



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4649

Introduced 2/3/2026, by Rep. Jennifer Gong-Gershowitz

SYNOPSIS AS INTRODUCED:

320 ILCS 20/13
320 ILCS 20/13.5

Amends the Adult Protective Services Act. In provisions concerning financial exploitation of an eligible adult, provides that a court may grant a temporary injunction ex parte, pending a full hearing, and may grant such relief as the court deems proper if the court makes certain findings, including, but not limited to, that an immediate and present danger of exploitation of the eligible adult exists, there is a likelihood of irreparable harm and nonavailability of an adequate remedy at law, there is a substantial likelihood of success on the merits, and the threatened injury to the eligible adult outweighs possible harm to the respondent. Sets forth the types of injunctive relief a court might grant, including, but not limited to, freezing the eligible adult's assets or lines of credit, awarding the eligible adult temporary exclusive use and possession of his or her dwelling, if shared with the respondent, and providing directives to law enforcement. Contains provisions on the scope and effect of an ex parte temporary injunction and the grounds for its denial. Sets forth factors a court will consider to determine whether there are reasonable grounds to believe an eligible adult is or is in imminent danger of becoming a victim of financial exploitation; notice of petition and injunction; final hearings on a petition; final cost judgments against a respondent; the transmittal of petitions, financial affidavits, hearing notices to the county sheriff or law enforcement agency; court certification of all orders orders issued, changed, continued, extended, or vacated subsequent to the original petition, notice of hearing, or temporary injunction; the enforcement of injunction violations through a civil or criminal contempt proceeding; judgment damages against a petitioner; modification or dissolution of injunction; substitute service for unascertainable respondent whose identity cannot be ascertained or whose identity is unknown; and other matters.

LRB104 17337 KTG 30761 b

1 AN ACT concerning aging.

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

4 Section 5. The Adult Protective Services Act is amended by
5 changing Sections 13 and 13.5 as follows:

6 (320 ILCS 20/13)

7 Sec. 13. Access.

8 (a) In accord with established law and Department
9 protocols, procedures, and policies, the designated provider
10 agencies shall have access to eligible adults who have been
11 reported or found to be victims of abuse, abandonment,
12 neglect, financial exploitation, or self-neglect in order to
13 assess the validity of the report, assess other needs of the
14 eligible adult, and provide services in accordance with this
15 Act.

16 (a-5) A representative of the Department or a designated
17 provider agency that is actively involved in an abuse,
18 abandonment, neglect, financial exploitation, or self-neglect
19 investigation under this Act shall be allowed access to the
20 financial records, mental and physical health records, and
21 other relevant evaluative records of the eligible adult which
22 are in the possession of any individual, financial
23 institution, health care provider, mental health provider,

1 educational facility, or other facility if necessary to
2 complete the investigation mandated by this Act. The provider
3 or facility shall provide such records to the representative
4 upon receipt of a written request and certification from the
5 Department or designated provider agency that an investigation
6 is being conducted under this Act and the records are
7 pertinent to the investigation.

8 Any records received by such representative, the
9 confidentiality of which is protected by another law or rule,
10 shall be maintained as confidential, except for such use as
11 may be necessary for any administrative or other legal
12 proceeding.

13 (b) Where access to an eligible adult is denied, including
14 the refusal to provide requested records, the Office of the
15 Attorney General, the Department, or the provider agency may
16 petition the court for an order to require appropriate access
17 where:

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

20 (2) the agency has reason to believe that the eligible
21 adult is denying access because of coercion, extortion, or
22 justifiable fear of future abuse, abandonment, neglect, or
23 financial exploitation.

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

26 (d) If the provider agency has substantiated financial

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

14 (e) Temporary injunction; service; hearing.

15 (1) (A) The court may grant a temporary injunction ex
16 parte, pending a full hearing, and may grant such relief
17 as the court deems proper if the court finds that:

18 (i) An immediate and present danger of
19 exploitation of the eligible adult exists.

