any other officers it deems necessary. ~~Members of~~  
9 ~~the regional authorities shall serve for a term of 3 years,~~  
10 ~~except that the terms of the first appointees shall be as~~  
11 ~~follows: 3 members serving for a 1 year term; 3 members serving~~  
12 ~~for a 2 year term; and 3 members serving for a 3 year term.~~  
13 ~~Assignment of terms of such first appointees shall be by lot.~~  
14 ~~No member shall serve for more than 2 consecutive 3 year terms.~~  
15 ~~A quorum shall consist of a majority of appointed members.~~

16 Vacancies in the regional board authorities shall be  
17 filled by the Director. Appointments to fill vacancies  
18 occurring before the expiration of a term are for the  
19 remainder of the unexpired term ~~in the same manner as original~~  
20 ~~appointments.~~

21 Members of the regional board authorities shall serve  
22 without compensation but shall be reimbursed for actual  
23 expenses incurred in the performance of their duties.

24 Each regional board authority shall meet not less than  
25 once every 2 months. Meetings may also be held upon call of the  
26 Regional Chair Chairman or upon written request of a majority

1 of the appointed ~~any~~<sup>5</sup> members of the regional board,  
2 excluding vacancies ~~authority~~.

3 (Source: P.A. 104-273, eff. 1-1-26.)

4 (20 ILCS 3955/15) (from Ch. 91 1/2, par. 715)

5 Sec. 15. A regional board that ~~authority which~~ receives a  
6 complaint alleging that the rights of an eligible person have  
7 been violated in the region in which the regional board  
8 ~~authority~~ sits, shall conduct an investigation unless it  
9 determines that the complaint is frivolous or beyond the scope  
10 of its authority or competence, or unless the Director finds  
11 that a conflict of interest exists and directs another  
12 regional board ~~authority~~ to conduct the investigation. The  
13 regional board ~~authority~~ shall inform the complainant of  
14 whether it will conduct an investigation, and if not, the  
15 reason therefor. The regional board ~~authority~~ may advise a  
16 complainant as to other remedies which may be available.  
17 Reassignments of investigations for conflicts of interest and  
18 refusals to investigate shall be reviewed and approved by the  
19 Director ~~and the Director may seek direction from the~~  
20 ~~Commission.~~

21 (Source: P.A. 96-271, eff. 1-1-10.)

22 (20 ILCS 3955/16) (from Ch. 91 1/2, par. 716)

23 Sec. 16. A regional board ~~authority~~ may conduct  
24 investigations upon its own initiative if it has reason to

1 believe that the rights of an eligible person have been  
2 violated in the region in which the regional board ~~authority~~  
3 sits, unless the Director finds that a conflict of interest  
4 exists and directs another regional board ~~authority~~ to conduct  
5 the investigation.

6 (Source: P.A. 96-271, eff. 1-1-10.)

7 (20 ILCS 3955/17) (from Ch. 91 1/2, par. 717)

8 Sec. 17. In the course of an investigation, a regional  
9 board ~~authority~~ may enter and inspect the premises of a  
10 service provider or State agency and question privately any  
11 person therein within reasonable limits and in a reasonable  
12 manner. Whenever possible, prior notice shall be given the  
13 parties regarding the nature, location, and persons involved  
14 in a particular investigation.

15 (Source: P.A. 80-1416.)

16 (20 ILCS 3955/18) (from Ch. 91 1/2, par. 718)

17 Sec. 18. In the course of an investigation, a regional  
18 board ~~authority~~ may inspect and copy any materials relevant to  
19 the investigation in the possession of a service provider or  
20 state agency. However, a regional board ~~authority~~ may not  
21 inspect or copy materials containing personally identifiable  
22 data which cannot ~~can not~~ be removed without imposing an  
23 unreasonable burden on the service provider or State agency,  
24 except as provided herein. The regional board ~~authority~~ shall

1 give written notice to the person entitled to give consent for  
2 the identifiable eligible person under Section 5 of the  
3 "Mental Health and Developmental Disabilities Confidentiality  
4 Act", enacted by the Eightieth General Assembly, as now or  
5 hereafter amended, or under any other relevant law, that it is  
6 conducting an investigation and indicating the nature and  
7 purpose of the investigation and the need to inspect and copy  
8 materials containing data that identifies the eligible person.  
9 If the person notified objects in writing to such inspection  
10 and copying, the regional board ~~authority~~ may not inspect or  
11 copy such materials. The service provider or State agency may  
12 not object on behalf of an eligible person.

13 (Source: P.A. 80-1487.)

14 (20 ILCS 3955/19) (from Ch. 91 1/2, par. 719)

15 Sec. 19. No regional board ~~authority~~ may disclose to any  
16 person any materials which identify an eligible person unless  
17 the eligible person or legally authorized person consents to  
18 such disclosure, except if and to the extent that disclosure  
19 may be necessary for the appointment of a guardian for such  
20 eligible person.

21 (Source: P.A. 80-1487.)

22 (20 ILCS 3955/20) (from Ch. 91 1/2, par. 720)

23 Sec. 20. A regional board ~~authority~~ may conduct hearings  
24 and compel by subpoena the attendance and testimony of such

1 witnesses and the production of such materials as are  
2 necessary or desirable for its investigation.

3 (Source: P.A. 80-1487.)

4 (20 ILCS 3955/21) (from Ch. 91 1/2, par. 721)

5 Sec. 21. A regional board ~~authority~~ may, subject to the  
6 provisions of the Open Meetings Act, conduct closed meetings  
7 and hearings when necessary to ensure confidentiality or to  
8 protect the rights of any eligible person or provider of  
9 services or other person. However, it shall make public a  
10 summary of business conducted during any such meeting or  
11 hearing. Such summary shall not contain personally  
12 identifiable data.

13 (Source: P.A. 96-271, eff. 1-1-10.)

14 (20 ILCS 3955/22) (from Ch. 91 1/2, par. 722)

15 Sec. 22. During the course of an investigation, the  
16 regional board ~~authority~~ shall periodically inform the  
17 complainant, or provider and any eligible person involved of  
18 the status of the investigation.

19 (Source: P.A. 80-1487.)

20 (20 ILCS 3955/23) (from Ch. 91 1/2, par. 723)

21 Sec. 23. If a regional board ~~authority~~ finds that:

22 A. a matter should be further considered;

23 B. an act investigated should be modified or cancelled;

1 C. a statute or regulation should be altered;

2 D. reasons should be given for an act; or

3 E. any other action should be taken;

4 it shall report its recommendations to the State agency,  
5 service provider or other person investigated. Such person  
6 investigated shall notify the regional board ~~authority~~, within  
7 30 days of the receipt of such recommendations, of the action  
8 taken thereon and the reason therefor.

9 (Source: P.A. 80-1416.)

10 (20 ILCS 3955/24) (from Ch. 91 1/2, par. 724)

11 Sec. 24. If a regional board ~~authority~~ determines that  
12 further action is required, it may refer a matter to the  
13 Director ~~Commission~~ or another division of the Department  
14 ~~thereof~~, and any federal, State, or local agency, or other  
15 persons, as it may deem appropriate and as approved by the  
16 Director, ~~as it may deem appropriate and as approved by the~~  
17 Director.

18 (Source: P.A. 96-271, eff. 1-1-10.)

19 (20 ILCS 3955/25) (from Ch. 91 1/2, par. 725)

20 Sec. 25. Within 10 days of the completion of its  
21 investigation, the regional board ~~authority~~ shall inform the  
22 complainant and the eligible person involved of the outcome of  
23 its investigation and of any action taken thereon.

24 (Source: P.A. 80-1487.)

1 (20 ILCS 3955/26) (from Ch. 91 1/2, par. 726)

2 Sec. 26. Subject to the provisions of Section 19, a  
3 regional board ~~authority~~ may make public its findings and  
4 recommendations. It shall include in any such public statement  
5 any reply made by the State agency, service provider, or other  
6 person investigated that has requested that the reply be so  
7 included. The State agency, service provider, or other person  
8 investigated ~~provider or person~~ shall have opportunity to  
9 review and object to any proposed public findings and  
10 recommendations. If the State agency, service provider, or  
11 other person investigated requests, the objections shall be  
12 included with public findings and recommendations issued by  
13 the regional board ~~authority~~ in the ~~this~~ matter.

14 (Source: P.A. 80-1416.)

15 (20 ILCS 3955/27) (from Ch. 91 1/2, par. 727)

16 Sec. 27. A regional board ~~authority~~ may, ~~by acting through~~  
17 ~~the Director,~~ propose to the Department ~~Commission~~ legislation  
18 for the purpose of safeguarding the rights of eligible  
19 persons.

20 (Source: P.A. 96-271, eff. 1-1-10.)

21 (20 ILCS 3955/28) (from Ch. 91 1/2, par. 728)

22 Sec. 28. A regional board ~~authority~~ may take such other  
23 action as may be reasonable and appropriate to carry out the

1 purposes of this Act.

2 (Source: P.A. 80-1416.)

3 (20 ILCS 3955/30) (from Ch. 91 1/2, par. 730)

4 Sec. 30. When appointed by the court pursuant to the  
5 ~~"Probate Act of 1975", approved August 7, 1975,~~ as now or  
6 hereafter amended, the Division of State Guardian shall serve  
7 as guardian, either plenary or limited; temporary guardian;  
8 testamentary guardian; or successor guardian~~r~~ of the person or  
9 the estate, or both, of a ward. If nomination is testamentary  
10 the Division of State Guardian shall be notified in writing at  
11 the time of the death of the testator. The Division ~~Office~~ of  
12 State Guardian may file a petition for its own appointment, or  
13 for the appointment of any other person, if the Division of  
14 State Guardian determines that the filing of the petition may  
15 avoid the need for State guardianship. In addition, the  
16 Division of State Guardian may assist the court, as the court  
17 may request, in proceedings for the appointment of a guardian  
18 and in the supervision of persons and agencies which have been  
19 appointed as guardians.

20 (Source: P.A. 89-396, eff. 8-20-95.)

21 (20 ILCS 3955/31) (from Ch. 91 1/2, par. 731)

22 Sec. 31. Appointment; availability of Division of State  
23 Guardian; available private guardian.

24 (a) The Division of State Guardian shall not be appointed

1 if another suitable person is available and willing to accept  
2 the guardianship appointment. In all cases where a court  
3 appoints the Division of State Guardian, the court shall  
4 indicate in the order appointing the guardian as a finding of  
5 fact that no other suitable and willing person could be found  
6 to accept the guardianship appointment. On and after the  
7 effective date of the ~~this~~ amendatory Act of the 97th General  
8 Assembly, the court shall also indicate in the order, as a  
9 finding of fact, the reasons that the Division of State  
10 Guardian appointment, rather than the appointment of another  
11 interested party, is required. This requirement shall be  
12 waived where the Division Office of State Guardian petitions  
13 for its own appointment as guardian.

14 (b) In all cases in which the Division of State Guardian  
15 has been appointed to prior to or after the effective date of  
16 this amendatory Act of the 104th General Assembly, the  
17 Division of State Guardian shall be recognized as a division  
18 of the Department. Any reference in law, regulation, order, or  
19 appointment to the State Guardian or Office of State Guardian  
20 as a division of the Guardianship and Advocacy Commission  
21 shall be deemed to refer to the State Guardian as a division of  
22 the Department of Disability Advocacy and Guardianship. This  
23 subsection applies retroactively and prospectively to all  
24 appointments, actions, and proceedings involving the State  
25 Guardian or its wards.

26 (Source: P.A. 97-1093, eff. 1-1-13.)

1 (20 ILCS 3955/32) (from Ch. 91 1/2, par. 732)

2 Sec. 32. The Division of State Guardian shall have the  
3 same powers and duties as a private guardian as provided in  
4 Article XIa of the Probate Act of 1975, ~~approved August 7,~~  
5 ~~1975~~. The State Guardian shall not provide direct residential  
6 services to its wards. The State Guardian shall visit and  
7 consult with its wards at least four times a year for as long  
8 as the guardianship continues.

9 (Source: P.A. 80-1416.)

10 (20 ILCS 3955/33.5)

11 Sec. 33.5. Guardianship training program. The State  
12 Guardian shall provide a training program that outlines the  
13 duties and responsibilities of guardians appointed under  
14 Article XIa of the Probate Act of 1975. The training program  
15 shall be offered to courts at no cost, and shall outline the  
16 duties ~~responsibilities~~ of a guardian and the rights of a  
17 person under guardianship. The training program shall have 2  
18 components: one for guardians of the person and another for  
19 guardians of the estate. The State Guardian shall determine  
20 the content of the training. The component for guardians of  
21 the person shall include content regarding Alzheimer's disease  
22 and dementia, including, but not limited to, the following  
23 topics: effective communication strategies; best practices for  
24 interacting with people living with Alzheimer's disease or

1 related forms of dementia; and strategies for supporting  
2 people living with Alzheimer's disease or related forms of  
3 dementia in exercising their rights. In developing the  
4 training program content, the State Guardian shall consult  
5 with the courts, State and national guardianship  
6 organizations, public guardians, advocacy organizations, and  
7 persons and family members with direct experience with adult  
8 guardianship. In the preparation and dissemination of training  
9 materials, the State Guardian shall give due consideration to  
10 making the training materials accessible to persons with  
11 disabilities.

12 (Source: P.A. 103-64, eff. 1-1-24; 104-237, eff. 1-1-26.)

13 (20 ILCS 3955/34) (from Ch. 91 1/2, par. 734)

14 Sec. 34. A person, including a private citizen or employee  
15 of a service provider, who, in good faith, files a complaint  
16 with or provides information to the Department or any of its  
17 divisions ~~Commission or any division thereof, including~~  
18 ~~private citizens and employees of service providers,~~ shall not  
19 be subject to any penalties, sanctions, or restrictions as a  
20 consequence of filing the complaint or providing the  
21 information.

22 (Source: P.A. 80-1416.)

23 (20 ILCS 3955/36) (from Ch. 91 1/2, par. 736)

24 Sec. 36. Rules and regulations adopted by the Department

1 ~~Commission~~ pursuant to authority granted under this Act shall  
2 be subject to the provisions of the Illinois Administrative  
3 Procedure Act.

4 (Source: P.A. 84-1358.)

5 (20 ILCS 3955/35 rep.)

6 Section 33. The Guardianship and Advocacy Act is amended  
7 by repealing Section 35.

8 Section 35. The Persons with Disabilities on State Agency  
9 Boards Act is amended by changing Section 10 as follows:

10 (20 ILCS 4007/10)

11 Sec. 10. Definitions. As used in this Act, unless the  
12 context requires otherwise:

13 "Disability" means a physical or mental characteristic  
14 resulting from disease, injury, congenital condition of birth,  
15 or functional disorder, the history of such a characteristic,  
16 or the perception of such a characteristic, when the  
17 characteristic results in substantial functional limitations  
18 in 3 or more of the following areas of major life activity:  
19 self care, fine motor skills, mobility, vision, respiration,  
20 learning, work, receptive and expressive language (hearing and  
21 speaking), self direction, capacity for independent living,  
22 and economic sufficiency.

23 "State human services agency" means the following:

1           (1) The Citizens Council on Mental Health and  
2           Developmental Disabilities created under Article 11A of  
3           the Legislative Commission Reorganization Act of 1984.

4           (2) Advisory councils created by the Department of  
5           Human Rights under Section 7-107 of the Illinois Human  
6           Rights Act.

7           (3) The Department of Disability Advocacy and  
8           Guardianship ~~and Advocacy Commission~~ created under the  
9           Guardianship and Advocacy Act.

10          (4) (Blank).

11          (Source: P.A. 100-866, eff. 8-14-18.)

12          Section 45. The State Finance Act is amended by changing  
13          Section 6z-22 as follows:

14               (30 ILCS 105/6z-22) (from Ch. 127, par. 142z-22)

15               Sec. 6z-22. All fees or other monies received by the  
16               Department of Disability Advocacy and Guardianship ~~and~~  
17               ~~Advocacy Commission~~ incident to the provision of legal or  
18               guardianship services to eligible persons or wards pursuant to  
19               subsection (i) of Section 5 of the Guardianship and Advocacy  
20               Act shall be paid into the Guardianship and Advocacy Fund.

21               Appropriations for the improvement, development, addition  
22               or expansion of legal and guardianship services for eligible  
23               persons or wards pursuant to Section 5 of the Guardianship and  
24               Advocacy Act or for the financing of any program designed to

1 provide such improvement, development, addition or expansion  
2 of services or for expenses incurred in administering the  
3 Division of Human Rights Authority, Legal Advocacy, the  
4 Division of Disability Rights and Protections, and the  
5 Division Service and Office of State Guardian are payable from  
6 the Guardianship and Advocacy Fund.

7 (Source: P.A. 86-448; 86-1028.)

8 Section 50. The Public Interest Attorney Assistance Act is  
9 amended by changing Section 15 as follows:

10 (110 ILCS 916/15)

11 Sec. 15. Definitions. For the purposes of this Act:

12 "Assistant State's Attorney" means a full-time employee of  
13 a State's Attorney in Illinois or the State's Attorneys  
14 Appellate Prosecutor who is continually licensed to practice  
15 law and prosecutes or defends cases on behalf of the State or a  
16 county.

17 "Assistant Attorney General" means a full-time employee of  
18 the Illinois Attorney General who is continually licensed to  
19 practice law and prosecutes or defends cases on behalf of the  
20 State.

21 "Assistant Public Defender" means a full-time employee of  
22 a Public Defender in Illinois or the State Appellate Defender  
23 who is continually licensed to practice law and provides legal  
24 representation to indigent persons, as provided by statute.

1 "Assistant public guardian" means a full-time employee of  
2 a public guardian in Illinois who is continually licensed to  
3 practice law and provides legal representation pursuant to  
4 court appointment.

5 "Civil legal aid" means free or reduced-cost legal  
6 representation or advice to low-income clients in non-criminal  
7 matters.

8 "Civil legal aid attorney" means an attorney who is  
9 continually licensed to practice law and is employed full time  
10 as an attorney at a civil legal aid organization in Illinois.

11 "Civil legal aid organization" means a not-for-profit  
12 corporation in Illinois that (i) is exempt from the payment of  
13 federal income tax pursuant to Section 501(c)(3) of the  
14 Internal Revenue Code, (ii) is established for the purpose of  
15 providing legal services that include civil legal aid, (iii)  
16 employs 2 or more full-time attorneys who are licensed to  
17 practice law in this State and who directly provide civil  
18 legal aid, and (iv) is in compliance with registration and  
19 filing requirements that are applicable under the Charitable  
20 Trust Act and the Solicitation for Charity Act.

21 "Commission" means the Illinois Student Assistance  
22 Commission.

23 "Committee" means the advisory committee created under  
24 Section 20 of this Act.

25 "Eligible debt" means outstanding principal, interest, and  
26 related fees from loans obtained for undergraduate, graduate,

1 or law school educational expenses made by government or  
2 commercial lending institutions or educational institutions.  
3 "Eligible debt" excludes loans made by a private individual or  
4 family member.

5 "Department of Disability Advocacy and Guardianship ~~IGAC~~  
6 attorney" means a full-time employee of the Department of  
7 Disability ~~Illinois Guardianship and Advocacy and Guardianship~~  
8 ~~Commission~~, including the Division ~~Office~~ of State Guardian,  
9 the Division of Legal Advocacy ~~Service~~, and the Division of  
10 Disability ~~Human Rights and Protections~~ ~~Authority~~, who is  
11 continually licensed to practice law and provides legal  
12 representation to carry out the responsibilities of the  
13 Department of Disability Advocacy and ~~Illinois~~ Guardianship  
14 ~~and Advocacy Commission~~.

15 "Legislative attorney" means a full-time employee of the  
16 Illinois Senate, the Illinois House of Representatives, or the  
17 Illinois Legislative Reference Bureau who is continually  
18 licensed to practice law and provides legal advice to members  
19 of the General Assembly.

20 "Program" means the Public Interest Attorney Loan  
21 Repayment Assistance Program.

22 "Public interest attorney" means an attorney practicing in  
23 Illinois who is an assistant State's Attorney, assistant  
24 Public Defender, civil legal aid attorney, assistant Attorney  
25 General, assistant public guardian, Department of Disability  
26 Advocacy and Guardianship ~~IGAC~~ attorney, or legislative

1 attorney.

2 "Qualifying employer" means (i) an Illinois State's  
3 Attorney or the State's Attorneys Appellate Prosecutor, (ii)  
4 an Illinois Public Defender or the State Appellate Defender,  
5 (iii) an Illinois civil legal aid organization, (iv) the  
6 Illinois Attorney General, (v) an Illinois public guardian,  
7 (vi) the Department of Disability Advocacy and ~~Illinois~~  
8 Guardianship ~~and Advocacy Commission~~, (vii) the Illinois  
9 Senate, (viii) the Illinois House of Representatives, or (ix)  
10 the Illinois Legislative Reference Bureau.

11 (Source: P.A. 96-615, eff. 1-1-10; 96-768, eff. 1-1-10.)

12 Section 55. The Abused and Neglected Long Term Care  
13 Facility Residents Reporting Act is amended by changing  
14 Sections 4 and 6 as follows:

15 (210 ILCS 30/4) (from Ch. 111 1/2, par. 4164)

16 Sec. 4. Any long term care facility administrator, agent  
17 or employee or any physician, hospital, surgeon, dentist,  
18 osteopath, chiropractor, podiatric physician, accredited  
19 religious practitioner who provides treatment by spiritual  
20 means alone through prayer in accordance with the tenets and  
21 practices of the accrediting church, coroner, social worker,  
22 social services administrator, registered nurse, law  
23 enforcement officer, field personnel of the Department of  
24 Healthcare and Family Services, field personnel of the

1 Illinois Department of Public Health and County or Municipal  
2 Health Departments, personnel of the Department of Human  
3 Services (acting as the successor to the Department of Mental  
4 Health and Developmental Disabilities or the Department of  
5 Public Aid), personnel of the Department of Disability  
6 Advocacy and Guardianship (acting as the successor to the  
7 Guardianship and Advocacy Commission), personnel of the State  
8 Fire Marshal, local fire department inspectors or other  
9 personnel, or personnel of the Illinois Department on Aging,  
10 or its subsidiary Agencies on Aging, or employee of a facility  
11 licensed under the Assisted Living and Shared Housing Act,  
12 having reasonable cause to believe any resident with whom they  
13 have direct contact has been subjected to abuse or neglect  
14 shall immediately report or cause a report to be made to the  
15 Department. Persons required to make reports or cause reports  
16 to be made under this Section include all employees of the  
17 State of Illinois who are involved in providing services to  
18 residents, including professionals providing medical or  
19 rehabilitation services and all other persons having direct  
20 contact with residents; and further include all employees of  
21 community service agencies who provide services to a resident  
22 of a public or private long term care facility outside of that  
23 facility. Any long term care surveyor of the Illinois  
24 Department of Public Health who has reasonable cause to  
25 believe in the course of a survey that a resident has been  
26 abused or neglected and initiates an investigation while on

1 site at the facility shall be exempt from making a report under  
2 this Section but the results of any such investigation shall  
3 be forwarded to the central register in a manner and form  
4 described by the Department.

5 The requirement of this Act shall not relieve any  
6 long-term ~~long-term~~ care facility administrator, agent or  
7 employee of responsibility to report the abuse or neglect of a  
8 resident under Section 3-610 of the Nursing Home Care Act or  
9 under Section 3-610 of the ID/DD Community Care Act or under  
10 Section 3-610 of the MC/DD Act or under Section 2-107 of the  
11 Specialized Mental Health Rehabilitation Act of 2013.

12 In addition to the above persons required to report  
13 suspected resident abuse and neglect, any other person may  
14 make a report to the Department, or to any law enforcement  
15 officer, if such person has reasonable cause to suspect a  
16 resident has been abused or neglected.

17 This Section also applies to residents whose death occurs  
18 from suspected abuse or neglect before being found or brought  
19 to a hospital.

20 A person required to make reports or cause reports to be  
21 made under this Section who fails to comply with the  
22 requirements of this Section is guilty of a Class A  
23 misdemeanor.

24 (Source: P.A. 98-104, eff. 7-22-13; 98-214, eff. 8-9-13;  
25 98-756, eff. 7-16-14; 99-180, eff. 7-29-15.)

