



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB4309

by Rep. Sara Wojcicki Jimenez

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Frail Individual Family Visitation Protection Act. Provides that the Act may be referred to as the Kasem/Baksys Visitation Law. Defines "frail individual" and other terms. Provides that if a caregiver unreasonably prevents a family member of a frail individual from visiting the frail individual, the court, upon a verified petition by the family member, may order the caregiver to permit visitation between the frail individual and the family member if the court finds that the visitation is in the frail individual's best interests. Provides that in making its determination, the court shall consider the standards provided in the Probate Act of 1975. Provides that the caregiver shall provide a person awarded reasonable visitation with notice of the frail individual's hospitalization or transfer to a healthcare facility, relocation to another residence, and death.

LRB100 15441 HEP 32925 b

1 AN ACT concerning civil law.

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

4 Section 1. Short title; references to Act.

5 (a) Short title. This Act may be cited as the Frail  
6 Individual Family Visitation Protection Act.

7 (b) References to Act. This Act may be referred to as the  
8 Kasem/Baksys Visitation Law.

9 Section 5. Definitions. As used in this Act:

10 "Caregiver" means an individual, including an adult family  
11 member, who is a provider of in-home and community care to an  
12 older individual.

13 "Family member" means the spouse, child, parent, or any  
14 relative of the frail individual.

15 "Frail individual" means an adult who is determined to be  
16 functionally impaired because the individual: (i) is unable to  
17 perform at least 2 activities of daily living without  
18 substantial human assistance, including verbal reminding,  
19 physical cueing, or supervision; or (ii) due to a cognitive or  
20 other mental impairment, requires substantial supervision  
21 because the individual behaves in a manner that poses a serious  
22 health or safety hazard to the individual or to another  
23 individual.

1           Section 10. Visitation with frail individuals. If a  
2 caregiver unreasonably prevents a family member of a frail  
3 individual from visiting the frail individual, the court, upon  
4 a verified petition by the family member, may order the  
5 caregiver to permit regular and reasonable visitation between  
6 the frail individual and the family member if the court finds  
7 that the visitation is in the frail individual's best  
8 interests. In making its determination, the court shall  
9 consider the standards set forth in subsection (e) of Section  
10 11a-17 of the Probate Act of 1975. The caregiver shall provide  
11 a person awarded reasonable visitation under this Act with  
12 notice of the frail individual's hospitalization or transfer to  
13 a healthcare facility, relocation to another residence, and  
14 death.