

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 5. The Illinois Banking Act is amended by changing
5 Section 48.1 as follows:

6 (205 ILCS 5/48.1)

7 Sec. 48.1. Customer financial records; confidentiality.

8 (a) For the purpose of this Section, the term "financial
9 records" means any original, any copy, or any summary of:

10 (1) a document granting signature authority over a
11 deposit or account;

12 (2) a statement, ledger card, or other record on any
13 deposit or account, which shows each transaction in or
14 with respect to that account;

15 (3) a check, draft, or money order drawn on a bank or
16 issued and payable by a bank; or

17 (4) any other item containing information pertaining
18 to any relationship established in the ordinary course of
19 a bank's business between a bank and its customer,
20 including financial statements or other financial
21 information provided by the customer.

22 (b) This Section does not prohibit:

23 (1) The preparation, examination, handling, or

1 maintenance of any financial records by any officer,
2 employee, or agent of a bank having custody of the
3 records, or the examination of the records by a certified
4 public accountant engaged by the bank to perform an
5 independent audit.

6 (2) The examination of any financial records by, or
7 the furnishing of financial records by a bank to, any
8 officer, employee, or agent of (i) the Commissioner of
9 Banks and Real Estate, (ii) after May 31, 1997, a state
10 regulatory authority authorized to examine a branch of a
11 State bank located in another state, (iii) the Comptroller
12 of the Currency, (iv) the Federal Reserve Board, or (v)
13 the Federal Deposit Insurance Corporation for use solely
14 in the exercise of his duties as an officer, employee, or
15 agent.

16 (3) The publication of data furnished from financial
17 records relating to customers where the data cannot be
18 identified to any particular customer or account.

19 (4) The making of reports or returns required under
20 Chapter 61 of the Internal Revenue Code of 1986.

21 (5) Furnishing information concerning the dishonor of
22 any negotiable instrument permitted to be disclosed under
23 the Uniform Commercial Code.

24 (6) The exchange in the regular course of business of
25 (i) credit information between a bank and other banks or
26 financial institutions or commercial enterprises, directly

1 or through a consumer reporting agency, or (ii) financial
2 records or information derived from financial records
3 between a bank and other banks or financial institutions
4 or commercial enterprises for the purpose of conducting
5 due diligence pursuant to a purchase or sale involving the
6 bank or assets or liabilities of the bank.

7 (7) The furnishing of information to the appropriate
8 law enforcement authorities where the bank reasonably
9 believes it has been the victim of a crime.

10 (8) The furnishing of information under the Revised
11 Uniform Unclaimed Property Act.

12 (9) The furnishing of information under the Illinois
13 Income Tax Act and the Illinois Estate and
14 Generation-Skipping Transfer Tax Act.

15 (10) The furnishing of information under the federal
16 Currency and Foreign Transactions Reporting Act Title 31,
17 United States Code, Section 1051 et seq.

18 (11) The furnishing of information under any other
19 statute that, by its terms or by regulations promulgated
20 thereunder, requires the disclosure of financial records
21 other than by subpoena, summons, warrant, or court order.

22 (12) The furnishing of information about the existence
23 of an account of a person to a judgment creditor of that
24 person who has made a written request for that
25 information.

26 (13) The exchange in the regular course of business of

1 information between commonly owned banks in connection
2 with a transaction authorized under paragraph (23) of
3 Section 5 and conducted at an affiliate facility.

4 (14) The furnishing of information in accordance with
5 the federal Personal Responsibility and Work Opportunity
6 Reconciliation Act of 1996. Any bank governed by this Act
7 shall enter into an agreement for data exchanges with a
8 State agency provided the State agency pays to the bank a
9 reasonable fee not to exceed its actual cost incurred. A
10 bank providing information in accordance with this item
11 shall not be liable to any account holder or other person
12 for any disclosure of information to a State agency, for
13 encumbering or surrendering any assets held by the bank in
14 response to a lien or order to withhold and deliver issued
15 by a State agency, or for any other action taken pursuant
16 to this item, including individual or mechanical errors,
17 provided the action does not constitute gross negligence
18 or willful misconduct. A bank shall have no obligation to
19 hold, encumber, or surrender assets until it has been
20 served with a subpoena, summons, warrant, court or
21 administrative order, lien, or levy.

22 (15) The exchange in the regular course of business of
23 information between a bank and any commonly owned
24 affiliate of the bank, subject to the provisions of the
25 Financial Institutions Insurance Sales Law.

26 (16) The furnishing of information to law enforcement

1 authorities, the Illinois Department on Aging and its
2 regional administrative and provider agencies, the
3 Department of Human Services Office of Inspector General,
4 or public guardians: (i) upon subpoena by the
5 investigatory entity or the guardian, or (ii) as part of a
6 mandated report if there is suspicion by the bank or a
7 mandated reporter as defined in Section 2 of the Adult
8 Protective Services Act that a customer who is an elderly
9 person or person with a disability has been or may become
10 the victim of financial exploitation. For the purposes of
11 this item (16), the term: (i) "elderly person" means a
12 person who is 60 or more years of age, (ii) "person with a
13 disability" means a person who has or reasonably appears
14 to the bank to have a physical or mental disability that
15 impairs his or her ability to seek or obtain protection
16 from or prevent financial exploitation, and (iii)
17 "financial exploitation" means tortious or illegal use of
18 the assets or resources of an elderly person or person
19 with a disability, and includes, without limitation,
20 misappropriation of the assets or resources of the elderly
21 person or person with a disability by undue influence,
22 breach of fiduciary relationship, intimidation, fraud,
23 deception, extortion, or the use of assets or resources in
24 any manner contrary to law. A bank, a mandated reporter,
25 or other persons ~~or person~~ furnishing information pursuant
26 to this item (16) shall be entitled to the same rights and

1 protections as persons ~~a person~~ furnishing information
2 under the Adult Protective Services Act and the Illinois
3 Domestic Violence Act of 1986.

4 (17) The disclosure of financial records or
5 information as necessary to effect, administer, or enforce
6 a transaction requested or authorized by the customer, or
7 in connection with:

8 (A) servicing or processing a financial product or
9 service requested or authorized by the customer;

10 (B) maintaining or servicing a customer's account
11 with the bank; or

12 (C) a proposed or actual securitization or
13 secondary market sale (including sales of servicing
14 rights) related to a transaction of a customer.

15 Nothing in this item (17), however, authorizes the
16 sale of the financial records or information of a customer
17 without the consent of the customer.

18 (18) The disclosure of financial records or
19 information as necessary to protect against actual or
20 potential fraud, unauthorized transactions, claims, or
21 other liability.

22 (18.5) The furnishing of information to any person on
23 a list submitted and periodically updated by a customer
24 who is an elderly person or disabled person, if there is
25 suspicion by the financial institution that the customer
26 has been or may become a victim of financial exploitation.

1 For purposes of this Section, the terms "elderly person",
2 "disabled person", and "financial exploitation" have the
3 meanings given to those terms in item (16). The financial
4 institution may convey the suspicion to any of the
5 following persons, if the person is not the suspected
6 perpetrator: (i) any person on the list; (ii) any
7 co-owner, additional authorized signatory, or beneficiary
8 on the account of the member; or (iii) any person known by
9 the financial institution to be a family member, including
10 a parent, spouse, adult child, or sibling. When providing
11 information under this item, the financial institution may
12 pause the transaction in accordance with the account
13 holder agreement or similar documents and shall limit the
14 information and only disclose that the financial
15 institution has cause to suspect that the customer may be
16 a victim or target of financial exploitation and the basis
17 or bases of the financial institution's reasonable
18 suspicion, without disclosing any other details or
19 confidential information regarding the financial affairs
20 of the customer. Any disclosure made in accordance with
21 this subsection shall comply with all other privacy laws
22 and legal prohibitions, including confidentiality
23 requirements for suspicious activity reports. The
24 financial institution may rely on information provided by
25 the customer in compiling the list of contact persons. The
26 financial institution and any employee of the financial

1 institution acting in good faith is immune from all
2 criminal, civil, and administrative liability for pausing
3 the transaction, contacting a person, or electing not to
4 contact a person under this item (18.5) and for actions
5 taken in furtherance of that determination, if the
6 determination was made based on a reasonable suspicion.

7 (19) (A) The disclosure of financial records or
8 information related to a private label credit program
9 between a financial institution and a private label party
10 in connection with that private label credit program. Such
11 information is limited to outstanding balance, available
12 credit, payment and performance and account history,
13 product references, purchase information, and information
14 related to the identity of the customer.

15 (B) (1) For purposes of this paragraph (19) of
16 subsection (b) of Section 48.1, a "private label credit
17 program" means a credit program involving a financial
18 institution and a private label party that is used by a
19 customer of the financial institution and the private
20 label party primarily for payment for goods or services
21 sold, manufactured, or distributed by a private label
22 party.

23 (2) For purposes of this paragraph (19) of subsection
24 (b) of Section 48.1, a "private label party" means, with
25 respect to a private label credit program, any of the
26 following: a retailer, a merchant, a manufacturer, a trade

1 group, or any such person's affiliate, subsidiary, member,
2 agent, or service provider.

3 (20) (A) The furnishing of financial records of a
4 customer to the Department to aid the Department's initial
5 determination or subsequent re-determination of the
6 customer's eligibility for Medicaid and Medicaid long-term
7 care benefits for long-term care services, provided that
8 the bank receives the written consent and authorization of
9 the customer, which shall:

10 (1) have the customer's signature notarized;

11 (2) be signed by at least one witness who
12 certifies that he or she believes the customer to be of
13 sound mind and memory;

14 (3) be tendered to the bank at the earliest
15 practicable time following its execution,
16 certification, and notarization;

17 (4) specifically limit the disclosure of the
18 customer's financial records to the Department; and

19 (5) be in substantially the following form:

20 CUSTOMER CONSENT AND AUTHORIZATION

21 FOR RELEASE OF FINANCIAL RECORDS

22 I, , hereby authorize

23 (Name of Customer)

1

2 (Name of Financial Institution)

3

4 (Address of Financial Institution)

5 to disclose the following financial records:

6 any and all information concerning my deposit, savings, money
7 market, certificate of deposit, individual retirement,
8 retirement plan, 401(k) plan, incentive plan, employee benefit
9 plan, mutual fund and loan accounts (including, but not
10 limited to, any indebtedness or obligation for which I am a
11 co-borrower, co-obligor, guarantor, or surety), and any and
12 all other accounts in which I have an interest and any other
13 information regarding me in the possession of the Financial
14 Institution,

15 to the Illinois Department of Human Services or the Illinois
16 Department of Healthcare and Family Services, or both ("the
17 Department"), for the following purpose(s):

18 to aid in the initial determination or re-determination by the
19 State of Illinois of my eligibility for Medicaid long-term
20 care benefits, pursuant to applicable law.