1 (210 ILCS 30/6) (from Ch. 111 1/2, par. 4166)

2 Sec. 6. All reports of suspected abuse or neglect made  
3 under this Act shall be made immediately by telephone to the  
4 Department's central register established under Section 14 on  
5 the single, State-wide, toll-free telephone number established  
6 under Section 13, or in person or by telephone through the  
7 nearest Department office. No long-term ~~long-term~~ care  
8 facility administrator, agent or employee, or any other  
9 person, shall screen reports or otherwise withhold any reports  
10 from the Department, and no long-term ~~long-term~~ care facility,  
11 department of State government, or other agency shall  
12 establish any rules, criteria, standards or guidelines to the  
13 contrary. Every long-term ~~long-term~~ care facility, department  
14 of State government and other agency whose employees are  
15 required to make or cause to be made reports under Section 4  
16 shall notify its employees of the provisions of that Section  
17 and of this Section, and provide to the Department  
18 documentation that such notification has been given. The  
19 Department of Human Services shall train all of its mental  
20 health and developmental disabilities employees in the  
21 detection and reporting of suspected abuse and neglect of  
22 residents. Reports made to the central register through the  
23 State-wide, toll-free telephone number shall be transmitted to  
24 appropriate Department offices and municipal health  
25 departments that have responsibility for licensing long term  
26 care facilities under the Nursing Home Care Act, the

1 Specialized Mental Health Rehabilitation Act of 2013, the  
2 ID/DD Community Care Act, or the MC/DD Act. All reports  
3 received through offices of the Department shall be forwarded  
4 to the central register, in a manner and form described by the  
5 Department. The Department shall be capable of receiving  
6 reports of suspected abuse and neglect 24 hours a day, 7 days a  
7 week. Reports shall also be made in writing deposited in the  
8 U.S. mail, postage prepaid, within 24 hours after having  
9 reasonable cause to believe that the condition of the resident  
10 resulted from abuse or neglect. Such reports may in addition  
11 be made to the local law enforcement agency in the same manner.  
12 However, in the event a report is made to the local law  
13 enforcement agency, the reporter also shall immediately so  
14 inform the Department. The Department shall initiate an  
15 investigation of each report of resident abuse and neglect  
16 under this Act, whether oral or written, as provided for in  
17 Section 3-702 of the Nursing Home Care Act, Section 2-208 of  
18 the Specialized Mental Health Rehabilitation Act of 2013,  
19 Section 3-702 of the ID/DD Community Care Act, or Section  
20 3-702 of the MC/DD Act, except that reports of abuse which  
21 indicate that a resident's life or safety is in imminent  
22 danger shall be investigated within 24 hours of such report.  
23 The Department may delegate to law enforcement officials or  
24 other public agencies the duty to perform such investigation.

25 With respect to investigations of reports of suspected  
26 abuse or neglect of residents of mental health and

1 developmental disabilities institutions under the jurisdiction  
2 of the Department of Human Services, the Department shall  
3 transmit copies of such reports to the Illinois State Police,  
4 the Department of Human Services, and the Inspector General  
5 appointed under Section 1-17 of the Department of Human  
6 Services Act. If the Department receives a report of suspected  
7 abuse or neglect of a recipient of services as defined in  
8 Section 1-123 of the Mental Health and Developmental  
9 Disabilities Code, the Department shall transmit copies of  
10 such report to the Inspector General and the Director  
11 ~~Directors~~ of the Disability Advocacy and Guardianship and  
12 ~~Advocacy Commission~~ and the agency designated by the Governor  
13 pursuant to the Protection and Advocacy for Persons with  
14 Developmental Disabilities Act. When requested by the Director  
15 of the Disability Advocacy and Guardianship and Advocacy  
16 ~~Commission~~, the agency designated by the Governor pursuant to  
17 the Protection and Advocacy for Persons with Developmental  
18 Disabilities Act, or the Department of Financial and  
19 Professional Regulation, the Department, the Department of  
20 Human Services and the Illinois State Police shall make  
21 available a copy of the final investigative report regarding  
22 investigations conducted by their respective agencies on  
23 incidents of suspected abuse or neglect of residents of mental  
24 health and developmental disabilities institutions or  
25 individuals receiving services at community agencies under the  
26 jurisdiction of the Department of Human Services. Such final

1 investigative report shall not contain witness statements,  
2 investigation notes, draft summaries, results of lie detector  
3 tests, investigative files or other raw data which was used to  
4 compile the final investigative report. Specifically, the  
5 final investigative report of the Illinois State Police shall  
6 mean the Director's final transmittal letter. The Department  
7 of Human Services shall also make available a copy of the  
8 results of disciplinary proceedings of employees involved in  
9 incidents of abuse or neglect to the Directors. All  
10 identifiable information in reports provided shall not be  
11 further disclosed except as provided by the Mental Health and  
12 Developmental Disabilities Confidentiality Act. Nothing in  
13 this Section is intended to limit or construe the power or  
14 authority granted to the agency designated by the Governor  
15 pursuant to the Protection and Advocacy for Persons with  
16 Developmental Disabilities Act, pursuant to any other State or  
17 federal statute.

18 With respect to investigations of reported resident abuse  
19 or neglect, the Department shall effect with appropriate law  
20 enforcement agencies formal agreements concerning methods and  
21 procedures for the conduct of investigations into the criminal  
22 histories of any administrator, staff assistant or employee of  
23 the nursing home or other person responsible for the residents  
24 care, as well as for other residents in the nursing home who  
25 may be in a position to abuse, neglect or exploit the patient.  
26 Pursuant to the formal agreements entered into with

1 appropriate law enforcement agencies, the Department may  
2 request information with respect to whether the person or  
3 persons set forth in this paragraph have ever been charged  
4 with a crime and if so, the disposition of those charges.  
5 Unless the criminal histories of the subjects involved crimes  
6 of violence or resident abuse or neglect, the Department shall  
7 be entitled only to information limited in scope to charges  
8 and their dispositions. In cases where prior crimes of  
9 violence or resident abuse or neglect are involved, a more  
10 detailed report can be made available to authorized  
11 representatives of the Department, pursuant to the agreements  
12 entered into with appropriate law enforcement agencies. Any  
13 criminal charges and their disposition information obtained by  
14 the Department shall be confidential and may not be  
15 transmitted outside the Department, except as required herein,  
16 to authorized representatives or delegates of the Department,  
17 and may not be transmitted to anyone within the Department who  
18 is not duly authorized to handle resident abuse or neglect  
19 investigations.

20 The Department shall effect formal agreements with  
21 appropriate law enforcement agencies in the various counties  
22 and communities to encourage cooperation and coordination in  
23 the handling of resident abuse or neglect cases pursuant to  
24 this Act. The Department shall adopt and implement methods and  
25 procedures to promote statewide uniformity in the handling of  
26 reports of abuse and neglect under this Act, and those methods

1 and procedures shall be adhered to by personnel of the  
2 Department involved in such investigations and reporting. The  
3 Department shall also make information required by this Act  
4 available to authorized personnel within the Department, as  
5 well as its authorized representatives.

6 The Department shall keep a continuing record of all  
7 reports made pursuant to this Act, including indications of  
8 the final determination of any investigation and the final  
9 disposition of all reports.

10 The Department shall report annually to the General  
11 Assembly on the incidence of abuse and neglect of long term  
12 care facility residents, with special attention to residents  
13 who are persons with mental disabilities. The report shall  
14 include but not be limited to data on the number and source of  
15 reports of suspected abuse or neglect filed under this Act,  
16 the nature of any injuries to residents, the final  
17 determination of investigations, the type and number of cases  
18 where abuse or neglect is determined to exist, and the final  
19 disposition of cases.

20 (Source: P.A. 102-538, eff. 8-20-21.)

21 Section 60. The Community Living Facilities Licensing Act  
22 is amended by changing Section 5 as follows:

23 (210 ILCS 35/5) (from Ch. 111 1/2, par. 4185)

24 Sec. 5. Licensing standards. The Department shall

1 promulgate rules and regulations establishing minimum  
2 standards for licensing of Community Living Facilities. These  
3 rules shall regulate:

4 (1) The location of Community Living Facilities. These  
5 provisions shall insure that the Community Living Facilities  
6 are in appropriate neighborhoods and shall prohibit  
7 concentration of these housing programs in communities.

8 (2) The operation and conduct of Community Living  
9 Facilities.

10 (3) The general financial ability, competence, character  
11 and qualifications of the applicant to provide appropriate  
12 care and comply with this Act.

13 (4) The appropriateness, safety, cleanliness and general  
14 adequacy of the premises, including maintenance of adequate  
15 fire protection and health standards, conforming to State laws  
16 and municipal codes, to provide for the physical comfort,  
17 well-being, care and protection of the residents.

18 (5) The number, character, training and qualifications of  
19 personnel directly responsible for the residents.

20 (6) Provisions for food, clothing, educational  
21 opportunities, social activities, home furnishings and  
22 personal property to insure the healthy physical, emotional  
23 and mental development of residents.

24 (7) Implementation of habilitation plans for each  
25 resident.

26 (8) Provisions for residents to receive appropriate

1 programming and support services commensurate with their  
2 individual needs, and to participate in decisions regarding  
3 their use of programs and support services.

4 Such services should include educational opportunities,  
5 vocational training and other day activities aimed at  
6 promoting independence and improving basic living skills.

7 (9) Provisions and criteria for admission, discharge and  
8 transfers at Community Living Facilities.

9 (10) Provisions specifying the role and responsibilities  
10 of residents for upkeep of their rooms and the overall  
11 maintenance and care of the Community Living Facilities. These  
12 provisions shall allow the residents to participate in normal,  
13 daily activities associated with community living.

14 (11) Provisions to insure that residents are notified of  
15 their legal rights, as defined in the rules promulgated  
16 pursuant to subsection (12) of this Section and to assist them  
17 in exercising these rights. Upon admission to a Community  
18 Living Facility, residents shall be provided a copy of their  
19 rights and related rules, regulations and policies, and the  
20 name, address, and telephone number of the Department of  
21 Disability Advocacy and Guardianship and Advocacy Commission.

22 (12) Resident rights, which shall include, but need not be  
23 limited to, those guaranteed by the "Mental Health and  
24 Developmental Disabilities Code", as amended.

25 (13) Maintenance of records pertaining to the admission,  
26 habilitation, and discharge of residents, and to the general

1 operation of Community Living Facilities.

2 (Source: P.A. 82-567.)

3 Section 65. The Nursing Home Care Act is amended by  
4 changing Sections 2-106 and 2-201 as follows:

5 (210 ILCS 45/2-106) (from Ch. 111 1/2, par. 4152-106)

6 Sec. 2-106. Restraints.

7 (a) For purposes of this Act, a physical restraint is any  
8 manual method or physical or mechanical device, material, or  
9 equipment attached or adjacent to a resident's body that the  
10 resident cannot remove easily and restricts freedom of  
11 movement or normal access to one's body, and a chemical  
12 restraint is any drug used for discipline or convenience and  
13 not required to treat medical symptoms.

14 Devices used for positioning, including, but not limited  
15 to, bed rails and gait belts, shall not be considered to be  
16 physical restraints for purposes of this Act unless the device  
17 is used to restrain or otherwise limit the patient's freedom  
18 to move. A device used for positioning must be requested by the  
19 resident or, if the resident is unable to consent, the  
20 resident's guardian or authorized representative, or the need  
21 for that device must be physically demonstrated by the  
22 resident and documented in the resident's care plan. The  
23 physically demonstrated need of the resident for a device used  
24 for positioning must be revisited in every comprehensive

1 assessment of the resident.

2 The Department shall by rule, designate certain devices as  
3 restraints, including at least all those devices which have  
4 been determined to be restraints by the United States  
5 Department of Health and Human Services in interpretive  
6 guidelines issued for the purposes of administering Titles  
7 XVIII and XIX of the Social Security Act.

8 (b) Neither restraints nor confinements shall be employed  
9 for the purpose of punishment or for the convenience of any  
10 facility personnel. No restraints or confinements shall be  
11 employed except as ordered by a physician who documents the  
12 need for such restraints or confinements in the resident's  
13 clinical record.

14 (c) A restraint may be used only with the informed consent  
15 of the resident, the resident's guardian, or other authorized  
16 representative. A restraint may be used only for specific  
17 periods, if it is the least restrictive means necessary to  
18 attain and maintain the resident's highest practicable  
19 physical, mental or psychosocial well-being, including brief  
20 periods of time to provide necessary life-saving treatment. A  
21 restraint may be used only after consultation with appropriate  
22 health professionals, such as occupational or physical  
23 therapists, and a trial of less restrictive measures has led  
24 to the determination that the use of less restrictive measures  
25 would not attain or maintain the resident's highest  
26 practicable physical, mental or psychosocial well-being.

1       However, if the resident needs emergency care, restraints may  
2       be used for brief periods to permit medical treatment to  
3       proceed unless the facility has notice that the resident has  
4       previously made a valid refusal of the treatment in question.

5               (d) A restraint may be applied only by a person trained in  
6       the application of the particular type of restraint.

7               (e) Whenever a period of use of a restraint is initiated,  
8       the resident shall be advised of his or her right to have a  
9       person or organization of his or her choosing, including the  
10       Department of Disability Advocacy and Guardianship ~~and~~  
11       ~~Advocacy Commission~~, notified of the use of the restraint. A  
12       recipient who is under guardianship may request that a person  
13       or organization of his or her choosing be notified of the  
14       restraint, whether or not the guardian approves the notice. If  
15       the resident so chooses, the facility shall make the  
16       notification within 24 hours, including any information about  
17       the period of time that the restraint is to be used. Whenever  
18       the Department of Disability Advocacy and Guardianship ~~and~~  
19       ~~Advocacy Commission~~ is notified that a resident has been  
20       restrained, it shall contact the resident to determine the  
21       circumstances of the restraint and whether further action is  
22       warranted.

23               (f) Whenever a restraint is used on a resident whose  
24       primary mode of communication is sign language, the resident  
25       shall be permitted to have his or her hands free from restraint  
26       for brief periods each hour, except when this freedom may

1 result in physical harm to the resident or others.

2 (g) The requirements of this Section are intended to  
3 control in any conflict with the requirements of Sections  
4 1-126 and 2-108 of the Mental Health and Developmental  
5 Disabilities Code.

6 (Source: P.A. 103-489, eff. 1-1-24.)

7 (210 ILCS 45/2-201) (from Ch. 111 1/2, par. 4152-201)

8 Sec. 2-201. To protect the residents' funds, the facility:

9 (1) Shall at the time of admission provide, in order of  
10 priority, each resident, or the resident's guardian, if any,  
11 or the resident's representative, if any, or the resident's  
12 immediate family member, if any, with a written statement  
13 explaining to the resident and to the resident's spouse (a)  
14 their spousal impoverishment rights, as defined at Section 5-4  
15 of the Illinois Public Aid Code, and at Section 303 of Title  
16 III of the Medicare Catastrophic Coverage Act of 1988 (P.L.  
17 100-360), (b) their obligation to comply with the asset and  
18 income disclosure requirements of Title XIX of the federal  
19 Social Security Act and the regulations duly promulgated  
20 thereunder, except that this item (b) does not apply to  
21 facilities operated by the Illinois Department of Veterans  
22 Affairs that do not participate in Medicaid, and (c) the  
23 resident's rights regarding personal funds and listing the  
24 services for which the resident will be charged. The facility  
25 shall obtain a signed acknowledgment from each resident or the

1 resident's guardian, if any, or the resident's representative,  
2 if any, or the resident's immediate family member, if any,  
3 that such person has received the statement and understands  
4 that failure to comply with asset and income disclosure  
5 requirements may result in the denial of Medicaid eligibility.

6 (2) May accept funds from a resident for safekeeping and  
7 managing, if it receives written authorization from, in order  
8 of priority, the resident or the resident's guardian, if any,  
9 or the resident's representative, if any, or the resident's  
10 immediate family member, if any; such authorization shall be  
11 attested to by a witness who has no pecuniary interest in the  
12 facility or its operations, and who is not connected in any way  
13 to facility personnel or the administrator in any manner  
14 whatsoever.

15 (3) Shall maintain and allow, in order of priority, each  
16 resident or the resident's guardian, if any, or the resident's  
17 representative, if any, or the resident's immediate family  
18 member, if any, access to a written record of all financial  
19 arrangements and transactions involving the individual  
20 resident's funds.

21 (4) Shall provide, in order of priority, each resident, or  
22 the resident's guardian, if any, or the resident's  
23 representative, if any, or the resident's immediate family  
24 member, if any, with a written itemized statement at least  
25 quarterly, of all financial transactions involving the  
26 resident's funds.

1           (5) Shall purchase a surety bond, or otherwise provide  
2 assurance satisfactory to the Departments of Public Health and  
3 Insurance that all residents' personal funds deposited with  
4 the facility are secure against loss, theft, and insolvency.

5           (6) Shall keep any funds received from a resident for  
6 safekeeping in an account separate from the facility's funds,  
7 and shall at no time withdraw any part or all of such funds for  
8 any purpose other than to return the funds to the resident upon  
9 the request of the resident or any other person entitled to  
10 make such request, to pay the resident his allowance, or to  
11 make any other payment authorized by the resident or any other  
12 person entitled to make such authorization.

13           (7) Shall deposit any funds received from a resident in  
14 excess of \$100 in an interest bearing account insured by  
15 agencies of, or corporations chartered by, the State or  
16 federal government. The account shall be in a form which  
17 clearly indicates that the facility has only a fiduciary  
18 interest in the funds and any interest from the account shall  
19 accrue to the resident. The facility may keep up to \$100 of a  
20 resident's money in a non-interest bearing account or petty  
21 cash fund, to be readily available for the resident's current  
22 expenditures.

23           (8) Shall return to the resident, or the person who  
24 executed the written authorization required in subsection (2)  
25 of this Section, upon written request, all or any part of the  
26 resident's funds given the facility for safekeeping, including

1 the interest accrued from deposits.

2 (9) Shall (a) place any monthly allowance to which a  
3 resident is entitled in that resident's personal account, or  
4 give it to the resident, unless the facility has written  
5 authorization from the resident or the resident's guardian or  
6 if the resident is a minor, his parent, to handle it  
7 differently, (b) take all steps necessary to ensure that a  
8 personal needs allowance that is placed in a resident's  
9 personal account is used exclusively by the resident or for  
10 the benefit of the resident, and (c) where such funds are  
11 withdrawn from the resident's personal account by any person  
12 other than the resident, require such person to whom funds  
13 constituting any part of a resident's personal needs allowance  
14 are released, to execute an affidavit that such funds shall be  
15 used exclusively for the benefit of the resident.

16 (10) Unless otherwise provided by State law, upon the  
17 death of a resident, shall provide the executor or  
18 administrator of the resident's estate with a complete  
19 accounting of all the resident's personal property, including  
20 any funds of the resident being held by the facility.

21 (11) If an adult resident is incapable of managing his  
22 funds and does not have a resident's representative, guardian,  
23 or an immediate family member, shall notify the Division  
24 ~~Office~~ of ~~the~~ State Guardian of the Department of Disability  
25 Advocacy and Guardianship ~~and Advocacy Commission~~.

26 (12) If the facility is sold, shall provide the buyer with

1 a written verification by a public accountant of all  
2 residents' monies and properties being transferred, and obtain  
3 a signed receipt from the new owner.

4 (Source: P.A. 104-234, eff. 8-15-25.)

5 Section 67. The Community-Integrated Living Arrangements  
6 Licensure and Certification Act is amended by changing Section  
7 9.1 as follows:

8 (210 ILCS 135/9.1)

9 Sec. 9.1. Recipient's funds; protection.

10 (a) To protect a recipient's funds, a service provider:

11 (1) May accept funds from a recipient for safekeeping  
12 and management if the service provider receives written  
13 authorization from the recipient or the recipient's  
14 guardian.

15 (2) Shall maintain a written record of all financial  
16 arrangements and transactions involving each individual  
17 recipient's funds and shall allow each recipient, or the  
18 recipient's guardian, access to that written record.

19 (3) Shall provide, in order of priority, each  
20 recipient, or the recipient's guardian, if any, or the  
21 recipient's immediate family member, if any, with a  
22 written itemized statement of all financial transactions  
23 involving the recipient's funds or a copy of the  
24 recipient's checking or savings account register for the

1 period. This information shall be provided at least  
2 quarterly.

3 (4) Shall purchase and maintain a surety bond or other  
4 commercial policy with crime coverage in an amount equal  
5 to or greater than all of the recipient's personal funds  
6 deposited with the service provider to which employees of  
7 the service provider have access to secure against loss,  
8 theft, and insolvency. The insurance company that provides  
9 the surety bond or commercial policy with crime coverage  
10 shall inform the Division of Developmental Disabilities of  
11 the Department of Human Services of any reduction or  
12 cancellation of the surety bond or commercial policy with  
13 crime coverage.

14 (5) Shall keep any funds received from a recipient in  
15 an account separate from the service provider's funds for  
16 safekeeping, and shall not withdraw all or any part of the  
17 recipient's funds unless the service provider is (i)  
18 returning the funds to the recipient upon the request of  
19 the recipient or any other person entitled to make the  
20 request, (ii) paying the recipient his or her allowance,  
21 or (iii) making any other payment authorized by the  
22 recipient or any other person entitled to make that  
23 authorization.

24 (6) Shall deposit any funds received from a recipient  
25 in excess of \$100 in an interest-bearing account insured  
26 by agencies of, or corporations chartered by, the State or

1 the federal government. The account shall be in a form  
2 that clearly indicates that the service provider has only  
3 a fiduciary interest in the funds and that any interest  
4 earned on funds in the account shall accrue to the  
5 recipient. The service provider may keep up to \$100 of a  
6 recipient's funds in a non-interest-bearing account or  
7 petty cash fund, to be readily available for the  
8 recipient's current expenditures.

9 (7) Shall, upon written request of a recipient or the  
10 recipient's guardian, return to the recipient or the  
11 recipient's guardian of the estate all or any part of the  
12 recipient's funds given to the service provider for  
13 safekeeping, including the accrued interest earned on the  
14 deposits of the recipient's funds.

15 (8) Shall (i) place any monthly allowance that a  
16 recipient is entitled to in the recipient's personal  
17 account or give the monthly allowance directly to the  
18 recipient, unless the service provider has written  
19 authorization from the recipient, the recipient's  
20 guardian, or the recipient's parent if the recipient is a  
21 minor, to handle the monthly allowance differently, (ii)  
22 take all steps necessary to ensure that a monthly  
23 allowance that is placed in a recipient's personal account  
24 is used exclusively by the recipient or for the  
25 recipient's benefit, and (iii) require any person other  
26 than the recipient who withdraws funds from the

1 recipient's personal account that constitute any portion  
2 of the recipient's monthly allowance to execute an  
3 affidavit that the funds will be used exclusively for the  
4 benefit of the recipient.

5 (9) If an adult recipient is incapable of managing his  
6 or her funds and does not have a guardian or immediate  
7 family member, the service provider shall notify the  
8 Division Office of ~~the~~ State Guardian ~~of the~~ Guardianship  
9 ~~and Advocacy Commission~~.

10 (b) Upon the death of a recipient, unless otherwise  
11 provided by State law, the service provider shall provide the  
12 executor or administrator of the recipient's estate with a  
13 complete accounting of all the recipient's personal property,  
14 including any funds of the recipient being held by the service  
15 provider.

16 (c) If a recipient changes service providers, the former  
17 service provider shall provide the new service provider with a  
18 written verification by a public accountant of all the  
19 recipient's money and property being transferred and shall  
20 obtain a signed receipt for the money and property from the new  
21 service provider upon transfer of the recipient's money and  
22 property.

23 (d) If a service provider is sold, the service provider  
24 shall provide the new owner with a written verification by a  
25 public accountant of all the recipient's money and property  
26 being transferred and shall obtain a signed receipt for the

1 money and property from the new owner upon transfer of the  
2 recipient's money and property.

3 (Source: P.A. 98-1073, eff. 8-26-14.)

4 Section 70. The MC/DD Act is amended by changing Sections  
5 2-106 and 2-201 as follows:

6 (210 ILCS 46/2-106)

7 Sec. 2-106. Restraints and confinements.

8 (a) For purposes of this Act:

9 (i) A physical restraint is any manual method or  
10 physical or mechanical device, material, or equipment  
11 attached or adjacent to a resident's body that the  
12 resident cannot remove easily and restricts freedom of  
13 movement or normal access to one's body. Devices used for  
14 positioning, including but not limited to bed rails, gait  
15 belts, and cushions, shall not be considered to be  
16 restraints for purposes of this Section.

17 (ii) A chemical restraint is any drug used for  
18 discipline or convenience and not required to treat  
19 medical symptoms. The Department shall by rule, designate  
20 certain devices as restraints, including at least all  
21 those devices which have been determined to be restraints  
22 by the United States Department of Health and Human  
23 Services in interpretive guidelines issued for the  
24 purposes of administering Titles XVIII and XIX of the

1 Social Security Act.

2 (b) Neither restraints nor confinements shall be employed  
3 for the purpose of punishment or for the convenience of any  
4 facility personnel. No restraints or confinements shall be  
5 employed except as ordered by a physician who documents the  
6 need for such restraints or confinements in the resident's  
7 clinical record. Each facility licensed under this Act must  
8 have a written policy to address the use of restraints and  
9 seclusion. The Department shall establish by rule the  
10 provisions that the policy must include, which, to the extent  
11 practicable, should be consistent with the requirements for  
12 participation in the federal Medicare program. Each policy  
13 shall include periodic review of the use of restraints.

14 (c) A restraint may be used only with the informed consent  
15 of the resident, the resident's guardian, or other authorized  
16 representative. A restraint may be used only for specific  
17 periods, if it is the least restrictive means necessary to  
18 attain and maintain the resident's highest practicable  
19 physical, mental or psychosocial well-being ~~well-being~~,  
20 including brief periods of time to provide necessary  
21 lifesaving ~~life-saving~~ treatment. A restraint may be used only  
22 after consultation with appropriate health professionals, such  
23 as occupational or physical therapists, and a trial of less  
24 restrictive measures has led to the determination that the use  
25 of less restrictive measures would not attain or maintain the  
26 resident's highest practicable physical, mental or

1 psychosocial well-being ~~well-being~~. However, if the resident  
2 needs emergency care, restraints may be used for brief periods  
3 to permit medical treatment to proceed unless the facility has  
4 notice that the resident has previously made a valid refusal  
5 of the treatment in question.

6 (d) A restraint may be applied only by a person trained in  
7 the application of the particular type of restraint.

