



Sen. Kimberly A. Lightford

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10400HB4911sam002

LRB104 20074 RLC 38634 a

1 AMENDMENT TO HOUSE BILL 4911

2 AMENDMENT NO. _____. Amend House Bill 4911, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

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

7 (205 ILCS 5/48.1)

8 Sec. 48.1. Customer financial records; confidentiality.

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

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

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

16 (3) a check, draft, or money order drawn on a bank or

1 issued and payable by a bank; or

2 (4) any other item containing information pertaining
3 to any relationship established in the ordinary course of
4 a bank's business between a bank and its customer,
5 including financial statements or other financial
6 information provided by the customer.

7 (b) This Section does not prohibit:

8 (1) The preparation, examination, handling, or
9 maintenance of any financial records by any officer,
10 employee, or agent of a bank having custody of the
11 records, or the examination of the records by a certified
12 public accountant engaged by the bank to perform an
13 independent audit.

14 (2) The examination of any financial records by, or
15 the furnishing of financial records by a bank to, any
16 officer, employee, or agent of (i) the Commissioner of
17 Banks and Real Estate, (ii) after May 31, 1997, a state
18 regulatory authority authorized to examine a branch of a
19 State bank located in another state, (iii) the Comptroller
20 of the Currency, (iv) the Federal Reserve Board, or (v)
21 the Federal Deposit Insurance Corporation for use solely
22 in the exercise of his duties as an officer, employee, or
23 agent.

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

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

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

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

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

18 (8) The furnishing of information under the Revised
19 Uniform Unclaimed Property Act.

20 (9) The furnishing of information under the Illinois
21 Income Tax Act and the Illinois Estate and
22 Generation-Skipping Transfer Tax Act.

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

26 (11) The furnishing of information under any other

1 statute that, by its terms or by regulations promulgated
2 thereunder, requires the disclosure of financial records
3 other than by subpoena, summons, warrant, or court order.

4 (12) The furnishing of information about the existence
5 of an account of a person to a judgment creditor of that
6 person who has made a written request for that
7 information.

8 (13) The exchange in the regular course of business of
9 information between commonly owned banks in connection
10 with a transaction authorized under paragraph (23) of
11 Section 5 and conducted at an affiliate facility.

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

1 hold, encumber, or surrender assets until it has been
2 served with a subpoena, summons, warrant, court or
3 administrative order, lien, or levy.

4 (15) The exchange in the regular course of business of
5 information between a bank and any commonly owned
6 affiliate of the bank, subject to the provisions of the
7 Financial Institutions Insurance Sales Law.

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

1 with a disability, and includes, without limitation,
2 misappropriation of the assets or resources of the elderly
3 person or person with a disability by undue influence,
4 breach of fiduciary relationship, intimidation, fraud,
5 deception, extortion, or the use of assets or resources in
6 any manner contrary to law. A bank, a mandated reporter,
7 or other persons ~~or person~~ furnishing information pursuant
8 to this item (16) shall be entitled to the same rights and
9 protections as persons ~~a person~~ furnishing information
10 under the Adult Protective Services Act and the Illinois
11 Domestic Violence Act of 1986.

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

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

18 (B) maintaining or servicing a customer's account
19 with the bank; or

20 (C) a proposed or actual securitization or
21 secondary market sale (including sales of servicing
22 rights) related to a transaction of a customer.

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

26 (18) The disclosure of financial records or

1 information as necessary to protect against actual or
2 potential fraud, unauthorized transactions, claims, or
3 other liability.

4 (18.5) The furnishing of information to any person on
5 a list submitted and periodically updated by a customer
6 who is an elderly person or disabled person, if there is
7 suspicion by the financial institution that the customer
8 has been or may become a victim of financial exploitation.
9 For purposes of this Section, the terms "elderly person",
10 "disabled person", and "financial exploitation" have the
11 meanings given to those terms in item (16). The financial
12 institution may convey the suspicion to any of the
13 following persons, if the person is not the suspected
14 perpetrator: (i) any person on the list; (ii) any
15 co-owner, additional authorized signatory, or beneficiary
16 on the account of the member; or (iii) any person known by
17 the financial institution to be a family member, including
18 a parent, spouse, adult child, or sibling. When providing
19 information under this item, the financial institution may
20 pause the transaction in accordance with the account
21 holder agreement or similar documents and shall limit the
22 information and only disclose that the financial
23 institution has cause to suspect that the customer may be
24 a victim or target of financial exploitation and the basis
25 or bases of the financial institution's reasonable
26 suspicion, without disclosing any other details or

1 confidential information regarding the financial affairs
2 of the customer. Any disclosure made in accordance with
3 this subsection shall comply with all other privacy laws
4 and legal prohibitions, including confidentiality
5 requirements for suspicious activity reports. The
6 financial institution may rely on information provided by
7 the customer in compiling the list of contact persons. The
8 financial institution and any employee of the financial
9 institution acting in good faith is immune from all
10 criminal, civil, and administrative liability for pausing
11 the transaction, contacting a person, or electing not to
12 contact a person under this item (18.5) and for actions
13 taken in furtherance of that determination, if the
14 determination was made based on a reasonable suspicion.

15 (19) (A) The disclosure of financial records or
16 information related to a private label credit program
17 between a financial institution and a private label party
18 in connection with that private label credit program. Such
19 information is limited to outstanding balance, available
20 credit, payment and performance and account history,
21 product references, purchase information, and information
22 related to the identity of the customer.

23 (B) (1) For purposes of this paragraph (19) of
24 subsection (b) of Section 48.1, a "private label credit
25 program" means a credit program involving a financial
26 institution and a private label party that is used by a

1 customer of the financial institution and the private
2 label party primarily for payment for goods or services
3 sold, manufactured, or distributed by a private label
4 party.

5 (2) For purposes of this paragraph (19) of subsection
6 (b) of Section 48.1, a "private label party" means, with
7 respect to a private label credit program, any of the
8 following: a retailer, a merchant, a manufacturer, a trade
9 group, or any such person's affiliate, subsidiary, member,
10 agent, or service provider.

11 (20)(A) The furnishing of financial records of a
12 customer to the Department to aid the Department's initial
13 determination or subsequent re-determination of the
14 customer's eligibility for Medicaid and Medicaid long-term
15 care benefits for long-term care services, provided that
16 the bank receives the written consent and authorization of
17 the customer, which shall:

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

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

22 (3) be tendered to the bank at the earliest
23 practicable time following its execution,
24 certification, and notarization;

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

(5) be in substantially the following form:

CUSTOMER CONSENT AND AUTHORIZATION
FOR RELEASE OF FINANCIAL RECORDS

I, , hereby authorize
(Name of Customer)

.....
(Name of Financial Institution)

.....
(Address of Financial Institution)

to disclose the following financial records:

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

1 to the Illinois Department of Human Services or the Illinois
2 Department of Healthcare and Family Services, or both ("the
3 Department"), for the following purpose(s):

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

7 I understand that this Consent and Authorization may be
8 revoked by me in writing at any time before my financial
9 records, as described above, are disclosed, and that this
10 Consent and Authorization is valid until the Financial
11 Institution receives my written revocation. This Consent and
12 Authorization shall constitute valid authorization for the
13 Department identified above to inspect all such financial
14 records set forth above, and to request and receive copies of
15 such financial records from the Financial Institution (subject
16 to such records search and reproduction reimbursement policies
17 as the Financial Institution may have in place). An executed
18 copy of this Consent and Authorization shall be sufficient and
19 as good as the original and permission is hereby granted to
20 honor a photostatic or electronic copy of this Consent and
21 Authorization. Disclosure is strictly limited to the
22 Department identified above and no other person or entity
23 shall receive my financial records pursuant to this Consent
24 and Authorization. By signing this form, I agree to indemnify

1 and hold the Financial Institution harmless from any and all
2 claims, demands, and losses, including reasonable attorneys
3 fees and expenses, arising from or incurred in its reliance on
4 this Consent and Authorization. As used herein, "Customer"
5 shall mean "Member" if the Financial Institution is a credit
6 union.