1 I understand that this Consent and Authorization may be
2 revoked by me in writing at any time before my financial
3 records, as described above, are disclosed, and that this
4 Consent and Authorization is valid until the Financial
5 Institution receives my written revocation. This Consent and
6 Authorization shall constitute valid authorization for the
7 Department identified above to inspect all such financial
8 records set forth above, and to request and receive copies of
9 such financial records from the Financial Institution (subject
10 to such records search and reproduction reimbursement policies
11 as the Financial Institution may have in place). An executed
12 copy of this Consent and Authorization shall be sufficient and
13 as good as the original and permission is hereby granted to
14 honor a photostatic or electronic copy of this Consent and
15 Authorization. Disclosure is strictly limited to the
16 Department identified above and no other person or entity
17 shall receive my financial records pursuant to this Consent
18 and Authorization. By signing this form, I agree to indemnify
19 and hold the Financial Institution harmless from any and all
20 claims, demands, and losses, including reasonable attorneys
21 fees and expenses, arising from or incurred in its reliance on
22 this Consent and Authorization. As used herein, "Customer"
23 shall mean "Member" if the Financial Institution is a credit
24 union.

25

1 (Date) (Signature of Customer)

2

3

4 (Address of Customer)

5

6 (Customer's birth date)

7 (month/day/year)

8 The undersigned witness certifies that,
9 known to me to be the same person whose name is subscribed as
10 the customer to the foregoing Consent and Authorization,
11 appeared before me and the notary public and acknowledged
12 signing and delivering the instrument as his or her free and
13 voluntary act for the uses and purposes therein set forth. I
14 believe him or her to be of sound mind and memory. The
15 undersigned witness also certifies that the witness is not an
16 owner, operator, or relative of an owner or operator of a
17 long-term care facility in which the customer is a patient or
18 resident.

19 Dated:

20 (Signature of Witness)

21

1 (Print Name of Witness)

2

3

4 (Address of Witness)

5 State of Illinois)

6) ss.

7 County of)

8 The undersigned, a notary public in and for the above county
9 and state, certifies that, known to me to be the
10 same person whose name is subscribed as the customer to the
11 foregoing Consent and Authorization, appeared before me
12 together with the witness,, in person and
13 acknowledged signing and delivering the instrument as the free
14 and voluntary act of the customer for the uses and purposes
15 therein set forth.

16 Dated:

17 Notary Public:

18 My commission expires:

19 (B) In no event shall the bank distribute the
20 customer's financial records to the long-term care
21 facility from which the customer seeks initial or

1 continuing residency or long-term care services.

2 (C) A bank providing financial records of a customer
3 in good faith relying on a consent and authorization
4 executed and tendered in accordance with this paragraph
5 (20) shall not be liable to the customer or any other
6 person in relation to the bank's disclosure of the
7 customer's financial records to the Department. The
8 customer signing the consent and authorization shall
9 indemnify and hold the bank harmless that relies in good
10 faith upon the consent and authorization and incurs a loss
11 because of such reliance. The bank recovering under this
12 indemnification provision shall also be entitled to
13 reasonable attorney's fees and the expenses of recovery.

14 (D) A bank shall be reimbursed by the customer for all
15 costs reasonably necessary and directly incurred in
16 searching for, reproducing, and disclosing a customer's
17 financial records required or requested to be produced
18 pursuant to any consent and authorization executed under
19 this paragraph (20). The requested financial records shall
20 be delivered to the Department within 10 days after
21 receiving a properly executed consent and authorization or
22 at the earliest practicable time thereafter if the
23 requested records cannot be delivered within 10 days, but
24 delivery may be delayed until the final reimbursement of
25 all costs is received by the bank. The bank may honor a
26 photostatic or electronic copy of a properly executed

1 consent and authorization.

2 (E) Nothing in this paragraph (20) shall impair,
3 abridge, or abrogate the right of a customer to:

4 (1) directly disclose his or her financial records
5 to the Department or any other person; or

6 (2) authorize his or her attorney or duly
7 appointed agent to request and obtain the customer's
8 financial records and disclose those financial records
9 to the Department.

10 (F) For purposes of this paragraph (20), "Department"
11 means the Department of Human Services and the Department
12 of Healthcare and Family Services or any successor
13 administrative agency of either agency.

14 (21) The furnishing of financial records of a deceased
15 customer to a public administrator of any county or other
16 governmental jurisdiction for the purpose of facilitating
17 burial of the customer.

18 (22) ~~(21)~~ The furnishing of financial information to
19 the executor, executrix, administrator, or other lawful
20 representative of the estate of a customer.

21 (c) Except as otherwise provided by this Act, a bank may
22 not disclose to any person, except to the customer or his duly
23 authorized agent, any financial records or financial
24 information obtained from financial records relating to that
25 customer of that bank unless:

26 (1) the customer has authorized disclosure to the

1 person;

2 (2) the financial records are disclosed in response to
3 a lawful subpoena, summons, warrant, citation to discover
4 assets, or court order which meets the requirements of
5 subsection (d) of this Section; or

6 (3) the bank is attempting to collect an obligation
7 owed to the bank and the bank complies with the provisions
8 of Section 2I of the Consumer Fraud and Deceptive Business
9 Practices Act.

10 (d) A bank shall disclose financial records under
11 paragraph (2) of subsection (c) of this Section under a lawful
12 subpoena, summons, warrant, citation to discover assets, or
13 court order only after the bank sends a copy of the subpoena,
14 summons, warrant, citation to discover assets, or court order
15 to the person establishing the relationship with the bank, if
16 living, and, otherwise the person's personal representative,
17 if known, at the person's last known address by first class
18 mail, postage prepaid, through a third-party commercial
19 carrier or courier with delivery charge fully prepaid, by hand
20 delivery, or by electronic delivery at an email address on
21 file with the bank (if the person establishing the
22 relationship with the bank has consented to receive electronic
23 delivery and, if the person establishing the relationship with
24 the bank is a consumer, the person has consented under the
25 consumer consent provisions set forth in Section 7001 of Title
26 15 of the United States Code), unless the bank is specifically

1 prohibited from notifying the person by order of court or by
2 applicable State or federal law. A bank shall not mail a copy
3 of a subpoena to any person pursuant to this subsection if the
4 subpoena was issued by a grand jury.

5 (e) Any officer or employee of a bank who knowingly and
6 willfully furnishes financial records in violation of this
7 Section is guilty of a business offense and, upon conviction,
8 shall be fined not more than \$1,000.

9 (f) Any person who knowingly and willfully induces or
10 attempts to induce any officer or employee of a bank to
11 disclose financial records in violation of this Section is
12 guilty of a business offense and, upon conviction, shall be
13 fined not more than \$1,000.

14 (g) A bank shall be reimbursed for costs that are
15 reasonably necessary and that have been directly incurred in
16 searching for, reproducing, or transporting books, papers,
17 records, or other data required or requested to be produced
18 pursuant to a lawful subpoena, summons, warrant, citation to
19 discover assets, or court order. The Commissioner shall
20 determine the rates and conditions under which payment may be
21 made.

22 (Source: P.A. 104-123, eff. 1-1-26; 104-310, eff. 8-15-25;
23 revised 11-20-25.)

24 Section 10. The Savings Bank Act is amended by changing
25 Section 4013 as follows:

1 (205 ILCS 205/4013)

2 Sec. 4013. Access to books and records; communication with
3 members and shareholders.

4 (a) Every member or shareholder shall have the right to
5 inspect books and records of the savings bank that pertain to
6 his accounts. Otherwise, the right of inspection and
7 examination of the books and records shall be limited as
8 provided in this Act, and no other person shall have access to
9 the books and records nor shall be entitled to a list of the
10 members or shareholders.

11 (b) For the purpose of this Section, the term "financial
12 records" means any original, any copy, or any summary of (1) a
13 document granting signature authority over a deposit or
14 account; (2) a statement, ledger card, or other record on any
15 deposit or account that shows each transaction in or with
16 respect to that account; (3) a check, draft, or money order
17 drawn on a savings bank or issued and payable by a savings
18 bank; or (4) any other item containing information pertaining
19 to any relationship established in the ordinary course of a
20 savings bank's business between a savings bank and its
21 customer, including financial statements or other financial
22 information provided by the member or shareholder.

23 (c) This Section does not prohibit:

24 (1) The preparation, examination, handling, or
25 maintenance of any financial records by any officer,

1 employee, or agent of a savings bank having custody of
2 records or examination of records by a certified public
3 accountant engaged by the savings bank to perform an
4 independent audit.

5 (2) The examination of any financial records by, or
6 the furnishing of financial records by a savings bank to,
7 any officer, employee, or agent of the Commissioner of
8 Banks and Real Estate or the federal depository
9 institution regulator for use solely in the exercise of
10 his duties as an officer, employee, or agent.

11 (3) The publication of data furnished from financial
12 records relating to members or holders of capital where
13 the data cannot be identified to any particular member,
14 shareholder, or account.

15 (4) The making of reports or returns required under
16 Chapter 61 of the Internal Revenue Code of 1986.

17 (5) Furnishing information concerning the dishonor of
18 any negotiable instrument permitted to be disclosed under
19 the Uniform Commercial Code.

