

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 Section 5 as follows:

6 (320 ILCS 20/5) (from Ch. 23, par. 6605)

7 Sec. 5. Procedure.

8 (a) A provider agency designated to receive reports of
9 alleged or suspected abuse, neglect, financial exploitation,
10 or self-neglect under this Act shall, upon receiving such a
11 report, conduct a face-to-face assessment with respect to such
12 report, in accord with established law and Department
13 protocols, procedures, and policies. Face-to-face assessments,
14 casework, and follow-up of reports of self-neglect by the
15 provider agencies designated to receive reports of
16 self-neglect shall be subject to sufficient appropriation for
17 statewide implementation of assessments, casework, and
18 follow-up of reports of self-neglect. In the absence of
19 sufficient appropriation for statewide implementation of
20 assessments, casework, and follow-up of reports of
21 self-neglect, the designated adult protective services
22 provider agency shall refer all reports of self-neglect to the
23 appropriate agency or agencies as designated by the Department

1 for any follow-up. The assessment shall include, but not be
2 limited to, a visit to the residence of the eligible adult who
3 is the subject of the report and shall ~~may~~ include interviews
4 or consultations regarding the allegations with service
5 agencies, immediate family members, and ~~or~~ individuals who may
6 have knowledge of the eligible adult's circumstances based on
7 the consent of the eligible adult in all instances, except
8 where the provider agency is acting in the best interest of an
9 eligible adult who is unable to seek assistance for himself or
10 herself and where there are allegations against a caregiver who
11 has assumed responsibilities in exchange for compensation. If,
12 after the assessment, the provider agency determines that the
13 case is substantiated it shall develop a service care plan for
14 the eligible adult and may report its findings at any time
15 during the case to the appropriate law enforcement agency in
16 accord with established law and Department protocols,
17 procedures, and policies. In developing a case plan, the
18 provider agency may consult with any other appropriate provider
19 of services, and such providers shall be immune from civil or
20 criminal liability on account of such acts. The plan shall
21 include alternative suggested or recommended services which
22 are appropriate to the needs of the eligible adult and which
23 involve the least restriction of the eligible adult's
24 activities commensurate with his or her needs. Only those
25 services to which consent is provided in accordance with
26 Section 9 of this Act shall be provided, contingent upon the

1 availability of such services.

2 (b) A provider agency shall refer evidence of crimes
3 against an eligible adult to the appropriate law enforcement
4 agency according to Department policies. A referral to law
5 enforcement may be made at intake or any time during the case.
6 Where a provider agency has reason to believe the death of an
7 eligible adult may be the result of abuse or neglect, the
8 agency shall immediately report the matter to the coroner or
9 medical examiner and shall cooperate fully with any subsequent
10 investigation.

11 (c) If any person other than the alleged victim refuses to
12 allow the provider agency to begin an investigation, interferes
13 with the provider agency's ability to conduct an investigation,
14 or refuses to give access to an eligible adult, the appropriate
15 law enforcement agency must be consulted regarding the
16 investigation.

17 (Source: P.A. 98-49, eff. 7-1-13; 98-1039, eff. 8-25-14.)