8 (e) Whenever a period of use of a restraint is initiated,  
9 the resident shall be advised of his or her right to have a  
10 person or organization of his or her choosing, including the  
11 Department of Disability Advocacy and Guardianship ~~and~~  
12 ~~Advocacy Commission~~, notified of the use of the restraint. A  
13 recipient who is under guardianship may request that a person  
14 or organization of his or her choosing be notified of the  
15 restraint, whether or not the guardian approves the notice. If  
16 the resident so chooses, the facility shall make the  
17 notification within 24 hours, including any information about  
18 the period of time that the restraint is to be used. Whenever  
19 the Department of Disability Advocacy and Guardianship ~~and~~  
20 ~~Advocacy Commission~~ is notified that a resident has been  
21 restrained, it shall contact the resident to determine the  
22 circumstances of the restraint and whether further action is  
23 warranted.

24 (f) Whenever a restraint is used on a resident whose  
25 primary mode of communication is sign language, the resident  
26 shall be permitted to have his or her hands free from restraint

1 for brief periods each hour, except when this freedom may  
2 result in physical harm to the resident or others.

3 (g) The requirements of this Section are intended to  
4 control in any conflict with the requirements of Sections  
5 1-126 and 2-108 of the Mental Health and Developmental  
6 Disabilities Code.

7 (Source: P.A. 99-180, eff. 7-29-15.)

8 (210 ILCS 46/2-201)

9 Sec. 2-201. Residents' funds. To protect the residents'  
10 funds, the facility:

11 (1) Shall at the time of admission provide, in order of  
12 priority, each resident, or the resident's guardian, if any,  
13 or the resident's representative, if any, or the resident's  
14 immediate family member, if any, with a written statement  
15 explaining to the resident and to the resident's spouse (a)  
16 their spousal impoverishment rights, as defined at Section 5-4  
17 of the Illinois Public Aid Code, and at Section 303 of Title  
18 III of the Medicare Catastrophic Coverage Act of 1988 (P.L.  
19 100-360), and (b) the resident's rights regarding personal  
20 funds and listing the services for which the resident will be  
21 charged. The facility shall obtain a signed acknowledgment  
22 from each resident or the resident's guardian, if any, or the  
23 resident's representative, if any, or the resident's immediate  
24 family member, if any, that such person has received the  
25 statement.

1           (2) May accept funds from a resident for safekeeping and  
2 managing, if it receives written authorization from, in order  
3 of priority, the resident or the resident's guardian, if any,  
4 or the resident's representative, if any, or the resident's  
5 immediate family member, if any; such authorization shall be  
6 attested to by a witness who has no pecuniary interest in the  
7 facility or its operations, and who is not connected in any way  
8 to facility personnel or the administrator in any manner  
9 whatsoever.

10          (3) Shall maintain and allow, in order of priority, each  
11 resident or the resident's guardian, if any, or the resident's  
12 representative, if any, or the resident's immediate family  
13 member, if any, access to a written record of all financial  
14 arrangements and transactions involving the individual  
15 resident's funds.

16          (4) Shall provide, in order of priority, each resident, or  
17 the resident's guardian, if any, or the resident's  
18 representative, if any, or the resident's immediate family  
19 member, if any, with a written itemized statement at least  
20 quarterly, of all financial transactions involving the  
21 resident's funds.

22          (5) Shall purchase a surety bond, or otherwise provide  
23 assurance satisfactory to the Departments of Public Health and  
24 Financial and Professional Regulation that all residents'  
25 personal funds deposited with the facility are secure against  
26 loss, theft, and insolvency.

1           (6) Shall keep any funds received from a resident for  
2 safekeeping in an account separate from the facility's funds,  
3 and shall at no time withdraw any part or all of such funds for  
4 any purpose other than to return the funds to the resident upon  
5 the request of the resident or any other person entitled to  
6 make such request, to pay the resident his or her allowance, or  
7 to make any other payment authorized by the resident or any  
8 other person entitled to make such authorization.

9           (7) Shall deposit any funds received from a resident in  
10 excess of \$100 in an interest-bearing ~~interest-bearing~~ account  
11 insured by agencies of, or corporations chartered by, the  
12 State or federal government. The account shall be in a form  
13 which clearly indicates that the facility has only a fiduciary  
14 interest in the funds and any interest from the account shall  
15 accrue to the resident. The facility may keep up to \$100 of a  
16 resident's money in a non-interest-bearing account or petty  
17 cash fund, to be readily available for the resident's current  
18 expenditures.

19           (8) Shall return to the resident, or the person who  
20 executed the written authorization required in subsection (2)  
21 of this Section, upon written request, all or any part of the  
22 resident's funds given the facility for safekeeping, including  
23 the interest accrued from deposits.

24           (9) Shall (a) place any monthly allowance to which a  
25 resident is entitled in that resident's personal account, or  
26 give it to the resident, unless the facility has written

1 authorization from the resident or the resident's guardian or  
2 if the resident is a minor, his parent, to handle it  
3 differently, (b) take all steps necessary to ensure that a  
4 personal needs allowance that is placed in a resident's  
5 personal account is used exclusively by the resident or for  
6 the benefit of the resident, and (c) where such funds are  
7 withdrawn from the resident's personal account by any person  
8 other than the resident, require such person to whom funds  
9 constituting any part of a resident's personal needs allowance  
10 are released, to execute an affidavit that such funds shall be  
11 used exclusively for the benefit of the resident.

12 (10) Unless otherwise provided by State law, upon the  
13 death of a resident, shall provide the executor or  
14 administrator of the resident's estate with a complete  
15 accounting of all the resident's personal property, including  
16 any funds of the resident being held by the facility.

17 (11) If an adult resident is incapable of managing his or  
18 her funds and does not have a resident's representative,  
19 guardian, or an immediate family member, shall notify the  
20 Division Office of the State Guardian of the Department of  
21 Disability Advocacy and Guardianship and Advocacy Commission.

22 (12) If the facility is sold, shall provide the buyer with  
23 a written verification by a public accountant of all  
24 residents' monies and properties being transferred, and obtain  
25 a signed receipt from the new owner.

26 (Source: P.A. 99-180, eff. 7-29-15.)

1           Section 75. The ID/DD Community Care Act is amended by  
2 changing Sections 2-106 and 2-201 as follows:

3           (210 ILCS 47/2-106)

4           Sec. 2-106. Restraints and confinements.

5           (a) For purposes of this Act:

6                 (i) A physical restraint is any manual method or  
7 physical or mechanical device, material, or equipment  
8 attached or adjacent to a resident's body that the  
9 resident cannot remove easily and restricts freedom of  
10 movement or normal access to one's body. Devices used for  
11 positioning, including but not limited to bed rails, gait  
12 belts, and cushions, shall not be considered to be  
13 restraints for purposes of this Section.

14                 (ii) A chemical restraint is any drug used for  
15 discipline or convenience and not required to treat  
16 medical symptoms. The Department shall by rule, designate  
17 certain devices as restraints, including at least all  
18 those devices which have been determined to be restraints  
19 by the United States Department of Health and Human  
20 Services in interpretive guidelines issued for the  
21 purposes of administering Titles XVIII and XIX of the  
22 Social Security Act.

23           (b) Neither restraints nor confinements shall be employed  
24 for the purpose of punishment or for the convenience of any

1 facility personnel. No restraints or confinements shall be  
2 employed except as ordered by a physician who documents the  
3 need for such restraints or confinements in the resident's  
4 clinical record. Each facility licensed under this Act must  
5 have a written policy to address the use of restraints and  
6 seclusion. The Department shall establish by rule the  
7 provisions that the policy must include, which, to the extent  
8 practicable, should be consistent with the requirements for  
9 participation in the federal Medicare program. Each policy  
10 shall include periodic review of the use of restraints.

11 (c) A restraint may be used only with the informed consent  
12 of the resident, the resident's guardian, or other authorized  
13 representative. A restraint may be used only for specific  
14 periods, if it is the least restrictive means necessary to  
15 attain and maintain the resident's highest practicable  
16 physical, mental or psychosocial well-being ~~well-being~~,  
17 including brief periods of time to provide necessary  
18 lifesaving ~~life-saving~~ treatment. A restraint may be used only  
19 after consultation with appropriate health professionals, such  
20 as occupational or physical therapists, and a trial of less  
21 restrictive measures has led to the determination that the use  
22 of less restrictive measures would not attain or maintain the  
23 resident's highest practicable physical, mental or  
24 psychosocial well-being ~~well-being~~. However, if the resident  
25 needs emergency care, restraints may be used for brief periods  
26 to permit medical treatment to proceed unless the facility has

1 notice that the resident has previously made a valid refusal  
2 of the treatment in question.

3 (d) A restraint may be applied only by a person trained in  
4 the application of the particular type of restraint.

5 (e) Whenever a period of use of a restraint is initiated,  
6 the resident shall be advised of his or her right to have a  
7 person or organization of his or her choosing, including the  
8 Department of Disability Advocacy and Guardianship ~~and~~  
9 ~~Advocacy Commission~~, notified of the use of the restraint. A  
10 recipient who is under guardianship may request that a person  
11 or organization of his or her choosing be notified of the  
12 restraint, whether or not the guardian approves the notice. If  
13 the resident so chooses, the facility shall make the  
14 notification within 24 hours, including any information about  
15 the period of time that the restraint is to be used. Whenever  
16 the Department of Disability Advocacy and Guardianship ~~and~~  
17 ~~Advocacy Commission~~ is notified that a resident has been  
18 restrained, it shall contact the resident to determine the  
19 circumstances of the restraint and whether further action is  
20 warranted.

21 (f) Whenever a restraint is used on a resident whose  
22 primary mode of communication is sign language, the resident  
23 shall be permitted to have his or her hands free from restraint  
24 for brief periods each hour, except when this freedom may  
25 result in physical harm to the resident or others.

26 (g) The requirements of this Section are intended to

1 control in any conflict with the requirements of Sections  
2 1-126 and 2-108 of the Mental Health and Developmental  
3 Disabilities Code.

4 (Source: P.A. 96-339, eff. 7-1-10.)

5 (210 ILCS 47/2-201)

6 Sec. 2-201. Residents' funds. To protect the residents'  
7 funds, the facility:

8 (1) Shall at the time of admission provide, in order of  
9 priority, each resident, or the resident's guardian, if any,  
10 or the resident's representative, if any, or the resident's  
11 immediate family member, if any, with a written statement  
12 explaining to the resident and to the resident's spouse (a)  
13 their spousal impoverishment rights, as defined at Section 5-4  
14 of the Illinois Public Aid Code, and at Section 303 of Title  
15 III of the Medicare Catastrophic Coverage Act of 1988 (P.L.  
16 100-360), and (b) the resident's rights regarding personal  
17 funds and listing the services for which the resident will be  
18 charged. The facility shall obtain a signed acknowledgment  
19 from each resident or the resident's guardian, if any, or the  
20 resident's representative, if any, or the resident's immediate  
21 family member, if any, that such person has received the  
22 statement.

23 (2) May accept funds from a resident for safekeeping and  
24 managing, if it receives written authorization from, in order  
25 of priority, the resident or the resident's guardian, if any,

1 or the resident's representative, if any, or the resident's  
2 immediate family member, if any; such authorization shall be  
3 attested to by a witness who has no pecuniary interest in the  
4 facility or its operations, and who is not connected in any way  
5 to facility personnel or the administrator in any manner  
6 whatsoever.

7 (3) Shall maintain and allow, in order of priority, each  
8 resident or the resident's guardian, if any, or the resident's  
9 representative, if any, or the resident's immediate family  
10 member, if any, access to a written record of all financial  
11 arrangements and transactions involving the individual  
12 resident's funds.

13 (4) Shall provide, in order of priority, each resident, or  
14 the resident's guardian, if any, or the resident's  
15 representative, if any, or the resident's immediate family  
16 member, if any, with a written itemized statement at least  
17 quarterly, of all financial transactions involving the  
18 resident's funds.

19 (5) Shall purchase a surety bond, or otherwise provide  
20 assurance satisfactory to the Departments of Public Health and  
21 Financial and Professional Regulation that all residents'  
22 personal funds deposited with the facility are secure against  
23 loss, theft, and insolvency.

24 (6) Shall keep any funds received from a resident for  
25 safekeeping in an account separate from the facility's funds,  
26 and shall at no time withdraw any part or all of such funds for

1 any purpose other than to return the funds to the resident upon  
2 the request of the resident or any other person entitled to  
3 make such request, to pay the resident his or her allowance, or  
4 to make any other payment authorized by the resident or any  
5 other person entitled to make such authorization.

6 (7) Shall deposit any funds received from a resident in  
7 excess of \$100 in an interest-bearing ~~interest-bearing~~ account  
8 insured by agencies of, or corporations chartered by, the  
9 State or federal government. The account shall be in a form  
10 which clearly indicates that the facility has only a fiduciary  
11 interest in the funds and any interest from the account shall  
12 accrue to the resident. The facility may keep up to \$100 of a  
13 resident's money in a non-interest-bearing account or petty  
14 cash fund, to be readily available for the resident's current  
15 expenditures.

16 (8) Shall return to the resident, or the person who  
17 executed the written authorization required in subsection (2)  
18 of this Section, upon written request, all or any part of the  
19 resident's funds given the facility for safekeeping, including  
20 the interest accrued from deposits.

21 (9) Shall (a) place any monthly allowance to which a  
22 resident is entitled in that resident's personal account, or  
23 give it to the resident, unless the facility has written  
24 authorization from the resident or the resident's guardian or  
25 if the resident is a minor, his parent, to handle it  
26 differently, (b) take all steps necessary to ensure that a

1 personal needs allowance that is placed in a resident's  
2 personal account is used exclusively by the resident or for  
3 the benefit of the resident, and (c) where such funds are  
4 withdrawn from the resident's personal account by any person  
5 other than the resident, require such person to whom funds  
6 constituting any part of a resident's personal needs allowance  
7 are released, to execute an affidavit that such funds shall be  
8 used exclusively for the benefit of the resident.

9 (10) Unless otherwise provided by State law, upon the  
10 death of a resident, shall provide the executor or  
11 administrator of the resident's estate with a complete  
12 accounting of all the resident's personal property, including  
13 any funds of the resident being held by the facility.

14 (11) If an adult resident is incapable of managing his or  
15 her funds and does not have a resident's representative,  
16 guardian, or an immediate family member, shall notify the  
17 Division Office of the State Guardian of the Department of  
18 Disability Advocacy and Guardianship and Advocacy Commission.

19 (12) If the facility is sold, shall provide the buyer with  
20 a written verification by a public accountant of all  
21 residents' monies and properties being transferred, and obtain  
22 a signed receipt from the new owner.

23 (Source: P.A. 96-339, eff. 7-1-10; 96-1000, eff. 7-2-10.)

24 Section 80. The Hospital Licensing Act is amended by  
25 changing Section 9.6 as follows:

1 (210 ILCS 85/9.6)

2 Sec. 9.6. Patient protection from abuse.

3 (a) No administrator, agent, or employee of a hospital or  
4 a hospital affiliate, or a member of a hospital's medical  
5 staff, may abuse a patient in the hospital or in a facility  
6 operated by a hospital affiliate.

7 (b) Any hospital administrator, agent, employee, or  
8 medical staff member, or an administrator, employee, or  
9 physician employed by a hospital affiliate, who has reasonable  
10 cause to believe that any patient with whom he or she has  
11 direct contact has been subjected to abuse in the hospital or  
12 hospital affiliate shall promptly report or cause a report to  
13 be made to a designated hospital administrator responsible for  
14 providing such reports to the Department as required by this  
15 Section.

16 (c) Retaliation against a person who lawfully and in good  
17 faith makes a report under this Section is prohibited.

18 (d) Upon receiving a report under subsection (b) of this  
19 Section, the hospital or hospital affiliate shall submit the  
20 report to the Department within 24 hours of obtaining such  
21 report. In the event that the hospital receives multiple  
22 reports involving a single alleged instance of abuse, the  
23 hospital shall submit one report to the Department.

24 (e) Upon receiving a report under this Section, the  
25 hospital or hospital affiliate shall promptly conduct an

1 internal review to ensure the alleged victim's safety.  
2 Measures to protect the alleged victim shall be taken as  
3 deemed necessary by the hospital's administrator and may  
4 include, but are not limited to, removing suspected violators  
5 from further patient contact during the hospital's or hospital  
6 affiliate's internal review. If the alleged victim lacks  
7 decision-making capacity under the Health Care Surrogate Act  
8 and no health care surrogate is available, the hospital or  
9 hospital affiliate may contact the Department of Disability  
10 Advocacy and ~~Illinois~~ Guardianship and Advocacy Commission to  
11 determine the need for a temporary guardian of that person.

12 (f) All internal hospital and hospital affiliate reviews  
13 shall be conducted by a designated employee or agent who is  
14 qualified to detect abuse and is not involved in the alleged  
15 victim's treatment. All internal review findings must be  
16 documented and filed according to hospital or hospital  
17 affiliate procedures and shall be made available to the  
18 Department upon request.

19 (g) Any other person may make a report of patient abuse to  
20 the Department if that person has reasonable cause to believe  
21 that a patient has been abused in the hospital or hospital  
22 affiliate.

23 (h) The report required under this Section shall include:  
24 the name of the patient; the name and address of the hospital  
25 or hospital affiliate treating the patient; the age of the  
26 patient; the nature of the patient's condition, including any

1 evidence of previous injuries or disabilities; and any other  
2 information that the reporter believes might be helpful in  
3 establishing the cause of the reported abuse and the identity  
4 of the person believed to have caused the abuse.

5 (i) Except for willful or wanton misconduct, any  
6 individual, person, institution, or agency participating in  
7 good faith in the making of a report under this Section, or in  
8 the investigation of such a report or in making a disclosure of  
9 information concerning reports of abuse under this Section,  
10 shall have immunity from any liability, whether civil,  
11 professional, or criminal, that otherwise might result by  
12 reason of such actions. For the purpose of any proceedings,  
13 whether civil, professional, or criminal, the good faith of  
14 any persons required to report cases of suspected abuse under  
15 this Section or who disclose information concerning reports of  
16 abuse in compliance with this Section, shall be presumed.

17 (j) No administrator, agent, or employee of a hospital or  
18 hospital affiliate shall adopt or employ practices or  
19 procedures designed to discourage good faith reporting of  
20 patient abuse under this Section.

21 (k) Every hospital and hospital affiliate shall ensure  
22 that all new and existing employees are trained in the  
23 detection and reporting of abuse of patients and retrained at  
24 least every 2 years thereafter.

25 (l) The Department shall investigate each report of  
26 patient abuse made under this Section according to the

1 procedures of the Department, except that a report of abuse  
2 which indicates that a patient's life or safety is in imminent  
3 danger shall be investigated within 24 hours of such report.  
4 Under no circumstances may a hospital's or hospital  
5 affiliate's internal review of an allegation of abuse replace  
6 an investigation of the allegation by the Department.

7 (m) The Department shall keep a continuing record of all  
8 reports made pursuant to this Section, including indications  
9 of the final determination of any investigation and the final  
10 disposition of all reports. The Department shall inform the  
11 investigated hospital or hospital affiliate and any other  
12 person making a report under subsection (g) of its final  
13 determination or disposition in writing.

14 (n) The Department shall not disclose to the public any  
15 information regarding any reports and investigations under  
16 this Section unless and until the report of abuse is  
17 substantiated following a full and proper investigation.

18 (o) All patient identifiable information in any report or  
19 investigation under this Section shall be confidential and  
20 shall not be disclosed except as authorized by this Act or  
21 other applicable law.

22 (p) Nothing in this Section relieves a hospital or  
23 hospital affiliate administrator, employee, agent, or medical  
24 staff member from contacting appropriate law enforcement  
25 authorities as required by law.

26 (q) Nothing in this Section shall be construed to mean

1 that a patient is a victim of abuse because of health care  
2 services provided or not provided by health care  
3 professionals.

4 (r) Nothing in this Section shall require a hospital or  
5 hospital affiliate, including its employees, agents, and  
6 medical staff members, to provide any services to a patient in  
7 contravention of his or her stated or implied objection  
8 thereto upon grounds that such services conflict with his or  
9 her religious beliefs or practices, nor shall such a patient  
10 be considered abused under this Section for the exercise of  
11 such beliefs or practices.

12 (s) The Department's implementation of this Section is  
13 subject to appropriations to the Department for that purpose.

14 (t) As used in this Section, the following terms have the  
15 following meanings:

16 "Abuse" means any physical or mental injury or sexual  
17 abuse intentionally inflicted by a hospital or hospital  
18 affiliate employee, agent, or medical staff member on a  
19 patient of the hospital or hospital affiliate and does not  
20 include any hospital or hospital affiliate, medical, health  
21 care, or other personal care services done in good faith in the  
22 interest of the patient according to established medical and  
23 clinical standards of care.

24 "Hospital affiliate" has the meaning given to that term in  
25 Section 10.8.

26 "Mental injury" means intentionally caused emotional

1 distress in a patient from words or gestures that would be  
2 considered by a reasonable person to be humiliating,  
3 harassing, or threatening and which causes observable and  
4 substantial impairment.

5 "Sexual abuse" means any intentional act of sexual contact  
6 or sexual penetration of a patient in the hospital.

7 "Substantiated", with respect to a report of abuse, means  
8 that a preponderance of the evidence indicates that abuse  
9 occurred.

10 (Source: P.A. 103-803, eff. 1-1-25.)

11 Section 85. The Illinois Public Aid Code is amended by  
12 changing Section 3-1.2 as follows:

13 (305 ILCS 5/3-1.2) (from Ch. 23, par. 3-1.2)

14 Sec. 3-1.2. Need.

15 (a) Income available to the person, when added to  
16 contributions in money, substance, or services from other  
17 sources, including contributions from legally responsible  
18 relatives, must be insufficient to equal the grant amount  
19 established by Department regulation for such person. In  
20 determining earned income to be taken into account,  
21 consideration shall be given to any expenses reasonably  
22 attributable to the earning of such income. If federal law or  
23 regulations permit or require exemption of earned or other  
24 income and resources, the Illinois Department shall provide by

1 rule and regulation that the amount of income to be  
2 disregarded be increased (1) to the maximum extent so required  
3 and (2) to the maximum extent permitted by federal law or  
4 regulation in effect as of the date this amendatory Act  
5 becomes law. The Illinois Department may also provide by rule  
6 and regulation that the amount of resources to be disregarded  
7 be increased to the maximum extent so permitted or required.

8 (b) Subject to federal approval, resources (for example,  
9 land, buildings, equipment, supplies, or tools), including  
10 farmland property and personal property used in the  
11 income-producing operations related to the farmland (for  
12 example, equipment and supplies, motor vehicles, or tools),  
13 necessary for self-support, up to \$6,000 of the person's  
14 equity in the income-producing property, provided that the  
15 property produces a net annual income of at least 6% of the  
16 excluded equity value of the property, are exempt. Equity  
17 value in excess of \$6,000 shall not be excluded. If the  
18 activity produces income that is less than 6% of the exempt  
19 equity due to reasons beyond the person's control (for  
20 example, the person's illness or crop failure) and there is a  
21 reasonable expectation that the property will again produce  
22 income equal to or greater than 6% of the equity value (for  
23 example, a medical prognosis that the person is expected to  
24 respond to treatment or that drought-resistant corn will be  
25 planted), the equity value in the property up to \$6,000 is  
26 exempt. If the person owns more than one piece of property and

1 each produces income, each piece of property shall be looked  
2 at to determine whether the 6% rule is met, and then the  
3 amounts of the person's equity in all of those properties  
4 shall be totaled to determine whether the total equity is  
5 \$6,000 or less. The total equity value of all properties that  
6 is exempt shall be limited to \$6,000.

7 (c) In determining the resources of an individual or any  
8 dependents, the Department shall exclude from consideration  
9 the value of funeral and burial spaces, funeral and burial  
10 insurance the proceeds of which can only be used to pay the  
11 funeral and burial expenses of the insured and funds  
12 specifically set aside for the funeral and burial arrangements  
13 of the individual or his or her dependents, including prepaid  
14 funeral and burial plans, to the same extent that such items  
15 are excluded from consideration under the federal Supplemental  
16 Security Income program (SSI). At any time prior to or after  
17 submitting an application for medical assistance and before a  
18 final determination of eligibility has been made by the  
19 Department, an applicant may use available resources to  
20 purchase one of the prepaid funeral or burial contracts  
21 exempted under this Section.

22 Prepaid funeral or burial contracts are exempt to the  
23 following extent:

- 24 (1) Funds in a revocable prepaid funeral or burial  
25 contract are exempt up to \$1,500, except that any portion  
26 of a contract that clearly represents the purchase of

1 burial space, as that term is defined for purposes of the  
2 Supplemental Security Income program, is exempt regardless  
3 of value.

4 (2) Funds in an irrevocable prepaid funeral or burial  
5 contract are exempt up to \$7,248, except that any portion  
6 of a contract that clearly represents the purchase of  
7 burial space, as that term is defined for purposes of the  
8 Supplemental Security Income program, is exempt regardless  
9 of value. This amount shall be adjusted annually for any  
10 increase in the Consumer Price Index. The amount exempted  
11 shall be limited to the price of the funeral goods and  
12 services to be provided upon death. The contract must  
13 provide a complete description of the funeral goods and  
14 services to be provided and the price thereof. Any amount  
15 in the contract not so specified shall be treated as a  
16 transfer of assets for less than fair market value.

