

1 AN ACT concerning aging.

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

4 Section 5. The Adult Protective Services Act is amended by
5 changing Sections 2, 4, and 13 and by adding Section 4.3 as
6 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.

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

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

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

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

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

26 (a-7) "Agent" has the meaning ascribed to that term in

1 Section 2-3 of the Illinois Power of Attorney Act.

2 (a-8) "Broker-dealer" means any person engaged in the
3 business of effecting transactions in securities in this State
4 for the account of others or for that person's own account and
5 who is registered with the United States Securities and
6 Exchange Commission.

7 (a-9) ~~(a-7)~~ "Caregiver" means a person who either as a
8 result of a family relationship, voluntarily, or in exchange
9 for compensation has assumed responsibility for all or a
10 portion of the care of an eligible adult who needs assistance
11 with activities of daily living or instrumental activities of
12 daily living.

13 (b) "Department" means the Department on Aging of the
14 State of Illinois.

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

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

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

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

1 (1.5) A facility licensed under the ID/DD Community
2 Care Act;

3 (1.6) A facility licensed under the MC/DD Act;

4 (1.7) A facility licensed under the Specialized Mental
5 Health Rehabilitation Act of 2013;

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

8 (3) A home, institution, or other place operated by
9 the federal government or agency thereof or by the State
10 of Illinois;

11 (4) A hospital, sanitarium, or other institution, the
12 principal activity or business of which is the diagnosis,
13 care, and treatment of human illness through the
14 maintenance and operation of organized facilities
15 therefor, which is required to be licensed under the
16 Hospital Licensing Act;

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

19 (6) (Blank);

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

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

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

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

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

25 (f-1) "Financial exploitation" means the use of an
26 eligible adult's resources by another to the disadvantage of

1 that adult or for the profit or advantage of a person other
2 than that adult. "Financial exploitation" includes:

3 (1) the wrongful or unauthorized taking, withholding,
4 appropriation, or use of money, assets, or property of an
5 eligible adult; or

6 (2) any act or omission taken by a person, including
7 through the use of a power of attorney, guardianship, or
8 conservatorship of an eligible adult, to:

9 (A) obtain control, through deception,
10 intimidation, or undue influence, over the eligible
11 adult's money, assets, or property to deprive the
12 eligible adult of the ownership, use, benefit, or
13 possession of his or her money, assets, or property;
14 or

15 (B) convert money, assets, or property of the
16 eligible adult through deception, intimidation, or
17 undue influence in order to deprive such eligible
18 adult of the ownership, use, benefit, or possession of
19 his or her money, assets, or property.

20 (f-2) ~~(f-3)~~ "Investment advisor" means any person required
21 to register as a federally-covered investment adviser or an
22 investment adviser ~~or investment adviser representative~~ under
23 Section 8 of the Illinois Securities Law of 1953, which for
24 purposes of this Act excludes any bank, trust company, savings
25 bank, or credit union, or their respective employees.

26 (f-4) "Qualified individual" means any person who serves

1 in a supervisory, compliance, or legal capacity for a
2 broker-dealer or investment advisor.

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

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

1 (1.5) an employee of an entity providing developmental
2 disabilities services or service coordination funded by
3 the Department of Human Services;

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

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

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

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

21 (6) personnel of the Department of Human Services, the
22 Guardianship and Advocacy Commission, the State Fire
23 Marshal, local fire departments, the Department on Aging
24 and its subsidiary Area Agencies on Aging and provider
25 agencies, except the State Long Term Care Ombudsman and
26 any of his or her representatives or volunteers where

1 prohibited from making such a report pursuant to 45 CFR
2 1324.11(e)(3)(iv);

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

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

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

12 (10) a person who performs the duties of an investment
13 advisor; ~~-~~

14 (11) a person who performs the duties of a
15 broker-dealer; or

16 (12) a qualified individual.