20 (ii) There is a likelihood of irreparable harm and
21 nonavailability of an adequate remedy at law.

22 (iii) There is a substantial likelihood of success
23 on the merits.

24 (iv) The threatened injury to the eligible adult
25 outweighs possible harm to the respondent.

26 (v) Granting a temporary injunction will not

1 disserve the public interest.

2 (vi) Such injunction provides for the eligible
3 adult's physical or financial safety.

4 (B) Such relief the court deems proper may include,
5 but is not limited to, injunctions doing any of the
6 following:

7 (i) Restraining the respondent from committing any
8 acts of exploitation against the eligible adult.

9 (ii) Awarding to the eligible adult the temporary
10 exclusive use and possession of the dwelling that the
11 eligible adult and the respondent share, or barring
12 the respondent from the residence of the eligible
13 adult. The court shall confirm the availability of any
14 required services or alternative caregivers that may
15 be necessary to ensure the eligible adult's safety.

16 (iii) Freezing any assets of the eligible adult in
17 any depository or financial institution whether titled
18 solely in the eligible adult's name, solely in the
19 respondent's name, jointly with the respondent, in
20 guardianship, in trust, or in a Totten trust, provided
21 that:

22 (I) Assets held by a guardian for the eligible
23 adult may be frozen only by an order entered by the
24 court overseeing the guardianship proceeding.

25 (II) Assets held by a trust may be frozen only
26 by an order of the court if all the trustees of the

1 trust are served with process and are given
2 reasonable notice before any hearing on the
3 petition.

4 (III) Assets held solely in the name of the
5 respondent may only be frozen on an ex parte basis
6 if the petition and affidavit demonstrate to the
7 court probable cause that such assets are
8 traceable to the unlawful exploitation of the
9 eligible adult, that such assets are likely to be
10 returned to the eligible adult after a final
11 evidentiary hearing, and that no other adequate
12 remedy at law is reasonably available.

13 (iv) Freezing any line of credit of the eligible
14 adult at any depository or financial institution
15 whether listed solely in the eligible adult's name or
16 jointly with the respondent.

17 (I) Lines of credit held by a guardian for the
18 eligible adult may be frozen only by an order
19 entered by the court overseeing the guardianship
20 proceeding.

21 (II) Lines of credit held by a trust may be
22 frozen only by an order of the court if all the
23 trustees of the trust are served with process and
24 are given reasonable notice before any hearing on
25 the petition.

26 (v) Prohibiting the respondent from having direct

1 or indirect contact with the eligible adult.

2 (vi) Providing directives to law enforcement
3 agencies.

4 (vii) If the court has ordered an asset and credit
5 freeze, ordering that specified living expenses of the
6 eligible adult continue to be paid.

7 (viii) Ordering any financial institution holding
8 assets of the eligible adult to pay the clerk of the
9 circuit court from unencumbered assets of the eligible
10 adult, if any, a fee of \$75 if the assets of the
11 petitioner are between \$1,500 and \$5,000 or a fee of
12 \$200 if the assets are in excess of \$5,000. The court
13 may rely on the estimate of the value of the assets in
14 the petition when assessing the fee. The fee shall be
15 taxed as costs against the respondent if the court
16 enters an injunction.

17 (2) Except as provided in Section 10-60 of the
18 Illinois Administrative Procedure Act, in a hearing ex
19 parte for the purpose of obtaining an ex parte temporary
20 injunction, only verified pleadings or affidavits may be
21 used as evidence unless the respondent appears at the
22 hearing or has received reasonable notice of the hearing.

23 (3) A denial of a petition for an ex parte injunction
24 must be by written order and must note the legal grounds
25 for denial. When the only ground for denial is failure to
26 demonstrate appearance of an immediate and present danger

1 of exploitation of an eligible adult, the court must set a
2 full hearing on the petition for injunction at the
3 earliest possible date. Nothing in this paragraph affects
4 a petitioner's right to promptly amend any petition
5 consistent with court rules.