17 (3) A prepaid, guaranteed-price funeral or burial  
18 contract, funded by an irrevocable assignment of a  
19 person's life insurance policy to a trust or a funeral  
20 home, is exempt. The amount exempted shall be limited to  
21 the amount of the insurance benefit designated for the  
22 cost of the funeral goods and services to be provided upon  
23 the person's death. The contract must provide a complete  
24 description of the funeral goods and services to be  
25 provided and the price thereof. Any amount in the contract  
26 not so specified shall be treated as a transfer of assets

1 for less than fair market value. The trust must include a  
2 statement that, upon the death of the person, the State  
3 will receive all amounts remaining in the trust, including  
4 any remaining payable proceeds under the insurance policy  
5 up to an amount equal to the total medical assistance paid  
6 on behalf of the person. The trust is responsible for  
7 ensuring that the provider of funeral services under the  
8 contract receives the proceeds of the policy when it  
9 provides the funeral goods and services specified under  
10 the contract. The irrevocable assignment of ownership of  
11 the insurance policy must be acknowledged by the insurance  
12 company.

13 (4) Existing life insurance policies are exempt if  
14 there has been an irrevocable assignment in compliance  
15 with Section 2b of the Illinois Funeral or Burial Funds  
16 Act. A person shall sign a contract with a funeral home,  
17 which is licensed under the Illinois Funeral or Burial  
18 Funds Act, that describes the cost of the funeral goods  
19 and services to be provided upon the person's death, up to  
20 \$7,248, except that any portion of a contract that clearly  
21 represents the purchase of burial space, as that term is  
22 defined for purposes of the Supplemental Security Income  
23 program, is exempt regardless of value. This amount shall  
24 be adjusted annually for any increase in the Consumer  
25 Price Index. The contract must provide a complete  
26 description of the goods and services and any cash

1 advances to be provided and the price thereof. The person  
2 shall sign an irrevocable designation of beneficiary form  
3 declaring that any amounts payable from the policies not  
4 used for goods and services and any cash advances as set  
5 forth in the contract shall be received by the State, up to  
6 an amount equal to the total medical assistance paid on  
7 behalf of the person; any funds remaining after payment to  
8 the State shall be paid to a secondary beneficiary (if  
9 any) listed on the policy, or to the estate of the  
10 purchaser if no secondary beneficiary is named on the  
11 policy in the event the proceeds exceed the prearranged  
12 costs of merchandise and services and any cash advances  
13 and the total medical assistance paid on behalf of the  
14 insured. More than one policy may be subject to this  
15 subsection if the total face value of the policies is  
16 necessary to pay the amount described in the contract with  
17 the funeral home; policies that are not necessary to pay  
18 the amount described in the contract are not exempt. The  
19 licensed funeral home to which the life insurance policy  
20 benefits have been irrevocably assigned shall retain  
21 copies for inspection by the Comptroller and shall report  
22 annually to the Comptroller the following: the name of the  
23 insured, the name of the insurance company and policy  
24 number, an itemized account of the amount of the contract  
25 for goods and services and any cash advances provided, and  
26 the current value of the policy of benefits designated

1 with a record of all amounts paid back to the State or  
2 other beneficiary. The Department of Healthcare and Family  
3 Services shall adopt rules and forms to implement this  
4 Section.

5 (d) Notwithstanding any other provision of this Code to  
6 the contrary, an irrevocable trust containing the resources of  
7 a person who is determined to have a disability shall be  
8 considered exempt from consideration. A pooled trust must be  
9 established and managed by a non-profit association that pools  
10 funds but maintains a separate account for each beneficiary.  
11 The trust may be established by the person, a parent,  
12 grandparent, legal guardian, or court. It must be established  
13 for the sole benefit of the person and language contained in  
14 the trust shall stipulate that any amount remaining in the  
15 trust (up to the amount expended by the Department on medical  
16 assistance) that is not retained by the trust for reasonable  
17 administrative costs related to wrapping up the affairs of the  
18 subaccount shall be paid to the Department upon the death of  
19 the person. After a person reaches age 65, any funding by or on  
20 behalf of the person to the trust shall be treated as a  
21 transfer of assets for less than fair market value unless the  
22 person is a ward of a county public guardian or the Division of  
23 State Guardian pursuant to Section 13-5 of the Probate Act of  
24 1975 or Section 30 of the Guardianship and Advocacy Act and  
25 lives in the community, or the person is a ward of a county  
26 public guardian or the Division of State Guardian pursuant to

1 Section 13-5 of the Probate Act of 1975 or Section 30 of the  
2 Guardianship and Advocacy Act and a court has found that any  
3 expenditures from the trust will maintain or enhance the  
4 person's quality of life. If the trust contains proceeds from  
5 a personal injury settlement, any Department charge must be  
6 satisfied in order for the transfer to the trust to be treated  
7 as a transfer for fair market value.

8 (e) The homestead shall be exempt from consideration  
9 except to the extent that it meets the income and shelter needs  
10 of the person. "Homestead" means the dwelling house and  
11 contiguous real estate owned and occupied by the person,  
12 regardless of its value. Subject to federal approval, a person  
13 shall not be eligible for long-term care services, however, if  
14 the person's equity interest in his or her homestead exceeds  
15 the minimum home equity as allowed and increased annually  
16 under federal law. Subject to federal approval, on and after  
17 the effective date of this amendatory Act of the 97th General  
18 Assembly, homestead property transferred to a trust shall no  
19 longer be considered homestead property.

20 (f) Occasional or irregular gifts in cash, goods or  
21 services from persons who are not legally responsible  
22 relatives which are of nominal value or which do not have  
23 significant effect in meeting essential requirements shall be  
24 disregarded.

25 (g) The eligibility of any applicant for or recipient of  
26 public aid under this Article is not affected by the payment of

1 any grant under the "Senior Citizens and Disabled Persons  
2 Property Tax Relief Act" or any distributions or items of  
3 income described under subparagraph (X) of paragraph (2) of  
4 subsection (a) of Section 203 of the Illinois Income Tax Act.

5 (h) The Illinois Department may, after appropriate  
6 investigation, establish and implement a consolidated standard  
7 to determine need and eligibility for and amount of benefits  
8 under this Article or a uniform cash supplement to the federal  
9 Supplemental Security Income program for all or any part of  
10 the then current recipients under this Article; provided,  
11 however, that the establishment or implementation of such a  
12 standard or supplement shall not result in reductions in  
13 benefits under this Article for the then current recipients of  
14 such benefits.

15 (i) The provisions under paragraph (4) of subsection (c)  
16 are subject to federal approval. The Department of Healthcare  
17 and Family Services shall apply for any necessary federal  
18 waivers or approvals to implement by January 1, 2023 the  
19 changes made to this Section by this amendatory Act of the  
20 102nd General Assembly.

21 (Source: P.A. 102-959, eff. 5-27-22.)

22 Section 90. The Adult Protective Services Act is amended  
23 by changing Sections 2 and 3.5 as follows:

24 (320 ILCS 20/2) (from Ch. 23, par. 6602)

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

3           (a) "Abandonment" means the desertion or willful forsaking  
4 of an eligible adult by an individual responsible for the care  
5 and custody of that eligible adult under circumstances in  
6 which a reasonable person would continue to provide care and  
7 custody. Nothing in this Act shall be construed to mean that an  
8 eligible adult is a victim of abandonment because of health  
9 care services provided or not provided by licensed health care  
10 professionals.

11           (a-1) "Abuse" means causing any physical, mental or sexual  
12 injury to an eligible adult, including exploitation of such  
13 adult's financial resources, and abandonment or subjecting an  
14 eligible adult to an environment which creates a likelihood of  
15 harm to the eligible adult's health, physical and emotional  
16 well-being, or welfare.

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

23           Nothing in this Act shall be construed to mean that an  
24 eligible adult is a victim of abuse because of health care  
25 services provided or not provided by licensed health care  
26 professionals.

1           Nothing in this Act shall be construed to mean that an  
2 eligible adult is a victim of abuse in cases of criminal  
3 activity by strangers, telemarketing scams, consumer fraud,  
4 internet fraud, home repair disputes, complaints against a  
5 homeowners' association, or complaints between landlords and  
6 tenants.

7           (a-5) "Abuser" means a person who is a family member,  
8 caregiver, or another person who has a continuing relationship  
9 with the eligible adult and abuses, abandons, neglects, or  
10 financially exploits an eligible adult.

11           (a-6) "Adult with disabilities" means a person aged 18  
12 through 59 who resides in a domestic living situation and  
13 whose disability as defined in subsection (c-5) impairs his or  
14 her ability to seek or obtain protection from abuse,  
15 abandonment, neglect, or exploitation.

16           (a-7) "Caregiver" means a person who either as a result of  
17 a family relationship, voluntarily, or in exchange for  
18 compensation has assumed responsibility for all or a portion  
19 of the care of an eligible adult who needs assistance with  
20 activities of daily living or instrumental activities of daily  
21 living.

22           (b) "Department" means the Department on Aging of the  
23 State of Illinois.

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

25           (c-5) "Disability" means a physical or mental disability,  
26 including, but not limited to, a developmental disability, an

1 intellectual disability, a mental illness as defined under the  
2 Mental Health and Developmental Disabilities Code, or dementia  
3 as defined under the Alzheimer's Disease Assistance Act.

4 (d) "Domestic living situation" means a residence where  
5 the eligible adult at the time of the report lives alone or  
6 with his or her family or a caregiver, or others, or other  
7 community-based unlicensed facility, but is not:

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

10 (1.5) A facility licensed under the ID/DD Community  
11 Care Act;

12 (1.6) A facility licensed under the MC/DD Act;

13 (1.7) A facility licensed under the Specialized Mental  
14 Health Rehabilitation Act of 2013;

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

17 (3) A home, institution, or other place operated by  
18 the federal government or agency thereof or by the State  
19 of Illinois;

20 (4) A hospital, sanitarium, or other institution, the  
21 principal activity or business of which is the diagnosis,  
22 care, and treatment of human illness through the  
23 maintenance and operation of organized facilities  
24 therefor, which is required to be licensed under the  
25 Hospital Licensing Act;

26 (5) A "community living facility" as defined in the

1 Community Living Facilities Licensing Act;

2 (6) (Blank);

3 (7) A "community-integrated living arrangement" as  
4 defined in the Community-Integrated Living Arrangements  
5 Licensure and Certification Act or a "community  
6 residential alternative" as licensed under that Act;

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

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

12 (e) "Eligible adult" means either an adult with  
13 disabilities aged 18 through 59 or a person aged 60 or older  
14 who resides in a domestic living situation and is, or is  
15 alleged to be, abused, abandoned, neglected, or financially  
16 exploited by another individual or who neglects himself or  
17 herself. "Eligible adult" also includes an adult who resides  
18 in any of the facilities that are excluded from the definition  
19 of "domestic living situation" under paragraphs (1) through  
20 (9) of subsection (d), if either: (i) the alleged abuse,  
21 abandonment, or neglect occurs outside of the facility and not  
22 under facility supervision and the alleged abuser is a family  
23 member, caregiver, or another person who has a continuing  
24 relationship with the adult; or (ii) the alleged financial  
25 exploitation is perpetrated by a family member, caregiver, or  
26 another person who has a continuing relationship with the

1 adult, but who is not an employee of the facility where the  
2 adult resides.

3 (f) "Emergency" means a situation in which an eligible  
4 adult is living in conditions presenting a risk of death or  
5 physical, mental or sexual injury and the provider agency has  
6 reason to believe the eligible adult is unable to consent to  
7 services which would alleviate that risk.

8 (f-1) "Financial exploitation" means the use of an  
9 eligible adult's resources by another to the disadvantage of  
10 that adult or the profit or advantage of a person other than  
11 that adult.

12 (f-3) "Investment advisor" means any person required to  
13 register as an investment adviser or investment adviser  
14 representative under Section 8 of the Illinois Securities Law  
15 of 1953, which for purposes of this Act excludes any bank,  
16 trust company, savings bank, or credit union, or their  
17 respective employees.

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

21 (1) a professional or professional's delegate while  
22 engaged in: (i) social services, (ii) law enforcement,  
23 (iii) education, (iv) the care of an eligible adult or  
24 eligible adults, or (v) any of the occupations required to  
25 be licensed under the Behavior Analyst Licensing Act, the  
26 Clinical Psychologist Licensing Act, the Clinical Social

1 Work and Social Work Practice Act, the Illinois Dental  
2 Practice Act, the Dietitian Nutritionist Practice Act, the  
3 Marriage and Family Therapy Licensing Act, the Medical  
4 Practice Act of 1987, the Naprapathic Practice Act, the  
5 Nurse Practice Act, the Nursing Home Administrators  
6 Licensing and Disciplinary Act, the Illinois Occupational  
7 Therapy Practice Act, the Illinois Optometric Practice Act  
8 of 1987, the Pharmacy Practice Act, the Illinois Physical  
9 Therapy Act, the Physician Assistant Practice Act of 1987,  
10 the Podiatric Medical Practice Act of 1987, the  
11 Respiratory Care Practice Act, the Professional Counselor  
12 and Clinical Professional Counselor Licensing and Practice  
13 Act, the Illinois Speech-Language Pathology and Audiology  
14 Practice Act, the Veterinary Medicine and Surgery Practice  
15 Act of 2004, and the Illinois Public Accounting Act;

16 (1.5) an employee of an entity providing developmental  
17 disabilities services or service coordination funded by  
18 the Department of Human Services;

19 (2) an employee of a vocational rehabilitation  
20 facility prescribed or supervised by the Department of  
21 Human Services;

22 (3) an administrator, employee, or person providing  
23 services in or through an unlicensed community based  
24 facility;

25 (4) any religious practitioner who provides treatment  
26 by prayer or spiritual means alone in accordance with the

1 tenets and practices of a recognized church or religious  
2 denomination, except as to information received in any  
3 confession or sacred communication enjoined by the  
4 discipline of the religious denomination to be held  
5 confidential;

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

10 (6) personnel of the Department of Human Services, the  
11 Department of Disability Advocacy and Guardianship ~~and~~  
12 ~~Advocacy Commission~~, the State Fire Marshal, local fire  
13 departments, the Department on Aging and its subsidiary  
14 Area Agencies on Aging and provider agencies, except the  
15 State Long Term Care Ombudsman and any of his or her  
16 representatives or volunteers where prohibited from making  
17 such a report pursuant to 45 CFR 1324.11(e) (3) (iv);

18 (7) any employee of the State of Illinois not  
19 otherwise specified herein who is involved in providing  
20 services to eligible adults, including professionals  
21 providing medical or rehabilitation services and all other  
22 persons having direct contact with eligible adults;

23 (8) a person who performs the duties of a coroner or  
24 medical examiner;

25 (9) a person who performs the duties of a paramedic or  
26 an emergency medical technician; or

1           (10) a person who performs the duties of an investment  
2           advisor.

3           (g) "Neglect" means another individual's failure to  
4           provide an eligible adult with or willful withholding from an  
5           eligible adult the necessities of life including, but not  
6           limited to, food, clothing, shelter or health care. This  
7           subsection does not create any new affirmative duty to provide  
8           support to eligible adults. Nothing in this Act shall be  
9           construed to mean that an eligible adult is a victim of neglect  
10          because of health care services provided or not provided by  
11          licensed health care professionals.

12          (h) "Provider agency" means any public or nonprofit agency  
13          in a planning and service area that is selected by the  
14          Department or appointed by the regional administrative agency  
15          with prior approval by the Department on Aging to receive and  
16          assess reports of alleged or suspected abuse, abandonment,  
17          neglect, or financial exploitation. A provider agency is also  
18          referenced as a "designated agency" in this Act.

19          (i) "Regional administrative agency" means any public or  
20          nonprofit agency in a planning and service area that provides  
21          regional oversight and performs functions as set forth in  
22          subsection (b) of Section 3 of this Act. The Department shall  
23          designate an Area Agency on Aging as the regional  
24          administrative agency or, in the event the Area Agency on  
25          Aging in that planning and service area is deemed by the  
26          Department to be unwilling or unable to provide those

1 functions, the Department may serve as the regional  
2 administrative agency or designate another qualified entity to  
3 serve as the regional administrative agency; any such  
4 designation shall be subject to terms set forth by the  
5 Department.

6 (i-5) "Self-neglect" means a condition that is the result  
7 of an eligible adult's inability, due to physical or mental  
8 impairments, or both, or a diminished capacity, to perform  
9 essential self-care tasks that substantially threaten his or  
10 her own health, including: providing essential food, clothing,  
11 shelter, and health care; and obtaining goods and services  
12 necessary to maintain physical health, mental health,  
13 emotional well-being, and general safety. The term includes  
14 compulsive hoarding, which is characterized by the acquisition  
15 and retention of large quantities of items and materials that  
16 produce an extensively cluttered living space, which  
17 significantly impairs the performance of essential self-care  
18 tasks or otherwise substantially threatens life or safety.

19 (j) "Substantiated case" means a reported case of alleged  
20 or suspected abuse, abandonment, neglect, financial  
21 exploitation, or self-neglect in which a provider agency,  
22 after assessment, determines that there is reason to believe  
23 abuse, abandonment, neglect, or financial exploitation has  
24 occurred.

25 (k) "Verified" means a determination that there is "clear  
26 and convincing evidence" that the specific injury or harm

1 alleged was the result of abuse, abandonment, neglect, or  
2 financial exploitation.

3 (Source: P.A. 102-244, eff. 1-1-22; 102-953, eff. 5-27-22;  
4 103-329, eff. 1-1-24; 103-626, eff. 1-1-25.)

5 (320 ILCS 20/3.5)

6 Sec. 3.5. Other responsibilities. The Department shall  
7 also be responsible for the following activities, contingent  
8 upon adequate funding; implementation shall be expanded to  
9 adults with disabilities upon the effective date of this  
10 amendatory Act of the 98th General Assembly, except those  
11 responsibilities under subsection (a), which shall be  
12 undertaken as soon as practicable:

13 (a) promotion of a wide range of endeavors for the  
14 purpose of preventing abuse, abandonment, neglect,  
15 financial exploitation, and self-neglect, including, but  
16 not limited to, promotion of public and professional  
17 education to increase awareness of abuse, abandonment,  
18 neglect, financial exploitation, and self-neglect; to  
19 increase reports; to establish access to and use of the  
20 Registry established under Section 7.5; and to improve  
21 response by various legal, financial, social, and health  
22 systems;

23 (b) coordination of efforts with other agencies,  
24 councils, and like entities, to include but not be limited  
25 to, the Administrative Office of the Illinois Courts, the

1 Office of the Attorney General, the Illinois State Police,  
2 the Illinois Law Enforcement Training Standards Board, the  
3 State Triad, the Illinois Criminal Justice Information  
4 Authority, the Departments of Public Health, Healthcare  
5 and Family Services, and Human Services, the Department of  
6 Disability Advocacy and Illinois Guardianship and Advocacy  
7 Commission, the Family Violence Coordinating Council, the  
8 Illinois Violence Prevention Authority, and other entities  
9 which may impact awareness of, and response to, abuse,  
10 abandonment, neglect, financial exploitation, and  
11 self-neglect;

12 (c) collection and analysis of data;

13 (d) monitoring of the performance of regional  
14 administrative agencies and adult protective services  
15 agencies;

16 (e) promotion of prevention activities;

17 (f) establishing and coordinating an aggressive  
18 training program on the unique nature of adult abuse cases  
19 with other agencies, councils, and like entities, to  
20 include but not be limited to the Office of the Attorney  
21 General, the Illinois State Police, the Illinois Law  
22 Enforcement Training Standards Board, the State Triad, the  
23 Illinois Criminal Justice Information Authority, the State  
24 Departments of Public Health, Healthcare and Family  
25 Services, and Human Services, the Family Violence  
26 Coordinating Council, the Illinois Violence Prevention

1 Authority, the agency designated by the Governor under  
2 Section 1 of the Protection and Advocacy for Persons with  
3 Developmental Disabilities Act, and other entities that  
4 may impact awareness of and response to abuse,  
5 abandonment, neglect, financial exploitation, and  
6 self-neglect;

7 (g) solicitation of financial institutions for the  
8 purpose of making information available to the general  
9 public warning of financial exploitation of adults and  
10 related financial fraud or abuse, including such  
11 information and warnings available through signage or  
12 other written materials provided by the Department on the  
13 premises of such financial institutions, provided that the  
14 manner of displaying or distributing such information is  
15 subject to the sole discretion of each financial  
16 institution; and

17 (g-1) developing by joint rulemaking with the  
18 Department of Financial and Professional Regulation  
19 minimum training standards which shall be used by  
20 financial institutions for their current and new employees  
21 with direct customer contact; the Department of Financial  
22 and Professional Regulation shall retain sole visitation  
23 and enforcement authority under this subsection (g-1); the  
24 Department of Financial and Professional Regulation shall  
25 provide bi-annual reports to the Department setting forth  
26 aggregate statistics on the training programs required

1 under this subsection (g-1).

2 (Source: P.A. 102-244, eff. 1-1-22; 102-538, eff. 8-20-21;  
3 102-813, eff. 5-13-22; 103-626, eff. 1-1-25.)

4 Section 95. The Mental Health and Developmental  
5 Disabilities Code is amended by changing Sections 2-103,  
6 2-108, 2-109, 2-114, 2-200, 2-201, 3-206, 3-405, 3-805, 3-910,  
7 4-201.1, 4-203, 4-605, and 5-100 as follows:

8 (405 ILCS 5/2-103) (from Ch. 91 1/2, par. 2-103)

9 Sec. 2-103. Except as provided in this Section, a  
10 recipient who resides in a mental health or developmental  
11 disabilities facility shall be permitted unimpeded, private,  
12 and uncensored communication with persons of his choice by  
13 mail, telephone and visitation.

14 (a) The facility director shall ensure that correspondence  
15 can be conveniently received and mailed, that telephones are  
16 reasonably accessible, and that space for visits is available.  
17 Writing materials, postage and telephone usage funds shall be  
18 provided in reasonable amounts to recipients who reside in  
19 Department facilities and who are unable to procure such  
20 items.

21 (b) Reasonable times and places for the use of telephones  
22 and for visits may be established in writing by the facility  
23 director.

24 (c) Unimpeded, private and uncensored communication by

1 mail, telephone, and visitation may be reasonably restricted  
2 by the facility director only in order to protect the  
3 recipient or others from harm, harassment or intimidation,  
4 provided that notice of such restriction shall be given to all  
5 recipients upon admission. When communications are restricted,  
6 the facility shall advise the recipient that he has the right  
7 to require the facility to notify the affected parties of the  
8 restriction, and to notify such affected party when the  
9 restrictions are no longer in effect. However, all letters  
10 addressed by a recipient to the Governor, members of the  
11 General Assembly, Attorney General, judges, state's attorneys,  
12 the Department of Disability Advocacy and Guardianship ~~and~~  
13 ~~Advocacy Commission~~, or the Agency designated pursuant to "An  
14 Act in relation to the protection and advocacy of the rights of  
15 persons with developmental disabilities, and amending Acts  
16 therein named", approved September 20, 1985, officers of the  
17 Department, or licensed attorneys at law must be forwarded at  
18 once to the persons to whom they are addressed without  
19 examination by the facility authorities. Letters in reply from  
20 the officials and attorneys mentioned above must be delivered  
21 to the recipient without examination by the facility  
22 authorities.

23 (d) No facility shall prevent any attorney who represents  
24 a recipient or who has been requested to do so by any relative  
25 or family member of the recipient, from visiting a recipient  
26 during normal business hours, unless that recipient refuses to

1 meet with the attorney.

2 (e) Whenever, as the result of the closing or the  
3 reduction in the number of units or available beds of any  
4 mental health facility operated by the Department of Human  
5 Services, the State determines to enter into a contract with  
6 any mental health facility to provide hospitalization to  
7 persons who would otherwise be served by the State-operated  
8 mental health facility, the resident shall be entitled to the  
9 same rights under this Section.

10 (Source: P.A. 97-1007, eff. 8-17-12.)

11 (405 ILCS 5/2-108) (from Ch. 91 1/2, par. 2-108)

12 Sec. 2-108. Use of restraint. Restraint may be used only  
13 as a therapeutic measure to prevent a recipient from causing  
14 physical harm to himself or physical abuse to others.  
15 Restraint may only be applied by a person who has been trained  
16 in the application of the particular type of restraint to be  
17 utilized. In no event shall restraint be utilized to punish or  
18 discipline a recipient, nor is restraint to be used as a  
19 convenience for the staff.

20 (a) Except as provided in this Section, restraint shall be  
21 employed only upon the written order of a physician, clinical  
22 psychologist, clinical social worker, clinical professional  
23 counselor, advanced practice psychiatric nurse, or registered  
24 nurse with supervisory responsibilities. No restraint shall be  
25 ordered unless the physician, clinical psychologist, clinical

1 social worker, clinical professional counselor, advanced  
2 practice psychiatric nurse, or registered nurse with  
3 supervisory responsibilities, after personally observing and  
4 examining the recipient, is clinically satisfied that the use  
5 of restraint is justified to prevent the recipient from  
6 causing physical harm to himself or others. In no event may  
7 restraint continue for longer than 2 hours unless within that  
8 time period a nurse with supervisory responsibilities,  
9 advanced practice psychiatric nurse, or a physician confirms,  
10 in writing, following a personal examination of the recipient,  
11 that the restraint does not pose an undue risk to the  
12 recipient's health in light of the recipient's physical or  
13 medical condition. The order shall state the events leading up  
14 to the need for restraint and the purposes for which restraint  
15 is employed. The order shall also state the length of time  
16 restraint is to be employed and the clinical justification for  
17 that length of time. No order for restraint shall be valid for  
18 more than 16 hours. If further restraint is required, a new  
19 order must be issued pursuant to the requirements provided in  
20 this Section.