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

26 (h) "Provider agency" means any public or nonprofit agency

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

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

20 (i-5) "Self-neglect" means a condition that is the result
21 of an eligible adult's inability, due to physical or mental
22 impairments, or both, or a diminished capacity, to perform
23 essential self-care tasks that substantially threaten his or
24 her own health, including: providing essential food, clothing,
25 shelter, and health care; and obtaining goods and services
26 necessary to maintain physical health, mental health,

1 emotional well-being, and general safety. The term includes
2 compulsive hoarding, which is characterized by the acquisition
3 and retention of large quantities of items and materials that
4 produce an extensively cluttered living space, which
5 significantly impairs the performance of essential self-care
6 tasks or otherwise substantially threatens life or safety.

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

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

17 (Source: P.A. 102-244, eff. 1-1-22; 102-953, eff. 5-27-22;
18 103-329, eff. 1-1-24; 103-626, eff. 1-1-25.)

19 (320 ILCS 20/4) (from Ch. 23, par. 6604)

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

21 (a) Except as otherwise provided for broker-dealers,
22 investment advisors, and qualified individuals in subsection
23 (a-1), any ~~Any~~ person who suspects the abuse, abandonment,
24 neglect, financial exploitation, or self-neglect of an
25 eligible adult may report this suspicion or information about

1 the suspicious death of an eligible adult to an agency
2 designated to receive such reports under this Act or to the
3 Department.

4 (a-1) If a broker-dealer, investment advisor, or qualified
5 individual reasonably believes that financial exploitation of
6 an eligible adult may have occurred, may have been attempted,
7 or is being attempted, the broker-dealer, investment advisor,
8 or qualified individual shall promptly notify the Department
9 and the Illinois Securities Department within the Office of
10 the Secretary of State, or the provider agency designated to
11 receive such reports under this Act. The broker-dealer,
12 investment advisor, or qualified individual may also notify
13 any third party previously designated by the eligible adult.
14 Disclosure shall not be made to any designated third party who
15 is suspected of financial exploitation of the eligible adult.

16 (a-5) Except as otherwise provided for broker-dealers,
17 investment advisors, and qualified individuals in subsection
18 (a-1), if ~~if~~ any mandated reporter has reason to believe that
19 an eligible adult, who because of a disability or other
20 condition or impairment is unable to seek assistance for
21 himself or herself, has, within the previous 12 months, been
22 subjected to abuse, abandonment, neglect, or financial
23 exploitation, the mandated reporter shall, within 24 hours
24 after developing such belief, report this suspicion to an
25 agency designated to receive such reports under this Act or to
26 the Department. The agency designated to receive such reports

1 under this Act or the Department may establish a manner in
2 which a mandated reporter can make the required report through
3 an Internet reporting tool. Information sent and received
4 through the Internet reporting tool is subject to the same
5 rules in this Act as other types of confidential reporting
6 established by the designated agency or the Department.
7 Whenever a mandated reporter is required to report under this
8 Act in his or her capacity as a member of the staff of a
9 medical or other public or private institution, facility, or
10 agency, he or she shall make a report to an agency designated
11 to receive such reports under this Act or to the Department in
12 accordance with the provisions of this Act and may also notify
13 the person in charge of the institution, facility, or agency
14 or his or her designated agent that the report has been made.
15 Under no circumstances shall any person in charge of such
16 institution, facility, or agency, or his or her designated
17 agent to whom the notification has been made, exercise any
18 control, restraint, modification, or other change in the
19 report or the forwarding of the report to an agency designated
20 to receive such reports under this Act or to the Department.
21 The privileged quality of communication between any
22 professional person required to report and his or her patient
23 or client shall not apply to situations involving abused,
24 abandoned, neglected, or financially exploited eligible adults
25 and shall not constitute grounds for failure to report as
26 required by this Act.

1 (a-6) Except as otherwise provided for broker-dealers,
2 investment advisors, and qualified individuals in subsection
3 (a-1), if ~~if~~ a mandated reporter has reason to believe that the
4 death of an eligible adult may be the result of abuse or
5 neglect, the matter shall be reported to an agency designated
6 to receive such reports under this Act or to the Department for
7 subsequent referral to the appropriate law enforcement agency
8 and the coroner or medical examiner in accordance with
9 subsection (c-5) of Section 3 of this Act.

