



Sen. Steve Stadelman

Filed: 5/14/2026

10400HB4649sam002

LRB104 17337 KTG 37793 a

1 AMENDMENT TO HOUSE BILL 4649

2 AMENDMENT NO. _____. Amend House Bill 4649 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Adult Protective Services Act is amended
5 by 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

1 provider agency that is actively involved in an abuse,
2 abandonment, neglect, financial exploitation, or self-neglect
3 investigation under this Act shall be allowed access to the
4 financial records, mental and physical health records, and
5 other relevant evaluative records of the eligible adult which
6 are in the possession of any individual, financial
7 institution, health care provider, mental health provider,
8 educational facility, or other facility if necessary to
9 complete the investigation mandated by this Act. The provider
10 or facility shall provide such records to the representative
11 upon receipt of a written request and certification from the
12 Department or designated provider agency that an investigation
13 is being conducted under this Act and the records are
14 pertinent to the investigation.

15 Any records received by such representative, the
16 confidentiality of which is protected by another law or rule,
17 shall be maintained as confidential, except for such use as
18 may be necessary for any administrative or other legal
19 proceeding.

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

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

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

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

7 (d) If the provider agency has substantiated financial
8 exploitation against an eligible adult, and has documented a
9 reasonable belief that the eligible adult will be irreparably
10 harmed as a result of the financial exploitation, the Office
11 of the Attorney General, the Department, or the provider
12 agency may petition for a temporary restraining order or any
13 other relief outlined in subsection (e) ~~an order freezing the~~
14 ~~assets of the eligible adult~~. The petition shall be filed in
15 the county or counties in which the assets are located. The
16 court's order shall prohibit the sale, gifting, transfer, or
17 wasting of the assets of the eligible adult, both real and
18 personal, owned by, or vested in, the eligible adult, without
19 the express permission of the court. The petition to freeze
20 the assets of the eligible adult shall be afforded an
21 expedited hearing in the circuit court.

22 (e) Temporary restraining order; service; hearing.

23 (1) (A) The court may grant a temporary restraining
24 order ex parte, pending a full hearing, and may grant such
25 relief as the court deems proper if the court finds that:

26 (i) An immediate and present danger of

1 exploitation of the eligible adult exists.

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

4 (iii) There is a substantial likelihood of success
5 on the merits.

6 (iv) The threatened injury to the eligible adult
7 outweighs possible harm to the respondent.

8 (v) Granting a temporary restraining order will
9 not disserve the public interest.

10 (vi) The temporary restraining order provides for
11 the eligible adult's physical or financial safety.

12 (B) Such relief the court deems proper may include,
13 but is not limited to, any of the following:

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

16 (ii) Awarding to the eligible adult the temporary
17 exclusive use and possession of the dwelling that the
18 eligible adult and the respondent share, or barring
19 the respondent from the residence of the eligible
20 adult. The court shall confirm the availability of any
21 required services or alternative caregivers that may
22 be necessary to ensure the eligible adult's safety.

23 (iii) Freezing any assets of the eligible adult in
24 any depository or financial institution whether titled
25 solely in the eligible adult's name, solely in the
26 respondent's name, jointly with the respondent, in

1 guardianship, in trust, or in a Totten trust, provided
2 that:

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

6 (II) Assets held by a trust may be frozen only
7 by an order of the court if all the trustees of the
8 trust are served with process and are given
9 reasonable notice before any hearing on the
10 petition.

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

20 (iv) Freezing any line of credit of the eligible
21 adult at any depository or financial institution
22 whether listed solely in the eligible adult's name or
23 jointly with the eligible adult.

24 (I) Lines of credit held by a guardian for the
25 eligible adult may be frozen only by an order
26 entered by the court overseeing the guardianship

1 proceeding.

2 (II) Lines of credit held by a trust may be
3 frozen only by an order of the court if all the
4 trustees of the trust are served with process and
5 are given reasonable notice before any hearing on
6 the petition.

7 (v) Prohibiting the respondent from having direct
8 or indirect contact with the eligible adult.

9 (vi) Providing directives to law enforcement
10 agencies.

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

14 (2) In a hearing ex parte for the purpose of obtaining
15 an ex parte temporary restraining order, the petitioner
16 can present any relevant evidence, including, but not
17 limited to, verified pleadings, affidavits, police
18 reports, medical reports, financial records, verbal
19 testimony, still photos, audio recordings, and video
20 recordings.