21 (b) In the event there is an emergency requiring the  
22 immediate use of restraint, it may be ordered temporarily by a  
23 qualified person only where a physician, clinical  
24 psychologist, clinical social worker, clinical professional  
25 counselor, advanced practice psychiatric nurse, or registered  
26 nurse with supervisory responsibilities is not immediately

1 available. In that event, an order by a nurse, clinical  
2 psychologist, clinical social worker, clinical professional  
3 counselor, advanced practice psychiatric nurse, or physician  
4 shall be obtained pursuant to the requirements of this Section  
5 as quickly as possible, and the recipient shall be examined by  
6 a physician or supervisory nurse within 2 hours after the  
7 initial employment of the emergency restraint. Whoever orders  
8 restraint in emergency situations shall document its necessity  
9 and place that documentation in the recipient's record.

10 (c) The person who orders restraint shall inform the  
11 facility director or his designee in writing of the use of  
12 restraint within 24 hours.

13 (d) The facility director shall review all restraint  
14 orders daily and shall inquire into the reasons for the orders  
15 for restraint by any person who routinely orders them.

16 (e) Restraint may be employed during all or part of one  
17 24-hour ~~24-hour~~ period, the period commencing with the initial  
18 application of the restraint. However, once restraint has been  
19 employed during one 24-hour ~~24-hour~~ period, it shall not be  
20 used again on the same recipient during the next 48 hours  
21 without the prior written authorization of the facility  
22 director.

23 (f) Restraint shall be employed in a humane and  
24 therapeutic manner and the person being restrained shall be  
25 observed by a qualified person as often as is clinically  
26 appropriate but in no event less than once every 15 minutes.

1 The qualified person shall maintain a record of the  
2 observations. Specifically, unless there is an immediate  
3 danger that the recipient will physically harm himself or  
4 others, restraint shall be loosely applied to permit freedom  
5 of movement. Further, the recipient shall be permitted to have  
6 regular meals and toilet privileges free from the restraint,  
7 except when freedom of action may result in physical harm to  
8 the recipient or others.

9 (g) Every facility that employs restraint shall provide  
10 training in the safe and humane application of each type of  
11 restraint employed. The facility shall not authorize the use  
12 of any type of restraint by an employee who has not received  
13 training in the safe and humane application of that type of  
14 restraint. Each facility in which restraint is used shall  
15 maintain records detailing which employees have been trained  
16 and are authorized to apply restraint, the date of the  
17 training and the type of restraint that the employee was  
18 trained to use.

19 (h) Whenever restraint is imposed upon any recipient whose  
20 primary mode of communication is sign language, the recipient  
21 shall be permitted to have his hands free from restraint for  
22 brief periods each hour, except when freedom may result in  
23 physical harm to the recipient or others.

24 (i) A recipient who is restrained may only be secluded at  
25 the same time pursuant to an explicit written authorization as  
26 provided in Section 2-109 of this Code. Whenever a recipient

1 is restrained, a member of the facility staff shall remain  
2 with the recipient at all times unless the recipient has been  
3 secluded. A recipient who is restrained and secluded shall be  
4 observed by a qualified person as often as is clinically  
5 appropriate but in no event less than every 15 minutes.

6 (j) Whenever restraint is used, the recipient shall be  
7 advised of his right, pursuant to Sections 2-200 and 2-201 of  
8 this Code, to have any person of his choosing, including the  
9 Department of Disability Advocacy and Guardianship ~~and~~  
10 ~~Advocacy Commission~~ or the agency designated pursuant to the  
11 Protection and Advocacy for Persons with Developmental  
12 Disabilities Act notified of the restraint. A recipient who is  
13 under guardianship may request that any person of his choosing  
14 be notified of the restraint whether or not the guardian  
15 approves of the notice. Whenever the Department of Disability  
16 Advocacy and ~~Guardianship and Advocacy Commission~~ is notified  
17 that a recipient has been restrained, it shall contact that  
18 recipient to determine the circumstances of the restraint and  
19 whether further action is warranted.

20 (Source: P.A. 101-587, eff. 1-1-20.)

21 (405 ILCS 5/2-109) (from Ch. 91 1/2, par. 2-109)

22 Sec. 2-109. Seclusion. Seclusion may be used only as a  
23 therapeutic measure to prevent a recipient from causing  
24 physical harm to himself or physical abuse to others. In no  
25 event shall seclusion be utilized to punish or discipline a

1 recipient, nor is seclusion to be used as a convenience for the  
2 staff.

3 (a) Seclusion shall be employed only upon the written  
4 order of a physician, clinical psychologist, clinical social  
5 worker, clinical professional counselor, advanced practice  
6 psychiatric nurse, or registered nurse with supervisory  
7 responsibilities. No seclusion shall be ordered unless the  
8 physician, clinical psychologist, clinical social worker,  
9 clinical professional counselor, advanced practice psychiatric  
10 nurse, or registered nurse with supervisory responsibilities,  
11 after personally observing and examining the recipient, is  
12 clinically satisfied that the use of seclusion is justified to  
13 prevent the recipient from causing physical harm to himself or  
14 others. In no event may seclusion continue for longer than 2  
15 hours unless within that time period a nurse with supervisory  
16 responsibilities, advanced practice psychiatric nurse, or a  
17 physician confirms in writing, following a personal  
18 examination of the recipient, that the seclusion does not pose  
19 an undue risk to the recipient's health in light of the  
20 recipient's physical or medical condition. The order shall  
21 state the events leading up to the need for seclusion and the  
22 purposes for which seclusion is employed. The order shall also  
23 state the length of time seclusion is to be employed and the  
24 clinical justification for the length of time. No order for  
25 seclusion shall be valid for more than 16 hours. If further  
26 seclusion is required, a new order must be issued pursuant to

1 the requirements provided in this Section.

2 (b) The person who orders seclusion shall inform the  
3 facility director or his designee in writing of the use of  
4 seclusion within 24 hours.

5 (c) The facility director shall review all seclusion  
6 orders daily and shall inquire into the reasons for the orders  
7 for seclusion by any person who routinely orders them.

8 (d) Seclusion may be employed during all or part of one  
9 16-hour ~~16-hour~~ period, that period commencing with the  
10 initial application of the seclusion. However, once seclusion  
11 has been employed during one 16-hour ~~16-hour~~ period, it shall  
12 not be used again on the same recipient during the next 48  
13 hours without the prior written authorization of the facility  
14 director.

15 (e) The person who ordered the seclusion shall assign a  
16 qualified person to observe the recipient at all times. A  
17 recipient who is restrained and secluded shall be observed by  
18 a qualified person as often as is clinically appropriate but  
19 in no event less than once every 15 minutes.

20 (f) Safety precautions shall be followed to prevent  
21 injuries to the recipient in the seclusion room. Seclusion  
22 rooms shall be adequately lighted, heated, and furnished. If a  
23 door is locked, someone with a key shall be in constant  
24 attendance nearby.

25 (g) Whenever seclusion is used, the recipient shall be  
26 advised of his right, pursuant to Sections 2-200 and 2-201 of

1 this Code, to have any person of his choosing, including the  
2 Department of Disability Advocacy and Guardianship ~~and~~  
3 ~~Advocacy Commission~~ notified of the seclusion. A person who is  
4 under guardianship may request that any person of his choosing  
5 be notified of the seclusion whether or not the guardian  
6 approves of the notice. Whenever the Department of Disability  
7 Advocacy and Guardianship ~~and Advocacy Commission~~ is notified  
8 that a recipient has been secluded, it shall contact that  
9 recipient to determine the circumstances of the seclusion and  
10 whether further action is warranted.

11 (Source: P.A. 101-587, eff. 1-1-20.)

12 (405 ILCS 5/2-114) (from Ch. 91 1/2, par. 2-114)

13 Sec. 2-114. (a) Whenever an attorney or other advocate  
14 from the Department of Disability Advocacy and Guardianship  
15 ~~and Advocacy Commission~~ or the agency designated by the  
16 Governor under Section 1 of the Protection and Advocacy for  
17 Persons with Developmental Disabilities Act or any other  
18 attorney advises a facility in which a recipient is receiving  
19 inpatient mental health services that he is presently  
20 representing the recipient, or has been appointed by any court  
21 or administrative agency to do so or has been requested to  
22 represent the recipient by a member of the recipient's family,  
23 the facility shall, subject to the provisions of Section 2-113  
24 of this Code, disclose to the attorney or advocate whether the  
25 recipient is presently residing in the facility and, if so,

1 how the attorney or advocate may communicate with the  
2 recipient.

3 (b) The facility may take reasonable precautions to  
4 identify the attorney or advocate. No further information  
5 shall be disclosed to the attorney or advocate except in  
6 conformity with the authorization procedures contained in the  
7 Mental Health and Developmental Disabilities Confidentiality  
8 Act.

9 (c) Whenever the location of the recipient has been  
10 disclosed to an attorney or advocate, the facility director  
11 shall inform the recipient of that fact and shall note this  
12 disclosure in the recipient's records.

13 (d) An attorney or advocate who receives any information  
14 under this Section may not disclose this information to anyone  
15 else without the written consent of the recipient obtained  
16 pursuant to Section 5 of the Mental Health and Developmental  
17 Disabilities Confidentiality Act.

18 (Source: P.A. 99-143, eff. 7-27-15.)

19 (405 ILCS 5/2-200) (from Ch. 91 1/2, par. 2-200)

20 Sec. 2-200. (a) Upon commencement of services, or as soon  
21 thereafter as the condition of the recipient permits, every  
22 adult recipient, as well as the recipient's guardian or  
23 substitute decision maker, and every recipient who is 12 years  
24 of age or older and the parent or guardian of a minor or person  
25 under guardianship shall be informed orally and in writing of

1 the rights guaranteed by this Chapter which are relevant to  
2 the nature of the recipient's services program. The notice  
3 shall include, if applicable, the recipient's right to request  
4 a transfer to a different Department facility under Section  
5 3-908. Every facility shall also post conspicuously in public  
6 areas a summary of the rights which are relevant to the  
7 services delivered by that facility as well as contact  
8 information for the Department of Disability Advocacy and  
9 Guardianship and Advocacy Commission and the agency designated  
10 by the Governor under Section 1 of the Protection and Advocacy  
11 for Persons with Developmental Disabilities Act.

12 (b) A recipient who is 12 years of age or older and the  
13 parent or guardian of a minor or person under guardianship at  
14 any time may designate, and upon commencement of services  
15 shall be informed of the right to designate, a person or agency  
16 to receive notice under Section 2-201 or to direct that no  
17 information about the recipient be disclosed to any person or  
18 agency.

19 (c) Upon commencement of services, or as soon thereafter  
20 as the condition of the recipient permits, the facility shall  
21 ask the adult recipient or minor recipient admitted pursuant  
22 to Section 3-502 whether the recipient wants the facility to  
23 contact the recipient's spouse, parents, guardian, close  
24 relatives, friends, attorney, advocate from the Department of  
25 Disability Advocacy and Guardianship and Advocacy Commission  
26 or the agency designated by the Governor under Section 1 of the

1 Protection and Advocacy for Persons with Developmental  
2 Disabilities Act, or others and inform them of the recipient's  
3 presence at the facility. The facility shall by phone or by  
4 mail contact at least two of those people designated by the  
5 recipient and shall inform them of the recipient's location.  
6 If the recipient so requests, the facility shall also inform  
7 them of how to contact the recipient.

8 (d) Upon commencement of services, or as soon thereafter  
9 as the condition of the recipient permits, the facility shall  
10 advise the recipient as to the circumstances under which the  
11 law permits the use of emergency forced medication or  
12 electroconvulsive therapy under subsection (a) of Section  
13 2-107, restraint under Section 2-108, or seclusion under  
14 Section 2-109. At the same time, the facility shall inquire of  
15 the recipient which form of intervention the recipient would  
16 prefer if any of these circumstances should arise. The  
17 recipient's preference shall be noted in the recipient's  
18 record and communicated by the facility to the recipient's  
19 guardian or substitute decision maker, if any, and any other  
20 individual designated by the recipient. If any such  
21 circumstances subsequently do arise, the facility shall give  
22 due consideration to the preferences of the recipient  
23 regarding which form of intervention to use as communicated to  
24 the facility by the recipient or as stated in the recipient's  
25 advance directive.

26 (Source: P.A. 102-593, eff. 8-27-21.)

1 (405 ILCS 5/2-201) (from Ch. 91 1/2, par. 2-201)

2 Sec. 2-201. (a) Whenever any rights of a recipient of  
3 services that are specified in this Chapter are restricted,  
4 the professional responsible for overseeing the implementation  
5 of the recipient's services plan shall be responsible for  
6 promptly giving notice of the restriction or use of restraint  
7 or seclusion and the reason therefor to:

8 (1) the recipient and, if such recipient is a minor or  
9 under guardianship, his parent or guardian;

10 (2) a person designated under subsection (b) of  
11 Section 2-200 upon commencement of services or at any  
12 later time to receive such notice;

13 (3) the facility director;

14 (4) the Department of Disability Advocacy and  
15 Guardianship and Advocacy Commission, or the agency  
16 designated under "An Act in relation to the protection and  
17 advocacy of the rights of persons with developmental  
18 disabilities, and amending Acts therein named", approved  
19 September 20, 1985, if either is so designated; and

20 (5) the recipient's substitute decision maker, if any.

21 The professional shall also be responsible for promptly  
22 recording such restriction or use of restraint or seclusion  
23 and the reason therefor in the recipient's record.

24 (b) The facility director shall maintain a file of all  
25 notices of restrictions of rights, or the use of restraint or

1 seclusion for the past 3 years. The facility director shall  
2 allow the Department of Disability Advocacy and Guardianship  
3 ~~and Advocacy Commission~~, the agency designated by the Governor  
4 under Section 1 of "An Act in relation to the protection and  
5 advocacy of the rights of persons with developmental  
6 disabilities, and amending Acts therein named," approved  
7 September 20, 1985, and the Department to examine and copy  
8 such records upon request. Records obtained under this Section  
9 shall not be further disclosed except pursuant to written  
10 authorization of the recipient under Section 5 of the Mental  
11 Health and Developmental Disabilities Confidentiality Act.

12 (Source: P.A. 91-726, eff. 6-2-00.)

13 (405 ILCS 5/3-206) (from Ch. 91 1/2, par. 3-206)

14 Sec. 3-206. Whenever a person is admitted or objects to  
15 admission, and whenever a recipient is notified that his legal  
16 status is to be changed, the facility director of the mental  
17 health facility shall provide the person, if he is 12 or older,  
18 with the address and phone number of the Department of  
19 Disability Advocacy and Guardianship ~~and Advocacy Commission~~.  
20 If the person requests, the facility director shall assist him  
21 in contacting the Department of Disability Advocacy and  
22 Guardianship ~~Commission~~.

23 (Source: P.A. 88-380.)

24 (405 ILCS 5/3-405) (from Ch. 91 1/2, par. 3-405)

1           Sec. 3-405. (a) If the facility director of a Department  
2 mental health facility declines to admit a person seeking  
3 admission under Articles III or IV of this Chapter, a review of  
4 the denial may be requested by the person seeking admission  
5 or, with his consent, by an interested person on his behalf.  
6 Such a request may be made on behalf of a minor presented for  
7 admission under Section 3-502, 3-503 or 3-504 by the minor's  
8 attorney, by the parent, guardian or person in loco parentis  
9 who executed the application for his admission, or by the  
10 minor himself if he is 16 years of age or older. Whenever  
11 admission to a Department facility is denied, the person  
12 seeking admission shall immediately be given written notice of  
13 the right to request review of the denial under this Section  
14 and shall be provided, if he is 12 or older, with the address  
15 and phone number of the Department of Disability Advocacy and  
16 Guardianship and Advocacy Commission. If the person requests,  
17 the facility director shall assist him in contacting the  
18 Department of Disability Advocacy and Guardianship Commission.  
19 A written request for review shall be submitted to the  
20 director of the facility that denied admission within 14 days  
21 of the denial. Upon receipt of the request, the facility  
22 director shall promptly schedule a hearing to be held at the  
23 denying facility within 7 days pursuant to Section 3-207.

24           (b) At the hearing the Department shall have the burden of  
25 proving that the person denied admission does not meet the  
26 standard set forth in the Section under which admission is

1 sought or that an appropriate alternative community treatment  
2 program was available to meet the person's needs and was  
3 offered. If the utilization review committee finds that the  
4 decision denying admission is based upon substantial evidence,  
5 it shall recommend that the denial of admission be upheld.  
6 However, if it finds that the facility to which admission is  
7 sought can provide adequate and appropriate treatment for the  
8 person and no appropriate community alternative treatment is  
9 available, it shall recommend that the person denied admission  
10 be admitted. If it determines that another facility can  
11 provide treatment appropriate to the clinical condition and  
12 needs of the person denied admission, it may recommend that  
13 the Department or other agency assist the person in obtaining  
14 such treatment.

15 (Source: P.A. 91-726, eff. 6-2-00.)

16 (405 ILCS 5/3-805) (from Ch. 91 1/2, par. 3-805)

17 Sec. 3-805. Every respondent alleged to be subject to  
18 involuntary admission on an inpatient or outpatient basis  
19 shall be represented by counsel. If the respondent is indigent  
20 or an appearance has not been entered on his behalf at the time  
21 the matter is set for hearing, the court shall appoint counsel  
22 for him. A hearing shall not proceed when a respondent is not  
23 represented by counsel unless, after conferring with counsel,  
24 the respondent requests to represent himself and the court is  
25 satisfied that the respondent has the capacity to make an

1 informed waiver of his right to counsel. Counsel shall be  
2 allowed time for adequate preparation and shall not be  
3 prevented from conferring with the respondent at reasonable  
4 times nor from making an investigation of the matters in issue  
5 and presenting such relevant evidence as he believes is  
6 necessary.

7 1. If the court determines that the respondent is unable  
8 to obtain counsel, the court shall appoint as counsel an  
9 attorney employed by or under contract with the Department of  
10 Disability Advocacy and Guardianship ~~and Mental Health~~  
11 ~~Advocacy Commission~~, if available.

12 2. If an attorney from the Department of Disability  
13 Advocacy and Guardianship ~~and Mental Health Advocacy~~  
14 ~~Commission~~ is not available, the court shall appoint as  
15 counsel the public defender or, only if no public defender is  
16 available, an attorney licensed to practice law in this State.

17 3. Upon filing with the court of a verified statement of  
18 legal services rendered by the private attorney appointed  
19 pursuant to paragraph (2) of this Section, the court shall  
20 determine a reasonable fee for such services. If the  
21 respondent is unable to pay the fee, the court shall enter an  
22 order upon the county to pay the entire fee or such amount as  
23 the respondent is unable to pay.

24 (Source: P.A. 96-1399, eff. 7-29-10; 96-1453, eff. 8-20-10.)

25 (405 ILCS 5/3-910) (from Ch. 91 1/2, par. 3-910)

1           Sec. 3-910. (a) Whenever a recipient who has been in a  
2 Department facility for more than 7 days is to be transferred  
3 to another facility under Section 3-908, the facility director  
4 of the facility shall give written notice at least 14 days  
5 before the transfer to the recipient, his attorney, guardian,  
6 if any, and responsible relative. In the case of a minor,  
7 notice shall be given to his attorney, to the parent,  
8 guardian, or person in loco parentis who executed the  
9 application for his admission, and to the minor himself if he  
10 is 12 years of age or older. The notice shall include the  
11 reasons for transfer, a statement of the right to object and  
12 the address and phone number of the Department of Disability  
13 Advocacy and Guardianship ~~and Advocacy Commission~~. If the  
14 recipient requests, the facility director shall assist him in  
15 contacting the Department of Disability Advocacy and  
16 Guardianship ~~Commission~~.

17           (b) In an emergency, when the health of the recipient or  
18 the physical safety of the recipient or others is imminently  
19 imperiled and appropriate care is not available where the  
20 recipient is located, a recipient may be immediately  
21 transferred to another facility provided that notice of the  
22 transfer is given as soon as possible but not more than 48  
23 hours after transfer. The reason for the emergency shall be  
24 noted in the recipient's record and specified in the notice.

25           (c) A recipient may object to his transfer or his  
26 attorney, guardian, or responsible relative may object on his

1 behalf. In the case of a minor, his attorney, the person who  
2 executed the application for admission, or the minor himself  
3 if he is 12 years of age or older, may object to the transfer.  
4 Prior to transfer or within 14 days after an emergency  
5 transfer, a written objection shall be submitted to the  
6 facility director of the facility where the recipient is  
7 located. Upon receipt of an objection, the facility director  
8 shall promptly schedule a hearing to be held within 7 days  
9 pursuant to Section 3-207. The hearing shall be held at the  
10 transferring facility except that when an emergency transfer  
11 has taken place the hearing may be held at the receiving  
12 facility. Except in an emergency, no transfer shall proceed  
13 pending hearing on an objection.

14 (d) At the hearing the Department shall have the burden of  
15 proving that the standard for transfer under Section 3-908 is  
16 met. If the transfer is to a facility which is substantially  
17 more physically restrictive than the transferring facility,  
18 the Department shall also prove that the transfer is  
19 reasonably required for the safety of the recipient or others.  
20 If the utilization review committee finds that the Department  
21 has sustained its burden and the decision to transfer is based  
22 upon substantial evidence, it shall recommend that the  
23 transfer proceed. If it does not so find, it shall recommend  
24 that the recipient not be transferred.

25 (Source: P.A. 88-380.)

1 (405 ILCS 5/4-201.1) (from Ch. 91 1/2, par. 4-201.1)

2 Sec. 4-201.1. (a) A person residing in a Department mental  
3 health facility who is evaluated as having a mild or moderate  
4 intellectual disability, an attorney or advocate representing  
5 the person, or a guardian of such person may object to the  
6 Department facility director's certification required in  
7 Section 4-201, the treatment and habilitation plan, or  
8 appropriateness of setting, and obtain an administrative  
9 decision requiring revision of a treatment or habilitation  
10 plan or change of setting, by utilization review as provided  
11 in Sections 3-207 and 4-209 of this Code. As part of this  
12 utilization review, the Committee shall include as one of its  
13 members a qualified intellectual disabilities professional.

14 (b) The mental health facility director shall give written  
15 notice to each person evaluated as having a mild or moderate  
16 intellectual disability, the person's attorney and guardian,  
17 if any, or in the case of a minor, to his or her attorney, to  
18 the parent, guardian or person in loco parentis and to the  
19 minor if 12 years of age or older, of the person's right to  
20 request a review of the facility director's initial or  
21 subsequent determination that such person is appropriately  
22 placed or is receiving appropriate services. The notice shall  
23 also provide the address and phone number of the Division of  
24 Legal Advocacy Service of the Department of Disability  
25 Advocacy and Guardianship and Advocacy Commission, which the  
26 person or guardian can contact for legal assistance. If

1 requested, the facility director shall assist the person or  
2 guardian in contacting the Division of Legal Advocacy Service.  
3 This notice shall be given within 24 hours of ~~Department's~~  
4 evaluation by the Department of Human Services that the person  
5 has a mild or moderate intellectual disability.

6 (c) Any recipient of services who successfully challenges  
7 a final decision of the Secretary of the Department (or his or  
8 her designee) reviewing an objection to the certification  
9 required under Section 4-201, the treatment and habilitation  
10 plan, or the appropriateness of the setting shall be entitled  
11 to recover reasonable attorney's fees incurred in that  
12 challenge, unless the Department's position was substantially  
13 justified.

14 (Source: P.A. 99-143, eff. 7-27-15.)

15 (405 ILCS 5/4-203) (from Ch. 91 1/2, par. 4-203)

16 Sec. 4-203. (a) Every developmental disabilities facility  
17 shall maintain adequate records which shall include the  
18 Section of this Act under which the client was admitted, any  
19 subsequent change in the client's status, and requisite  
20 documentation for such admission and status.

21 (b) The Department shall ensure that a monthly report is  
22 maintained for each Department mental health facility, and  
23 each unit of a Department developmental disability facility  
24 for dually diagnosed persons, which lists (1) initials of  
25 persons admitted to, residing at, or discharged from a

1 Department mental health facility or unit for dually diagnosed  
2 persons of Department developmental disability facility during  
3 that month with a primary or secondary diagnosis of  
4 intellectual disability, (2) the date and facility and unit of  
5 admission or continuing, care, (3) the legal admission status,  
6 (4) the recipient's diagnosis, (5) the date and facility and  
7 unit of transfer or discharge, (6) whether or not there is a  
8 public or private guardian, (7) whether the facility director  
9 has certified that appropriate treatment and habilitation are  
10 available for and being provided to such person pursuant to  
11 Section 4-203 of this Chapter, and (8) whether the person or a  
12 guardian has requested review as provided in Section 4-209 of  
13 this Chapter and, if so, the outcome of the review. The  
14 Secretary of the Department shall furnish a copy of each  
15 monthly report upon request to the Department of Disability  
16 Advocacy and Guardianship ~~and Advocacy Commission~~ and the  
17 agency designated by the Governor under Section 1 of "An Act in  
18 relation to the protection and advocacy of the rights of  
19 persons with developmental disabilities, and amending certain  
20 Acts therein named", approved September 20, 1985, and under  
21 Section 1 of "An Act for the protection and advocacy of  
22 mentally ill persons", approved September 20, 1987.

23 (c) Nothing contained in this Chapter shall be construed  
24 to limit or otherwise affect the power of any developmental  
25 disabilities facility to determine the qualifications of  
26 persons permitted to admit clients to such facility. This

1 subsection shall not affect or limit the powers of any court to  
2 order admission to a developmental disabilities facility as  
3 set forth in this Chapter.