20 (6) The exchange in the regular course of business of
21 (i) credit information between a savings bank and other
22 savings banks or financial institutions or commercial
23 enterprises, directly or through a consumer reporting
24 agency, or (ii) financial records or information derived
25 from financial records between a savings bank and other
26 savings banks or financial institutions or commercial

1 enterprises for the purpose of conducting due diligence
2 pursuant to a purchase or sale involving the savings bank
3 or assets or liabilities of the savings bank.

4 (7) The furnishing of information to the appropriate
5 law enforcement authorities where the savings bank
6 reasonably believes it has been the victim of a crime.

7 (8) The furnishing of information pursuant to the
8 Revised Uniform Unclaimed Property Act.

9 (9) The furnishing of information pursuant to the
10 Illinois Income Tax Act and the Illinois Estate and
11 Generation-Skipping Transfer Tax Act.

12 (10) The furnishing of information pursuant to the
13 federal Currency and Foreign Transactions Reporting Act,
14 (Title 31, United States Code, Section 1051 et seq.).

15 (11) The furnishing of information pursuant to any
16 other statute which, by its terms or by regulations
17 promulgated thereunder, requires the disclosure of
18 financial records other than by subpoena, summons,
19 warrant, or court order.

20 (12) The furnishing of information in accordance with
21 the federal Personal Responsibility and Work Opportunity
22 Reconciliation Act of 1996. Any savings bank governed by
23 this Act shall enter into an agreement for data exchanges
24 with a State agency provided the State agency pays to the
25 savings bank a reasonable fee not to exceed its actual
26 cost incurred. A savings bank providing information in

1 accordance with this item shall not be liable to any
2 account holder or other person for any disclosure of
3 information to a State agency, for encumbering or
4 surrendering any assets held by the savings bank in
5 response to a lien or order to withhold and deliver issued
6 by a State agency, or for any other action taken pursuant
7 to this item, including individual or mechanical errors,
8 provided the action does not constitute gross negligence
9 or willful misconduct. A savings bank shall have no
10 obligation to hold, encumber, or surrender assets until it
11 has been served with a subpoena, summons, warrant, court
12 or administrative order, lien, or levy.

13 (13) The furnishing of information to law enforcement
14 authorities, the Illinois Department on Aging and its
15 regional administrative and provider agencies, the
16 Department of Human Services Office of Inspector General,
17 or public guardians: (i) upon subpoena by the
18 investigatory entity or the guardian, or (ii) as part of a
19 mandated report if there is suspicion by the savings bank
20 or a mandated reporter as defined in Section 2 of the Adult
21 Protective Services Act that a customer who is an elderly
22 person or person with a disability has been or may become
23 the victim of financial exploitation. For the purposes of
24 this item (13), the term: (i) "elderly person" means a
25 person who is 60 or more years of age, (ii) "person with a
26 disability" means a person who has or reasonably appears

1 to the savings bank to have a physical or mental
2 disability that impairs his or her ability to seek or
3 obtain protection from or prevent financial exploitation,
4 and (iii) "financial exploitation" means tortious or
5 illegal use of the assets or resources of an elderly
6 person or person with a disability, and includes, without
7 limitation, misappropriation of the assets or resources of
8 the elderly person or person with a disability by undue
9 influence, breach of fiduciary relationship, intimidation,
10 fraud, deception, extortion, or the use of assets or
11 resources in any manner contrary to law. A savings bank, a
12 mandated reporter, or other persons ~~or person~~ furnishing
13 information pursuant to this item (13) shall be entitled
14 to the same rights and protections as other persons ~~a~~
15 ~~person~~ furnishing information under the Adult Protective
16 Services Act and the Illinois Domestic Violence Act of
17 1986.

18 (13.5) The furnishing of information to any person on
19 a list submitted and periodically updated by a customer
20 who is an elderly person or person with a disability, if
21 there is suspicion by the savings bank that the customer
22 has been or may become a victim of financial exploitation.
23 For purposes of this Section, the terms "elderly person",
24 "person with a disability", and "financial exploitation"
25 have the meanings given to those terms in item (13). The
26 savings bank may convey the suspicion to any of the

following persons, if the person is not the suspected perpetrator: (i) any person on the list; (ii) any co-owner, additional authorized signatory, or beneficiary on the account of the member; or (iii) any person known by the savings bank to be a family member, including a parent, spouse, adult child, or sibling. When providing information under this item, the savings bank may pause the transaction in accordance with the account holder agreement or similar documents and shall limit the information and only disclose that the savings bank has cause to suspect that the customer may be a victim or target of financial exploitation and the basis or bases of the savings bank's reasonable suspicion, without disclosing any other details or confidential information regarding the financial affairs of the customer. Any disclosure made in accordance with this subsection shall comply with all other privacy laws and legal prohibitions, including confidentiality requirements for suspicious activity reports. The savings bank may rely on information provided by the customer in compiling the list of contact persons. The savings bank and any employee of the savings bank acting in good faith is immune from all criminal, civil, and administrative liability for pausing the transaction, contacting a person, or electing not to contact a person under this item (13.5) and for actions taken in furtherance of that determination, if the

1 determination was made based on a reasonable suspicion.

2 (14) The disclosure of financial records or
3 information as necessary to effect, administer, or enforce
4 a transaction requested or authorized by the member or
5 holder of capital, or in connection with:

6 (A) servicing or processing a financial product or
7 service requested or authorized by the member or
8 holder of capital;

9 (B) maintaining or servicing an account of a
10 member or holder of capital with the savings bank; or

11 (C) a proposed or actual securitization or
12 secondary market sale (including sales of servicing
13 rights) related to a transaction of a member or holder
14 of capital.

15 Nothing in this item (14), however, authorizes the
16 sale of the financial records or information of a member
17 or holder of capital without the consent of the member or
18 holder of capital.

19 (15) The exchange in the regular course of business of
20 information between a savings bank and any commonly owned
21 affiliate of the savings bank, subject to the provisions
22 of the Financial Institutions Insurance Sales Law.

23 (16) The disclosure of financial records or
24 information as necessary to protect against or prevent
25 actual or potential fraud, unauthorized transactions,
26 claims, or other liability.

1 (17)(a) The disclosure of financial records or
2 information related to a private label credit program
3 between a financial institution and a private label party
4 in connection with that private label credit program. Such
5 information is limited to outstanding balance, available
6 credit, payment and performance and account history,
7 product references, purchase information, and information
8 related to the identity of the customer.

9 (b)(1) For purposes of this paragraph (17) of
10 subsection (c) of Section 4013, a "private label credit
11 program" means a credit program involving a financial
12 institution and a private label party that is used by a
13 customer of the financial institution and the private
14 label party primarily for payment for goods or services
15 sold, manufactured, or distributed by a private label
16 party.

17 (2) For purposes of this paragraph (17) of subsection
18 (c) of Section 4013, a "private label party" means, with
19 respect to a private label credit program, any of the
20 following: a retailer, a merchant, a manufacturer, a trade
21 group, or any such person's affiliate, subsidiary, member,
22 agent, or service provider.

23 (18)(a) The furnishing of financial records of a
24 customer to the Department to aid the Department's initial
25 determination or subsequent re-determination of the
26 customer's eligibility for Medicaid and Medicaid long-term

1 care benefits for long-term care services, provided that
2 the savings bank receives the written consent and
3 authorization of the customer, which shall:

4 (1) have the customer's signature notarized;

5 (2) be signed by at least one witness who
6 certifies that he or she believes the customer to be of
7 sound mind and memory;

8 (3) be tendered to the savings bank at the
9 earliest practicable time following its execution,
10 certification, and notarization;

11 (4) specifically limit the disclosure of the
12 customer's financial records to the Department; and

13 (5) be in substantially the following form:

14 CUSTOMER CONSENT AND AUTHORIZATION

15 FOR RELEASE OF FINANCIAL RECORDS

16 I, , hereby authorize
17 (Name of Customer)

18
19 (Name of Financial Institution)

20
21 (Address of Financial Institution)

1 to disclose the following financial records:

2 any and all information concerning my deposit, savings, money
3 market, certificate of deposit, individual retirement,
4 retirement plan, 401(k) plan, incentive plan, employee benefit
5 plan, mutual fund and loan accounts (including, but not
6 limited to, any indebtedness or obligation for which I am a
7 co-borrower, co-obligor, guarantor, or surety), and any and
8 all other accounts in which I have an interest and any other
9 information regarding me in the possession of the Financial
10 Institution,

11 to the Illinois Department of Human Services or the Illinois
12 Department of Healthcare and Family Services, or both ("the
13 Department"), for the following purpose(s):

14 to aid in the initial determination or re-determination by the
15 State of Illinois of my eligibility for Medicaid long-term
16 care benefits, pursuant to applicable law.

17 I understand that this Consent and Authorization may be
18 revoked by me in writing at any time before my financial
19 records, as described above, are disclosed, and that this
20 Consent and Authorization is valid until the Financial
21 Institution receives my written revocation. This Consent and
22 Authorization shall constitute valid authorization for the

1 Department identified above to inspect all such financial
2 records set forth above, and to request and receive copies of
3 such financial records from the Financial Institution (subject
4 to such records search and reproduction reimbursement policies
5 as the Financial Institution may have in place). An executed
6 copy of this Consent and Authorization shall be sufficient and
7 as good as the original and permission is hereby granted to
8 honor a photostatic or electronic copy of this Consent and
9 Authorization. Disclosure is strictly limited to the
10 Department identified above and no other person or entity
11 shall receive my financial records pursuant to this Consent
12 and Authorization. By signing this form, I agree to indemnify
13 and hold the Financial Institution harmless from any and all
14 claims, demands, and losses, including reasonable attorneys
15 fees and expenses, arising from or incurred in its reliance on
16 this Consent and Authorization. As used herein, "Customer"
17 shall mean "Member" if the Financial Institution is a credit
18 union.