21 (3) A denial of a petition for an ex parte temporary
22 restraining order must be by written order and must note
23 the legal grounds for denial. When the only ground for
24 denial is failure to demonstrate appearance of an
25 immediate and present danger of exploitation of an
26 eligible adult, the court must set a full hearing on the

1 petition for a temporary restraining order at the earliest
2 possible date. Nothing in this paragraph affects a
3 petitioner's right to promptly amend any petition
4 consistent with court rules.

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

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 restraining order, 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 restraining order, 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 restraining order freezes assets of
6 the 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, any of the following:

15 (i) Continuing the temporary restraining order in
16 part or 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 a restraining order be returned to the eligible
5 adult, or directing that those assets remain frozen
6 until ownership can be determined; and directing that
7 the 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 damages.

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

17 (2) The court must allow an advocate to accompany and
18 be present with the petitioner or the respondent in order
19 to provide emotional support during any court proceedings
20 or hearings related to the temporary restraining order, if
21 the petitioner or the respondent has made such a request
22 and the advocate is able to be present.

23 (3) The terms of a temporary restraining order as
24 provided in paragraph (1) remain in effect until the
25 temporary restraining order is modified or dissolved.

26 (i) Provisions required in any temporary restraining

1 order, preliminary injunction, or permanent injunction. If the
2 court enters a temporary restraining order, preliminary
3 injunction, or permanent injunction, the court is required to
4 make specific findings on the record. The temporary
5 restraining order, preliminary injunction, or permanent
6 injunction must, on its face, indicate:

7 (1) That the temporary restraining order, preliminary
8 injunction, or permanent injunction is valid and
9 enforceable in all counties of this State.

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

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

22 (4) The date the respondent was served with the
23 petition for a temporary restraining order, preliminary
24 injunction, or permanent injunction.

25 (j) Service.

26 (1) The petitioner shall furnish a copy of the

1 petition, the financial affidavit, the notice of hearing,
2 and any temporary restraining order to the sheriff or
3 special process server of the county in which the
4 respondent resides or can be found, who shall serve it
5 upon the respondent as soon thereafter as possible on any
6 day of the week and at any time of the day or night. The
7 petitioner may transmit a facsimile copy of a temporary
8 restraining order and this facsimile copy may be served in
9 the same manner as a certified copy.

10 (2) If the respondent has been previously served with
11 the temporary restraining order and has failed to appear
12 at the initial hearing on the temporary restraining order,
13 any subsequent petition for a temporary restraining order
14 or preliminary injunction seeking an extension of time may
15 be served on the respondent by the petitioner or the
16 petitioner's attorney via certified mail in lieu of
17 personal service by a law enforcement officer.

18 (3) (A) Within 24 hours after the court issues a
19 temporary restraining order, preliminary injunction, or
20 permanent injunction to protect an eligible adult against
21 exploitation or changes, continues, extends, or vacates
22 such an order or injunction, the petitioner or the
23 petitioner's attorney must forward a certified copy of the
24 temporary restraining order, preliminary injunction, or
25 permanent injunction to the sheriff with jurisdiction over
26 the residence of the respondent for service in accordance

1 with this subsection.

2 (B) Within 24 hours after the sheriff receives a
3 certified copy of the temporary restraining order,
4 preliminary injunction, or permanent injunction to protect
5 an eligible adult against exploitation, the sheriff must
6 make information related to the order or injunction
7 available to this State's law enforcement agencies by
8 electronically transmitting such information to the
9 Illinois State Police.

10 (C) Within 24 hours after the sheriff or special
11 process server has made service upon the respondent and
12 the sheriff has been so notified, the sheriff must make
13 information relating to the service available to other law
14 enforcement agencies by electronically transmitting such
15 information to the Illinois State Police.

16 (D) Within 24 hours after a temporary restraining
17 order, preliminary injunction, or permanent injunction is
18 terminated or otherwise rendered no longer effective by
19 ruling of the court, the petitioner or petitioner's
20 attorney must notify the sheriff receiving original
21 notification of the temporary restraining order,
22 preliminary injunction, or permanent injunction as
23 provided in subparagraph (A). The sheriff shall, within 24
24 hours after receiving such notification from the
25 petitioner or the petitioner's attorney, notify the
26 Illinois State Police of such court action.

1 (k) Enforcement.

2 (1) As to the respondent, the court may enforce a
3 violation of a temporary restraining order, preliminary
4 injunction, or permanent injunction issued to protect an
5 eligible adult against exploitation through a civil or
6 criminal contempt proceeding.