4 (Source: P.A. 97-227, eff. 1-1-12.)

5 (405 ILCS 5/4-605) (from Ch. 91 1/2, par. 4-605)

6 Sec. 4-605. Every respondent alleged to meet the standard  
7 for judicial admission shall be represented by counsel. If the  
8 respondent is indigent or an appearance has not been entered  
9 on his behalf at the time the matter is set for hearing, the  
10 court shall appoint counsel for him. A hearing shall not  
11 proceed when a respondent is not represented by counsel  
12 unless, after conferring with counsel, the respondent requests  
13 to represent himself and the court is satisfied that the  
14 respondent has the capacity to make an informed waiver of his  
15 right to counsel. Counsel shall be allowed time for adequate  
16 preparation and shall not be prevented from conferring with  
17 the respondent at reasonable times nor from making an  
18 investigation of the matters in issue and presenting such  
19 relevant evidence as he believes is necessary.

20 1. If the court determines that the respondent is unable  
21 to obtain counsel, the court shall appoint as counsel an  
22 attorney employed by or under contract with the Department of  
23 Disability Advocacy and Guardianship and Advocacy Commission,  
24 if available.

25 2. If an attorney from the Department of Disability

1 Advocacy and Guardianship ~~and Advocacy Commission~~ is not  
2 available, the court shall appoint as counsel the public  
3 defender or, only if no public defender is available, an  
4 attorney licensed to practice law in this State.

5 3. Upon filing with the court of a verified statement of  
6 legal services rendered by the private attorney appointed  
7 pursuant to paragraph (2) of this Section, the court shall  
8 determine a reasonable fee for such services. If the  
9 respondent is unable to pay the fee, the court shall enter an  
10 order upon the county to pay the entire fee or such amount as  
11 the respondent is unable to pay.

12 (Source: P.A. 85-1247.)

13 (405 ILCS 5/5-100) (from Ch. 91 1/2, par. 5-100)

14 Sec. 5-100. Written notice of the death of a recipient of  
15 services which occurs at a mental health or developmental  
16 disabilities facility, or the death of a recipient of services  
17 who has not been discharged from a mental health or  
18 developmental disabilities facility but whose death occurs  
19 elsewhere, shall within 10 days of the death of a recipient be  
20 mailed to the Department of Public Health which, for the  
21 primary purpose of monitoring patterns of abuse and neglect of  
22 recipients of services, shall make such notices available to  
23 the Department of Disability Advocacy and Guardianship ~~and~~  
24 ~~Advocacy Commission~~ and to the agency designated by the  
25 Governor under Section 1 of "An Act in relation to the

1 protection and advocacy of the rights of persons with  
2 developmental disabilities, and amending Acts therein named",  
3 approved September 20, 1985. Such notice shall include the  
4 name of the recipient, the name and address of the facility at  
5 which the death occurred, the recipient's age, the nature of  
6 the recipient's condition, including any evidence of the  
7 previous injuries or disabilities, or relevant medical  
8 conditions or any other information which might be helpful in  
9 establishing the cause of death.

10 Written notice of the death of a recipient of services who  
11 was admitted by court order, and the cause thereof shall, in  
12 all cases, be mailed by the facility director to the court  
13 entering the original admission order, and if possible, to the  
14 same judge, and the time, place and alleged cause of such death  
15 shall be entered upon the docket. Such notice must be mailed  
16 within 10 days following the death of the recipient.

17 In the event of a sudden or mysterious death of any  
18 recipient of services at any public or private facility, a  
19 coroner's inquest shall be held as provided by law in other  
20 cases.

21 In cases where the deceased person was a recipient or  
22 client of any state facility, and the fees for holding an  
23 inquest cannot be collected out of his estate, such fees shall  
24 be paid by the Department.

25 (Source: P.A. 88-380.)

1 Section 100. The Alzheimer's Disease Assistance Act is  
2 amended by changing Section 6 as follows:

3 (410 ILCS 405/6) (from Ch. 111 1/2, par. 6956)

4 Sec. 6. Alzheimer's Disease Advisory Committee.

5 (a) There is created the Alzheimer's Disease Advisory  
6 Committee consisting of 17 voting members appointed by the  
7 Director of the Department, as well as 5 nonvoting members as  
8 hereinafter provided in this Section. The Director or his  
9 designee shall serve as one of the 17 voting members and as the  
10 Chairman of the Committee. Those appointed as voting members  
11 shall include persons who are experienced in research and the  
12 delivery of services to individuals with Alzheimer's disease  
13 or a related disorder and their families. Such members shall  
14 include:

15 (1) one individual from a statewide association  
16 dedicated to Alzheimer's care, support, and research;

17 (2) one individual from a non-governmental statewide  
18 organization that advocates for seniors;

19 (3) the Dementia Coordinator of the Illinois  
20 Department of Public Health, or the Dementia Coordinator's  
21 designee;

22 (4) one individual representing the Community Care  
23 Program's Home and Community Services Division;

24 (5) one individual representing the Adult Protective  
25 Services Unit;

1           (6) 3 individuals from Alzheimer's Disease Assistance  
2           Centers;

3           (7) one individual from a statewide association  
4           representing an adult day service organization;

5           (8) one individual from a statewide association  
6           representing home care providers;

7           (9) one individual from a statewide trade organization  
8           representing the interests of physicians licensed to  
9           practice medicine in all of its branches in Illinois;

10          (10) one individual representing long-term care  
11          facilities licensed under the Nursing Home Care Act, an  
12          assisted living establishment licensed under the Assisted  
13          Living and Shared Housing Act, or supportive living  
14          facilities;

15          (11) one individual from a statewide association  
16          representing the interests of social workers;

17          (12) one individual representing Area Agencies on  
18          Aging;

19          (13) the Medicaid Director of the Department of  
20          Healthcare and Family Services, or the Medicaid Director's  
21          designee;

22          (14) one individual from a statewide association  
23          representing health education and promotion and public  
24          health advocacy; and

25          (15) one individual with medical or academic  
26          experience with early onset Alzheimer's disease or related

1 disorders.

2 (b) In addition to the 17 voting members, the Directors of  
3 the following State agencies or their designees who are  
4 qualified to represent each Department's programs and services  
5 for those with Alzheimer's disease or related disorders shall  
6 serve as nonvoting members: Department on Aging, Department of  
7 Healthcare and Family Services, Department of Public Health,  
8 Department of Human Services, and Department of Disability  
9 Advocacy and Guardianship ~~and Advocacy Commission~~.

10 Each voting member appointed by the Director of Public  
11 Health shall serve for a term of 2 years, and until his  
12 successor is appointed and qualified. Members of the Committee  
13 shall not be compensated but shall be reimbursed for expenses  
14 actually incurred in the performance of their duties.  
15 Vacancies shall be filled in the same manner as original  
16 appointments.

17 The Committee shall review all State programs and services  
18 provided by State agencies that are directed toward persons  
19 with Alzheimer's disease and related dementias, and by  
20 consensus recommend changes to improve the State's response to  
21 this serious health problem. Such recommendations shall be  
22 included in the State plan described in this Act.

23 (Source: P.A. 101-588, eff. 1-1-20.)

24 Section 103. The Vital Records Act is amended by changing  
25 Section 25.2 as follows:

1 (410 ILCS 535/25.2)

2 Sec. 25.2. Division ~~Office~~ of State Guardian birth record  
3 request.

4 (a) For purposes of this Section, an individual's status  
5 as a person under guardianship ~~of~~ ~~with~~ the Division ~~Office~~ of  
6 State Guardian may be verified with a copy of the court order  
7 placing the individual under the guardianship of the Division  
8 ~~Office~~ of State Guardian.

9 (b) The applicable fees under Section 17 for a new  
10 certificate of birth and under Section 25 for a search for a  
11 birth record or certified copy of a birth record shall be  
12 waived for requests made by the Division ~~Office~~ of State  
13 Guardian to the Office of the State Registrar of Vital Records  
14 in Springfield for an individual under guardianship of the  
15 Division ~~Office~~ of State Guardian, whose status is verified  
16 under subsection (a) of this Section.

17 (c) The State Registrar of Vital Records shall establish  
18 standards and procedures consistent with this Section for  
19 waiver of the applicable fees.

20 (d) An individual under guardianship shall be provided no  
21 more than 4 birth records annually under this Section.

22 (Source: P.A. 103-682, eff. 7-1-25.)

23 Section 105. The Clerks of Courts Act is amended by  
24 changing Section 27.3f as follows:

1 (705 ILCS 105/27.3f)

2 Sec. 27.3f. Guardianship and advocacy operations fee.

3 (a) As used in this Section, "guardianship and advocacy"  
4 means the guardianship and advocacy services provided by the  
5 Department of Disability Advocacy and Guardianship ~~and~~  
6 ~~Advocacy Commission~~ and defined in the Guardianship and  
7 Advocacy Act. Viable public guardianship and advocacy  
8 programs, including the public guardianship programs created  
9 and supervised in probate proceedings in the Illinois courts,  
10 are essential to the administration of justice and ensure that  
11 incapacitated persons and their estates are protected. To  
12 defray the expense of maintaining and operating the divisions  
13 and programs of the Department of Disability Advocacy and  
14 Guardianship ~~and Advocacy Commission~~ and to support viable  
15 guardianship and advocacy programs throughout Illinois, each  
16 circuit court clerk shall charge and collect a fee on all  
17 matters filed in probate cases in accordance with this  
18 Section, but no fees shall be assessed against the Division of  
19 State Guardian, any State agency under the jurisdiction of the  
20 Governor, any public guardian, or any State's Attorney.

21 (b) No fee specified in this Section shall be imposed in  
22 any minor guardianship established under Article XI of the  
23 Probate Act of 1975, or against an indigent person. An  
24 indigent person shall include any person who meets one or more  
25 of the following criteria:

1           (1) He or she is receiving assistance under one or  
2 more of the following public benefits programs:  
3 Supplemental Security Income (SSI), Aid to the Aged,  
4 Blind, and Disabled (AABD), Temporary Assistance for Needy  
5 Families (TANF), Supplemental Nutrition Assistance Program  
6 (SNAP) (formerly Food Stamps), General Assistance, State  
7 Transitional Assistance, or State Children and Family  
8 Assistance.

9           (2) His or her available income is 125% or less of the  
10 current poverty level as established by the United States  
11 Department of Health and Human Services, unless the  
12 applicant's assets that are not exempt under Part 9 or 10  
13 of Article XII of the Code of Civil Procedure are of a  
14 nature and value that the court determines that the  
15 applicant is able to pay the fees, costs, and charges.

16           (3) He or she is, in the discretion of the court,  
17 unable to proceed in an action without payment of fees,  
18 costs, and charges and whose payment of those fees, costs,  
19 and charges would result in substantial hardship to the  
20 person or his or her family.

21           (4) He or she is an indigent person pursuant to  
22 Section 5-105.5 of the Code of Civil Procedure, providing  
23 that an "indigent person" means a person whose income is  
24 125% or less of the current official federal poverty  
25 guidelines or who is otherwise eligible to receive civil  
26 legal services under the Legal Services Corporation Act of

1 1974.

2 (c) The clerk is entitled to receive the fee specified in  
3 this Section, which shall be paid in advance, and managed by  
4 the clerk as set out in paragraph (2), except that, for good  
5 cause shown, the court may suspend, reduce, or release the  
6 costs payable under this Section:

7 (1) For administration of the estate of a decedent  
8 (whether testate or intestate) or of a missing person, a  
9 fee of \$100.

10 (2) The guardianship and advocacy operations fee, as  
11 outlined in this Section, shall be in addition to all  
12 other fees and charges and assessable as costs. Five  
13 percent of the fee shall be retained by the clerk for  
14 deposit into the Circuit Court Clerk Operation and  
15 Administrative Fund to defray costs of collection and 95%  
16 of the fee shall be disbursed within 60 days after receipt  
17 by the circuit clerk to the State Treasurer for deposit by  
18 the State Treasurer into the Guardianship and Advocacy  
19 Fund.

20 (Source: P.A. 97-1093, eff. 1-1-13.)

21 Section 110. The Criminal Code of 2012 is amended by  
22 changing Section 12-9 as follows:

23 (720 ILCS 5/12-9) (from Ch. 38, par. 12-9)

24 Sec. 12-9. Threatening public officials; human service

1 providers.

2 (a) A person commits threatening a public official or  
3 human service provider when:

4 (1) that person knowingly delivers or conveys,  
5 directly or indirectly, to a public official or human  
6 service provider by any means a communication:

7 (i) containing a threat that would place the  
8 public official or human service provider or a member  
9 of his or her immediate family in reasonable  
10 apprehension of immediate or future bodily harm,  
11 sexual assault, confinement, or restraint; or

12 (ii) containing a threat that would place the  
13 public official or human service provider or a member  
14 of his or her immediate family in reasonable  
15 apprehension that damage will occur to property in the  
16 custody, care, or control of the public official or  
17 his or her immediate family; and

18 (2) the threat was conveyed because of the performance  
19 or nonperformance of some public duty or duty as a human  
20 service provider, because of hostility of the person  
21 making the threat toward the status or position of the  
22 public official or the human service provider, or because  
23 of any other factor related to the official's public  
24 existence.

25 (a-5) For purposes of a threat to a sworn law enforcement  
26 officer, the threat must contain specific facts indicative of

1 a unique threat to the person, family or property of the  
2 officer and not a generalized threat of harm.

3 (a-6) For purposes of a threat to a social worker,  
4 caseworker, investigator, or human service provider, the  
5 threat must contain specific facts indicative of a unique  
6 threat to the person, family or property of the individual and  
7 not a generalized threat of harm.

8 (b) For purposes of this Section:

9 (1) "Public official" means a person who is elected to  
10 office in accordance with a statute or who is appointed to  
11 an office which is established, and the qualifications and  
12 duties of which are prescribed, by statute, to discharge a  
13 public duty for the State or any of its political  
14 subdivisions or in the case of an elective office any  
15 person who has filed the required documents for nomination  
16 or election to such office. "Public official" includes a  
17 duly appointed assistant State's Attorney, assistant  
18 Attorney General, or Appellate Prosecutor; a sworn law  
19 enforcement or peace officer; a social worker, caseworker,  
20 attorney, or investigator employed by the Department of  
21 Healthcare and Family Services, the Department of Human  
22 Services, the Department of Children and Family Services,  
23 or the Department of Disability Advocacy and Guardianship  
24 ~~and Advocacy Commission~~; or an assistant public guardian,  
25 attorney, social worker, case manager, or investigator  
26 employed by a duly appointed public guardian.

1           (1.5) "Human service provider" means a social worker,  
2           case worker, or investigator employed by an agency or  
3           organization providing social work, case work, or  
4           investigative services under a contract with or a grant  
5           from the Department of Human Services, the Department of  
6           Children and Family Services, the Department of Healthcare  
7           and Family Services, or the Department on Aging.

8           (2) "Immediate family" means a public official's  
9           spouse or child or children.

10          (c) Threatening a public official or human service  
11          provider is a Class 3 felony for a first offense and a Class 2  
12          felony for a second or subsequent offense.

13          (Source: P.A. 100-1, eff. 1-1-18.)

14          Section 115. The Mental Health and Developmental  
15          Disabilities Confidentiality Act is amended by changing  
16          Sections 4, 8, and 8.1 as follows:

17               (740 ILCS 110/4) (from Ch. 91 1/2, par. 804)

18          Sec. 4. (a) The following persons shall be entitled, upon  
19          request, to inspect and copy a recipient's record or any part  
20          thereof:

21               (1) the parent or guardian of a recipient who is under  
22               12 years of age;

23               (2) the recipient if he is 12 years of age or older;

24               (3) the parent or guardian of a recipient who is at

1           least 12 but under 18 years, if the recipient is informed  
2           and does not object or if the therapist does not find that  
3           there are compelling reasons for denying the access. The  
4           parent or guardian who is denied access by either the  
5           recipient or the therapist may petition a court for access  
6           to the record. Nothing in this paragraph is intended to  
7           prohibit the parent or guardian of a recipient who is at  
8           least 12 but under 18 years from requesting and receiving  
9           the following information: current physical and mental  
10          condition, diagnosis, treatment needs, services provided,  
11          and services needed, including medication, if any;

12           (3.5) the parent or guardian of a minor, regardless of  
13          the minor's age, if the minor is involved in special  
14          education services under Section 14-1.11 of the School  
15          Code, and only for the purpose of inspecting and copying a  
16          record of the specific mental health or developmental  
17          services that the parent or guardian consented to on the  
18          recipient's behalf for special education services; or the  
19          designated representative of a student over the age of 18  
20          involved in special education services under Section  
21          14-6.10 of the School Code;

22           (4) the guardian of a recipient who is 18 years or  
23          older;

24           (5) an attorney or guardian ad litem who represents a  
25          minor 12 years of age or older in any judicial or  
26          administrative proceeding, provided that the court or

1 administrative hearing officer has entered an order  
2 granting the attorney this right;

3 (6) an agent appointed under a recipient's power of  
4 attorney for health care or for property, when the power  
5 of attorney authorizes the access;

6 (7) an attorney-in-fact appointed under the Mental  
7 Health Treatment Preference Declaration Act; or

8 (8) any person in whose care and custody the recipient  
9 has been placed pursuant to Section 3-811 of the Mental  
10 Health and Developmental Disabilities Code.

11 (b) Assistance in interpreting the record may be provided  
12 without charge and shall be provided if the person inspecting  
13 the record is under 18 years of age. However, access may in no  
14 way be denied or limited if the person inspecting the record  
15 refuses the assistance. A reasonable fee may be charged for  
16 duplication of a record. However, when requested to do so in  
17 writing by any indigent recipient, the custodian of the  
18 records shall provide at no charge to the recipient, or to the  
19 Department of Disability Advocacy and Guardianship ~~and~~  
20 ~~Advocacy Commission~~, the agency designated by the Governor  
21 under Section 1 of the Protection and Advocacy for Persons  
22 with Developmental Disabilities Act or to any other  
23 not-for-profit agency whose primary purpose is to provide free  
24 legal services or advocacy for the indigent and who has  
25 received written authorization from the recipient under  
26 Section 5 of this Act to receive his records, one copy of any

1 records in its possession whose disclosure is authorized under  
2 this Act.

3 (c) Any person entitled to access to a record under this  
4 Section may submit a written statement concerning any disputed  
5 or new information, which statement shall be entered into the  
6 record. Whenever any disputed part of a record is disclosed,  
7 any submitted statement relating thereto shall accompany the  
8 disclosed part. Additionally, any person entitled to access  
9 may request modification of any part of the record which he  
10 believes is incorrect or misleading. If the request is  
11 refused, the person may seek a court order to compel  
12 modification.

13 (d) Whenever access or modification is requested, the  
14 request and any action taken thereon shall be noted in the  
15 recipient's record.

16 (e) Nothing in this Section shall be construed to affect  
17 the protection of or access to records under the Illinois  
18 School Student Records Act or the federal Individuals with  
19 Disabilities Education Act.

20 (Source: P.A. 103-474, eff. 1-1-24; 104-263, eff. 1-1-26.)

21 (740 ILCS 110/8) (from Ch. 91 1/2, par. 808)

22 Sec. 8. In the course of an investigation, or in the course  
23 of monitoring issues concerning the rights of recipients or  
24 the services provided to recipients as authorized by  
25 subsection (1) of Section 5 of the Guardianship and Advocacy

1 Act, the Division of Disability Rights and Protections a  
2 ~~regional human rights authority~~ of the Department of  
3 Disability Advocacy and Guardianship and Advocacy Commission  
4 created by the Guardianship and Advocacy Act may inspect and  
5 copy any recipient's records in the possession of a therapist,  
6 agency, department, ~~Department~~ or facility which provides  
7 services to a recipient, including reports of suspected abuse  
8 or neglect of a recipient and information regarding the  
9 disposition of such reports. However, the Division of  
10 Disability Rights and Protections ~~a regional authority~~ may not  
11 inspect or copy records containing personally identifiable  
12 data which cannot be removed without imposing an unreasonable  
13 burden on the therapist, agency, department, ~~Department~~ or  
14 facility which provides services, except as provided herein.  
15 The Division of Disability Rights and Protections ~~regional~~  
16 ~~authority~~ shall give written notice to the person entitled to  
17 give consent for the identifiable recipient of services under  
18 Section 4 that it is conducting an investigation or monitoring  
19 and indicating the nature and purpose of the investigation or  
20 monitoring and the need to inspect and copy the recipient's  
21 record. If the person notified objects in writing to such  
22 inspection and copying, the Division of Disability Rights and  
23 Protections ~~regional authority~~ may not inspect or copy the  
24 record. The therapist, agency, department, ~~Department~~ or  
25 facility which provides services may not object on behalf of a  
26 recipient.

1 (Source: P.A. 86-820; 86-1013; 86-1475.)

2 (740 ILCS 110/8.1) (from Ch. 91 1/2, par. 808.1)

3 Sec. 8.1. The agency designated by the Governor under  
4 Section 1 of "An Act in relation to the protection and advocacy  
5 of the rights of persons with developmental disabilities, and  
6 amending Acts therein named", approved September 20, 1985, as  
7 now or hereafter amended, shall have access, for the purpose  
8 of inspection and copying, to the records of a person with  
9 developmental disabilities who resides in a developmental  
10 disability facility or mental health facility, as defined in  
11 Sections 1-107 and 1-114, respectively, of the Mental Health  
12 and Developmental Disabilities Code, as now or hereafter  
13 amended, if (a) a complaint is received by such agency from or  
14 on behalf of the person with a developmental disability, and  
15 (b) such person does not have a guardian of the person or the  
16 State or the designee of the State is his or her guardian of  
17 the person. The designated agency shall provide written notice  
18 of the receipt of a complaint to the custodian of the records  
19 of the person from whom or on whose behalf a complaint is  
20 received. The designated agency shall provide to the person  
21 with developmental disabilities and to the Division of ~~his or~~  
22 ~~her~~ State Guardian ~~guardian~~, if appointed, written notice of  
23 the nature of the complaint based upon which the designated  
24 agency has gained access to the records. No record or the  
25 contents of any record shall be redisclosed by the designated

1 agency unless the person with developmental disabilities and  
2 the Division of State Guardian ~~guardian~~ are provided 7 days  
3 advance written notice, except in emergency situations, of the  
4 designated agency's intent to redisclose such record, during  
5 which time the person with developmental disabilities or the  
6 Division of State Guardian ~~guardian~~ may seek to judicially  
7 enjoin the designated agency's redisclosure of such record on  
8 the grounds that such redisclosure is contrary to the  
9 interests of the person with developmental disabilities. If a  
10 person with developmental disabilities resides in a  
11 developmental disability or mental health facility and has a  
12 guardian other than the State or the designee of the State, the  
13 facility director shall disclose the guardian's name, address  
14 and telephone number to the designated agency at the agency's  
15 request.

16 Upon written request and after the provision of written  
17 notice to the agency, facility or other body from which  
18 records and other materials are sought of the designated  
19 agency's investigation of problems affecting numbers of  
20 persons with developmental disabilities, the designated agency  
21 shall be entitled to inspect and copy any records or other  
22 materials which may further the agency's investigation of  
23 problems affecting numbers of persons with developmental  
24 disabilities. When required by law any personally identifiable  
25 information of persons with developmental disabilities shall  
26 be removed from the records. However, the designated agency

1 may not inspect or copy records or other materials when the  
2 removal of personally identifiable information imposes an  
3 unreasonable burden on mental health and developmental  
4 disabilities facilities.

5 For the purposes of this Section, "developmental  
6 disability" means a severe, chronic disability of a person  
7 which -

8 (A) is attributable to a mental or physical impairment or  
9 combination of mental and physical impairments;

10 (B) is manifested before the person attains age 22;

11 (C) is likely to continue indefinitely;

12 (D) results in substantial functional limitations in 3 or  
13 more of the following areas of major life activity: (i)  
14 self-care, (ii) receptive and expressive language, (iii)  
15 learning, (iv) mobility, (v) self-direction, (vi) capacity for  
16 independent living, and (vii) economic self-sufficiency; and

17 (E) reflects the person's need for a combination and  
18 sequence of special, interdisciplinary or generic care,  
19 treatment or other services which are of lifelong or extended  
20 duration and are individually planned and coordinated.

21 (Source: P.A. 88-380.)

22 Section 120. The Adoption Act is amended by changing  
23 Section 13 as follows:

24 (750 ILCS 50/13) (from Ch. 40, par. 1516)

1           Sec. 13. Interim order. As soon as practicable after the  
2 filing of a petition for adoption the court shall hold a  
3 hearing for the following purposes:

4           A. In other than an adoption of a related child or an  
5 adoption through an agency, or of an adult:

6                 (a) To determine the validity of the consent, provided  
7 that the execution of a consent pursuant to this Act shall  
8 be prima facie evidence of its validity, and provided that  
9 the validity of a consent shall not be affected by the  
10 omission therefrom of the names of the petitioners or  
11 adopting parents at the time the consent is executed or  
12 acknowledged, and further provided that the execution of a  
13 consent prior to the filing of a petition for adoption  
14 shall not affect its validity.

15                 (b) To determine whether there is available suitable  
16 temporary custodial care for a child sought to be adopted.

17           B. In all cases except standby adoptions and re-adoptions:

18                 (a) The court shall appoint some licensed attorney  
19 other than the State's attorney acting in his or her  
20 official capacity as guardian ad litem to represent a  
21 child sought to be adopted. Such guardian ad litem shall  
22 have power to consent to the adoption of the child, if such  
23 consent is required. In the case of a related adoption  
24 where the child sought to be adopted is not a youth in  
25 care, the court shall have the discretion to waive the  
26 appointment of a guardian ad litem.