6 (4) An ex parte temporary injunction may be in effect
7 for a fixed period not to exceed 15 days unless good cause
8 is shown to extend the injunction. The ex parte temporary
9 injunction may be extended one time for up to an
10 additional 30 days. A full hearing, as provided by this
11 Section, must be set for a date no later than the date when
12 the ex parte temporary injunction ceases to be in effect.

13 (f) Reasonable cause. In determining whether a petitioner
14 has reasonable cause to believe that the eligible adult is, or
15 is in imminent danger of becoming, a victim of exploitation,
16 the court shall consider and evaluate all relevant factors,
17 including, but not limited to, any of the following:

18 (1) The existence of a verifiable order of protection
19 issued previously or from another jurisdiction.

20 (2) Any history of exploitation by the respondent upon
21 the eligible adult in the petition or any other eligible
22 adult.

23 (3) Any history of the eligible adult being previously
24 exploited or unduly influenced.

25 (4) The capacity of the eligible adult to make
26 decisions related to his or her finances and property.

1 (5) Susceptibility of the eligible adult to undue
2 influence.

3 (6) Any criminal history of the respondent or previous
4 probable cause findings by the adult protective services
5 program, if known.

6 (g) Notice of petition and injunction.

7 (1) The respondent shall be personally served, in
8 accordance with Section 2-203 of the Code of Civil
9 Procedure, with a copy of the petition, notice of hearing,
10 and temporary injunction, if any, before the final
11 hearing.

12 (2) If the petitioner is acting in a representative
13 capacity, the eligible adult shall also be served with a
14 copy of the petition, notice of hearing, and temporary
15 injunction, if any, before the final hearing.

16 (3) If any assets or lines of credit are ordered to be
17 frozen, the depository or financial institution must be
18 served as provided in Section 2-204 of the Code of Civil
19 Procedure.

20 (h) Final hearing on petition.

21 (1) (A) The court may grant such relief as the court
22 deems proper when, upon notice and hearing, it appears to
23 the court that:

24 (i) The eligible adult is the victim of
25 exploitation or that the eligible adult is in imminent
26 danger of becoming a victim of exploitation.

1 (ii) There is a likelihood of irreparable harm and
2 nonavailability of an adequate remedy at law.

3 (iii) The threatened injury to the eligible adult
4 outweighs possible harm to the respondent.

5 (iv) Where the injunction freezes assets of the
6 respondent, the court finds probable cause that
7 exploitation has occurred, the freeze only affects the
8 proceeds of such exploitation, and there is a
9 substantial likelihood that such assets will be
10 ordered to be returned to the eligible adult.

11 (v) The relief provides for the eligible adult's
12 physical or financial safety.

13 (B) Such relief may include, but need not be limited
14 to, injunctions doing any of the following:

15 (i) Continuing the temporary injunction in part or
16 in whole.

17 (ii) Restraining the respondent from committing
18 any acts of exploitation.

19 (iii) Awarding to the eligible adult the exclusive
20 use and possession of the dwelling that the eligible
21 adult and the respondent share or excluding the
22 respondent from the residence of the eligible adult.
23 The court shall confirm the availability of any
24 required services or alternative caregivers that may
25 be necessary to ensure the eligible adult's safety.

26 (iv) Ordering the respondent to participate in

1 treatment, intervention, or counseling services to be
2 paid for by the respondent.

3 (v) Directing that assets under temporary freeze
4 by injunction be returned to the eligible adult, or
5 directing that those assets remain frozen until
6 ownership can be determined; and directing that the
7 temporary freeze on any line of credit be lifted.

8 (vi) Where the court has found that the respondent
9 has engaged in exploitation of the eligible adult,
10 entering a final cost judgment against the respondent
11 and in favor of the petitioner for all taxable costs,
12 and entering a final cost judgment against the
13 respondent and in favor of the clerk of the circuit
14 court for all the clerk's filing fees and service
15 charges that were waived by operation of this Section.