7
8 (Date) (Signature of Customer)

9
10
11 (Address of Customer)

12
13 (Customer's birth date)
14 (month/day/year)

15 The undersigned witness certifies that,
16 known to me to be the same person whose name is subscribed as
17 the customer to the foregoing Consent and Authorization,
18 appeared before me and the notary public and acknowledged
19 signing and delivering the instrument as his or her free and
20 voluntary act for the uses and purposes therein set forth. I
21 believe him or her to be of sound mind and memory. The
22 undersigned witness also certifies that the witness is not an

owner, operator, or relative of an owner or operator of a long-term care facility in which the customer is a patient or resident.

Dated:

(Signature of Witness)

.....

(Print Name of Witness)

.....

.....

(Address of Witness)

State of Illinois)

) ss.

County of

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

1 Dated:

2 Notary Public:

3 My commission expires:

4 (B) In no event shall the bank distribute the
5 customer's financial records to the long-term care
6 facility from which the customer seeks initial or
7 continuing residency or long-term care services.

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

20 (D) A bank shall be reimbursed by the customer for all
21 costs reasonably necessary and directly incurred in
22 searching for, reproducing, and disclosing a customer's
23 financial records required or requested to be produced
24 pursuant to any consent and authorization executed under

1 this paragraph (20). The requested financial records shall
2 be delivered to the Department within 10 days after
3 receiving a properly executed consent and authorization or
4 at the earliest practicable time thereafter if the
5 requested records cannot be delivered within 10 days, but
6 delivery may be delayed until the final reimbursement of
7 all costs is received by the bank. The bank may honor a
8 photostatic or electronic copy of a properly executed
9 consent and authorization.

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

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

14 (2) authorize his or her attorney or duly
15 appointed agent to request and obtain the customer's
16 financial records and disclose those financial records
17 to the Department.

18 (F) For purposes of this paragraph (20), "Department"
19 means the Department of Human Services and the Department
20 of Healthcare and Family Services or any successor
21 administrative agency of either agency.

22 (21) The furnishing of financial records of a deceased
23 customer to a public administrator of any county or other
24 governmental jurisdiction for the purpose of facilitating
25 burial of the customer.

26 (22) ~~(21)~~ The furnishing of financial information to

1 the executor, executrix, administrator, or other lawful
2 representative of the estate of a customer.

3 (c) Except as otherwise provided by this Act, a bank may
4 not disclose to any person, except to the customer or his duly
5 authorized agent, any financial records or financial
6 information obtained from financial records relating to that
7 customer of that bank unless:

8 (1) the customer has authorized disclosure to the
9 person;

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

14 (3) the bank is attempting to collect an obligation
15 owed to the bank and the bank complies with the provisions
16 of Section 2I of the Consumer Fraud and Deceptive Business
17 Practices Act.

18 (d) A bank shall disclose financial records under
19 paragraph (2) of subsection (c) of this Section under a lawful
20 subpoena, summons, warrant, citation to discover assets, or
21 court order only after the bank sends a copy of the subpoena,
22 summons, warrant, citation to discover assets, or court order
23 to the person establishing the relationship with the bank, if
24 living, and, otherwise the person's personal representative,
25 if known, at the person's last known address by first class
26 mail, postage prepaid, through a third-party commercial

1 carrier or courier with delivery charge fully prepaid, by hand
2 delivery, or by electronic delivery at an email address on
3 file with the bank (if the person establishing the
4 relationship with the bank has consented to receive electronic
5 delivery and, if the person establishing the relationship with
6 the bank is a consumer, the person has consented under the
7 consumer consent provisions set forth in Section 7001 of Title
8 15 of the United States Code), unless the bank is specifically
9 prohibited from notifying the person by order of court or by
10 applicable State or federal law. A bank shall not mail a copy
11 of a subpoena to any person pursuant to this subsection if the
12 subpoena was issued by a grand jury.

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

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

22 (g) A bank shall be reimbursed for costs that are
23 reasonably necessary and that have been directly incurred in
24 searching for, reproducing, or transporting books, papers,
25 records, or other data required or requested to be produced
26 pursuant to a lawful subpoena, summons, warrant, citation to

1 discover assets, or court order. The Commissioner shall
2 determine the rates and conditions under which payment may be
3 made.

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

6 Section 10. The Savings Bank Act is amended by changing
7 Section 4013 as follows:

8 (205 ILCS 205/4013)

9 Sec. 4013. Access to books and records; communication with
10 members and shareholders.

11 (a) Every member or shareholder shall have the right to
12 inspect books and records of the savings bank that pertain to
13 his accounts. Otherwise, the right of inspection and
14 examination of the books and records shall be limited as
15 provided in this Act, and no other person shall have access to
16 the books and records nor shall be entitled to a list of the
17 members or shareholders.

18 (b) For the purpose of this Section, the term "financial
19 records" means any original, any copy, or any summary of (1) a
20 document granting signature authority over a deposit or
21 account; (2) a statement, ledger card, or other record on any
22 deposit or account that shows each transaction in or with
23 respect to that account; (3) a check, draft, or money order
24 drawn on a savings bank or issued and payable by a savings

1 bank; or (4) any other item containing information pertaining
2 to any relationship established in the ordinary course of a
3 savings bank's business between a savings bank and its
4 customer, including financial statements or other financial
5 information provided by the member or shareholder.

6 (c) This Section does not prohibit:

7 (1) The preparation, examination, handling, or
8 maintenance of any financial records by any officer,
9 employee, or agent of a savings bank having custody of
10 records or examination of records by a certified public
11 accountant engaged by the savings bank to perform an
12 independent audit.

13 (2) The examination of any financial records by, or
14 the furnishing of financial records by a savings bank to,
15 any officer, employee, or agent of the Commissioner of
16 Banks and Real Estate or the federal depository
17 institution regulator for use solely in the exercise of
18 his duties as an officer, employee, or agent.

19 (3) The publication of data furnished from financial
20 records relating to members or holders of capital where
21 the data cannot be identified to any particular member,
22 shareholder, or account.

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

25 (5) Furnishing information concerning the dishonor of
26 any negotiable instrument permitted to be disclosed under

1 the Uniform Commercial Code.

2 (6) The exchange in the regular course of business of
3 (i) credit information between a savings bank and other
4 savings banks or financial institutions or commercial
5 enterprises, directly or through a consumer reporting
6 agency, or (ii) financial records or information derived
7 from financial records between a savings bank and other
8 savings banks or financial institutions or commercial
9 enterprises for the purpose of conducting due diligence
10 pursuant to a purchase or sale involving the savings bank
11 or assets or liabilities of the savings bank.