1           (b) The court shall appoint a guardian ad litem for  
2 all named minors or defendants who are persons under legal  
3 disability, if any. In the case of a related adoption  
4 where the child sought to be adopted is not a youth in  
5 care, the court shall have the discretion to waive the  
6 appointment of a guardian ad litem.

7           (c) If the petition alleges a person to be unfit  
8 pursuant to the provisions of subparagraph (p) of  
9 paragraph D of Section 1 of this Act, such person shall be  
10 represented by counsel. If such person is indigent or an  
11 appearance has not been entered on his behalf at the time  
12 the matter is set for hearing, the court shall appoint as  
13 counsel for him either the Department of Disability  
14 Advocacy and Guardianship ~~and Advocacy Commission~~, the  
15 public defender, or, only if no attorney from the  
16 Department of Disability Advocacy and Guardianship ~~and~~  
17 ~~Advocacy Commission~~ or the public defender is available,  
18 an attorney licensed to practice law in this State.

19           (d) If it is proved to the satisfaction of the court,  
20 after such investigation as the court deems necessary,  
21 that termination of parental rights and temporary  
22 commitment of the child to an agency or to a person deemed  
23 competent by the court, including petitioners, will be for  
24 the welfare of the child, the court may order the child to  
25 be so committed and may terminate the parental rights of  
26 the parents and declare the child a ward of the court or,

1 if it is not so proved, the court may enter such other  
2 order as it shall deem necessary and advisable.

3 (e) Before an interim custody order is granted under  
4 this Section, service of summons shall be had upon the  
5 parent or parents whose rights have not been terminated,  
6 except as provided in subsection (f). Reasonable notice  
7 and opportunity to be heard shall be given to the parent or  
8 parents after service of summons when the address of the  
9 parent or parents is available. The party seeking an  
10 interim custody order shall make all reasonable efforts to  
11 locate the parent or parents of the child or children they  
12 are seeking to adopt and to notify the parent or parents of  
13 the party's request for an interim custody order pursuant  
14 to this Section.

15 (f) An interim custody order may be granted without  
16 notice upon presentation to the court of a written  
17 petition, accompanied by an affidavit, stating that there  
18 is an immediate danger to the child and that irreparable  
19 harm will result to the child if notice is given to the  
20 parent or parents or legal guardian. Upon making a finding  
21 that there is an immediate danger to the child if service  
22 of process is had upon and notice of hearing is given to  
23 the parent or parents or legal guardian prior to the entry  
24 of an order granting temporary custody to someone other  
25 than a parent or legal guardian, the court may enter an  
26 order of temporary custody which shall expire not more

1 than 10 days after its entry. Every ex parte custody order  
2 granted without notice shall state the injury which the  
3 court sought to avoid by granting the order, the  
4 irreparable injury that would have occurred had notice  
5 been given, and the reason the order was granted without  
6 notice. The matter shall be set down for full hearing  
7 before the expiration of the ex parte order and will be  
8 heard after service of summons is had upon and notice of  
9 hearing is given to the parent or parents or legal  
10 guardian. At the hearing the burden of proof shall be upon  
11 the party seeking to extend the interim custody order to  
12 show that the order was properly granted without notice  
13 and that custody should remain with the party seeking to  
14 adopt during the pendency of the adoption proceeding. If  
15 the interim custody order is extended, the reasons for  
16 granting the extension shall be stated in the order.

17 C. In the case of a child born outside the United States or  
18 a territory thereof, if the petitioners have previously been  
19 appointed guardians of such child by a court of competent  
20 jurisdiction in a country other than the United States or a  
21 territory thereof, the court may order that the petitioners  
22 continue as guardians of such child.

23 D. In standby adoption cases:

24 (a) The court shall appoint a licensed attorney other  
25 than the State's Attorney acting in his or her official  
26 capacity as guardian ad litem to represent a child sought

1 to be adopted. The guardian ad litem shall have power to  
2 consent to the adoption of the child, if consent is  
3 required.

4 (b) The court shall appoint a guardian ad litem for  
5 all named minors or defendants who are persons under legal  
6 disability, if any. In the case of a related adoption  
7 where the child sought to be adopted is not a youth in  
8 care, the court shall have the discretion to waive the  
9 appointment of a guardian ad litem.

10 (c) The court lacks jurisdiction to proceed on the  
11 petition for standby adoption if the child has a living  
12 parent, adoptive parent, or adjudicated parent whose  
13 rights have not been terminated and whose whereabouts are  
14 known, unless the parent consents to the standby adoption  
15 or, after receiving notice of the hearing on the standby  
16 adoption petition, fails to object to the appointment of a  
17 standby adoptive parent at the hearing on the petition.

18 (d) The court shall investigate as needed for the  
19 welfare of the child and shall determine whether the  
20 petitioner or petitioners shall be permitted to adopt.

21 (Source: P.A. 102-139, eff. 1-1-22.)

22 Section 125. The Probate Act of 1975 is amended by  
23 changing Sections 11a-3.1, 11a-3.2, 11a-5, 11a-5.1, 11a-8.1,  
24 11a-9, 11a-12, 11a-13, 11a-14.1, 11a-17, 12-4, 13-1, and  
25 13-1.2 as follows:

1 (755 ILCS 5/11a-3.1)

2 Sec. 11a-3.1. Appointment of standby guardian.

3 (a) The guardian of a person with a disability may  
4 designate in any writing, including a will, a person qualified  
5 to act under Section 11a-5 to be appointed as standby guardian  
6 of the person or estate, or both, of the person with a  
7 disability. The guardian may designate in any writing,  
8 including a will, a person qualified to act under Section  
9 11a-5 to be appointed as successor standby guardian of the  
10 person or estate of the person with a disability, or both. The  
11 designation must be witnessed by 2 or more credible witnesses  
12 at least 18 years of age, neither of whom is the person  
13 designated as the standby guardian. The designation may be  
14 proved by any competent evidence. If the designation is  
15 executed and attested in the same manner as a will, it shall  
16 have prima facie validity. Prior to designating a proposed  
17 standby guardian, the guardian shall consult with the person  
18 with a disability to determine the preference of the person  
19 with a disability as to the person who will serve as standby  
20 guardian. The guardian shall give due consideration to the  
21 preference of the person with a disability in selecting a  
22 standby guardian.

23 (b) Upon the filing of a petition for the appointment of a  
24 standby guardian, the court may appoint a standby guardian of  
25 the person or estate, or both, of the person with a disability

1 as the court finds to be in the best interests of the person  
2 with a disability. The court shall apply the same standards  
3 used in determining the suitability of a plenary or limited  
4 guardian in determining the suitability of a standby guardian,  
5 giving due consideration to the preference of the person with  
6 a disability as to a standby guardian. The court may not  
7 appoint the Division Office of State Guardian, pursuant to  
8 Section 30 of the Guardianship and Advocacy Act, or a public  
9 guardian, pursuant to Section 13-5 of this Act, as a standby  
10 guardian, without the written consent of the Division of State  
11 Guardian or public guardian or an authorized representative of  
12 the Division of State Guardian or public guardian.

13 (c) The standby guardian shall take and file an oath or  
14 affirmation that the standby guardian will faithfully  
15 discharge the duties of the office of standby guardian  
16 according to law, and shall file in and have approved by the  
17 court a bond binding the standby guardian so to do, but shall  
18 not be required to file a bond until the standby guardian  
19 assumes all duties as guardian of the person with a disability  
20 under Section 11a-18.2.

21 (d) The designation of a standby guardian may, but need  
22 not, be in the following form:

23 DESIGNATION OF STANDBY GUARDIAN

24 [IT IS IMPORTANT TO READ THE FOLLOWING INSTRUCTIONS:

25 A standby guardian is someone who has been appointed  
26 by the court as the person who will act as guardian of the

1 person with a disability when the guardian of the person  
2 with a disability dies or is no longer willing or able to  
3 make and carry out day-to-day care decisions concerning  
4 the person with a disability. By properly completing this  
5 form, a guardian is naming the person that the guardian  
6 wants to be appointed as the standby guardian of the  
7 person with a disability. Signing the form does not  
8 appoint the standby guardian; to be appointed, a petition  
9 must be filed in and approved by the court.]

10 1. Guardian and Ward. I, (insert name of designating  
11 guardian), currently residing at (insert address of  
12 designating guardian), am the guardian of the following  
13 person with a disability: (insert name of ward).

14 2. Standby Guardian. I hereby designate the following  
15 person to be appointed as standby guardian for my ward  
16 listed above: (insert name and address of person  
17 designated).

18 3. Successor Standby Guardian. If the person named in  
19 item 2 above cannot or will not act as standby guardian, I  
20 designate the following person to be appointed as  
21 successor standby guardian for my ward: (insert name and  
22 address of person designated).

23 4. Date and Signature. This designation is made this  
24 (insert day) day of (insert month and year).

25 Signed: (designating guardian)

26 5. Witnesses. I saw the guardian sign this designation

1 or the guardian told me that the guardian signed this  
2 designation. Then I signed the designation as a witness in  
3 the presence of the guardian. I am not designated in this  
4 instrument to act as a standby guardian for the guardian's  
5 ward. (insert space for names, addresses, and signatures  
6 of 2 witnesses)

7 [END OF FORM]

8 (Source: P.A. 102-72, eff. 1-1-22.)

9 (755 ILCS 5/11a-3.2)

10 Sec. 11a-3.2. Short-term guardian.

11 (a) The guardian of a person with a disability may appoint  
12 in writing, without court approval, a short-term guardian of  
13 the person with a disability to take over the guardian's  
14 duties, to the extent provided in Section 11a-18.3, each time  
15 the guardian is unavailable or unable to carry out those  
16 duties. The guardian shall consult with the person with a  
17 disability to determine the preference of the person with a  
18 disability concerning the person to be appointed as short-term  
19 guardian and the guardian shall give due consideration to the  
20 preference of the person with a disability in choosing a  
21 short-term guardian. The written instrument appointing a  
22 short-term guardian shall be dated and shall identify the  
23 appointing guardian, the person with a disability, the person  
24 appointed to be the short-term guardian, and the termination  
25 date of the appointment. The written instrument shall be

1 signed by, or at the direction of, the appointing guardian in  
2 the presence of at least 2 credible witnesses at least 18 years  
3 of age, neither of whom is the person appointed as the  
4 short-term guardian. The person appointed as the short-term  
5 guardian shall also sign the written instrument, but need not  
6 sign at the same time as the appointing guardian. A guardian  
7 may not appoint the Division ~~Office~~ of State Guardian or a  
8 public guardian as a short-term guardian, without the written  
9 consent of the Division of State Guardian or public guardian  
10 or an authorized representative of the State Guardian or  
11 public guardian.

12 (b) The appointment of the short-term guardian is  
13 effective immediately upon the date the written instrument is  
14 executed, unless the written instrument provides for the  
15 appointment to become effective upon a later specified date or  
16 event. A short-term guardian appointed by the guardian shall  
17 have authority to act as guardian of the person with a  
18 disability for a cumulative total of 60 days during any  
19 12-month period. Only one written instrument appointing a  
20 short-term guardian may be in force at any given time.

21 (c) Every appointment of a short-term guardian may be  
22 amended or revoked by the appointing guardian at any time and  
23 in any manner communicated to the short-term guardian or to  
24 any other person. Any person other than the short-term  
25 guardian to whom a revocation or amendment is communicated or  
26 delivered shall make all reasonable efforts to inform the

1 short-term guardian of that fact as promptly as possible.

2 (d) The appointment of a short-term guardian or successor  
3 short-term guardian does not affect the rights in the person  
4 with a disability of any guardian other than the appointing  
5 guardian.

6 (e) The written instrument appointing a short-term  
7 guardian may, but need not, be in the following form:

8 APPOINTMENT OF SHORT-TERM GUARDIAN

9 [IT IS IMPORTANT TO READ THE FOLLOWING INSTRUCTIONS:

10 By properly completing this form, a guardian is  
11 appointing a short-term guardian of the person with a  
12 disability for a cumulative total of up to 60 days during  
13 any 12-month period. A separate form shall be completed  
14 each time a short-term guardian takes over guardianship  
15 duties. The person or persons appointed as the short-term  
16 guardian shall sign the form, but need not do so at the  
17 same time as the guardian.]

18 1. Guardian and Ward. I, (insert name of appointing  
19 guardian), currently residing at (insert address of  
20 appointing guardian), am the guardian of the following  
21 person with a disability: (insert name of ward).

22 2. Short-term Guardian. I hereby appoint the following  
23 person as the short-term guardian for my ward: (insert  
24 name and address of appointed person).

25 3. Effective date. This appointment becomes effective:

1 (check one if you wish it to be applicable)

2 ( ) On the date that I state in writing that I am no  
3 longer either willing or able to make and carry out  
4 day-to-day care decisions concerning my ward.

5 ( ) On the date that a physician familiar with my  
6 condition certifies in writing that I am no longer willing  
7 or able to make and carry out day-to-day care decisions  
8 concerning my ward.

9 ( ) On the date that I am admitted as an in-patient to  
10 a hospital or other health care institution.

11 ( ) On the following date: (insert date).

12 ( ) Other: (insert other).

13 [NOTE: If this item is not completed, the appointment  
14 is effective immediately upon the date the form is signed  
15 and dated below.]

16 4. Termination. This appointment shall terminate on:  
17 (enter a date corresponding to 60 days from the current  
18 date, less the number of days within the past 12 months  
19 that any short-term guardian has taken over guardianship  
20 duties), unless it terminates sooner as determined by the  
21 event or date I have indicated below: (check one if you  
22 wish it to be applicable)

23 ( ) On the date that I state in writing that I am  
24 willing and able to make and carry out day-to-day care  
25 decisions concerning my ward.

26 ( ) On the date that a physician familiar with my

1 condition certifies in writing that I am willing and able  
2 to make and carry out day-to-day care decisions concerning  
3 my ward.

4 ( ) On the date that I am discharged from the hospital  
5 or other health care institution where I was admitted as  
6 an in-patient, which established the effective date.

7 ( ) On the date which is (state a number of days) days  
8 after the effective date.

9 ( ) Other: (insert other).

10 [NOTE: If this item is not completed, the appointment  
11 will be effective until the 60th day within the past year  
12 during which time any short-term guardian of this ward had  
13 taken over guardianship duties from the guardian,  
14 beginning on the effective date.]

15 5. Date and signature of appointing guardian. This  
16 appointment is made this (insert day) day of (insert month  
17 and year).

18 Signed: (appointing guardian)

19 6. Witnesses. I saw the guardian sign this instrument  
20 or I saw the guardian direct someone to sign this  
21 instrument for the guardian. Then I signed this instrument  
22 as a witness in the presence of the guardian. I am not  
23 appointed in this instrument to act as the short-term  
24 guardian for the guardian's ward. (insert space for names,  
25 addresses, and signatures of 2 witnesses)

26 7. Acceptance of short-term guardian. I accept this

1 appointment as short-term guardian on this (insert day)  
2 day of (insert month and year).

3 Signed: (short-term guardian)

4 [END OF FORM]

5 (f) Each time the guardian appoints a short-term guardian,  
6 the guardian shall: (i) provide the person with a disability  
7 with the name, address, and telephone number of the short-term  
8 guardian; (ii) advise the person with a disability that he has  
9 the right to object to the appointment of the short-term  
10 guardian by filing a petition in court; and (iii) notify the  
11 person with a disability when the short-term guardian will be  
12 taking over guardianship duties and the length of time that  
13 the short-term guardian will be acting as guardian.

14 (Source: P.A. 102-72, eff. 1-1-22.)

15 (755 ILCS 5/11a-5) (from Ch. 110 1/2, par. 11a-5)

16 Sec. 11a-5. Who may act as guardian.

17 (a) A person is qualified to act as guardian of the person  
18 and as guardian of the estate of a person with a disability if  
19 the court finds that the proposed guardian is capable of  
20 providing an active and suitable program of guardianship for  
21 the person with a disability and that the proposed guardian:

22 (1) has attained the age of 18 years;

23 (2) is a resident of the United States;

24 (3) is not of unsound mind;

25 (4) is not an adjudged person with a disability as

1 defined in this Act; and

2 (5) has not been convicted of a felony, unless the  
3 court finds appointment of the person convicted of a  
4 felony to be in the best interests of the person with a  
5 disability, and as part of the best interests  
6 determination, the court has considered the nature of the  
7 offense, the date of offense, and the evidence of the  
8 proposed guardian's rehabilitation. No person shall be  
9 appointed who has been convicted of a felony involving  
10 harm or threat to a minor or an elderly person or a person  
11 with a disability, including a felony sexual offense.

12 (b) Any public agency, or not-for-profit corporation found  
13 capable by the court of providing an active and suitable  
14 program of guardianship for the person with a disability,  
15 taking into consideration the nature of such person's  
16 disability and the nature of such organization's services, may  
17 be appointed guardian of the person or of the estate, or both,  
18 of the person with a disability. The court shall not appoint as  
19 guardian an agency or employee of an agency that is directly  
20 providing residential services to the ward. One person or  
21 agency may be appointed guardian of the person and another  
22 person or agency appointed guardian of the estate.

23 (b-5) (1) The court may appoint separate individuals or  
24 entities to act as the guardian of the person and the guardian  
25 of the estate of a person with a disability if the court finds  
26 it is in the best interests of the person with a disability

1 that separate guardians be appointed. The court shall not  
2 appoint a separate person or entity to act as guardian of the  
3 person or guardian of the estate with a public guardian or the  
4 Division Office of State Guardian unless the public guardian  
5 or the Division Office of State Guardian agrees to such an  
6 appointment.

7 (2) The court may appoint co-guardians to act as guardian  
8 of the person, guardian of the estate, or both the guardian of  
9 the person and the guardian of the estate if the court finds it  
10 is in the best interests of the person with a disability. When  
11 considering appointing co-guardians, the court shall consider  
12 the proposed co-guardians' history of cooperating and working  
13 together on behalf of the person with a disability. The court  
14 shall appoint only co-guardians who agree to serve together.  
15 The court shall not appoint a public guardian or the Division  
16 ~~Office~~ of State Guardian as a co-guardian for a person with a  
17 disability.

18 (c) Any corporation qualified to accept and execute trusts  
19 in this State may be appointed guardian or limited guardian of  
20 the estate of a person with a disability.

21 (Source: P.A. 102-72, eff. 1-1-22.)

22 (755 ILCS 5/11a-5.1)

23 Sec. 11a-5.1. Multiple guardianships. The court may not  
24 appoint an individual the guardian of the person or estate of  
25 an adult with disabilities before the individual has disclosed

1 to the court the number of adults with disabilities over which  
2 the individual is currently appointed as guardian. If the  
3 court determines that an individual is appointed guardian over  
4 more than 5 adults with disabilities, then the court shall  
5 issue an order directing the circuit court clerk to notify the  
6 Department of Disability Advocacy and Guardianship ~~and~~  
7 ~~Advocacy Commission~~, in a form and manner prescribed by the  
8 Department of Disability Advocacy and Guardianship ~~and~~  
9 ~~Advocacy Commission~~. The clerk shall notify the Department of  
10 Disability Advocacy and Guardianship ~~and Advocacy Commission~~  
11 no later than 7 days after the entry of the order. The  
12 Department of Disability Advocacy and Guardianship ~~and~~  
13 ~~Advocacy Commission~~ shall maintain a list of all notifications  
14 it receives under this Section for reference by other agencies  
15 or units of government or the public. This Section does not  
16 apply to the Division Office ~~of the~~ State Guardian or a public  
17 guardian.

18 (Source: P.A. 100-659, eff. 1-1-19.)

19 (755 ILCS 5/11a-8.1)

20 Sec. 11a-8.1. Petition for standby guardian of the person  
21 with a disability. The petition for appointment of a standby  
22 guardian of the person or the estate, or both, of a person with  
23 a disability must state, if known: (a) the name, date of birth,  
24 and residence of the person with a disability; (b) the names  
25 and post office addresses of the nearest relatives of the

1 person with a disability in the following order: (1) the  
2 spouse and adult children, parents and adult brothers and  
3 sisters, if any; if none, (2) nearest adult kindred known to  
4 the petitioner; (c) the name and post office address of the  
5 person having guardianship of the person with a disability,  
6 and of any person or persons acting as agents of the person  
7 with a disability under the Illinois Power of Attorney Act;  
8 (d) the name, post office address, and, in case of any  
9 individual, the age and occupation of the proposed standby  
10 guardian; (e) the preference of the person with a disability  
11 as to the choice of standby guardian; (f) the facts concerning  
12 the consent of the guardian of the person with a disability to  
13 the appointment of the standby guardian, or the willingness  
14 and ability of the guardian of the person with a disability to  
15 make and carry out day-to-day care decisions concerning the  
16 person with a disability; (g) the facts concerning the  
17 execution or admission to probate of the written designation  
18 of the standby guardian, if any, a copy of which shall be  
19 attached to or filed with the petition; (h) the facts  
20 concerning any guardianship court actions pending concerning  
21 the person with a disability; and (i) the facts concerning the  
22 willingness of the proposed standby guardian to serve, and in  
23 the case of the Division Office of State Guardian and any  
24 public guardian, evidence of a written acceptance to serve  
25 signed by the Division of State Guardian or public guardian or  
26 an authorized representative of the Division of State Guardian

1 or public guardian, consistent with subsection (b) of Section  
2 11a-3.1.

3 (Source: P.A. 99-143, eff. 7-27-15.)

4 (755 ILCS 5/11a-9) (from Ch. 110 1/2, par. 11a-9)

5 Sec. 11a-9. Report.

6 (a) The petition for adjudication of disability and for  
7 appointment of a guardian should be accompanied by a report  
8 which contains (1) a description of the nature and type of the  
9 respondent's disability and an assessment of how the  
10 disability impacts on the ability of the respondent to make  
11 decisions or to function independently; (2) an analysis and  
12 results of evaluations of the respondent's mental and physical  
13 condition and, where appropriate, educational condition,  
14 adaptive behavior and social skills, which have been performed  
15 within 3 months of the date of the filing of the petition, or,  
16 in the case of an intellectual disability, a psychological  
17 evaluation of the respondent that has been performed by a  
18 clinical psychologist licensed under the Clinical Psychologist  
19 Licensing Act, within one year of the date of the filing of the  
20 petition; (3) an opinion as to whether guardianship is needed,  
21 the type and scope of the guardianship needed, and the reasons  
22 therefor; (4) a recommendation as to the most suitable living  
23 arrangement and, where appropriate, treatment or habilitation  
24 plan for the respondent and the reasons therefor; (5) the  
25 name, business address, business telephone number, and

1 signatures of all persons who performed the evaluations upon  
2 which the report is based, one of whom shall be a licensed  
3 physician, or may, in the case of an intellectual disability,  
4 be a clinical psychologist licensed under the Clinical  
5 Psychologist Licensing Act, and a statement of the  
6 certification, license, or other credentials that qualify the  
7 evaluators who prepared the report.

8 (b) If for any reason no report accompanies the petition,  
9 the court shall order appropriate evaluations to be performed  
10 by a qualified person or persons and a report prepared and  
11 filed with the court at least 10 days prior to the hearing.

12 (b-5) Upon oral or written motion by the respondent or the  
13 guardian ad litem or upon the court's own motion, the court  
14 shall appoint one or more independent experts to examine the  
15 respondent. Upon the filing with the court of a verified  
16 statement of services rendered by the expert or experts, the  
17 court shall determine a reasonable fee for the services  
18 performed. If the respondent is unable to pay the fee, the  
19 court may enter an order upon the petitioner to pay the entire  
20 fee or such amount as the respondent is unable to pay. However,  
21 in cases where the Division Office of State Guardian is the  
22 petitioner, consistent with Section 30 of the Guardianship and  
23 Advocacy Act, no expert services fees shall be assessed  
24 against the Division Office of the State Guardian.

25 (c) Unless the court otherwise directs, any report  
26 prepared pursuant to this Section shall not be made part of the

1 public record of the proceedings but shall be available to the  
2 court or an appellate court in which the proceedings are  
3 subject to review, to the respondent, the petitioner, the  
4 guardian, and their attorneys, to the respondent's guardian ad  
5 litem, and to such other persons as the court may direct.

6 Accessibility to a report prepared pursuant to this  
7 Section shall be in accordance with Section 5 of the Court  
8 Record and Document Accessibility Act.

9 (Source: P.A. 102-109, eff. 1-1-22; 103-166, eff. 1-1-24.)

10 (755 ILCS 5/11a-12) (from Ch. 110 1/2, par. 11a-12)

11 Sec. 11a-12. Order of appointment.

12 (a) If basis for the appointment of a guardian as  
13 specified in Section 11a-3 is not found, the court shall  
14 dismiss the petition.

15 (b) If the respondent is adjudged to be a person with a  
16 disability and to lack some but not all of the capacity as  
17 specified in Section 11a-3, and if the court finds that  
18 guardianship is necessary for the protection of the person  
19 with a disability, his or her estate, or both, the court shall  
20 appoint a limited guardian for the respondent's person or  
21 estate or both. The court shall enter a written order stating  
22 the factual basis for its findings and specifying the duties  
23 and powers of the guardian and the legal disabilities to which  
24 the respondent is subject.

25 (c) If the respondent is adjudged to be a person with a

1 disability and to be totally without capacity as specified in  
2 Section 11a-3, and if the court finds that limited  
3 guardianship will not provide sufficient protection for the  
4 person with a disability, his or her estate, or both, the court  
5 shall appoint a plenary guardian for the respondent's person  
6 or estate or both. The court shall enter a written order  
7 stating the factual basis for its findings.

