**Section 51.20 Definitions**

*"Abuse" means causing any physical, sexual or mental injury to an adult with disabilities, including exploitation of the adult's financial resources. Nothing in this* Part *shall be construed to mean an adult with disabilities is a victim of abuse or neglect for the sole reason that he or she is being furnished with or relies upon treatment by spiritual means through prayer alone, in accordance with the tenets and practices of a recognized church or religious denomination. Nothing in this* Part *shall be construed to mean an adult with disabilities is a victim of abuse because of health care services provided or not provided by a licensed health care professional.*

"Act" means the Abuse of Adults with Disabilities Intervention Act [20 ILCS 2435].

*"Adult with disabilities" means a person age 18 through 59 who resides in a domestic living situation and whose physical or mental disability impairs his or her ability to seek or obtain protection from abuse, neglect or exploitation.*

*"Adults with Disabilities Abuse Project" or "Project" means the program within the Office of Inspector General designated by the Department of Human Services to receive and assess reports of alleged or suspected abuse, neglect or exploitation of adults with disabilities.*

*"Domestic living situation" means a residence where the adult with disabilities lives alone or with his or her family or household members, a care giver, or others or at a board and care home or other community-based unlicensed facility, but it is not:*

*A licensed facility as defined in Section 1-113 of the Nursing Home Care Act* [210 ILCS 45/1 113].

*A life care facility as defined in the Life Care Facilities Act* [210 ILCS 40].

*A home, institution or other place operated by the federal government, a federal agency, or the State.*

*A hospital, sanitarium, or other institution, the principal activity or business of which is the diagnosis, care, and treatment of human illness through the maintenance and operation of organized facilities and that is required to be licensed under the Hospital Licensing Act* [210 ILCS 85].

*A community living facility as defined in the Community Living Facilities Licensing Act* [210 ILCS 35].

*A community-integrated living arrangement as defined in the Community-Integrated Living Arrangement Act* [210 ILCS 135] *or community residential alternative as licensed under that Act.*

*"Emergency" means a situation in which an adult with disabilities is in danger of death or great bodily harm.*

*"Exploitation" means the illegal, including tortious, use of the assets or resources of an adult with disabilities. Exploitation includes, but is not limited to, the misappropriation of assets or resources of an adult with disabilities by undue influence, by breach of a fiduciary relationship, by fraud, deception or extortion, or by the use of assets or resources in a manner contrary to law.*

*"Family or household members" means a person who as a family member, volunteer or paid care provider has assumed responsibility for all or a portion of the care of an adult with disabilities who needs assistance with the activities of daily living.*

*"Neglect" means the failure of another individual to provide an adult with disabilities with, or the willful withholding from an adult with disabilities of, the necessities of life, including, but not limited to, food, clothing, shelter, or medical care. Nothing in the definition of "neglect" shall be construed to impose a requirement that assistance be provided to an adult with disabilities over his or her objection in the absence of a court order, nor to create any new affirmative duty to provide support, assistance or intervention to an adult with disabilities. Nothing in this* Part *shall be construed to mean that an adult with disabilities is a victim of neglect because of health care services provided or not provided by licensed health care professionals.*

*"Physical abuse" includes sexual abuse and means any of the following:*

*knowing and reckless use of physical force, confinement or restraint;*

*knowing, repeated and unnecessary sleep deprivation; or*

*knowing and reckless conduct which creates an immediate risk of physical harm.*

*"Secretary" means the Secretary of the Department of Human Services.*

*"Sexual abuse" means touching, fondling, sexual threats, sexually inappropriate remarks or other sexual activity with an adult with disabilities when the adult with disabilities is unable to understand, unwilling to consent, threatened or physically forced to engage in sexual behavior.*

*"Substantiated case" means a reported case of alleged or suspected abuse, neglect or exploitation in which the Adults with Disabilities Abuse Project staff, after assessment, determines that there is reason to believe abuse, neglect or exploitation has occurred.* [20 ILCS 2435/15]

"Unfounded case" means a reported case of alleged or suspected abuse, neglect or exploitation in which the Adults with Disabilities Abuse Project staff, after assessment, determines that there is no evidence that abuse, neglect or exploitation occurred.

"Unsubstantiated case" means a reported case of alleged or suspected abuse, neglect or exploitation in which the Adults with Disabilities Abuse Project staff, after assessment, determines that there is insufficient evidence to corroborate the allegation of abuse, neglect or exploitation as reported.

(Source: Amended at 32 Ill. Reg. 14735, effective August 26, 2008)