19

20 (Date)

(Signature of Customer)

21

22

23 (Address of Customer)

1
2

3 (Customer's birth date)

4 (month/day/year)

5 The undersigned witness certifies that
6 known to me to be the same person whose name is subscribed as
7 the customer to the foregoing Consent and Authorization,
8 appeared before me and the notary public and acknowledged
9 signing and delivering the instrument as his or her free and
10 voluntary act for the uses and purposes therein set forth. I
11 believe him or her to be of sound mind and memory. The
12 undersigned witness also certifies that the witness is not an
13 owner, operator, or relative of an owner or operator of a
14 long-term care facility in which the customer is a patient or
resident.

15 Dated:
16

17 (Signature of Witness)

18
19

20 (Print Name of Witness)

21
22

23
24

25 (Address of Witness)

1 State of Illinois)

2) ss.

3 County of)

4 The undersigned, a notary public in and for the above county
5 and state, certifies that, known to me to be the
6 same person whose name is subscribed as the customer to the
7 foregoing Consent and Authorization, appeared before me
8 together with the witness,, in person and
9 acknowledged signing and delivering the instrument as the free
10 and voluntary act of the customer for the uses and purposes
11 therein set forth.

12 Dated:

13 Notary Public:

14 My commission expires:

15 (b) In no event shall the savings bank distribute the
16 customer's financial records to the long-term care
17 facility from which the customer seeks initial or
18 continuing residency or long-term care services.

19 (c) A savings bank providing financial records of a
20 customer in good faith relying on a consent and
21 authorization executed and tendered in accordance with
22 this paragraph (18) shall not be liable to the customer or
23 any other person in relation to the savings bank's

1 disclosure of the customer's financial records to the
2 Department. The customer signing the consent and
3 authorization shall indemnify and hold the savings bank
4 harmless that relies in good faith upon the consent and
5 authorization and incurs a loss because of such reliance.
6 The savings bank recovering under this indemnification
7 provision shall also be entitled to reasonable attorney's
8 fees and the expenses of recovery.

9 (d) A savings bank shall be reimbursed by the customer
10 for all costs reasonably necessary and directly incurred
11 in searching for, reproducing, and disclosing a customer's
12 financial records required or requested to be produced
13 pursuant to any consent and authorization executed under
14 this paragraph (18). The requested financial records shall
15 be delivered to the Department within 10 days after
16 receiving a properly executed consent and authorization or
17 at the earliest practicable time thereafter if the
18 requested records cannot be delivered within 10 days, but
19 delivery may be delayed until the final reimbursement of
20 all costs is received by the savings bank. The savings
21 bank may honor a photostatic or electronic copy of a
22 properly executed consent and authorization.

23 (e) Nothing in this paragraph (18) shall impair,
24 abridge, or abrogate the right of a customer to:

25 (1) directly disclose his or her financial records
26 to the Department or any other person; or

1 (2) authorize his or her attorney or duly
2 appointed agent to request and obtain the customer's
3 financial records and disclose those financial records
4 to the Department.

5 (f) For purposes of this paragraph (18), "Department"
6 means the Department of Human Services and the Department
7 of Healthcare and Family Services or any successor
8 administrative agency of either agency.

9 (19) The furnishing of financial records of a deceased
10 customer to a public administrator of any county or other
11 governmental jurisdiction for the purpose of facilitating
12 burial of the customer.

13 (20) ~~(19)~~ The furnishing of financial information to
14 the executor, executrix, administrator, or other lawful
15 representative of the estate of a customer.

16 (d) A savings bank may not disclose to any person, except
17 to the member or holder of capital or his duly authorized
18 agent, any financial records relating to that member or
19 shareholder of the savings bank unless:

20 (1) the member or shareholder has authorized
21 disclosure to the person; or

22 (2) the financial records are disclosed in response to
23 a lawful subpoena, summons, warrant, citation to discover
24 assets, or court order that meets the requirements of
25 subsection (e) of this Section.

26 (e) A savings bank shall disclose financial records under

1 subsection (d) of this Section pursuant to a lawful subpoena,
2 summons, warrant, citation to discover assets, or court order
3 only after the savings bank sends a copy of the subpoena,
4 summons, warrant, citation to discover assets, or court order
5 to the person establishing the relationship with the savings
6 bank, if living, and otherwise, the person's personal
7 representative, if known, at the person's last known address
8 by first class mail, postage prepaid, through a third-party
9 commercial carrier or courier with delivery charge fully
10 prepaid, by hand delivery, or by electronic delivery at an
11 email address on file with the savings bank (if the person
12 establishing the relationship with the savings bank has
13 consented to receive electronic delivery and, if the person
14 establishing the relationship with the savings bank is a
15 consumer, the person has consented under the consumer consent
16 provisions set forth in Section 7001 of Title 15 of the United
17 States Code), unless the savings bank is specifically
18 prohibited from notifying the person by order of court or by
19 applicable State or federal law. A savings bank shall not mail
20 a copy of a subpoena to any customer pursuant to this
21 subsection if the subpoena was issued by a grand jury.

22 (f) Any officer or employee of a savings bank who
23 knowingly and willfully furnishes financial records in
24 violation of this Section is guilty of a business offense and,
25 upon conviction, shall be fined not more than \$1,000.

26 (g) Any person who knowingly and willfully induces or

1 attempts to induce any officer or employee of a savings bank to
2 disclose financial records in violation of this Section is
3 guilty of a business offense and, upon conviction, shall be
4 fined not more than \$1,000.

5 (h) If any member or shareholder desires to communicate
6 with the other members or shareholders of the savings bank
7 with reference to any question pending or to be presented at an
8 annual or special meeting, the savings bank shall give that
9 person, upon request, a statement of the approximate number of
10 members or shareholders entitled to vote at the meeting and an
11 estimate of the cost of preparing and delivering the
12 communication. The requesting member shall submit the
13 communication to the Commissioner who, upon finding it to be
14 appropriate and truthful, shall direct that it be prepared and
15 delivered to the members upon the requesting member's or
16 shareholder's payment or adequate provision for payment of the
17 expenses of preparation and delivery.

18 (i) A savings bank shall be reimbursed for costs that are
19 necessary and that have been directly incurred in searching
20 for, reproducing, or transporting books, papers, records, or
21 other data required to be reproduced pursuant to a lawful
22 subpoena, warrant, citation to discover assets, or court
23 order.

24 (j) Notwithstanding the provisions of this Section, a
25 savings bank may sell or otherwise make use of lists of names
26 and addresses of persons who have obtained a financial product

1 or service from the savings bank. All other information is
2 subject to the disclosure provisions of this Section. At the
3 request of any person who has obtained a financial product or
4 service from the savings bank, that person's name and address
5 shall be deleted from any list that is to be sold or used in
6 any other manner beyond identification of the person's
7 accounts.

8 (Source: P.A. 104-123, eff. 1-1-26; 104-310, eff. 8-15-25;
9 revised 11-20-25.)

10 Section 15. The Illinois Credit Union Act is amended by
11 changing Section 10 as follows:

12 (205 ILCS 305/10)

13 Sec. 10. Credit union records; member financial records.

14 (1) A credit union shall establish and maintain books,
15 records, accounting systems, and procedures which accurately
16 reflect its operations and which enable the Department to
17 readily ascertain the true financial condition of the credit
18 union and whether it is complying with this Act.

19 (2) A photostatic or photographic reproduction of any
20 credit union records shall be admissible as evidence of
21 transactions with the credit union.

22 (3)(a) For the purpose of this Section, the term
23 "financial records" means any original, any copy, or any
24 summary of (1) a document granting signature authority over an

1 account, (2) a statement, ledger card, or other record on any
2 account which shows each transaction in or with respect to
3 that account, (3) a check, draft, or money order drawn on a
4 financial institution or other entity or issued and payable by
5 or through a financial institution or other entity, or (4) any
6 other item containing information pertaining to any
7 relationship established in the ordinary course of business
8 between a credit union and its member, including financial
9 statements or other financial information provided by the
10 member.

11 (b) This Section does not prohibit:

12 (1) The preparation, examination, handling, or
13 maintenance of any financial records by any officer,
14 employee, or agent of a credit union having custody of
15 such records, or the examination of such records by a
16 certified public accountant engaged by the credit union to
17 perform an independent audit.

18 (2) The examination of any financial records by or the
19 furnishing of financial records by a credit union to any
20 officer, employee, or agent of the Department, the
21 National Credit Union Administration, Federal Reserve
22 Board or any insurer of share accounts for use solely in
23 the exercise of his duties as an officer, employee, or
24 agent.

25 (3) The publication of data furnished from financial
26 records relating to members where the data cannot be

1 identified to any particular member or account.

2 (4) The making of reports or returns required under
3 Chapter 61 of the Internal Revenue Code of 1954.

4 (5) Furnishing information concerning the dishonor of
5 any negotiable instrument permitted to be disclosed under
6 the Uniform Commercial Code.

7 (6) The exchange in the regular course of business of
8 (i) credit information between a credit union and other
9 credit unions or financial institutions or commercial
10 enterprises, directly or through a consumer reporting
11 agency, or (ii) financial records or information derived
12 from financial records between a credit union and other
13 credit unions or financial institutions or commercial
14 enterprises for the purpose of conducting due diligence
15 pursuant to a merger or a purchase or sale of assets or
16 liabilities of the credit union.

17 (7) The furnishing of information to the appropriate
18 law enforcement authorities where the credit union
19 reasonably believes it has been the victim of a crime.

20 (8) The furnishing of information pursuant to the
21 Revised Uniform Unclaimed Property Act.

22 (9) The furnishing of information pursuant to the
23 Illinois Income Tax Act and the Illinois Estate and
24 Generation-Skipping Transfer Tax Act.

25 (10) The furnishing of information pursuant to the
26 federal Currency and Foreign Transactions Reporting Act,

1 Title 31, United States Code, Section 1051 et sequentia.

2 (11) The furnishing of information pursuant to any
3 other statute which by its terms or by regulations
4 promulgated thereunder requires the disclosure of
5 financial records other than by subpoena, summons,
6 warrant, or court order.