8 (d) The selection of the guardian shall be in the  
9 discretion of the court, which shall give due consideration to  
10 the preference of the person with a disability as to a  
11 guardian, as well as the qualifications of the proposed  
12 guardian, in making its appointment. However, the paramount  
13 concern in the selection of the guardian is the best interests  
14 and well-being of the person with a disability.

15 One person or agency may be appointed a limited or plenary  
16 guardian of the person and another person or corporate trustee  
17 appointed as a limited or plenary guardian of the estate. If  
18 different persons are appointed, the court shall consider the  
19 factors set forth in subsection (b-5) of Section 11a-5. The  
20 court shall enter a written order stating the factual basis  
21 for its findings.

22 (e) The order of appointment of a guardian shall include  
23 the requirement that the guardian complete the training  
24 program as provided in Section 33.5 of the Guardianship and  
25 Advocacy Act that outlines the responsibilities of the  
26 guardian of the person and the rights of the person under

1 guardianship and file with the court a certificate of  
2 completion within one year from the date of issuance of the  
3 letters of guardianship, except that: (1) the chief judge of  
4 any circuit may order implementation of another training  
5 program by a suitable provider containing substantially  
6 similar content; (2) employees of the Division ~~Office~~ of ~~the~~  
7 State Guardian, public guardians, attorneys currently  
8 authorized to practice law, corporate fiduciaries, and persons  
9 certified by the Center for Guardianship Certification are  
10 exempt from this training requirement; and (3) the court may,  
11 for good cause shown, exempt from this requirement an  
12 individual not otherwise listed in item (2). For the purposes  
13 of this subsection (e), good cause may be proven by affidavit.  
14 If the court finds good cause to exempt an individual from the  
15 training requirement, the order of appointment shall so state.  
16 (Source: P.A. 104-237, eff. 1-1-26.)

17 (755 ILCS 5/11a-13) (from Ch. 110 1/2, par. 11a-13)

18 Sec. 11a-13. Costs in certain cases.)

19 (a) No costs may be taxed or charged by any public officer  
20 in any proceeding for the appointment of a guardian or for any  
21 subsequent proceeding or report made in pursuance of the  
22 appointment when the primary purpose of the appointment is as  
23 set forth in Section 11-11 or is the management of the estate  
24 of a person with a mental disability who resides in a state  
25 mental health or developmental disabilities facility when the

1 value of the personal estate does not exceed \$1,000.

2 (b) No costs shall be taxed or charged against the  
3 Division Office of ~~the~~ State Guardian by any public officer in  
4 any proceeding for the appointment of a guardian or for any  
5 subsequent proceeding or report made in pursuance of the  
6 appointment.

7 (Source: P.A. 99-143, eff. 7-27-15.)

8 (755 ILCS 5/11a-14.1) (from Ch. 110 1/2, par. 11a-14.1)

9 Sec. 11a-14.1. Residential placement.) No guardian  
10 appointed under this Article, except for duly appointed Public  
11 Guardians and the Division Office of State Guardian, shall  
12 have the power, unless specified by court order, to place his  
13 ward in a residential facility. The guardianship order may  
14 specify the conditions on which the guardian may admit the  
15 ward to a residential facility without further court order. In  
16 making residential placement decisions, the guardian shall  
17 make decisions in conformity with the preferences of the ward  
18 unless the guardian is reasonably certain that the decisions  
19 will result in substantial harm to the ward or to the ward's  
20 estate. When the preferences of the ward cannot be ascertained  
21 or where they will result in substantial harm to the ward or to  
22 the ward's estate, the guardian shall make decisions with  
23 respect to the ward's placement which are in the best  
24 interests of the ward. The guardian shall not remove the ward  
25 from his or her home or separate the ward from family and

1 friends unless such removal is necessary to prevent  
2 substantial harm to the ward or to the ward's estate. The  
3 guardian shall have a duty to investigate the availability of  
4 reasonable residential alternatives. The guardian shall  
5 monitor the placement of the ward on an on-going basis to  
6 ensure its continued appropriateness, and shall pursue  
7 appropriate alternatives as needed.

8 (Source: P.A. 90-250, eff. 7-29-97.)

9 (755 ILCS 5/11a-17) (from Ch. 110 1/2, par. 11a-17)

10 Sec. 11a-17. Duties of personal guardian.

11 (a) To the extent ordered by the court and under the  
12 direction of the court, the guardian of the person shall have  
13 custody of the ward and the ward's minor and adult dependent  
14 children and shall procure for them and shall make provision  
15 for their support, care, comfort, health, education and  
16 maintenance, and professional services as are appropriate, but  
17 the ward's spouse may not be deprived of the custody and  
18 education of the ward's minor and adult dependent children,  
19 without the consent of the spouse, unless the court finds that  
20 the spouse is not a fit and competent person to have that  
21 custody and education. The guardian shall assist the ward in  
22 the development of maximum self-reliance and independence. The  
23 guardian of the person may petition the court for an order  
24 directing the guardian of the estate to pay an amount  
25 periodically for the provision of the services specified by

1 the court order. If the ward's estate is insufficient to  
2 provide for education and the guardian of the ward's person  
3 fails to provide education, the court may award the custody of  
4 the ward to some other person for the purpose of providing  
5 education. If a person makes a settlement upon or provision  
6 for the support or education of a ward, the court may make an  
7 order for the visitation of the ward by the person making the  
8 settlement or provision as the court deems proper. A guardian  
9 of the person may not admit a ward to a mental health facility  
10 except at the ward's request as provided in Article IV of the  
11 Mental Health and Developmental Disabilities Code and unless  
12 the ward has the capacity to consent to such admission as  
13 provided in Article IV of the Mental Health and Developmental  
14 Disabilities Code.

15 (a-3) If a guardian of an estate has not been appointed,  
16 the guardian of the person may, without an order of court,  
17 open, maintain, and transfer funds to an ABLE account on  
18 behalf of the ward and the ward's minor and adult dependent  
19 children as specified under Section 16.6 of the State  
20 Treasurer Act.

21 (a-5) If the ward filed a petition for dissolution of  
22 marriage under the Illinois Marriage and Dissolution of  
23 Marriage Act before the ward was adjudicated a person with a  
24 disability under this Article, the guardian of the ward's  
25 person and estate may maintain that action for dissolution of  
26 marriage on behalf of the ward. Upon petition by the guardian

1 of the ward's person or estate, the court may authorize and  
2 direct a guardian of the ward's person or estate to file a  
3 petition for dissolution of marriage or to file a petition for  
4 legal separation or declaration of invalidity of marriage  
5 under the Illinois Marriage and Dissolution of Marriage Act on  
6 behalf of the ward if the court finds by clear and convincing  
7 evidence that the relief sought is in the ward's best  
8 interests. In making its determination, the court shall  
9 consider the standards set forth in subsection (e) of this  
10 Section.

11 (a-10) Upon petition by the guardian of the ward's person  
12 or estate, the court may authorize and direct a guardian of the  
13 ward's person or estate to consent, on behalf of the ward, to  
14 the ward's marriage pursuant to Part II of the Illinois  
15 Marriage and Dissolution of Marriage Act if the court finds by  
16 clear and convincing evidence that the marriage is in the  
17 ward's best interests. In making its determination, the court  
18 shall consider the standards set forth in subsection (e) of  
19 this Section. Upon presentation of a court order authorizing  
20 and directing a guardian of the ward's person and estate to  
21 consent to the ward's marriage, the county clerk shall accept  
22 the guardian's application, appearance, and signature on  
23 behalf of the ward for purposes of issuing a license to marry  
24 under Section 203 of the Illinois Marriage and Dissolution of  
25 Marriage Act.

26 (b) If the court directs, the guardian of the person shall

1 file with the court at intervals indicated by the court, a  
2 report that shall state briefly: (1) the current mental,  
3 physical, and social condition of the ward and the ward's  
4 minor and adult dependent children; (2) their present living  
5 arrangement, and a description and the address of every  
6 residence where they lived during the reporting period and the  
7 length of stay at each place; (3) a summary of the medical,  
8 educational, vocational, and other professional services given  
9 to them; (4) a resume of the guardian's visits with and  
10 activities on behalf of the ward and the ward's minor and adult  
11 dependent children; (5) a recommendation as to the need for  
12 continued guardianship; (6) any other information requested by  
13 the court or useful in the opinion of the guardian. The  
14 Division Office of ~~the~~ State Guardian shall assist the  
15 guardian in filing the report when requested by the guardian.  
16 The court may take such action as it deems appropriate  
17 pursuant to the report.

18 (c) Absent court order pursuant to the Illinois Power of  
19 Attorney Act directing a guardian to exercise powers of the  
20 principal under an agency that survives disability, the  
21 guardian has no power, duty, or liability with respect to any  
22 personal or health care matters covered by the agency. This  
23 subsection (c) applies to all agencies, whenever and wherever  
24 executed.

25 (d) A guardian acting as a surrogate decision maker under  
26 the Health Care Surrogate Act shall have all the rights of a

1 surrogate under that Act without court order including the  
2 right to make medical treatment decisions such as decisions to  
3 forgo or withdraw life-sustaining treatment. Any decisions by  
4 the guardian to forgo or withdraw life-sustaining treatment  
5 that are not authorized under the Health Care Surrogate Act  
6 shall require a court order. Nothing in this Section shall  
7 prevent an agent acting under a power of attorney for health  
8 care from exercising his or her authority under the Illinois  
9 Power of Attorney Act without further court order, unless a  
10 court has acted under Section 2-10 of the Illinois Power of  
11 Attorney Act. If a guardian is also a health care agent for the  
12 ward under a valid power of attorney for health care, the  
13 guardian acting as agent may execute his or her authority  
14 under that act without further court order.

15 (e) Decisions made by a guardian on behalf of a ward shall  
16 be made in accordance with the following standards for  
17 decision making. The guardian shall consider the ward's  
18 current preferences to the extent the ward has the ability to  
19 participate in decision making when those preferences are  
20 known or reasonably ascertainable by the guardian. Decisions  
21 by the guardian shall conform to the ward's current  
22 preferences: (1) unless the guardian reasonably believes that  
23 doing so would result in substantial harm to the ward's  
24 welfare or personal or financial interests; and (2) so long as  
25 such decisions give substantial weight to what the ward, if  
26 competent, would have done or intended under the

1 circumstances, taking into account evidence that includes, but  
2 is not limited to, the ward's personal, philosophical,  
3 religious and moral beliefs, and ethical values relative to  
4 the decision to be made by the guardian. Where possible, the  
5 guardian shall determine how the ward would have made a  
6 decision based on the ward's previously expressed preferences,  
7 and make decisions in accordance with the preferences of the  
8 ward. If the ward's wishes are unknown and remain unknown  
9 after reasonable efforts to discern them, or if the guardian  
10 reasonably believes that a decision made in conformity with  
11 the ward's preferences would result in substantial harm to the  
12 ward's welfare or personal or financial interests, the  
13 decision shall be made on the basis of the ward's best  
14 interests as determined by the guardian. In determining the  
15 ward's best interests, the guardian shall weigh the reason for  
16 and nature of the proposed action, the benefit or necessity of  
17 the action, the possible risks and other consequences of the  
18 proposed action, and any available alternatives and their  
19 risks, consequences and benefits, and shall take into account  
20 any other information, including the views of family and  
21 friends, that the guardian believes the ward would have  
22 considered if able to act for herself or himself.

23 (f) Upon petition by any interested person (including the  
24 standby or short-term guardian), with such notice to  
25 interested persons as the court directs and a finding by the  
26 court that it is in the best interests of the person with a

1 disability, the court may terminate or limit the authority of  
2 a standby or short-term guardian or may enter such other  
3 orders as the court deems necessary to provide for the best  
4 interests of the person with a disability. The petition for  
5 termination or limitation of the authority of a standby or  
6 short-term guardian may, but need not, be combined with a  
7 petition to have another guardian appointed for the person  
8 with a disability.

9 (g) (1) Unless there is a court order to the contrary, the  
10 guardian, consistent with the standards set forth in  
11 subsection (e) of this Section, shall use reasonable efforts  
12 to notify the ward's known adult children, who have requested  
13 notification and provided contact information, of the ward's  
14 admission to a hospital, hospice, or palliative care program,  
15 the ward's death, and the arrangements for the disposition of  
16 the ward's remains.

17 (2) If a guardian unreasonably prevents an adult child,  
18 spouse, adult grandchild, parent, or adult sibling of the ward  
19 from visiting the ward, the court, upon a verified petition,  
20 may order the guardian to permit visitation between the ward  
21 and the adult child, spouse, adult grandchild, parent, or  
22 adult sibling. In making its determination, the court shall  
23 consider the standards set forth in subsection (e) of this  
24 Section. The court shall not allow visitation if the court  
25 finds that the ward has capacity to evaluate and communicate  
26 decisions regarding visitation and expresses a desire not to

1 have visitation with the petitioner. This subsection (g) does  
2 not apply to duly appointed public guardians or the Division  
3 ~~Office~~ of State Guardian.

4 (Source: P.A. 101-329, eff. 8-9-19; 102-72, eff. 1-1-22;  
5 102-258, eff. 8-6-21; 102-813, eff. 5-13-22.)

6 (755 ILCS 5/12-4) (from Ch. 110 1/2, par. 12-4)

7 Sec. 12-4. When security excused or specified.†

8 (a) Except as provided in paragraph (c) of Section 6-13  
9 with respect to a nonresident executor, no security is  
10 required of a person who is excused by the will from giving  
11 bond or security and no greater security than is specified by  
12 the will is required, unless in either case the court, from its  
13 own knowledge or the suggestion of any interested person, has  
14 cause to suspect the representative of fraud or incompetence  
15 or believes that the estate of the decedent will not be  
16 sufficient to discharge all the claims against the estate, or  
17 in the case of a testamentary guardian of the estate, that the  
18 rights of the ward will be prejudiced by failure to give  
19 security.

20 (b) If a person designates a guardian of his person or  
21 estate or both to be appointed in the event he is adjudged a  
22 person with a disability as provided in Section 11a-6 and  
23 excuses the guardian from giving bond or security, or if the  
24 guardian is the Division ~~Office~~ of State Guardian, the  
25 guardian's bond in the amount from time to time required under

1 this Article shall be in full force and effect without  
2 writing, unless the court requires the filing of a written  
3 bond.

4 (c) The Division ~~Office~~ of State Guardian shall not be  
5 required to have sureties or surety companies as security on  
6 its bonds. The oath and bond of the representative without  
7 surety shall be sufficient.

8 (Source: P.A. 99-143, eff. 7-27-15.)

9 (755 ILCS 5/13-1) (from Ch. 110 1/2, par. 13-1)

10 Sec. 13-1. Appointment and term of public administrator  
11 and public guardian.

12 (a) Except as provided in Section 13-1.1, before the first  
13 Monday of December, 1977 and every 4 years thereafter, and as  
14 often as vacancies occur, the Governor, by and with the advice  
15 and consent of the Senate, shall appoint in each county a  
16 suitable person to serve as public administrator and a  
17 suitable person to serve as public guardian of the county. The  
18 Governor may designate, without the advice and consent of the  
19 Senate, the Division ~~Office~~ of State Guardian as an interim  
20 public guardian to fill a vacancy in one or more counties  
21 having a population of 500,000 or less if the designation:

22 (1) is specifically designated as an interim  
23 appointment for a term of the lesser of one year or until  
24 the Governor appoints, with the advice and consent of the  
25 Senate, a county public guardian to fill the vacancy;

1           (2) requires the Division ~~Office~~ of State Guardian to  
2           affirm its availability to act in the county; and

3           (3) expires in a pending case of a person with a  
4           disability in the county at such a time as the court  
5           appoints a qualified successor guardian of the estate and  
6           person for the person with a disability.

7           When appointed as an interim public guardian, the Division  
8           of State Guardian will perform the powers and duties assigned  
9           to it under the Guardianship and Advocacy Act.

10          The Governor may appoint the same person to serve as  
11          public guardian and public administrator in one or more  
12          counties. In considering the number of counties of service for  
13          any prospective public guardian or public administrator the  
14          Governor may consider the population of the county and the  
15          ability of the prospective public guardian or public  
16          administrator to travel to multiple counties and manage  
17          estates in multiple counties. Each person so appointed holds  
18          his office for 4 years from the first Monday of December, 1977  
19          and every 4 years thereafter or until his successor is  
20          appointed and qualified.

21          (b) Within 14 days of notification to the current public  
22          guardian of the appointment by the Governor of a new public  
23          guardian pursuant to this Section, the outgoing public  
24          guardian shall provide the incoming successor public guardian  
25          with a list of current guardianships. Within 60 days of  
26          receipt of the list of guardianships, the incoming public

1 guardian may petition the court for a transfer of a  
2 guardianship to the incoming public guardian. The transfer of  
3 a guardianship of the person, estate, or both shall be made if  
4 it is in the best interests of the ward as determined by the  
5 court on a case-by-case basis.

6 Factors for the court to consider include, but are not  
7 limited to, the following:

8 (1) the ward's preference as to the transfer of the  
9 guardianship;

10 (2) the recommendation of the guardian ad litem, the  
11 ward's family members, and other interested parties;

12 (3) the length of time in which the outgoing public  
13 guardian has served as guardian for the ward;

14 (4) the ward's relationship with the outgoing public  
15 guardian's office;

16 (5) the nature and extent of the ward's disabilities;

17 (6) the ward's current residential placement, his or  
18 her current support network, and ongoing needs;

19 (7) the costs involved in the transfer of the ward's  
20 estate;

21 (8) the status of pending legal matters or other  
22 matters germane to the ward's care or the management of  
23 the ward's estate;

24 (9) the obligation to post bond and the cost thereof;

25 (10) the guardians' status with regard to  
26 certification by the Center for Guardianship

1 Certification; and

2 (11) other good causes.

3 If the court approves a transfer to the incoming public  
4 guardian, the outgoing public guardian shall file a final  
5 account of his or her activities on behalf of the ward within  
6 30 days or within such other time that the court may allow. The  
7 outgoing public guardian may file a petition for final fees  
8 pursuant to subsection (b) of Section 13-3.1.

9 (Source: P.A. 102-72, eff. 1-1-22.)

10 (755 ILCS 5/13-1.2)

11 Sec. 13-1.2. Certification requirement. Each person  
12 appointed as a public guardian by the Governor shall be  
13 certified as a National Certified Guardian by the Center for  
14 Guardianship Certification within 6 months after his or her  
15 appointment. The Department of Disability Advocacy and  
16 Guardianship and Advocacy Commission shall provide public  
17 guardians with information about certification requirements  
18 and procedures for testing and certification offered by the  
19 Center for Guardianship Certification. The cost of  
20 certification shall be considered an expense connected with  
21 the operation of the public guardian's office within the  
22 meaning of subsection (b) of Section 13-3.1 of this Article.

23 A public guardian shall additionally complete a one-hour  
24 course regarding Alzheimer's disease and dementia within 6  
25 months of appointment and annually thereafter. The training

1 program shall include, but not be limited to, the following  
2 topics: effective communication strategies; best practices for  
3 interacting with people with Alzheimer's disease and related  
4 forms of dementia; and strategies for supporting people living  
5 with Alzheimer's disease or related forms of dementia in  
6 exercising their rights.

7 (Source: P.A. 103-64, eff. 1-1-24.)

8 Section 130. The Supported Decision-Making Agreement Act  
9 is amended by changing Section 30 as follows:

10 (755 ILCS 9/30)

11 Sec. 30. Supporter duties.

12 (a) Except as otherwise provided by a supported  
13 decision-making agreement, a supporter may:

14 (1) Assist the principal in understanding information,  
15 options, responsibilities, and consequences of the life  
16 decisions of the principal, including those decisions  
17 related to the affairs or support services of the  
18 principal.

19 (2) Help the principal access, obtain, and understand  
20 any information that is relevant to any given life  
21 decision, including a medical, psychological, financial,  
22 or educational decision, or any treatment records or  
23 records necessary to manage the affairs or support  
24 services of the principal.

1           (3) Assist the principal in finding, obtaining, making  
2           appointments for, and implementing the support services or  
3           plans for support services of the principal.

4           (4) Help the principal monitor information about the  
5           affairs or support services of the principal, including  
6           keeping track of future necessary or recommended services.

7           (5) Ascertain the wishes and decisions of the  
8           principal in order to advocate that the wishes and  
9           decisions of an individual with disabilities are  
10          implemented.

11          (b) A supporter shall act with the care, competence, and  
12          diligence ordinarily exercised by an individual in a similar  
13          circumstance, with due regard to the possession of, or lack  
14          of, special skills or expertise.

15          (c) A supporter shall seek training and education  
16          regarding the responsibilities and limitations of the  
17          supporter role. The Department of Disability Advocacy and  
18          Guardianship ~~and Advocacy Commission~~ shall provide public  
19          information about this Act and the supporter role,  
20          responsibilities, and limitations.

21          The Department of Disability Advocacy and Guardianship ~~and~~  
22          ~~Advocacy Commission~~ shall develop training and education  
23          materials for both principals and supporters, including, but  
24          not limited to, sample agreements that will be posted on the  
25          website of the Department ~~Commission~~ along with public  
26          awareness materials.

1 (Source: P.A. 102-614, eff. 2-27-22.)

2 Section 135. The Illinois Power of Attorney Act is amended  
3 by changing Section 2-7 as follows:

4 (755 ILCS 45/2-7) (from Ch. 110 1/2, par. 802-7)

5 Sec. 2-7. Duty - standard of care - record-keeping -  
6 exoneration.

7 (a) The agent shall be under no duty to exercise the powers  
8 granted by the agency or to assume control of or  
9 responsibility for any of the principal's property, care or  
10 affairs, regardless of the principal's physical or mental  
11 condition. Whenever a power is exercised, the agent shall act  
12 in good faith for the benefit of the principal using due care,  
13 competence, and diligence in accordance with the terms of the  
14 agency and shall be liable for negligent exercise. An agent  
15 who acts with due care for the benefit of the principal shall  
16 not be liable or limited merely because the agent also  
17 benefits from the act, has individual or conflicting interests  
18 in relation to the property, care or affairs of the principal  
19 or acts in a different manner with respect to the agency and  
20 the agent's individual interests. The agent shall not be  
21 affected by any amendment or termination of the agency until  
22 the agent has actual knowledge thereof. The agent shall not be  
23 liable for any loss due to error of judgment nor for the act or  
24 default of any other person.

1           (b) An agent that has accepted appointment must act in  
2 accordance with the principal's expectations to the extent  
3 actually known to the agent and otherwise in the principal's  
4 best interests.

5           (c) An agent shall keep a record of all receipts,  
6 disbursements, and significant actions taken under the  
7 authority of the agency and shall provide a copy of this record  
8 when requested to do so by:

9           (1) the principal, a guardian, another fiduciary  
10 acting on behalf of the principal, and, after the death of  
11 the principal, the personal representative or successors  
12 in interest of the principal's estate;

13           (2) a representative of a provider agency, as defined  
14 in Section 2 of the Adult Protective Services Act, acting  
15 in the course of an assessment of a complaint of elder  
16 abuse or neglect under that Act;

17           (3) a representative of the Office of the State Long  
18 Term Care Ombudsman, acting in the course of an  
19 investigation of a complaint of financial exploitation of  
20 a nursing home resident under Section 4.04 of the Illinois  
21 Act on the Aging;

22           (4) a representative of the Office of Inspector  
23 General for the Department of Human Services, acting in  
24 the course of an assessment of a complaint of financial  
25 exploitation of an adult with disabilities pursuant to  
26 Section 35 of the Abuse of Adults with Disabilities

1 Intervention Act;

2 (5) a court under Section 2-10 of this Act; or

3 (6) a representative of the Division ~~Office~~ of State  
4 Guardian or public guardian for the county in which the  
5 principal resides acting in the course of investigating  
6 whether to file a petition for guardianship of the  
7 principal under Section 11a-4 or 11a-8 of the Probate Act  
8 of 1975.

9 (d) If the agent fails to provide his or her record of all  
10 receipts, disbursements, and significant actions within 21  
11 days after a request under subsection (c), the adult abuse  
12 provider agency, the Division of State Guardian, the public  
13 guardian, or a representative of the Office of the State Long  
14 Term Care Ombudsman may petition the court for an order  
15 requiring the agent to produce his or her record of receipts,  
16 disbursements, and significant actions. If the court finds  
17 that the agent's failure to provide his or her record in a  
18 timely manner to the adult abuse provider agency, the Division  
19 of State Guardian, the public guardian, or a representative of  
20 the Office of the State Long Term Care Ombudsman was without  
21 good cause, the court may assess reasonable costs and  
22 attorney's fees against the agent, and order such other relief  
23 as is appropriate.

24 (e) An agent is not required to disclose receipts,  
25 disbursements, or other significant actions conducted on  
26 behalf of the principal except as otherwise provided in the

1 power of attorney or as required under subsection (c).

2 (f) An agent that violates this Act is liable to the  
3 principal or the principal's successors in interest for the  
4 amount required (i) to restore the value of the principal's  
5 property to what it would have been had the violation not  
6 occurred, and (ii) to reimburse the principal or the  
7 principal's successors in interest for the attorney's fees and  
8 costs paid on the agent's behalf. This subsection does not  
9 limit any other applicable legal or equitable remedies.

10 (Source: P.A. 100-952, eff. 1-1-19.)

11 Section 999. Effective date. This Act takes effect July 1,  
12 2027.