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

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

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

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

23 (11) The furnishing of information pursuant to any
24 other statute which, by its terms or by regulations
25 promulgated thereunder, requires the disclosure of
26 financial records other than by subpoena, summons,

1 warrant, or court order.

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

21 (13) The furnishing of information to law enforcement
22 authorities, the Illinois Department on Aging and its
23 regional administrative and provider agencies, the
24 Department of Human Services Office of Inspector General,
25 or public guardians: (i) upon subpoena by the
26 investigatory entity or the guardian, or (ii) as part of a

1 mandated report if there is suspicion by the savings bank
2 or a mandated reporter as defined in Section 2 of the Adult
3 Protective Services Act that a customer who is an elderly
4 person or person with a disability has been or may become
5 the victim of financial exploitation. For the purposes of
6 this item (13), the term: (i) "elderly person" means a
7 person who is 60 or more years of age, (ii) "person with a
8 disability" means a person who has or reasonably appears
9 to the savings bank to have a physical or mental
10 disability that impairs his or her ability to seek or
11 obtain protection from or prevent financial exploitation,
12 and (iii) "financial exploitation" means tortious or
13 illegal use of the assets or resources of an elderly
14 person or person with a disability, and includes, without
15 limitation, misappropriation of the assets or resources of
16 the elderly person or person with a disability by undue
17 influence, breach of fiduciary relationship, intimidation,
18 fraud, deception, extortion, or the use of assets or
19 resources in any manner contrary to law. A savings bank, a
20 mandated reporter, or other persons ~~or person~~ furnishing
21 information pursuant to this item (13) shall be entitled
22 to the same rights and protections as other persons ~~a~~
23 ~~person~~ furnishing information under the Adult Protective
24 Services Act and the Illinois Domestic Violence Act of
25 1986.

26 (13.5) The furnishing of information to any person on

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

1 activity reports. The savings bank may rely on information
2 provided by the customer in compiling the list of contact
3 persons. The savings bank and any employee of the savings
4 bank acting in good faith is immune from all criminal,
5 civil, and administrative liability for pausing the
6 transaction, contacting a person, or electing not to
7 contact a person under this item (13.5) and for actions
8 taken in furtherance of that determination, if the
9 determination was made based on a reasonable suspicion.

10 (14) The disclosure of financial records or
11 information as necessary to effect, administer, or enforce
12 a transaction requested or authorized by the member or
13 holder of capital, or in connection with:

14 (A) servicing or processing a financial product or
15 service requested or authorized by the member or
16 holder of capital;

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

19 (C) a proposed or actual securitization or
20 secondary market sale (including sales of servicing
21 rights) related to a transaction of a member or holder
22 of capital.

23 Nothing in this item (14), however, authorizes the
24 sale of the financial records or information of a member
25 or holder of capital without the consent of the member or
26 holder of capital.

1 (15) The exchange in the regular course of business of
2 information between a savings bank and any commonly owned
3 affiliate of the savings bank, subject to the provisions
4 of the Financial Institutions Insurance Sales Law.

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

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

17 (b)(1) For purposes of this paragraph (17) of
18 subsection (c) of Section 4013, a "private label credit
19 program" means a credit program involving a financial
20 institution and a private label party that is used by a
21 customer of the financial institution and the private
22 label party primarily for payment for goods or services
23 sold, manufactured, or distributed by a private label
24 party.

25 (2) For purposes of this paragraph (17) of subsection
26 (c) of Section 4013, a "private label party" means, with

1 respect to a private label credit program, any of the
2 following: a retailer, a merchant, a manufacturer, a trade
3 group, or any such person's affiliate, subsidiary, member,
4 agent, or service provider.

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

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

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

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

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

21 (5) be in substantially the following form:

22 CUSTOMER CONSENT AND AUTHORIZATION

23 FOR RELEASE OF FINANCIAL RECORDS

24 I, , hereby authorize

1 (Name of Customer)

2

3 (Name of Financial Institution)

4

5 (Address of Financial Institution)

6 to disclose the following financial records:

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

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

19 to aid in the initial determination or re-determination by the
20 State of Illinois of my eligibility for Medicaid long-term

1 care benefits, pursuant to applicable law.

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

1

2 (Date) (Signature of Customer)

3

4

5 (Address of Customer)

6

7 (Customer's birth date)

8 (month/day/year)

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

20 Dated:

21 (Signature of Witness)

1
2 (Print Name of Witness)

3
4
5 (Address of Witness)

6 State of Illinois)
7) ss.
8 County of)

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

17 Dated:
18 Notary Public:
19 My commission expires:

20 (b) In no event shall the savings bank distribute the

1 customer's financial records to the long-term care
2 facility from which the customer seeks initial or
3 continuing residency or long-term care services.

4 (c) A savings bank providing financial records of a
5 customer in good faith relying on a consent and
6 authorization executed and tendered in accordance with
7 this paragraph (18) shall not be liable to the customer or
8 any other person in relation to the savings bank's
9 disclosure of the customer's financial records to the
10 Department. The customer signing the consent and
11 authorization shall indemnify and hold the savings bank
12 harmless that relies in good faith upon the consent and
13 authorization and incurs a loss because of such reliance.
14 The savings bank recovering under this indemnification
15 provision shall also be entitled to reasonable attorney's
16 fees and the expenses of recovery.

17 (d) A savings bank shall be reimbursed by the customer
18 for all costs reasonably necessary and directly incurred
19 in searching for, reproducing, and disclosing a customer's
20 financial records required or requested to be produced
21 pursuant to any consent and authorization executed under
22 this paragraph (18). The requested financial records shall
23 be delivered to the Department within 10 days after
24 receiving a properly executed consent and authorization or
25 at the earliest practicable time thereafter if the
26 requested records cannot be delivered within 10 days, but

1 delivery may be delayed until the final reimbursement of
2 all costs is received by the savings bank. The savings
3 bank may honor a photostatic or electronic copy of a
4 properly executed consent and authorization.

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

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

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

13 (f) For purposes of this paragraph (18), "Department"
14 means the Department of Human Services and the Department
15 of Healthcare and Family Services or any successor
16 administrative agency of either agency.

17 (19) The furnishing of financial records of a deceased
18 customer to a public administrator of any county or other
19 governmental jurisdiction for the purpose of facilitating
20 burial of the customer.

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

24 (d) A savings bank may not disclose to any person, except
25 to the member or holder of capital or his duly authorized
26 agent, any financial records relating to that member or

1 shareholder of the savings bank unless:

2 (1) the member or shareholder has authorized
3 disclosure to the person; or

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

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

1 applicable State or federal law. A savings bank shall not mail
2 a copy of a subpoena to any customer pursuant to this
3 subsection if the subpoena was issued by a grand jury.

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

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

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

26 (i) A savings bank shall be reimbursed for costs that are

1 necessary and that have been directly incurred in searching
2 for, reproducing, or transporting books, papers, records, or
3 other data required to be reproduced pursuant to a lawful
4 subpoena, warrant, citation to discover assets, or court
5 order.