7 (12) The furnishing of information in accordance with
8 the federal Personal Responsibility and Work Opportunity
9 Reconciliation Act of 1996. Any credit union governed by
10 this Act shall enter into an agreement for data exchanges
11 with a State agency provided the State agency pays to the
12 credit union a reasonable fee not to exceed its actual
13 cost incurred. A credit union providing information in
14 accordance with this item shall not be liable to any
15 account holder or other person for any disclosure of
16 information to a State agency, for encumbering or
17 surrendering any assets held by the credit union in
18 response to a lien or order to withhold and deliver issued
19 by a State agency, or for any other action taken pursuant
20 to this item, including individual or mechanical errors,
21 provided the action does not constitute gross negligence
22 or willful misconduct. A credit union shall have no
23 obligation to hold, encumber, or surrender assets until it
24 has been served with a subpoena, summons, warrant, court
25 or administrative order, lien, or levy.

26 (13) The furnishing of information to law enforcement

1 authorities, the Illinois Department on Aging and its
2 regional administrative and provider agencies, the
3 Department of Human Services Office of Inspector General,
4 or public guardians: (i) upon subpoena by the
5 investigatory entity or the guardian, or (ii) as part of a
6 mandated report if there is suspicion by the credit union
7 or a mandated reporter as defined in Section 2 of the Adult
8 Protective Services Act that a member who is an elderly
9 person or person with a disability has been or may become
10 the victim of financial exploitation. For the purposes of
11 this item (13), the term: (i) "elderly person" means a
12 person who is 60 or more years of age, (ii) "person with a
13 disability" means a person who has or reasonably appears
14 to the credit union to have a physical or mental
15 disability that impairs his or her ability to seek or
16 obtain protection from or prevent financial exploitation,
17 and (iii) "financial exploitation" means tortious or
18 illegal use of the assets or resources of an elderly
19 person or person with a disability, and includes, without
20 limitation, misappropriation of the assets or resources of
21 the elderly person or person with a disability by undue
22 influence, breach of fiduciary relationship, intimidation,
23 fraud, deception, extortion, or the use of assets or
24 resources in any manner contrary to law. A credit union, a
25 mandated reporter, or other persons ~~or person~~ furnishing
26 information pursuant to this item (13) shall be entitled

1 to the same rights and protections as other persons ~~a~~
2 ~~person~~ furnishing information under the Adult Protective
3 Services Act and the Illinois Domestic Violence Act of
4 1986.

5 (13.5) The furnishing of information to any person on
6 a list submitted and periodically updated by a member who
7 is an elderly person or person with a disability, if there
8 is suspicion by the credit union that the member has been
9 or may become a victim of financial exploitation. For
10 purposes of this item (13.5), the terms "elderly person",
11 "person with a disability", and "financial exploitation"
12 have the meanings given to those terms in item (13). The
13 credit union may convey the suspicion to any of the
14 following persons, if the person is not the suspected
15 perpetrator: (i) any person on the list; (ii) any
16 co-owner, additional authorized signatory, or beneficiary
17 on the account of the member; or (iii) any person known by
18 the credit union to be a family member, including a
19 parent, spouse, adult child, or sibling. When providing
20 information under this item (13.5), the credit union may
21 pause the transaction in accordance with the account
22 holder agreement or similar documents and shall limit the
23 information and only disclose that the credit union has
24 cause to suspect that the member may be a victim or target
25 of financial exploitation and the basis or bases of the
26 credit union's reasonable suspicion, without disclosing

1 any other details or confidential information regarding
2 the financial affairs of the member. Any disclosure made
3 pursuant to this subsection shall comply with all other
4 privacy laws and legal prohibitions, including
5 confidentiality requirements for suspicious activity
6 reports. The credit union may rely on information provided
7 by the member in compiling the list of contact persons.
8 The credit union and any employee of the credit union
9 acting in good faith is immune from all criminal, civil,
10 and administrative liability for pausing the transaction,
11 contacting a person, or electing not to contact a person
12 under this item (13.5) and for actions taken in
13 furtherance of that determination, if the determination
14 was made based on a reasonable suspicion.

15 (14) The disclosure of financial records or
16 information as necessary to effect, administer, or enforce
17 a transaction requested or authorized by the member, or in
18 connection with:

19 (A) servicing or processing a financial product or
20 service requested or authorized by the member;

21 (B) maintaining or servicing a member's account
22 with the credit union; or

23 (C) a proposed or actual securitization or
24 secondary market sale (including sales of servicing
25 rights) related to a transaction of a member.

26 Nothing in this item (14), however, authorizes the

1 sale of the financial records or information of a member
2 without the consent of the member.

3 (15) The disclosure of financial records or
4 information as necessary to protect against or prevent
5 actual or potential fraud, unauthorized transactions,
6 claims, or other liability.

7 (16)(a) The disclosure of financial records or
8 information related to a private label credit program
9 between a financial institution and a private label party
10 in connection with that private label credit program. Such
11 information is limited to outstanding balance, available
12 credit, payment and performance and account history,
13 product references, purchase information, and information
14 related to the identity of the customer.

15 (b)(1) For purposes of this item (16), "private label
16 credit program" means a credit program involving a
17 financial institution and a private label party that is
18 used by a customer of the financial institution and the
19 private label party primarily for payment for goods or
20 services sold, manufactured, or distributed by a private
21 label party.

22 (2) For purposes of this item (16), "private label
23 party" means, with respect to a private label credit
24 program, any of the following: a retailer, a merchant, a
25 manufacturer, a trade group, or any such person's
26 affiliate, subsidiary, member, agent, or service provider.

1 (17)(a) The furnishing of financial records of a
2 member to the Department to aid the Department's initial
3 determination or subsequent re-determination of the
4 member's eligibility for Medicaid and Medicaid long-term
5 care benefits for long-term care services, provided that
6 the credit union receives the written consent and
7 authorization of the member, which shall:

8 (1) have the member's signature notarized;

9 (2) be signed by at least one witness who
10 certifies that he or she believes the member to be of
11 sound mind and memory;

12 (3) be tendered to the credit union at the
13 earliest practicable time following its execution,
14 certification, and notarization;

15 (4) specifically limit the disclosure of the
16 member's financial records to the Department; and

17 (5) be in substantially the following form:

18 CUSTOMER CONSENT AND AUTHORIZATION

19 FOR RELEASE OF FINANCIAL RECORDS

20 I, , hereby authorize

21 (Name of Customer)

22

23 (Name of Financial Institution)

1
2 (Address of Financial Institution)

3 to disclose the following financial records:

4 any and all information concerning my deposit, savings, money
5 market, certificate of deposit, individual retirement,
6 retirement plan, 401(k) plan, incentive plan, employee benefit
7 plan, mutual fund and loan accounts (including, but not
8 limited to, any indebtedness or obligation for which I am a
9 co-borrower, co-obligor, guarantor, or surety), and any and
10 all other accounts in which I have an interest and any other
11 information regarding me in the possession of the Financial
12 Institution,

13 to the Illinois Department of Human Services or the Illinois
14 Department of Healthcare and Family Services, or both ("the
15 Department"), for the following purpose(s):

16 to aid in the initial determination or re-determination by the
17 State of Illinois of my eligibility for Medicaid long-term
18 care benefits, pursuant to applicable law.

19 I understand that this Consent and Authorization may be
20 revoked by me in writing at any time before my financial

1 records, as described above, are disclosed, and that this
2 Consent and Authorization is valid until the Financial
3 Institution receives my written revocation. This Consent and
4 Authorization shall constitute valid authorization for the
5 Department identified above to inspect all such financial
6 records set forth above, and to request and receive copies of
7 such financial records from the Financial Institution (subject
8 to such records search and reproduction reimbursement policies
9 as the Financial Institution may have in place). An executed
10 copy of this Consent and Authorization shall be sufficient and
11 as good as the original and permission is hereby granted to
12 honor a photostatic or electronic copy of this Consent and
13 Authorization. Disclosure is strictly limited to the
14 Department identified above and no other person or entity
15 shall receive my financial records pursuant to this Consent
16 and Authorization. By signing this form, I agree to indemnify
17 and hold the Financial Institution harmless from any and all
18 claims, demands, and losses, including reasonable attorneys
19 fees and expenses, arising from or incurred in its reliance on
20 this Consent and Authorization. As used herein, "Customer"
21 shall mean "Member" if the Financial Institution is a credit
22 union.

23

24 (Date)

(Signature of Customer)

1
2
3 (Address of Customer)

4
5 (Customer's birth date)
6 (month/day/year)

7 The undersigned witness certifies that,
8 known to me to be the same person whose name is subscribed as
9 the customer to the foregoing Consent and Authorization,
10 appeared before me and the notary public and acknowledged
11 signing and delivering the instrument as his or her free and
12 voluntary act for the uses and purposes therein set forth. I
13 believe him or her to be of sound mind and memory. The
14 undersigned witness also certifies that the witness is not an
15 owner, operator, or relative of an owner or operator of a
16 long-term care facility in which the customer is a patient or
17 resident.

18 Dated:
19 (Signature of Witness)

20
21 (Print Name of Witness)

1
2
3 (Address of Witness)

4 State of Illinois)
5) ss.
6 County of)

7 The undersigned, a notary public in and for the above county
8 and state, certifies that, known to me to be the
9 same person whose name is subscribed as the customer to the
10 foregoing Consent and Authorization, appeared before me
11 together with the witness,, in person and
12 acknowledged signing and delivering the instrument as the free
13 and voluntary act of the customer for the uses and purposes
14 therein set forth.

15 Dated:
16 Notary Public:
17 My commission expires:

18 (b) In no event shall the credit union distribute the
19 member's financial records to the long-term care facility
20 from which the member seeks initial or continuing
21 residency or long-term care services.

22 (c) A credit union providing financial records of a

1 member in good faith relying on a consent and
2 authorization executed and tendered in accordance with
3 this item (17) shall not be liable to the member or any
4 other person in relation to the credit union's disclosure
5 of the member's financial records to the Department. The
6 member signing the consent and authorization shall
7 indemnify and hold the credit union harmless that relies
8 in good faith upon the consent and authorization and
9 incurs a loss because of such reliance. The credit union
10 recovering under this indemnification provision shall also
11 be entitled to reasonable attorney's fees and the expenses
12 of recovery.