16 (vii) Ordering such other relief as the court
17 deems necessary for the protection of a victim of
18 exploitation, including injunctions or directives to
19 law enforcement agencies, as provided in this Section.

20 (2) The court must allow an advocate from a State's
21 Attorney's Office, a law enforcement agency, or the adult
22 protective services program to be present with the
23 petitioner or the respondent during any court proceedings
24 or hearings related to the injunction, provided the
25 petitioner or the respondent has made such a request and
26 the advocate is able to be present.

1 (3) The terms of an injunction restraining the
2 respondent as provided in paragraph (1) remain in effect
3 until the injunction is modified or dissolved.

4 (i) Provisions required in any temporary or permanent
5 injunction. A temporary or final judgment on an injunction
6 must, on its face, indicate:

7 (1) That the injunction is valid and enforceable in
8 all counties of this State.

9 (2) That law enforcement officers may use their arrest
10 powers under the Code of Criminal Procedure of 1963 to
11 enforce the terms of the injunction.

12 (3) That the court had jurisdiction over the parties
13 and subject matter under State law and that reasonable
14 notice and opportunity to be heard were given to the
15 person against whom the order was sought, in a manner that
16 was sufficient to protect that person's right to due
17 process.

18 (4) If any assets or lines of credit are ordered to be
19 frozen, the date that the depository or financial
20 institution was served with the injunction as provided in
21 Section 2-204 of the Code of Civil Procedure.

22 (5) The date the respondent was served with the
23 petition for injunction.

24 (j) Transmittal to sheriff; service.

25 (1) (A) The clerk of the circuit court shall furnish a
26 copy of the petition, the financial affidavit, the notice

1 of hearing, and any temporary injunction to the sheriff or
2 a law enforcement agency of the county in which the
3 respondent resides or can be found, who shall serve it
4 upon the respondent as soon thereafter as possible on any
5 day of the week and at any time of the day or night. At the
6 request of the sheriff, the clerk of the circuit court may
7 transmit a facsimile copy of an injunction that has been
8 certified by the clerk of the circuit court in accordance
9 with paragraph 4, and this facsimile copy may be served in
10 the same manner as a certified copy. The clerk of the
11 circuit court shall also furnish to the sheriff such
12 information on the respondent's physical description and
13 location as is required by the Illinois State Police to
14 comply with the verification procedures set forth in
15 subparagraph (B).

16 (B) Upon receiving a facsimile copy, the sheriff must
17 verify receipt with the clerk of the circuit court before
18 attempting to serve it upon the respondent. If the sheriff
19 is in possession of an injunction that has been certified
20 by the clerk of the circuit court, the sheriff may
21 transmit a facsimile copy of that injunction to a law
22 enforcement officer who shall serve it in the same manner
23 as a certified copy.

24 (C) Notwithstanding any other provision of law, the
25 chief judge of each judicial circuit, in consultation with
26 the appropriate sheriff, may authorize a law enforcement

1 agency within the jurisdiction to effect service. A law
2 enforcement agency performing service in accordance with
3 this Section shall use service and verification procedures
4 consistent with those of the sheriff.

5 (2) (A) Except where the eligible adult is the
6 petitioner, the clerk of the circuit court shall furnish a
7 copy of the petition, the financial affidavit, the notice
8 of hearing, and any temporary injunction to the sheriff or
9 a law enforcement agency of the county in which the
10 eligible adult resides or can be found, who shall serve it
11 upon the eligible adult as soon thereafter as possible on
12 any day of the week and at any time of the day or night. At
13 the request of the sheriff, the clerk of the circuit court
14 may transmit a facsimile copy of an injunction that has
15 been certified by the clerk of the circuit court in
16 accordance with subparagraph (4), and this facsimile copy
17 may be served in the same manner as a certified copy. The
18 clerk of the circuit court shall also furnish to the
19 sheriff such information on the eligible adult's physical
20 description and location as is required by the Illinois
21 State Police to comply with the verification procedures
22 set forth in subparagraph (B).