6 (j) Notwithstanding the provisions of this Section, a
7 savings bank may sell or otherwise make use of lists of names
8 and addresses of persons who have obtained a financial product
9 or service from the savings bank. All other information is
10 subject to the disclosure provisions of this Section. At the
11 request of any person who has obtained a financial product or
12 service from the savings bank, that person's name and address
13 shall be deleted from any list that is to be sold or used in
14 any other manner beyond identification of the person's
15 accounts.

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

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

20 (205 ILCS 305/10)

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

22 (1) A credit union shall establish and maintain books,
23 records, accounting systems, and procedures which accurately
24 reflect its operations and which enable the Department to

1 readily ascertain the true financial condition of the credit
2 union and whether it is complying with this Act.

3 (2) A photostatic or photographic reproduction of any
4 credit union records shall be admissible as evidence of
5 transactions with the credit union.

6 (3)(a) For the purpose of this Section, the term
7 "financial records" means any original, any copy, or any
8 summary of (1) a document granting signature authority over an
9 account, (2) a statement, ledger card, or other record on any
10 account which shows each transaction in or with respect to
11 that account, (3) a check, draft, or money order drawn on a
12 financial institution or other entity or issued and payable by
13 or through a financial institution or other entity, or (4) any
14 other item containing information pertaining to any
15 relationship established in the ordinary course of business
16 between a credit union and its member, including financial
17 statements or other financial information provided by the
18 member.

19 (b) This Section does not prohibit:

20 (1) The preparation, examination, handling, or
21 maintenance of any financial records by any officer,
22 employee, or agent of a credit union having custody of
23 such records, or the examination of such records by a
24 certified public accountant engaged by the credit union to
25 perform an independent audit.

26 (2) The examination of any financial records by or the

1 furnishing of financial records by a credit union to any
2 officer, employee, or agent of the Department, the
3 National Credit Union Administration, Federal Reserve
4 Board or any insurer of share accounts for use solely in
5 the exercise of his duties as an officer, employee, or
6 agent.

7 (3) The publication of data furnished from financial
8 records relating to members where the data cannot be
9 identified to any particular member or account.

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

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

15 (6) The exchange in the regular course of business of
16 (i) credit information between a credit union and other
17 credit unions or financial institutions or commercial
18 enterprises, directly or through a consumer reporting
19 agency, or (ii) financial records or information derived
20 from financial records between a credit union and other
21 credit unions or financial institutions or commercial
22 enterprises for the purpose of conducting due diligence
23 pursuant to a merger or a purchase or sale of assets or
24 liabilities of the credit union.

25 (7) The furnishing of information to the appropriate
26 law enforcement authorities where the credit union

1 reasonably believes it has been the victim of a crime.

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

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

7 (10) The furnishing of information pursuant to the
8 federal Currency and Foreign Transactions Reporting Act,
9 Title 31, United States Code, Section 1051 et sequentia.

10 (11) The furnishing of information pursuant to any
11 other statute which by its terms or by regulations
12 promulgated thereunder requires the disclosure of
13 financial records other than by subpoena, summons,
14 warrant, or court order.

15 (12) The furnishing of information in accordance with
16 the federal Personal Responsibility and Work Opportunity
17 Reconciliation Act of 1996. Any credit union governed by
18 this Act shall enter into an agreement for data exchanges
19 with a State agency provided the State agency pays to the
20 credit union a reasonable fee not to exceed its actual
21 cost incurred. A credit union providing information in
22 accordance with this item shall not be liable to any
23 account holder or other person for any disclosure of
24 information to a State agency, for encumbering or
25 surrendering any assets held by the credit union in
26 response to a lien or order to withhold and deliver issued

1 by a State agency, or for any other action taken pursuant
2 to this item, including individual or mechanical errors,
3 provided the action does not constitute gross negligence
4 or willful misconduct. A credit union shall have no
5 obligation to hold, encumber, or surrender assets until it
6 has been served with a subpoena, summons, warrant, court
7 or administrative order, lien, or levy.

8 (13) The furnishing of information to law enforcement
9 authorities, the Illinois Department on Aging and its
10 regional administrative and provider agencies, the
11 Department of Human Services Office of Inspector General,
12 or public guardians: (i) upon subpoena by the
13 investigatory entity or the guardian, or (ii) as part of a
14 mandated report if there is suspicion by the credit union
15 or a mandated reporter as defined in Section 2 of the Adult
16 Protective Services Act that a member who is an elderly
17 person or person with a disability has been or may become
18 the victim of financial exploitation. For the purposes of
19 this item (13), the term: (i) "elderly person" means a
20 person who is 60 or more years of age, (ii) "person with a
21 disability" means a person who has or reasonably appears
22 to the credit union to have a physical or mental
23 disability that impairs his or her ability to seek or
24 obtain protection from or prevent financial exploitation,
25 and (iii) "financial exploitation" means tortious or
26 illegal use of the assets or resources of an elderly

1 person or person with a disability, and includes, without
2 limitation, misappropriation of the assets or resources of
3 the elderly person or person with a disability by undue
4 influence, breach of fiduciary relationship, intimidation,
5 fraud, deception, extortion, or the use of assets or
6 resources in any manner contrary to law. A credit union, a
7 mandated reporter, or other persons ~~or person~~ furnishing
8 information pursuant to this item (13) shall be entitled
9 to the same rights and protections as other persons ~~a~~
10 ~~person~~ furnishing information under the Adult Protective
11 Services Act and the Illinois Domestic Violence Act of
12 1986.

13 (13.5) The furnishing of information to any person on
14 a list submitted and periodically updated by a member who
15 is an elderly person or person with a disability, if there
16 is suspicion by the credit union that the member has been
17 or may become a victim of financial exploitation. For
18 purposes of this item (13.5), the terms "elderly person",
19 "person with a disability", and "financial exploitation"
20 have the meanings given to those terms in item (13). The
21 credit union may convey the suspicion to any of the
22 following persons, if the person is not the suspected
23 perpetrator: (i) any person on the list; (ii) any
24 co-owner, additional authorized signatory, or beneficiary
25 on the account of the member; or (iii) any person known by
26 the credit union to be a family member, including a

1 parent, spouse, adult child, or sibling. When providing
2 information under this item (13.5), the credit union may
3 pause the transaction in accordance with the account
4 holder agreement or similar documents and shall limit the
5 information and only disclose that the credit union has
6 cause to suspect that the member may be a victim or target
7 of financial exploitation and the basis or bases of the
8 credit union's reasonable suspicion, without disclosing
9 any other details or confidential information regarding
10 the financial affairs of the member. Any disclosure made
11 pursuant to this subsection shall comply with all other
12 privacy laws and legal prohibitions, including
13 confidentiality requirements for suspicious activity
14 reports. The credit union may rely on information provided
15 by the member in compiling the list of contact persons.
16 The credit union and any employee of the credit union
17 acting in good faith is immune from all criminal, civil,
18 and administrative liability for pausing the transaction,
19 contacting a person, or electing not to contact a person
20 under this item (13.5) and for actions taken in
21 furtherance of that determination, if the determination
22 was made based on a reasonable suspicion.

23 (14) The disclosure of financial records or
24 information as necessary to effect, administer, or enforce
25 a transaction requested or authorized by the member, or in
26 connection with:

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

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

5 (C) a proposed or actual securitization or
6 secondary market sale (including sales of servicing
7 rights) related to a transaction of a member.