13 (d) A credit union shall be reimbursed by the member
14 for all costs reasonably necessary and directly incurred
15 in searching for, reproducing, and disclosing a member's
16 financial records required or requested to be produced
17 pursuant to any consent and authorization executed under
18 this item (17). The requested financial records shall be
19 delivered to the Department within 10 days after receiving
20 a properly executed consent and authorization or at the
21 earliest practicable time thereafter if the requested
22 records cannot be delivered within 10 days, but delivery
23 may be delayed until the final reimbursement of all costs
24 is received by the credit union. The credit union may
25 honor a photostatic or electronic copy of a properly
26 executed consent and authorization.

1 (e) Nothing in this item (17) shall impair, abridge,
2 or abrogate the right of a member to:

3 (1) directly disclose his or her financial records
4 to the Department or any other person; or

5 (2) authorize his or her attorney or duly
6 appointed agent to request and obtain the member's
7 financial records and disclose those financial records
8 to the Department.

9 (f) For purposes of this item (17), "Department" means
10 the Department of Human Services and the Department of
11 Healthcare and Family Services or any successor
12 administrative agency of either agency.

13 (18) The furnishing of the financial records of a
14 member to an appropriate law enforcement authority,
15 without prior notice to or consent of the member, upon
16 written request of the law enforcement authority, when
17 reasonable suspicion of an imminent threat to the personal
18 security and safety of the member exists that necessitates
19 an expedited release of the member's financial records, as
20 determined by the law enforcement authority. The law
21 enforcement authority shall include a brief explanation of
22 the imminent threat to the member in its written request
23 to the credit union. The written request shall reflect
24 that it has been authorized by a supervisory or managerial
25 official of the law enforcement authority. The decision to
26 furnish the financial records of a member to a law

1 enforcement authority shall be made by a supervisory or
2 managerial official of the credit union. A credit union
3 providing information in accordance with this item (18)
4 shall not be liable to the member or any other person for
5 the disclosure of the information to the law enforcement
6 authority.

7 (19) The furnishing of financial records of a deceased
8 member to a public administrator of any county or other
9 governmental jurisdiction for the purpose of facilitating
10 burial of the customer.

11 (20) ~~(19)~~ The furnishing of financial information to
12 the executor, executrix, administrator, or other lawful
13 representative of the estate of a member.

14 (c) Except as otherwise provided by this Act, a credit
15 union may not disclose to any person, except to the member or
16 his duly authorized agent, any financial records relating to
17 that member of the credit union unless:

18 (1) the member has authorized disclosure to the
19 person;

20 (2) the financial records are disclosed in response to
21 a lawful subpoena, summons, warrant, citation to discover
22 assets, or court order that meets the requirements of
23 subparagraph (3) (d) of this Section; or

24 (3) the credit union is attempting to collect an
25 obligation owed to the credit union and the credit union
26 complies with the provisions of Section 2I of the Consumer

1 Fraud and Deceptive Business Practices Act.

2 (d) A credit union shall disclose financial records under
3 item (3)(c)(2) of this Section pursuant to a lawful subpoena,
4 summons, warrant, citation to discover assets, or court order
5 only after the credit union sends a copy of the subpoena,
6 summons, warrant, citation to discover assets, or court order
7 to the person establishing the relationship with the credit
8 union, if living, and otherwise the person's personal
9 representative, if known, at the person's last known address
10 by first class mail, postage prepaid, through a third-party
11 commercial carrier or courier with delivery charge fully
12 prepaid, by hand delivery, or by electronic delivery at an
13 email address on file with the credit union (if the person
14 establishing the relationship with the credit union has
15 consented to receive electronic delivery and, if the person
16 establishing the relationship with the credit union is a
17 consumer, the person has consented under the consumer consent
18 provisions set forth in Section 7001 of Title 15 of the United
19 States Code), unless the credit union is specifically
20 prohibited from notifying the person by order of court or by
21 applicable State or federal law. In the case of a grand jury
22 subpoena, a credit union shall not mail a copy of a subpoena to
23 any person pursuant to this subsection if the subpoena was
24 issued by a grand jury or notifying the person would
25 constitute a violation of the federal Right to Financial
26 Privacy Act of 1978.

1 (e)(1) Any officer or employee of a credit union who
2 knowingly and willfully furnishes financial records in
3 violation of this Section is guilty of a business offense and
4 upon conviction thereof shall be fined not more than \$1,000.

5 (2) Any person who knowingly and willfully induces or
6 attempts to induce any officer or employee of a credit union to
7 disclose financial records in violation of this Section is
8 guilty of a business offense and upon conviction thereof shall
9 be fined not more than \$1,000.

10 (f) A credit union shall be reimbursed for costs which are
11 reasonably necessary and which have been directly incurred in
12 searching for, reproducing or transporting books, papers,
13 records or other data of a member required or requested to be
14 produced pursuant to a lawful subpoena, summons, warrant,
15 citation to discover assets, or court order. The Secretary and
16 the Director may determine, by rule, the rates and conditions
17 under which payment shall be made. Delivery of requested
18 documents may be delayed until final reimbursement of all
19 costs is received.

20 (Source: P.A. 104-123, eff. 1-1-26; 104-310, eff. 8-15-25;
21 104-403, eff. 1-1-26; revised 9-15-25.)

22 Section 20. The Adult Protective Services Act is amended
23 by changing Sections 2, 3.5, 4, and 8 and by adding Section 16
24 as follows:

1 (320 ILCS 20/2) (from Ch. 23, par. 6602)

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

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

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

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

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

1 professionals.

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

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

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

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

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

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

26 (c-5) "Disability" means a physical or mental disability,

1 including, but not limited to, a developmental disability, an
2 intellectual disability, a mental illness as defined under the
3 Mental Health and Developmental Disabilities Code, or dementia
4 as defined under the Alzheimer's Disease Assistance Act.

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

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

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

13 (1.6) A facility licensed under the MC/DD Act;

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

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

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

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

1 (5) A "community living facility" as defined in the
2 Community Living Facilities Licensing Act;

3 (6) (Blank);

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

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

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

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

1 another person who has a continuing relationship with the
2 adult, but who is not an employee of the facility where the
3 adult resides.

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

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

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

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

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

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

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

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

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

26 (4) any religious practitioner who provides treatment

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

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

11 (6) personnel of the Department of Human Services, the
12 Guardianship and Advocacy Commission, the State Fire
13 Marshal, local fire departments, the Department on Aging
14 and its subsidiary Area Agencies on Aging and provider
15 agencies, except the State Long Term Care Ombudsman and
16 any of his or her representatives or volunteers where
17 prohibited from making such a report pursuant to 45 CFR
18 1324.11(e)(3)(iv);

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

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

26 (9) a person who performs the duties of a paramedic or

1 an emergency medical technician; ~~or~~

2 (10) a person who performs the duties of an investment
3 adviser or investment adviser representative as defined in
4 Sections 2.11 and 2.12b of the Illinois Securities Law of
5 1953 respectively; ~~adviser.~~

6 (11) a person who performs the duties of a dealer or a
7 salesperson as defined in Sections 2.7 and 2.9 of the
8 Illinois Securities Law of 1953 respectively; or

9 (12) an employee of a financial institution who serves
10 either as a branch manager or member of the compliance
11 team (including as a Bank Secrecy Act officer). "Financial
12 institution" is limited to a federally or State-chartered
13 bank, savings bank, savings and loan association, or
14 credit union.

15 (g) "Neglect" means another individual's failure to
16 provide an eligible adult with or willful withholding from an
17 eligible adult the necessities of life including, but not
18 limited to, food, clothing, shelter or health care. This
19 subsection does not create any new affirmative duty to provide
20 support to eligible adults. Nothing in this Act shall be
21 construed to mean that an eligible adult is a victim of neglect
22 because of health care services provided or not provided by
23 licensed health care professionals.

24 (h) "Provider agency" means any public or nonprofit agency
25 in a planning and service area that is selected by the
26 Department or appointed by the regional administrative agency

1 with prior approval by the Department on Aging to receive and
2 assess reports of alleged or suspected abuse, abandonment,
3 neglect, or financial exploitation. A provider agency is also
4 referenced as a "designated agency" in this Act.

5 (i) "Regional administrative agency" means any public or
6 nonprofit agency in a planning and service area that provides
7 regional oversight and performs functions as set forth in
8 subsection (b) of Section 3 of this Act. The Department shall
9 designate an Area Agency on Aging as the regional
10 administrative agency or, in the event the Area Agency on
11 Aging in that planning and service area is deemed by the
12 Department to be unwilling or unable to provide those
13 functions, the Department may serve as the regional
14 administrative agency or designate another qualified entity to
15 serve as the regional administrative agency; any such
16 designation shall be subject to terms set forth by the
17 Department.

18 (i-5) "Self-neglect" means a condition that is the result
19 of an eligible adult's inability, due to physical or mental
20 impairments, or both, or a diminished capacity, to perform
21 essential self-care tasks that substantially threaten his or
22 her own health, including: providing essential food, clothing,
23 shelter, and health care; and obtaining goods and services
24 necessary to maintain physical health, mental health,
25 emotional well-being, and general safety. The term includes
26 compulsive hoarding, which is characterized by the acquisition

1 and retention of large quantities of items and materials that
2 produce an extensively cluttered living space, which
3 significantly impairs the performance of essential self-care
4 tasks or otherwise substantially threatens life or safety.

5 (j) "Substantiated case" means a reported case of alleged
6 or suspected abuse, abandonment, neglect, financial
7 exploitation, or self-neglect in which a provider agency,
8 after assessment, determines that there is reason to believe
9 abuse, abandonment, neglect, or financial exploitation has
10 occurred.