23 (B) Upon receiving a facsimile copy, the sheriff must
24 verify receipt with the clerk of the circuit court before
25 attempting to serve it upon the eligible adult. If the
26 sheriff is in possession of an injunction that has been

1 certified by the clerk of the circuit court, the sheriff
2 may transmit a facsimile copy of that injunction to a law
3 enforcement officer, who shall serve it in the same manner
4 as a certified copy.

5 (C) Notwithstanding any other provision of law, the
6 chief judge of each judicial circuit, in consultation with
7 the appropriate sheriff, may authorize a law enforcement
8 agency within the jurisdiction of the judicial circuit to
9 effect service. A law enforcement agency performing
10 service in accordance with this Section shall use service
11 and verification procedures consistent with those of the
12 sheriff.

13 (3) When an injunction for protection against
14 exploitation of an eligible adult is issued, if the
15 petitioner requests that a law enforcement agency assist
16 the eligible adult, the court may order that an officer
17 from the appropriate law enforcement agency accompany the
18 eligible adult and assist in the service or execution of
19 the injunction, including returning possession of a
20 dwelling or residence to the eligible adult. A law
21 enforcement officer shall accept a copy of an injunction,
22 certified by the clerk of the circuit court in accordance
23 with subparagraph (4), from the petitioner and immediately
24 serve it upon a respondent who has been located but not yet
25 served. The law enforcement agency must also serve any
26 injunction freezing assets on a financial institution

1 where assets subject to dissipation are held, or where a
2 credit line may be exploited. Service upon the depository
3 or financial institution must be served as provided in
4 Section 2-204 of the Code of Civil Procedure.

5 (4) The clerk of the circuit court shall certify a
6 copy of all orders issued, changed, continued, extended,
7 or vacated subsequent to the original service of the
8 original petition, notice of hearing, or temporary
9 injunction and deliver the certified copy to the parties
10 at the time of the entry of the order. The parties may
11 acknowledge receipt of a certified order in writing on the
12 face of the original order. If a party fails or refuses to
13 acknowledge the receipt of a certified copy of an order,
14 the clerk of the circuit court must note on the original
15 petition that service was effected. If delivery at the
16 hearing during which an order is issued is not possible,
17 the clerk of the circuit court shall mail certified copies
18 of the order to the parties at their respective last known
19 mailing addresses; except that service upon a depository
20 or financial institution must be served as provided in
21 Section 2-204 of the Code of Civil Procedure. Service by
22 mail is complete upon mailing. When an order is served in
23 accordance with this paragraph, the clerk of the circuit
24 court shall notify the sheriff of the service and prepare
25 a written certification to be placed in the court file
26 specifying the time, date, and method of service.

1 (5) If the respondent has been previously served with
2 the temporary injunction and has failed to appear at the
3 initial hearing on the temporary injunction, any
4 subsequent petition for an injunction seeking an extension
5 of time may be served on the respondent by the clerk of the
6 court by certified mail in lieu of personal service by a
7 law enforcement officer.

8 (6) (A) Within 24 hours after the court issues an
9 injunction for protection against exploitation of an
10 eligible adult or changes, continues, extends, or vacates
11 such an injunction, the clerk of the circuit court must
12 forward a certified copy of the order to the sheriff with
13 jurisdiction over the residence of the petitioner for
14 service in accordance with this subsection.

15 (B) Within 24 hours after service of an injunction for
16 protection against exploitation of an eligible adult upon
17 a respondent, the law enforcement officer who served the
18 injunction must forward the written proof of service to
19 the sheriff with jurisdiction over the residence of the
20 petitioner.

21 (C) Within 24 hours after the sheriff receives a
22 certified copy of the injunction for protection against
23 exploitation of an eligible adult, the sheriff must make
24 information related to the injunction available to this
25 State's law enforcement agencies by electronically
26 transmitting such information to the Illinois State

1 Police.

2 (D) Within 24 hours after the sheriff or other law
3 enforcement officer has made service upon the respondent
4 and the sheriff has been so notified, the sheriff must
5 make information relating to the service available to
6 other law enforcement agencies by electronically
7 transmitting such information to the Illinois State
8 Police.