8 Nothing in this item (14), however, authorizes the
9 sale of the financial records or information of a member
10 without the consent of the member.

11 (15) The disclosure of financial records or
12 information as necessary to protect against or prevent
13 actual or potential fraud, unauthorized transactions,
14 claims, or other liability.

15 (16)(a) The disclosure of financial records or
16 information related to a private label credit program
17 between a financial institution and a private label party
18 in connection with that private label credit program. Such
19 information is limited to outstanding balance, available
20 credit, payment and performance and account history,
21 product references, purchase information, and information
22 related to the identity of the customer.

23 (b)(1) For purposes of this item (16), "private label
24 credit program" means a credit program involving a
25 financial institution and a private label party that is
26 used by a customer of the financial institution and the

1 private label party primarily for payment for goods or
2 services sold, manufactured, or distributed by a private
3 label party.

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

9 (17)(a) The furnishing of financial records of a
10 member to the Department to aid the Department's initial
11 determination or subsequent re-determination of the
12 member's eligibility for Medicaid and Medicaid long-term
13 care benefits for long-term care services, provided that
14 the credit union receives the written consent and
15 authorization of the member, which shall:

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

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

20 (3) be tendered to the credit union at the
21 earliest practicable time following its execution,
22 certification, and notarization;

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

25 (5) be in substantially the following form:

CUSTOMER CONSENT AND AUTHORIZATION
FOR RELEASE OF FINANCIAL RECORDS

I,, hereby authorize

(Name of Customer)

.....

(Name of Financial Institution)

.....

(Address of Financial Institution)

to disclose the following financial records:

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

to the Illinois Department of Human Services or the Illinois
Department of Healthcare and Family Services, or both ("the

1 Department"), for the following purpose(s):

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

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

1 fees and expenses, arising from or incurred in its reliance on
2 this Consent and Authorization. As used herein, "Customer"
3 shall mean "Member" if the Financial Institution is a credit
4 union.

5

6 (Date)

(Signature of Customer)

7

8

9 (Address of Customer)

10

11 (Customer's birth date)

12 (month/day/year)

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

1 resident.

2 Dated:

3 (Signature of Witness)

4

5 (Print Name of Witness)

6

7

8 (Address of Witness)

9 State of Illinois)

10) ss.

11 County of)

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

20 Dated:

1 Notary Public:

2 My commission expires:

3 (b) In no event shall the credit union distribute the
4 member's financial records to the long-term care facility
5 from which the member seeks initial or continuing
6 residency or long-term care services.

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

20 (d) A credit union shall be reimbursed by the member
21 for all costs reasonably necessary and directly incurred
22 in searching for, reproducing, and disclosing a member's
23 financial records required or requested to be produced
24 pursuant to any consent and authorization executed under
25 this item (17). The requested financial records shall be

1 delivered to the Department within 10 days after receiving
2 a properly executed consent and authorization or at the
3 earliest practicable time thereafter if the requested
4 records cannot be delivered within 10 days, but delivery
5 may be delayed until the final reimbursement of all costs
6 is received by the credit union. The credit union may
7 honor a photostatic or electronic copy of a properly
8 executed consent and authorization.

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

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

13 (2) authorize his or her attorney or duly
14 appointed agent to request and obtain the member's
15 financial records and disclose those financial records
16 to the Department.

17 (f) For purposes of this item (17), "Department" means
18 the Department of Human Services and the Department of
19 Healthcare and Family Services or any successor
20 administrative agency of either agency.

21 (18) The furnishing of the financial records of a
22 member to an appropriate law enforcement authority,
23 without prior notice to or consent of the member, upon
24 written request of the law enforcement authority, when
25 reasonable suspicion of an imminent threat to the personal
26 security and safety of the member exists that necessitates

1 an expedited release of the member's financial records, as
2 determined by the law enforcement authority. The law
3 enforcement authority shall include a brief explanation of
4 the imminent threat to the member in its written request
5 to the credit union. The written request shall reflect
6 that it has been authorized by a supervisory or managerial
7 official of the law enforcement authority. The decision to
8 furnish the financial records of a member to a law
9 enforcement authority shall be made by a supervisory or
10 managerial official of the credit union. A credit union
11 providing information in accordance with this item (18)
12 shall not be liable to the member or any other person for
13 the disclosure of the information to the law enforcement
14 authority.

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

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

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

26 (1) the member 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 that meets the requirements of
5 subparagraph (3) (d) of this Section; or

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

10 (d) A credit union shall disclose financial records under
11 item (3) (c) (2) of this Section pursuant to a lawful subpoena,
12 summons, warrant, citation to discover assets, or court order
13 only after the credit union 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 credit
16 union, if living, and otherwise the person's personal
17 representative, if known, at the person's last known address
18 by first class mail, postage prepaid, through a third-party
19 commercial carrier or courier with delivery charge fully
20 prepaid, by hand delivery, or by electronic delivery at an
21 email address on file with the credit union (if the person
22 establishing the relationship with the credit union has
23 consented to receive electronic delivery and, if the person
24 establishing the relationship with the credit union is a
25 consumer, the person has consented under the consumer consent
26 provisions set forth in Section 7001 of Title 15 of the United

1 States Code), unless the credit union is specifically
2 prohibited from notifying the person by order of court or by
3 applicable State or federal law. In the case of a grand jury
4 subpoena, a credit union shall not mail a copy of a subpoena to
5 any person pursuant to this subsection if the subpoena was
6 issued by a grand jury or notifying the person would
7 constitute a violation of the federal Right to Financial
8 Privacy Act of 1978.

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

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

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

1 costs is received.

2 (Source: P.A. 104-123, eff. 1-1-26; 104-310, eff. 8-15-25;
3 104-403, eff. 1-1-26; revised 9-15-25.)

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

7 (320 ILCS 20/2) (from Ch. 23, par. 6602)

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

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

18 (a-1) "Abuse" means causing any physical, mental or sexual
19 injury to an eligible adult, including exploitation of such
20 adult's financial resources, and abandonment or subjecting an
21 eligible adult to an environment which creates a likelihood of
22 harm to the eligible adult's health, physical and emotional
23 well-being, or welfare.

24 Nothing in this Act shall be construed to mean that an

1 eligible adult is a victim of abuse, abandonment, neglect, or
2 self-neglect for the sole reason that he or she is being
3 furnished with or relies upon treatment by spiritual means
4 through prayer alone, in accordance with the tenets and
5 practices of a recognized church or religious denomination.

6 Nothing in this Act shall be construed to mean that an
7 eligible adult is a victim of abuse because of health care
8 services provided or not provided by licensed health care
9 professionals.

10 Nothing in this Act shall be construed to mean that an
11 eligible adult is a victim of abuse in cases of criminal
12 activity by strangers, telemarketing scams, consumer fraud,
13 internet fraud, home repair disputes, complaints against a
14 homeowners' association, or complaints between landlords and
15 tenants.

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

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

25 (a-7) "Caregiver" means a person who either as a result of
26 a family relationship, voluntarily, or in exchange for

1 compensation has assumed responsibility for all or a portion
2 of the care of an eligible adult who needs assistance with
3 activities of daily living or instrumental activities of daily
4 living.

5 (b) "Department" means the Department on Aging of the
6 State of Illinois.