11 (k) "Verified" means a determination that there is "clear
12 and convincing evidence" that the specific injury or harm
13 alleged was the result of abuse, abandonment, neglect, or
14 financial exploitation.

15 (Source: P.A. 102-244, eff. 1-1-22; 102-953, eff. 5-27-22;
16 103-329, eff. 1-1-24; 103-626, eff. 1-1-25.)

17 (320 ILCS 20/3.5)

18 Sec. 3.5. Other responsibilities. The Department shall
19 also be responsible for the following activities, contingent
20 upon adequate funding; implementation shall be expanded to
21 adults with disabilities upon the effective date of this
22 amendatory Act of the 98th General Assembly, except those
23 responsibilities under subsection (a), which shall be
24 undertaken as soon as practicable:

25 (a) promotion of a wide range of endeavors for the

1 purpose of preventing abuse, abandonment, neglect,
2 financial exploitation, and self-neglect, including, but
3 not limited to, promotion of public and professional
4 education to increase awareness of abuse, abandonment,
5 neglect, financial exploitation, and self-neglect; to
6 increase reports; to establish access to and use of the
7 Registry established under Section 7.5; and to improve
8 response by various legal, financial, social, and health
9 systems;

10 (b) coordination of efforts with other agencies,
11 councils, and like entities, to include but not be limited
12 to, the Administrative Office of the Illinois Courts, the
13 Office of the Attorney General, the Illinois State Police,
14 the Illinois Law Enforcement Training Standards Board, the
15 State Triad, the Illinois Criminal Justice Information
16 Authority, the Departments of Public Health, Healthcare
17 and Family Services, and Human Services, the Illinois
18 Guardianship and Advocacy Commission, the Family Violence
19 Coordinating Council, the Illinois Violence Prevention
20 Authority, and other entities which may impact awareness
21 of, and response to, abuse, abandonment, neglect,
22 financial exploitation, and self-neglect;

23 (c) collection and analysis of data;

24 (d) monitoring of the performance of regional
25 administrative agencies and adult protective services
26 agencies;

1 (e) promotion of prevention activities;

2 (f) establishing and coordinating an aggressive
3 training program on the unique nature of adult abuse cases
4 with other agencies, councils, and like entities, to
5 include but not be limited to the Office of the Attorney
6 General, the Illinois State Police, the Illinois Law
7 Enforcement Training Standards Board, the State Triad, the
8 Illinois Criminal Justice Information Authority, the State
9 Departments of Public Health, Healthcare and Family
10 Services, and Human Services, the Family Violence
11 Coordinating Council, the Illinois Violence Prevention
12 Authority, the agency designated by the Governor under
13 Section 1 of the Protection and Advocacy for Persons with
14 Developmental Disabilities Act, and other entities that
15 may impact awareness of and response to abuse,
16 abandonment, neglect, financial exploitation, and
17 self-neglect;

18 (g) solicitation of financial institutions for the
19 purpose of making information available to the general
20 public warning of financial exploitation of adults and
21 related financial fraud or abuse, including such
22 information and warnings available through signage or
23 other written materials provided by the Department on the
24 premises of such financial institutions, provided that the
25 manner of displaying or distributing such information is
26 subject to the sole discretion of each financial

1 institution; and

2 (g-1) developing by joint rulemaking with the
3 Department of Financial and Professional Regulation
4 minimum training standards which shall be used by
5 financial institutions for their current and new employees
6 with direct customer contact and any individual who falls
7 under paragraphs (10), (11), or (12) of subsection (f-5)
8 of Section 2; the Department of Financial and Professional
9 Regulation shall retain sole visitation and enforcement
10 authority under this subsection (g-1), except that the
11 Secretary of State shall retain sole visitation and
12 enforcement authority for individuals who fall under
13 paragraphs (10) and (11) of subsection (f-5) of Section 2;
14 the Department of Financial and Professional Regulation
15 shall provide bi-annual reports to the Department ~~setting~~
16 ~~forth aggregate statistics on the training programs~~
17 ~~required under this subsection (g-1).~~

18 (Source: P.A. 102-244, eff. 1-1-22; 102-538, eff. 8-20-21;
19 102-813, eff. 5-13-22; 103-626, eff. 1-1-25.)

20 (320 ILCS 20/4) (from Ch. 23, par. 6604)

21 Sec. 4. Reports of abuse, abandonment, or neglect.

22 (a) Any person who suspects the abuse, abandonment,
23 neglect, financial exploitation, or self-neglect of an
24 eligible adult may report this suspicion or information about
25 the suspicious death of an eligible adult to an agency

1 designated to receive such reports under this Act or to the
2 Department.

3 (a-5) If any mandated reporter has reason to believe that
4 an eligible adult, who because of a disability or other
5 condition or impairment is unable to seek assistance for
6 himself or herself, has, within the previous 12 months, been
7 subjected to abuse, abandonment, neglect, or financial
8 exploitation, the mandated reporter shall, within 24 hours
9 after developing such belief, report this suspicion to an
10 agency designated to receive such reports under this Act or to
11 the Department. The agency designated to receive such reports
12 under this Act or the Department may establish a manner in
13 which a mandated reporter can make the required report through
14 an Internet reporting tool. Information sent and received
15 through the Internet reporting tool is subject to the same
16 rules in this Act as other types of confidential reporting
17 established by the designated agency or the Department.
18 Whenever a mandated reporter is required to report under this
19 Act in his or her capacity as a member of the staff of a
20 medical or other public or private institution, facility, or
21 agency, he or she shall make a report to an agency designated
22 to receive such reports under this Act or to the Department in
23 accordance with the provisions of this Act and may also notify
24 the person in charge of the institution, facility, or agency
25 or his or her designated agent that the report has been made.
26 Under no circumstances shall any person in charge of such

1 institution, facility, or agency, or his or her designated
2 agent to whom the notification has been made, exercise any
3 control, restraint, modification, or other change in the
4 report or the forwarding of the report to an agency designated
5 to receive such reports under this Act or to the Department.
6 The privileged quality of communication between any
7 professional person required to report and his or her patient
8 or client shall not apply to situations involving abused,
9 abandoned, neglected, or financially exploited eligible adults
10 and shall not constitute grounds for failure to report as
11 required by this Act.

12 (a-6) If a mandated reporter has reason to believe that
13 the death of an eligible adult may be the result of abuse or
14 neglect, the matter shall be reported to an agency designated
15 to receive such reports under this Act or to the Department for
16 subsequent referral to the appropriate law enforcement agency
17 and the coroner or medical examiner in accordance with
18 subsection (c-5) of Section 3 of this Act.

19 (a-7) A person making a report under this Act in the belief
20 that it is in the alleged victim's best interest shall be
21 immune from criminal or civil liability or professional
22 disciplinary action on account of making the report,
23 notwithstanding any requirements concerning the
24 confidentiality of information with respect to such eligible
25 adult which might otherwise be applicable.

26 (a-9) Law enforcement officers shall continue to report

1 incidents of alleged abuse pursuant to the Illinois Domestic
2 Violence Act of 1986, notwithstanding any requirements under
3 this Act.

4 (b) Any person, institution or agency participating in the
5 making of a report, providing information or records related
6 to a report, assessment, or services, or participating in the
7 investigation of a report under this Act in good faith, or
8 taking photographs or x-rays as a result of an authorized
9 assessment, shall have immunity from any civil, criminal or
10 other liability in any civil, criminal or other proceeding
11 brought in consequence of making such report or assessment or
12 on account of submitting or otherwise disclosing such
13 photographs or x-rays to any agency designated to receive
14 reports of alleged or suspected abuse, abandonment, or
15 neglect. Any person, institution or agency authorized by the
16 Department to provide assessment, intervention, or
17 administrative services under this Act shall, in the good
18 faith performance of those services, have immunity from any
19 civil, criminal or other liability in any civil, criminal, or
20 other proceeding brought as a consequence of the performance
21 of those services. For the purposes of any civil, criminal, or
22 other proceeding, the good faith of any person required to
23 report, permitted to report, or participating in an
24 investigation of a report of alleged or suspected abuse,
25 abandonment, neglect, financial exploitation, or self-neglect
26 shall be presumed.

1 (c) The identity of a person making a report of alleged or
2 suspected abuse, abandonment, neglect, financial exploitation,
3 or self-neglect or a report concerning information about the
4 suspicious death of an eligible adult under this Act may be
5 disclosed by the Department or other agency provided for in
6 this Act only with such person's written consent or by court
7 order, but is otherwise confidential.

8 (d) The Department shall by rule establish a system for
9 filing and compiling reports made under this Act.

10 (e) Any physician who willfully fails to report as
11 required by this Act shall be referred to the Illinois State
12 Medical Disciplinary Board for action in accordance with
13 subdivision (A) (22) of Section 22 of the Medical Practice Act
14 of 1987. Any dentist or dental hygienist who willfully fails
15 to report as required by this Act shall be referred to the
16 Department of Financial and Professional Regulation for
17 possible disciplinary action. Any optometrist who willfully
18 fails to report as required by this Act shall be referred to
19 the Department of Financial and Professional Regulation for
20 action in accordance with paragraph (15) of subsection (a) of
21 Section 24 of the Illinois Optometric Practice Act of 1987.
22 Any employee of a financial institution who willfully fails to
23 report as required by this Act shall be referred to the
24 Department of Financial and Professional Regulation for
25 possible disciplinary action. Any other mandated reporter
26 required by this Act to report suspected abuse, abandonment,

1 neglect, or financial exploitation who willfully fails to
2 report the same is guilty of a Class A misdemeanor.