7 (2) If the respondent is arrested by a law enforcement
8 officer, the respondent must be held in custody until he
9 or she is brought before the court, which must occur as
10 expeditiously as possible, for the purpose of enforcing
11 the temporary restraining order, preliminary injunction,
12 or permanent injunction and for admittance to bail in
13 accordance with the applicable rules of criminal
14 procedure, pending a hearing.

15 (l) Judgment for damages. Actual damages may be assessed
16 against the petitioner in a proceeding under this Section if
17 the court finds that the petition lacks substantial factual or
18 legal support.

19 (m) Modification or dissolution of a temporary restraining
20 order, preliminary injunction, or permanent injunction. The
21 petitioner, respondent, or eligible adult may move at any time
22 to modify or dissolve the temporary restraining order,
23 preliminary injunction, or permanent injunction in part or in
24 whole. No specific allegations are required for modification
25 or dissolution of the temporary restraining order, preliminary
26 injunction, or permanent injunction, which may be granted in

1 addition to other civil or criminal penalties. The court shall
2 promptly hear a motion to modify or dissolve a temporary
3 restraining order, preliminary injunction, or permanent
4 injunction.

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

6 (320 ILCS 20/13.5)

7 Sec. 13.5. Commencement of action for access; filing fees;
8 process; notice; duration of orders.

9 (a) Actions for orders seeking access to an eligible adult
10 or for any other relief outlined in subsection (e) of Section
11 13 freezing assets of an eligible adult are commenced:

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

15 (2) in conjunction with other civil proceedings, by
16 filing a petition for access to an eligible adult or
17 freezing the assets of an eligible adult under the same
18 case number as another civil proceeding involving the
19 parties, including, but not limited to:

20 (i) a guardianship proceeding under the Probate
21 Act of 1975;

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

24 (iii) any other proceeding, provided that the
25 eligible adult or the respondent is a party to or the

1 subject of that proceeding.

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

6 (c) Any action for an order for access to an eligible adult
7 or freezing assets of an eligible adult, whether commenced
8 independently or in conjunction with another proceeding, is a
9 distinct cause of action and requires that a separate summons
10 be issued and served, except that in pending cases the
11 following methods may be used:

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

14 (2) Mailing to the respondent ~~defendant~~, or, if
15 represented, to the respondent's ~~defendant's~~ attorney of
16 record in the civil cases in which the defendant has filed
17 a general appearance. The summons shall be in the form
18 prescribed by subsection (d) of Supreme Court Rule 101,
19 except that it shall require the respondent to answer or
20 appear within 7 days. Attachments to the summons or notice
21 shall include the petition for access to an eligible adult
22 or freezing assets of an eligible adult and supporting
23 affidavits, if any, and any emergency order for access to
24 an eligible adult or freezing assets of an eligible adult
25 that has been issued.

26 (d) Summons may be served by a private person over 18 years

1 of age and not a party to the action. The return by that
2 private person shall be by affidavit. The summons may be
3 served by a sheriff or other law enforcement officer, and if
4 summons is placed for service by the sheriff, it shall be made
5 at the earliest time practicable and shall take precedence
6 over other summonses except those of a similar emergency
7 nature.

8 (e) Except as otherwise provided in this Section, notice
9 of hearings on petitions or motions shall be served in
10 accordance with Supreme Court Rules 11 and 12 unless notice is
11 excused by the Code of Civil Procedure, Supreme Court Rules,
12 or local rules, as now or hereafter amended.

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

20 (g) An order entered in accordance with Sections 13 and
21 13.5 shall be valid for a fixed period of time, not to exceed 2
22 years.

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

24 Section 10. The Code of Civil Procedure is amended by
25 adding Section 2-203.3 as follows:

1 (735 ILCS 5/2-203.3 new)

2 Sec. 2-203.3. Service on third party platform; financial
3 exploitation. In cases of financial exploitation where the
4 alleged perpetrator is unknown or unascertainable, such that
5 service is impracticable under items (1) and (2) of subsection
6 (a) of Section 2-203, service upon the alleged perpetrator may
7 be made on the platform or third party through which the
8 alleged financial exploitation occurred. Notice shall be
9 provided by the same method used by the alleged perpetrator to
10 communicate with the protected party, and documentation of
11 identifying information and all service attempts shall be
12 filed with the court. The court may order any further
13 reasonable measures to effectuate notice and provide an
14 opportunity to be heard."