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

8 (c-5) "Disability" means a physical or mental disability,
9 including, but not limited to, a developmental disability, an
10 intellectual disability, a mental illness as defined under the
11 Mental Health and Developmental Disabilities Code, or dementia
12 as defined under the Alzheimer's Disease Assistance Act.

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

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

19 (1.5) A facility licensed under the ID/DD Community
20 Care Act;

21 (1.6) A facility licensed under the MC/DD Act;

22 (1.7) A facility licensed under the Specialized Mental
23 Health Rehabilitation Act of 2013;

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

26 (3) A home, institution, or other place operated by

1 the federal government or agency thereof or by the State
2 of Illinois;

3 (4) A hospital, sanitarium, or other institution, the
4 principal activity or business of which is the diagnosis,
5 care, and treatment of human illness through the
6 maintenance and operation of organized facilities
7 therefor, which is required to be licensed under the
8 Hospital Licensing Act;

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

11 (6) (Blank);

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

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

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

21 (e) "Eligible adult" means either an adult with
22 disabilities aged 18 through 59 or a person aged 60 or older
23 who resides in a domestic living situation and is, or is
24 alleged to be, abused, abandoned, neglected, or financially
25 exploited by another individual or who neglects himself or
26 herself. "Eligible adult" also includes an adult who resides

1 in any of the facilities that are excluded from the definition
2 of "domestic living situation" under paragraphs (1) through
3 (9) of subsection (d), if either: (i) the alleged abuse,
4 abandonment, or neglect occurs outside of the facility and not
5 under facility supervision and the alleged abuser is a family
6 member, caregiver, or another person who has a continuing
7 relationship with the adult; or (ii) the alleged financial
8 exploitation is perpetrated by a family member, caregiver, or
9 another person who has a continuing relationship with the
10 adult, but who is not an employee of the facility where the
11 adult resides.

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

17 (f-1) "Financial exploitation" means the use of an
18 eligible adult's resources by another to the disadvantage of
19 that adult or the profit or advantage of a person other than
20 that adult.

21 (f-3) "Investment advisor" means any person required to
22 register as an investment adviser or investment adviser
23 representative under Section 8 of the Illinois Securities Law
24 of 1953, which for purposes of this Act excludes any bank,
25 trust company, savings bank, or credit union, or their
26 respective employees.

1 (f-5) "Mandated reporter" means any of the following
2 persons while engaged in carrying out their professional
3 duties:

4 (1) a professional or professional's delegate while
5 engaged in: (i) social services, (ii) law enforcement,
6 (iii) education, (iv) the care of an eligible adult or
7 eligible adults, or (v) any of the occupations required to
8 be licensed under the Behavior Analyst Licensing Act, the
9 Clinical Psychologist Licensing Act, the Clinical Social
10 Work and Social Work Practice Act, the Illinois Dental
11 Practice Act, the Dietitian Nutritionist Practice Act, the
12 Marriage and Family Therapy Licensing Act, the Medical
13 Practice Act of 1987, the Naprapathic Practice Act, the
14 Nurse Practice Act, the Nursing Home Administrators
15 Licensing and Disciplinary Act, the Illinois Occupational
16 Therapy Practice Act, the Illinois Optometric Practice Act
17 of 1987, the Pharmacy Practice Act, the Illinois Physical
18 Therapy Act, the Physician Assistant Practice Act of 1987,
19 the Podiatric Medical Practice Act of 1987, the
20 Respiratory Care Practice Act, the Professional Counselor
21 and Clinical Professional Counselor Licensing and Practice
22 Act, the Illinois Speech-Language Pathology and Audiology
23 Practice Act, the Veterinary Medicine and Surgery Practice
24 Act of 2004, and the Illinois Public Accounting Act;

25 (1.5) an employee of an entity providing developmental
26 disabilities services or service coordination funded by

1 the Department of Human Services;

2 (2) an employee of a vocational rehabilitation
3 facility prescribed or supervised by the Department of
4 Human Services;

5 (3) an administrator, employee, or person providing
6 services in or through an unlicensed community based
7 facility;

8 (4) any religious practitioner who provides treatment
9 by prayer or spiritual means alone in accordance with the
10 tenets and practices of a recognized church or religious
11 denomination, except as to information received in any
12 confession or sacred communication enjoined by the
13 discipline of the religious denomination to be held
14 confidential;

15 (5) field personnel of the Department of Healthcare
16 and Family Services, Department of Public Health, and
17 Department of Human Services, and any county or municipal
18 health department;

19 (6) personnel of the Department of Human Services, the
20 Guardianship and Advocacy Commission, the State Fire
21 Marshal, local fire departments, the Department on Aging
22 and its subsidiary Area Agencies on Aging and provider
23 agencies, except the State Long Term Care Ombudsman and
24 any of his or her representatives or volunteers where
25 prohibited from making such a report pursuant to 45 CFR
26 1324.11(e) (3) (iv);

1 (7) any employee of the State of Illinois not
2 otherwise specified herein who is involved in providing
3 services to eligible adults, including professionals
4 providing medical or rehabilitation services and all other
5 persons having direct contact with eligible adults;

6 (8) a person who performs the duties of a coroner or
7 medical examiner;

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

10 (10) a person who performs the duties of an investment
11 adviser or investment adviser representative as defined in
12 Sections 2.11 and 2.12b of the Illinois Securities Law of
13 1953 respectively; ~~adviser.~~

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

17 (12) an employee of a financial institution who serves
18 either as a branch manager or member of the compliance
19 team (including as a Bank Secrecy Act officer). "Financial
20 institution" is limited to a federally or State-chartered
21 bank, savings bank, savings and loan association, or
22 credit union.

23 (g) "Neglect" means another individual's failure to
24 provide an eligible adult with or willful withholding from an
25 eligible adult the necessities of life including, but not
26 limited to, food, clothing, shelter or health care. This

1 subsection does not create any new affirmative duty to provide
2 support to eligible adults. Nothing in this Act shall be
3 construed to mean that an eligible adult is a victim of neglect
4 because of health care services provided or not provided by
5 licensed health care professionals.

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

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

26 (i-5) "Self-neglect" means a condition that is the result

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

13 (j) "Substantiated case" means a reported case of alleged
14 or suspected abuse, abandonment, neglect, financial
15 exploitation, or self-neglect in which a provider agency,
16 after assessment, determines that there is reason to believe
17 abuse, abandonment, neglect, or financial exploitation has
18 occurred.

19 (k) "Verified" means a determination that there is "clear
20 and convincing evidence" that the specific injury or harm
21 alleged was the result of abuse, abandonment, neglect, or
22 financial exploitation.

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

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

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

18 (b) coordination of efforts with other agencies,
19 councils, and like entities, to include but not be limited
20 to, the Administrative Office of the Illinois Courts, the
21 Office of the Attorney General, the Illinois State Police,
22 the Illinois Law Enforcement Training Standards Board, the
23 State Triad, the Illinois Criminal Justice Information
24 Authority, the Departments of Public Health, Healthcare
25 and Family Services, and Human Services, the Illinois
26 Guardianship and Advocacy Commission, the Family Violence

1 Coordinating Council, the Illinois Violence Prevention
2 Authority, and other entities which may impact awareness
3 of, and response to, abuse, abandonment, neglect,
4 financial exploitation, and self-neglect;

5 (c) collection and analysis of data;

6 (d) monitoring of the performance of regional
7 administrative agencies and adult protective services
8 agencies;

9 (e) promotion of prevention activities;

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

26 (g) solicitation of financial institutions for the

1 purpose of making information available to the general
2 public warning of financial exploitation of adults and
3 related financial fraud or abuse, including such
4 information and warnings available through signage or
5 other written materials provided by the Department on the
6 premises of such financial institutions, provided that the
7 manner of displaying or distributing such information is
8 subject to the sole discretion of each financial
9 institution; and

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

26 (Source: P.A. 102-244, eff. 1-1-22; 102-538, eff. 8-20-21;

1 102-813, eff. 5-13-22; 103-626, eff. 1-1-25.)