10 (a-7) Except as otherwise provided for broker-dealers,
11 investment advisors, and qualified individuals in subsection
12 (a-8), any A person making a report under this Act in the
13 belief that it is in the alleged victim's best interest shall
14 be immune from criminal or civil liability or professional
15 disciplinary action on account of making the report,
16 notwithstanding any requirements concerning the
17 confidentiality of information with respect to such eligible
18 adult which might otherwise be applicable.

19 (a-8) A broker-dealer, investment advisor, or qualified
20 individual who in good faith and exercising reasonable care
21 makes a report or disclosure to the Department, the Illinois
22 Securities Department within the Office of the Secretary of
23 State, a designated provider agency, or a designated
24 third-party in accordance with subsection (a-1) shall be
25 immune from any administrative, civil, or criminal liability
26 that might otherwise arise from such report or disclosure or

1 for any failure to notify the eligible adult of the report or
2 disclosure.

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

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

1 investigation of a report of alleged or suspected abuse,
2 abandonment, neglect, financial exploitation, or self-neglect
3 shall be presumed.

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

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

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

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

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

5 (320 ILCS 20/4.3 new)

6 Sec. 4.3. Delaying disbursements or transactions from
7 eligible adult's financial accounts.

8 (a) Delaying disbursements or transactions.

9 (1) In cases of suspected financial exploitation, a
10 broker-dealer or investment advisor may delay a
11 disbursement or transaction from an account of an eligible
12 adult or an account on which an eligible adult is a
13 beneficiary if:

14 (A) the broker-dealer or investment advisor or a
15 qualified individual reasonably believes, after
16 initiating an internal review of the requested
17 disbursement or transaction and the suspected
18 financial exploitation, that the requested
19 disbursement or transaction may result in financial
20 exploitation of an eligible adult; and

21 (B) the broker-dealer or investment advisor:

22 (i) immediately, but in no event more than 2
23 business days after the requested disbursement or
24 transaction, provides written notification of the
25 delay and the reason for the delay to all parties

1 authorized to transact business on the account,
2 unless any such party is reasonably believed to
3 have engaged in suspected or attempted financial
4 exploitation of the eligible adult;

5 (ii) immediately, but in no event more than 2
6 business days after the requested disbursement or
7 transaction, notifies the Department, or a
8 provider agency designated to receive such
9 reports; and

10 (iii) continues its internal review of the
11 suspected or attempted financial exploitation of
12 the eligible adult, as necessary, and reports the
13 investigation's results to the Department, or a
14 provider agency designated to receive such
15 reports, within 7 business days after the
16 requested disbursement or transaction.

17 (2) Any delay of a disbursement or transaction as
18 authorized by this subsection shall expire upon the sooner
19 of:

20 (A) a determination by the broker-dealer or
21 investment advisor that the disbursement or
22 transaction will not result in financial exploitation
23 of the eligible adult; or

24 (B) no later than 15 business days after the date
25 the broker-dealer or investment advisor initially
26 imposed the temporary hold on the disbursement or

1 transaction, unless it is terminated or extended by a
2 State regulator, agency with competent jurisdiction,
3 or court of competent jurisdiction; or

4 (C) if, after conducting an internal review, the
5 broker-dealer or investment advisor reasonably
6 believes that financial exploitation of the eligible
7 adult has occurred, is occurring, has been attempted,
8 or will be attempted, the temporary hold may be
9 extended by the broker-dealer or investment advisor
10 for no more than 10 business days beyond the
11 expiration date established in subparagraph (B),
12 unless otherwise terminated or extended by a State
13 regulator, agency with competent jurisdiction, or
14 court of competent jurisdiction; or

15 (D) if, following the internal review, the
16 broker-dealer or investment advisor reasonably
17 believes that the financial exploitation of the
18 eligible adult has occurred, is occurring, has been
19 attempted, or will be attempted, and has notified a
20 State regulator, agency with competent jurisdiction,
21 or a court of competent jurisdiction of such belief,
22 the temporary hold may be extended by the
23 broker-dealer or investment advisor for up to 30
24 business days from the expiration date outlined in
25 subparagraph (C), unless otherwise terminated or
26 extended by a State regulator, agency with competent

1 jurisdiction, or court of competent jurisdiction.