9 (E) Within 24 hours after an injunction for protection
10 against exploitation of an eligible adult is terminated or
11 otherwise rendered no longer effective by ruling of the
12 court, the clerk of the circuit court must notify the
13 sheriff receiving original notification of the injunction
14 as provided in subparagraph (A). The sheriff shall, within
15 24 hours after receiving such notification from the clerk
16 of the circuit court, notify the Illinois State Police of
17 such court action.

18 (k) Enforcement.

19 (1) As to the respondent, the court may enforce a
20 violation of an injunction for protection against
21 exploitation of an eligible adult through a civil or
22 criminal contempt proceeding, and the State's Attorney may
23 prosecute it as a criminal violation. Any assessment or
24 fine ordered by the court enforcing such injunction shall
25 be collected by the clerk of the circuit court and
26 transferred on a monthly basis to the Department of

1 Revenue for deposit into the Domestic Violence Fund.

2 (2) If the respondent is arrested by a law enforcement
3 officer, the respondent must be held in custody until he
4 or she is brought before the court, which must occur as
5 expeditiously as possible, for the purpose of enforcing
6 the injunction for protection against exploitation of an
7 eligible adult and for admittance to bail in accordance
8 with the applicable rules of criminal procedure, pending a
9 hearing.

10 (1) Judgment for damages. Actual damages may be assessed
11 against the petitioner in a proceeding under this Section if
12 the court finds that the petition lacks substantial fact or
13 legal support.

14 (m) Modification or dissolution of injunction. The
15 petitioner, respondent, or eligible adult may move at any time
16 to modify or dissolve the injunction in part or in whole. No
17 specific allegations are required for modification or
18 dissolution of the injunction, which may be granted in
19 addition to other civil or criminal penalties. The court shall
20 promptly hear a motion to modify or dissolve an injunction.

21 (Source: P.A. 102-244, eff. 1-1-22.)

22 (320 ILCS 20/13.5)

23 Sec. 13.5. Commencement of action for access; filing fees;
24 process; notice; duration of orders.

25 (a) Actions for orders seeking access to an eligible adult

1 or freezing assets of an eligible adult are commenced:

2 (1) independently, by filing a petition for access to
3 an eligible adult or freezing the assets of an eligible
4 adult in the circuit court;

5 (2) in conjunction with other civil proceedings, by
6 filing a petition for access to an eligible adult or
7 freezing the assets of an eligible adult under the same
8 case number as another civil proceeding involving the
9 parties, including, but not limited to:

10 (i) a guardianship proceeding under the Probate
11 Act of 1975;

12 (ii) a proceeding for involuntary commitment under
13 the Mental Health and Developmental Disabilities Code;

14 (iii) any other proceeding, provided that the
15 eligible adult or the respondent is a party to or the
16 subject of that proceeding.

17 (b) No fee shall be charged by the clerk for filing
18 petitions or certifying orders. No fee shall be charged by a
19 sheriff for service by the sheriff of such a petition, rule,
20 motion, or order in an action commenced under this Section.

21 (c) Any action for an order for access to an eligible adult
22 or freezing assets of an eligible adult, whether commenced
23 independently or in conjunction with another proceeding, is a
24 distinct cause of action and requires that a separate summons
25 be issued and served, except that in pending cases the
26 following methods may be used:

1 (1) Delivery of the summons to respondent personally
2 in open court in pending civil or criminal cases.