2 (320 ILCS 20/4) (from Ch. 23, par. 6604)

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

4 (a) Any person who suspects the abuse, abandonment,
5 neglect, financial exploitation, or self-neglect of an
6 eligible adult may report this suspicion or information about
7 the suspicious death of an eligible adult to an agency
8 designated to receive such reports under this Act or to the
9 Department.

10 (a-5) If any mandated reporter has reason to believe that
11 an eligible adult, who because of a disability or other
12 condition or impairment is unable to seek assistance for
13 himself or herself, has, within the previous 12 months, been
14 subjected to abuse, abandonment, neglect, or financial
15 exploitation, the mandated reporter shall, within 24 hours
16 after developing such belief, report this suspicion to an
17 agency designated to receive such reports under this Act or to
18 the Department. The agency designated to receive such reports
19 under this Act or the Department may establish a manner in
20 which a mandated reporter can make the required report through
21 an Internet reporting tool. Information sent and received
22 through the Internet reporting tool is subject to the same
23 rules in this Act as other types of confidential reporting
24 established by the designated agency or the Department.
25 Whenever a mandated reporter is required to report under this

1 Act in his or her capacity as a member of the staff of a
2 medical or other public or private institution, facility, or
3 agency, he or she shall make a report to an agency designated
4 to receive such reports under this Act or to the Department in
5 accordance with the provisions of this Act and may also notify
6 the person in charge of the institution, facility, or agency
7 or his or her designated agent that the report has been made.
8 Under no circumstances shall any person in charge of such
9 institution, facility, or agency, or his or her designated
10 agent to whom the notification has been made, exercise any
11 control, restraint, modification, or other change in the
12 report or the forwarding of the report to an agency designated
13 to receive such reports under this Act or to the Department.
14 The privileged quality of communication between any
15 professional person required to report and his or her patient
16 or client shall not apply to situations involving abused,
17 abandoned, neglected, or financially exploited eligible adults
18 and shall not constitute grounds for failure to report as
19 required by this Act.

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

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

8 (a-9) Law enforcement officers shall continue to report
9 incidents of alleged abuse pursuant to the Illinois Domestic
10 Violence Act of 1986, notwithstanding any requirements under
11 this Act.

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

1 civil, criminal or other liability in any civil, criminal, or
2 other proceeding brought as a consequence of the performance
3 of those services. For the purposes of any civil, criminal, or
4 other proceeding, the good faith of any person required to
5 report, permitted to report, or participating in an
6 investigation of a report of alleged or suspected abuse,
7 abandonment, neglect, financial exploitation, or self-neglect
8 shall be presumed.

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

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

18 (e) Any physician who willfully fails to report as
19 required by this Act shall be referred to the Illinois State
20 Medical Disciplinary Board for action in accordance with
21 subdivision (A) (22) of Section 22 of the Medical Practice Act
22 of 1987. Any dentist or dental hygienist who willfully fails
23 to report as required by this Act shall be referred to the
24 Department of Financial and Professional Regulation for
25 possible disciplinary action. Any optometrist who willfully
26 fails to report as required by this Act shall be referred to

1 the Department of Financial and Professional Regulation for
2 action in accordance with paragraph (15) of subsection (a) of
3 Section 24 of the Illinois Optometric Practice Act of 1987.
4 Any employee of a financial institution who willfully fails to
5 report as required by this Act shall be referred to the
6 Department of Financial and Professional Regulation for
7 possible disciplinary action. Any other mandated reporter
8 required by this Act to report suspected abuse, abandonment,
9 neglect, or financial exploitation who willfully fails to
10 report the same is guilty of a Class A misdemeanor.

11 (Source: P.A. 102-244, eff. 1-1-22; 103-329, eff. 1-1-24;
12 103-626, eff. 1-1-25.)

13 (320 ILCS 20/8) (from Ch. 23, par. 6608)

14 Sec. 8. Access to records.

15 (a) All records concerning reports of abuse, abandonment,
16 neglect, financial exploitation, or self-neglect or reports of
17 suspicious deaths due to abuse, neglect, or financial
18 exploitation and all records generated as a result of such
19 reports shall be confidential and shall not be disclosed
20 except as specifically authorized by this Act ~~or other~~
21 ~~applicable law~~. In accord with established law and Department
22 protocols, procedures, and policies, access to such records,
23 but not access to the identity of the person or persons making
24 a report of alleged abuse, abandonment, neglect, financial
25 exploitation, or self-neglect as contained in such records,

1 shall be provided, upon request, to the following persons and
2 for the following persons:

3 (1) Department staff, provider agency staff, other
4 aging network staff, and regional administrative agency
5 staff, including staff of the Chicago Department on Aging
6 while that agency is designated as a regional
7 administrative agency, in the furtherance of their
8 responsibilities under this Act;

9 (1.5) A representative of the public guardian acting
10 in the course of investigating the appropriateness of
11 guardianship for the eligible adult or while pursuing a
12 petition for guardianship of the eligible adult pursuant
13 to the Probate Act of 1975;

14 (2) A law enforcement agency or State's Attorney's
15 office investigating known or suspected abuse,
16 abandonment, neglect, financial exploitation, or
17 self-neglect. Where a provider agency has reason to
18 believe that the death of an eligible adult may be the
19 result of abuse, abandonment, or neglect, including any
20 reports made after death, the agency shall immediately
21 provide the appropriate law enforcement agency with all
22 records pertaining to the eligible adult;

23 (2.5) A law enforcement agency, fire department
24 agency, or fire protection district having proper
25 jurisdiction pursuant to a written agreement between a
26 provider agency and the law enforcement agency, fire

1 department agency, or fire protection district under which
2 the provider agency may furnish to the law enforcement
3 agency, fire department agency, or fire protection
4 district a list of all eligible adults who may be at
5 imminent risk of abuse, abandonment, neglect, financial
6 exploitation, or self-neglect;

7 (3) A physician who has before him or her or who is
8 involved in the treatment of an eligible adult whom he or
9 she reasonably suspects may be abused, abandoned,
10 neglected, financially exploited, or self-neglected or who
11 has been referred to the Adult Protective Services
12 Program;

13 (4) An eligible adult reported to be abused,
14 abandoned, neglected, financially exploited, or
15 self-neglected, or such adult's authorized guardian or
16 agent, unless such guardian or agent is the abuser or the
17 alleged abuser;

18 (4.5) A court-appointed ~~An~~ executor or administrator
19 of the estate of an eligible adult who is deceased, unless
20 the executor or administrator is the abuser or the alleged
21 abuser;