2 (3) A court of competent jurisdiction may enter an
3 order extending the delay of the disbursement of funds or
4 transaction, or may order other protective relief based on
5 the petition of the Department, the broker-dealer, or the
6 investment adviser that initiated the delay under this
7 subsection, or other interested party.

8 (b) Immunity for delaying disbursements or transactions. A
9 broker-dealer, investment advisor, or qualified individual
10 who, in good faith and exercising reasonable care, complies
11 with subsection (a) shall be immune from any administrative,
12 civil, or criminal liability that might otherwise arise from
13 such delay in a disbursement or transaction.

14 (c) Records. A broker-dealer, investment advisor, or
15 qualified individual shall provide access to or copies of
16 records that are relevant to the suspected or attempted
17 financial exploitation of an eligible adult to a
18 representative of the Department or a designated provider
19 agency and to law enforcement, either as part of a referral to
20 the Department, the provider agency, or law enforcement, or
21 upon request of the Department, the provider agency, or law
22 enforcement pursuant to an investigation. The records may
23 include historical records as well as records relating to the
24 most recent transaction or transactions that may comprise
25 financial exploitation of an eligible adult. All records made
26 available to the Department or a designated provider agency in

1 accordance with this subsection are confidential and not
2 subject to disclosure under the Freedom of Information Act.
3 Nothing in this subsection shall limit or otherwise impede the
4 authority of the Department or a designated provider agency to
5 access or examine the books and records of broker-dealers,
6 investment advisors, or qualified individuals as otherwise
7 provided in Section 13 of this Act or other applicable law.
8 Disclosure requirements do not apply when such disclosure
9 would be prohibited by federal law or regulation, or State law
10 or regulation, including, but not limited to, FinCEN
11 requirements that strictly prohibit any sharing of suspicious
12 activity reports filed by banks.

13 (320 ILCS 20/13)

14 Sec. 13. Access.

15 (a) In accord with established law and Department
16 protocols, procedures, and policies, the designated provider
17 agencies shall have access to eligible adults who have been
18 reported or found to be victims of abuse, abandonment,
19 neglect, financial exploitation, or self-neglect in order to
20 assess the validity of the report, assess other needs of the
21 eligible adult, and provide services in accordance with this
22 Act.

23 (a-5) A representative of the Department or a designated
24 provider agency that is actively involved in an abuse,
25 abandonment, neglect, financial exploitation, or self-neglect

1 investigation under this Act shall be allowed access to the
2 financial records, including those records described in
3 subsection (c) of Section 4.3, mental and physical health
4 records, and other relevant evaluative records of the eligible
5 adult which are in the possession of any individual, financial
6 institution, broker-dealer, investment advisor, qualified
7 individual, health care provider, mental health provider,
8 educational facility, or other facility if necessary to
9 complete the investigation mandated by this Act. The
10 individual, provider, or facility shall provide such records
11 to the representative upon receipt of a written request and
12 certification from the Department or designated provider
13 agency that an investigation is being conducted under this Act
14 and the records are pertinent to the investigation.

15 Any records received by such representative, the
16 confidentiality of which is protected by another law or rule,
17 shall be maintained as confidential, except for such use as
18 may be necessary for any administrative or other legal
19 proceeding. Nothing in this paragraph shall be construed to
20 abrogate or supersede FinCEN requirements that strictly
21 prohibit any sharing of suspicious activity reports filed by
22 banks.

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

1 where:

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

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

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

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

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