3 (2) Mailing to the defendant, or, if represented, to
4 the defendant's attorney of record in the civil cases in
5 which the defendant has filed a general appearance. The
6 summons shall be in the form prescribed by subsection (d)
7 of Supreme Court Rule 101, except that it shall require
8 the respondent to answer or appear within 7 days.
9 Attachments to the summons or notice shall include the
10 petition for access to an eligible adult or freezing
11 assets of an eligible adult and supporting affidavits, if
12 any, and any emergency order for access to an eligible
13 adult or freezing assets of an eligible adult that has
14 been issued.

15 (d) Summons may be served by a private person over 18 years
16 of age and not a party to the action. The return by that
17 private person shall be by affidavit. The summons may be
18 served by a sheriff or other law enforcement officer, and if
19 summons is placed for service by the sheriff, it shall be made
20 at the earliest time practicable and shall take precedence
21 over other summonses except those of a similar emergency
22 nature.

23 (e) Except as otherwise provided in this Section, notice
24 of hearings on petitions or motions shall be served in
25 accordance with Supreme Court Rules 11 and 12 unless notice is
26 excused by the Code of Civil Procedure, Supreme Court Rules,

1 or local rules, as now or hereafter amended.

2 (e-5) (1) In lieu of service in accordance with subsection
3 (j) of Section 13, substitute service in accordance with this
4 subsection (e-5) may be made on an unascertainable respondent.
5 As used in this subsection, "unascertainable respondent" means
6 a person whose identity cannot be ascertained or whose
7 identity is unknown, and who has communicated with the
8 eligible adult through any means that make tracing the
9 person's identity impractical.

10 (2) To effectuate substitute service in accordance with
11 this subsection, a petitioner must file with the court a sworn
12 affidavit based on the petitioner's information and belief.
13 The affidavit must include:

14 (A) the facts and circumstances leading the petitioner
15 to believe that the respondent is an unascertainable
16 respondent;

17 (B) information regarding how the unascertainable
18 respondent and the eligible adult have been in contact;

19 (C) all identifying information for the
20 unascertainable respondent which is known to the
21 petitioner or the eligible adult, including, but not
22 limited to, pseudonyms, tax identification numbers, e-mail
23 addresses, telephone or cell phone numbers, software
24 applications used, social media usernames or handles, or
25 other similar information;

26 (D) the facts leading the petitioner to believe that a

1 proposed or initiated transfer of funds or property by the
2 eligible adult is a response to a fraudulent request by
3 the unascertainable respondent; and

4 (E) a description of the petitioner's attempts to
5 identify the unascertainable respondent, including, but
6 not limited to, using the same method of communication
7 that the unascertainable respondent used to communicate
8 with the eligible adult.

9 (3) When a petitioner files the sworn affidavit required
10 under paragraph (2), the court must enter an order requiring
11 the petitioner to serve the unascertainable respondent,
12 through the same means of communication that the
13 unascertainable respondent used to communicate with the
14 eligible adult, within 2 business days after the date the
15 court issues the temporary injunction order or sets a final
16 hearing.

17 (4) The petitioner must file with the court proof,
18 including, but not limited to, a sworn affidavit with
19 screenshots, that the petitioner has attempted to serve the
20 unascertainable respondent in accordance with paragraph (3).
21 This constitutes substitute service on the unascertainable
22 respondent.

23 (5) When substitute service is made upon an
24 unascertainable respondent in accordance with this subsection,
25 any proposed transfer of funds or property in dispute must be
26 held for 30 days before such funds or property may be

1 distributed in accordance with a court order.

2 (5) This subsection shall be construed for the benefit and
3 protection of an eligible adult.

4 (f) Original notice of a hearing on a petition for access
5 to an eligible adult or freezing assets of an eligible adult
6 may be given, and the documents served, in accordance with
7 Supreme Court Rules 11 and 12. When, however, an emergency
8 order is sought in such a case on an ex parte application, the
9 notice rules set forth in Section 11-101 of the Code of Civil
10 Procedure shall apply.

11 (g) An order entered in accordance with Sections 13 and
12 13.5 shall be valid for a fixed period of time, not to exceed 2
13 years.

14 (Source: P.A. 91-731, eff. 6-2-00.)