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

5 (320 ILCS 20/8) (from Ch. 23, par. 6608)

6 Sec. 8. Access to records.

7 (a) All records concerning reports of abuse, abandonment,
8 neglect, financial exploitation, or self-neglect or reports of
9 suspicious deaths due to abuse, neglect, or financial
10 exploitation and all records generated as a result of such
11 reports shall be confidential and shall not be disclosed
12 except as specifically authorized by this Act ~~or other~~
13 ~~applicable law~~. In accord with established law and Department
14 protocols, procedures, and policies, access to such records,
15 but not access to the identity of the person or persons making
16 a report of alleged abuse, abandonment, neglect, financial
17 exploitation, or self-neglect as contained in such records,
18 shall be provided, upon request, to the following persons and
19 for the following persons:

20 (1) Department staff, provider agency staff, other
21 aging network staff, and regional administrative agency
22 staff, including staff of the Chicago Department on Aging
23 while that agency is designated as a regional
24 administrative agency, in the furtherance of their
25 responsibilities under this Act;

1 (1.5) A representative of the public guardian acting
2 in the course of investigating the appropriateness of
3 guardianship for the eligible adult or while pursuing a
4 petition for guardianship of the eligible adult pursuant
5 to the Probate Act of 1975;

6 (2) A law enforcement agency or State's Attorney's
7 office investigating known or suspected abuse,
8 abandonment, neglect, financial exploitation, or
9 self-neglect. Where a provider agency has reason to
10 believe that the death of an eligible adult may be the
11 result of abuse, abandonment, or neglect, including any
12 reports made after death, the agency shall immediately
13 provide the appropriate law enforcement agency with all
14 records pertaining to the eligible adult;

15 (2.5) A law enforcement agency, fire department
16 agency, or fire protection district having proper
17 jurisdiction pursuant to a written agreement between a
18 provider agency and the law enforcement agency, fire
19 department agency, or fire protection district under which
20 the provider agency may furnish to the law enforcement
21 agency, fire department agency, or fire protection
22 district a list of all eligible adults who may be at
23 imminent risk of abuse, abandonment, neglect, financial
24 exploitation, or self-neglect;

25 (3) A physician who has before him or her or who is
26 involved in the treatment of an eligible adult whom he or

1 she reasonably suspects may be abused, abandoned,
2 neglected, financially exploited, or self-neglected or who
3 has been referred to the Adult Protective Services
4 Program;

5 (4) An eligible adult reported to be abused,
6 abandoned, neglected, financially exploited, or
7 self-neglected, or such adult's authorized guardian or
8 agent, unless such guardian or agent is the abuser or the
9 alleged abuser;

10 (4.5) A court-appointed ~~An~~ executor or administrator
11 of the estate of an eligible adult who is deceased, unless
12 the executor or administrator is the abuser or the alleged
13 abuser;

14 (5) Any court of competent jurisdiction with a valid
15 court order ~~A probate court with jurisdiction over the~~
16 ~~guardianship of an alleged victim~~ for an in camera
17 inspection;

18 (5.5) A guardian ad litem, unless such guardian ad
19 litem is the abuser or alleged abuser;

20 (6) A grand jury, upon its determination that access
21 to such records is necessary in the conduct of its
22 official business;

23 (7) Any person authorized by the Director, in writing,
24 for audit or bona fide research purposes;

25 (8) A coroner or medical examiner who has reason to
26 believe that an eligible adult has died as the result of

1 abuse, abandonment, neglect, financial exploitation, or
2 self-neglect. The Department ~~provider agency~~ shall
3 ~~immediately~~ provide the coroner or medical examiner with
4 all records pertaining to the eligible adult as soon as
5 practicable;

6 (8.5) A coroner or medical examiner having proper
7 jurisdiction, pursuant to a written agreement between a
8 provider agency and the coroner or medical examiner, under
9 which the provider agency may furnish to the office of the
10 coroner or medical examiner a list of all eligible adults
11 who may be at imminent risk of death as a result of abuse,
12 abandonment, neglect, financial exploitation, or
13 self-neglect;

14 (9) Department of Financial and Professional
15 Regulation staff and members of the Illinois Medical
16 Disciplinary Board or the Social Work Examining and
17 Disciplinary Board in the course of investigating alleged
18 violations of the Clinical Social Work and Social Work
19 Practice Act by provider agency staff or other licensing
20 bodies at the discretion of the Director of the Department
21 on Aging;

22 (9-a) Department of Healthcare and Family Services
23 staff and provider agency staff when that Department is
24 funding services to the eligible adult, including access
25 to the identity of the eligible adult;

26 (9-b) Department of Human Services staff and provider

1 agency staff when that Department is funding services to
2 the eligible adult or is providing reimbursement for
3 services provided by the abuser or alleged abuser,
4 including access to the identity of the eligible adult;

5 (10) Hearing officers in the course of conducting an
6 administrative hearing under this Act; parties to such
7 hearing shall be entitled to discovery as established by
8 rule;

9 (11) A caregiver who challenges placement on the
10 Registry shall be given the statement of allegations in
11 the abuse report and the substantiation decision in the
12 final investigative report; and

13 (12) The Illinois Guardianship and Advocacy Commission
14 and the agency designated by the Governor under Section 1
15 of the Protection and Advocacy for Persons with
16 Developmental Disabilities Act shall have access, through
17 the Department, to records, including the findings,
18 pertaining to a completed or closed investigation of a
19 report of suspected abuse, abandonment, neglect, financial
20 exploitation, or self-neglect of an eligible adult.

21 (b) The Department, at its discretion, may provide the
22 records to any professional licensing board or commission,
23 investigatory unit, prosecutorial unit, or similar
24 disciplinary body if any substantiated abuser falls under its
25 purview, as well as any persons listed under subsection (a).

26 (c) All records not generated by the Department but

1 obtained during the course of an Adult Protective Service
2 investigation or related to an Adult Protective Service case,
3 including, but not limited to, financial records and medical
4 records, shall be confidential and shall not be disclosed
5 except at the Department's sole discretion. As such, these
6 records are exempt from disclosure under the Freedom of
7 Information Act. These records may be obtained through
8 intergovernmental agreements with the Department.

9 (Source: P.A. 102-244, eff. 1-1-22; 103-329, eff. 1-1-24.)

10 (320 ILCS 20/16 new)

11 Sec. 16. Notification and reporting. By July 1, 2028, the
12 Department shall establish a web-based portal to receive
13 alleged or suspected reports of financial exploitation as well
14 as other reports of alleged or suspected abuse, abandonment,
15 neglect, or self-neglect. The Department may refer the records
16 to law enforcement and State agencies on a case-by-case basis.
17 All records shared shall be maintained for the confidential
18 use of law enforcement and the Department and are exempt from
19 disclosure under the Freedom of Information Act. This record
20 access does not entitle any entity to Adult Protective
21 Services records. For the purposes of this Section, "financial
22 exploitation" has the meaning described in subsection (a) of
23 Section 17-56 of the Criminal Code of 2012.

24 Section 25. The Illinois Securities Law of 1953 is amended

by adding Section 18.5 as follows:

(815 ILCS 5/18.5 new)

Sec. 18.5. Transactional holds for eligible adults.

(a) Dealers, salespersons, investment advisers, and investment adviser representatives may contact an eligible adult's trusted contact person or any person known to be a family member, including a parent, spouse, adult child, or sibling, when they have a reasonable suspicion that a transaction or disbursement from an account of an eligible adult may involve, facilitate, result in, or contribute to financial exploitation of that eligible adult.

(b) Dealers, salespersons, investment advisers, and investment adviser representatives may issue an initial transactional hold when they have a reasonable suspicion that a transaction or disbursement from an account of an eligible adult may involve, facilitate, result in, or contribute to financial exploitation of that eligible adult. Any initial transactional hold must be followed by an internal review that satisfies the internal policies of the financial firms that issued the hold. For the purposes of this Section, "eligible adult" has the meaning ascribed to that term in the Adult Protective Services Act and "financial exploitation" has the meaning described in subsection (a) of Section 17-56 of the Criminal Code of 2012.

(c) Dealers, salespersons, investment advisers, and

1 investment adviser representatives acting in good faith are
2 immune from all criminal, civil, and administrative liability
3 for holding a transaction, contacting a person, or electing
4 not to contact a person and for actions taken in furtherance of
5 that determination, if the determination was made based on a
6 reasonable suspicion.

7 (d) The duration of an initial transactional hold is
8 limited to no longer than 15 business days or sooner if the
9 dealer, salesperson, investment adviser, or investment adviser
10 representative has satisfied its own internal policies by
11 conducting a review of the facts and circumstances surrounding
12 the reasonable suspicion and has made a determination that no
13 financial exploitation of the eligible adult is taking place.
14 The dealer, salesperson, investment adviser, or investment
15 adviser representative may issue an extended transactional
16 hold for an additional 45 business days following the initial
17 hold if the internal review of the available facts and
18 circumstances continues to support the reasonable suspicion
19 that financial exploitation of the specified adult has
20 occurred, is occurring, has been attempted, or will be
21 attempted. The length of the extended transactional hold may
22 be shortened or extended at any time by a court of competent
23 jurisdiction.

24 (e) If any dealer, salesperson, investment adviser, or
25 investment adviser representative issues any transactional
26 hold in accordance with this Section, the dealer or investment

1 adviser must provide notice orally or in writing of the
2 transactional hold to all parties authorized to transact
3 business on the account within 2 business days of the hold
4 being issued, unless the dealer, salesperson, investment
5 adviser, or investment adviser representative reasonably
6 believes that the party has engaged, is engaged, or will
7 engage in the financial exploitation of the eligible adult.
8 This notice must reference the requirements and time frames
9 detailed in this Section and the reason for the hold. The
10 dealer or investment adviser may provide notice of the
11 transactional hold to the eligible adult's trusted contact
12 person or persons.

13 (f) Any dealer or investment adviser that employs
14 salespersons and investment advisers conducting an internal
15 review in accordance with this Section that results in a
16 reasonable suspicion that a transaction or disbursement may
17 involve, facilitate, result in, or contribute to financial
18 exploitation of an eligible adult must notify Adult Protective
19 Services of its findings within 24 hours and share any related
20 documentation. All information shared shall be maintained for
21 the confidential use of law enforcement, the Securities
22 Department of the Office of the Secretary of State, and the
23 Department on Aging and are exempt from disclosure under the
24 Freedom of Information Act. This information access does not
25 entitle any entity to Adult Protective Services records.

26 Section 99. Effective date. This Act takes effect July 1,

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