22 (5) Any court of competent jurisdiction with a valid
23 court order ~~A probate court with jurisdiction over the~~
24 ~~guardianship of an alleged victim~~ for an in camera
25 inspection;

26 (5.5) A guardian ad litem, unless such guardian ad

1 litem is the abuser or alleged abuser;

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

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

7 (8) A coroner or medical examiner who has reason to
8 believe that an eligible adult has died as the result of
9 abuse, abandonment, neglect, financial exploitation, or
10 self-neglect. The Department ~~provider—agency~~ shall
11 ~~immediately~~ provide the coroner or medical examiner with
12 all records pertaining to the eligible adult as soon as
13 practicable;

14 (8.5) A coroner or medical examiner having proper
15 jurisdiction, pursuant to a written agreement between a
16 provider agency and the coroner or medical examiner, under
17 which the provider agency may furnish to the office of the
18 coroner or medical examiner a list of all eligible adults
19 who may be at imminent risk of death as a result of abuse,
20 abandonment, neglect, financial exploitation, or
21 self-neglect;

22 (9) Department of Financial and Professional
23 Regulation staff and members of the Illinois Medical
24 Disciplinary Board or the Social Work Examining and
25 Disciplinary Board in the course of investigating alleged
26 violations of the Clinical Social Work and Social Work

1 Practice Act by provider agency staff or other licensing
2 bodies at the discretion of the Director of the Department
3 on Aging;

4 (9-a) Department of Healthcare and Family Services
5 staff and provider agency staff when that Department is
6 funding services to the eligible adult, including access
7 to the identity of the eligible adult;

8 (9-b) Department of Human Services staff and provider
9 agency staff when that Department is funding services to
10 the eligible adult or is providing reimbursement for
11 services provided by the abuser or alleged abuser,
12 including access to the identity of the eligible adult;

13 (10) Hearing officers in the course of conducting an
14 administrative hearing under this Act; parties to such
15 hearing shall be entitled to discovery as established by
16 rule;

17 (11) A caregiver who challenges placement on the
18 Registry shall be given the statement of allegations in
19 the abuse report and the substantiation decision in the
20 final investigative report; and

21 (12) The Illinois Guardianship and Advocacy Commission
22 and the agency designated by the Governor under Section 1
23 of the Protection and Advocacy for Persons with
24 Developmental Disabilities Act shall have access, through
25 the Department, to records, including the findings,
26 pertaining to a completed or closed investigation of a

1 report of suspected abuse, abandonment, neglect, financial
2 exploitation, or self-neglect of an eligible adult.

3 (b) The Department, at its discretion, may provide the
4 records to any professional licensing board or commission,
5 investigatory unit, prosecutorial unit, or similar
6 disciplinary body if any substantiated abuser falls under its
7 purview, as well as any persons listed under subsection (a).

8 (c) All records not generated by the Department but
9 obtained during the course of an Adult Protective Service
10 investigation or related to an Adult Protective Service case,
11 including, but not limited to, financial records and medical
12 records, shall be confidential and shall not be disclosed
13 except at the Department's sole discretion. As such, these
14 records are exempt from disclosure under the Freedom of
15 Information Act. These records may be obtained through
16 intergovernmental agreements with the Department.

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

18 (320 ILCS 20/16 new)

19 Sec. 16. Notification and reporting. By July 1, 2028, the
20 Department shall establish a web-based portal to receive
21 alleged or suspected reports of financial exploitation as well
22 as other reports of alleged or suspected abuse, abandonment,
23 neglect, or self-neglect. The Department may refer the records
24 to law enforcement and State agencies on a case-by-case basis.
25 All records shared shall be maintained for the confidential

1 use of law enforcement and the Department and are exempt from
2 disclosure under the Freedom of Information Act. This record
3 access does not entitle any entity to Adult Protective
4 Services records. For the purposes of this Section, "financial
5 exploitation" has the meaning described in subsection (a) of
6 Section 17-56 of the Criminal Code of 2012.

7 Section 25. The Illinois Securities Law of 1953 is amended
8 by adding Section 18.5 as follows:

9 (815 ILCS 5/18.5 new)

10 Sec. 18.5. Transactional holds for eligible adults.

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

19 (b) Dealers, salespersons, investment advisers, and
20 investment adviser representatives may issue an initial
21 transactional hold when they have a reasonable suspicion that
22 a transaction or disbursement from an account of an eligible
23 adult may involve, facilitate, result in, or contribute to
24 financial exploitation of that eligible adult. Any initial

1 transactional hold must be followed by an internal review that
2 satisfies the internal policies of the financial firms that
3 issued the hold. For the purposes of this Section, "eligible
4 adult" has the meaning ascribed to that term in the Adult
5 Protective Services Act and "financial exploitation" has the
6 meaning described in subsection (a) of Section 17-56 of the
7 Criminal Code of 2012.

8 (c) Dealers, salespersons, investment advisers, and
9 investment adviser representatives acting in good faith are
10 immune from all criminal, civil, and administrative liability
11 for holding a transaction, contacting a person, or electing
12 not to contact a person and for actions taken in furtherance of
13 that determination, if the determination was made based on a
14 reasonable suspicion.

15 (d) The duration of an initial transactional hold is
16 limited to no longer than 15 business days or sooner if the
17 dealer, salesperson, investment adviser, or investment adviser
18 representative has satisfied its own internal policies by
19 conducting a review of the facts and circumstances surrounding
20 the reasonable suspicion and has made a determination that no
21 financial exploitation of the eligible adult is taking place.
22 The dealer, salesperson, investment adviser, or investment
23 adviser representative may issue an extended transactional
24 hold for an additional 45 business days following the initial
25 hold if the internal review of the available facts and
26 circumstances continues to support the reasonable suspicion

1 that financial exploitation of the specified adult has
2 occurred, is occurring, has been attempted, or will be
3 attempted. The length of the extended transactional hold may
4 be shortened or extended at any time by a court of competent
5 jurisdiction.

6 (e) If any dealer, salesperson, investment adviser, or
7 investment adviser representative issues any transactional
8 hold in accordance with this Section, the dealer or investment
9 adviser must provide notice orally or in writing of the
10 transactional hold to all parties authorized to transact
11 business on the account within 2 business days of the hold
12 being issued, unless the dealer, salesperson, investment
13 adviser, or investment adviser representative reasonably
14 believes that the party has engaged, is engaged, or will
15 engage in the financial exploitation of the eligible adult.
16 This notice must reference the requirements and time frames
17 detailed in this Section and the reason for the hold. The
18 dealer or investment adviser may provide notice of the
19 transactional hold to the eligible adult's trusted contact
20 person or persons.

21 (f) Any dealer or investment adviser that employs
22 salespersons and investment advisers conducting an internal
23 review in accordance with this Section that results in a
24 reasonable suspicion that a transaction or disbursement may
25 involve, facilitate, result in, or contribute to financial
26 exploitation of an eligible adult must notify Adult Protective

1 Services of its findings within 24 hours and share any related
2 documentation. All information shared shall be maintained for
3 the confidential use of law enforcement, the Securities
4 Department of the Office of the Secretary of State, and the
5 Department on Aging and are exempt from disclosure under the
6 Freedom of Information Act. This information access does not
7 entitle any entity to Adult Protective Services records.

8 Section 99. Effective date. This Act takes effect July 1,
9 2027.".