



Sen. Rachelle Crowe

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1 AMENDMENT TO SENATE BILL 701

2 AMENDMENT NO. _____. Amend Senate Bill 701 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Adult Protective Services Act is amended
5 by changing Sections 2, 3, 3.5, 4, 4.1, 4.2, 5, 7.1, 7.5, 8, 9,
6 13, and 15 and by adding Sections 3.3 and 3.6 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

1 professionals.

2 (a-1) ~~(a)~~ "Abuse" means causing any physical, mental or
3 sexual injury to an eligible adult, including exploitation of
4 such adult's financial resources, and abandonment.

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

11 Nothing in this Act shall be construed to mean that an
12 eligible adult is a victim of abuse because of health care
13 services provided or not provided by licensed health care
14 professionals.

15 (a-5) "Abuser" means a person who abuses, abandons,
16 neglects, or financially exploits an eligible adult.

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

22 (a-7) "Caregiver" means a person who either as a result of
23 a family relationship, voluntarily, or in exchange for
24 compensation has assumed responsibility for all or a portion
25 of the care of an eligible adult who needs assistance with
26 activities of daily living or instrumental activities of daily

1 living.

2 (b) "Department" means the Department on Aging of the
3 State of Illinois.

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

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

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

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

16 (1.5) A facility licensed under the ID/DD Community
17 Care Act;

18 (1.6) A facility licensed under the MC/DD Act;

19 (1.7) A facility licensed under the Specialized Mental
20 Health Rehabilitation Act of 2013;

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

23 (3) A home, institution, or other place operated by
24 the federal government or agency thereof or by the State
25 of Illinois;

26 (4) A hospital, sanitarium, or other institution, the

1 principal activity or business of which is the diagnosis,
2 care, and treatment of human illness through the
3 maintenance and operation of organized facilities
4 therefor, which is required to be licensed under the
5 Hospital Licensing Act;

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

8 (6) (Blank);

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

13 (8) An assisted living or shared housing establishment
14 as defined in the Assisted Living and Shared Housing Act;
15 or

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

18 (e) "Eligible adult" means either an adult with
19 disabilities aged 18 through 59 or a person aged 60 or older
20 who resides in a domestic living situation and is, or is
21 alleged to be, abused, abandoned, neglected, or financially
22 exploited by another individual or who neglects himself or
23 herself. "Eligible adult" also includes an adult who resides
24 in any of the facilities that are excluded from the definition
25 of "domestic living situation" under paragraphs (1) through
26 (9) of subsection (d), if either: (i) the alleged abuse,

1 abandonment, or neglect occurs outside of the facility and not
2 under facility supervision and the alleged abuser is a family
3 member, caregiver, or another person who has a continuing
4 relationship with the adult; or (ii) the alleged financial
5 exploitation is perpetrated by a family member, caregiver, or
6 another person who has a continuing relationship with the
7 adult, but who is not an employee of the facility where the
8 adult resides.

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

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

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

21 (1) a professional or professional's delegate while
22 engaged in: (i) social services, (ii) law enforcement,
23 (iii) education, (iv) the care of an eligible adult or
24 eligible adults, or (v) any of the occupations required to
25 be licensed under the Clinical Psychologist Licensing Act,
26 the Clinical Social Work and Social Work Practice Act, the

1 Illinois Dental Practice Act, the Dietitian Nutritionist
2 Practice Act, the Marriage and Family Therapy Licensing
3 Act, the Medical Practice Act of 1987, the Naprapathic
4 Practice Act, the Nurse Practice Act, the Nursing Home
5 Administrators Licensing and Disciplinary Act, the
6 Illinois Occupational Therapy Practice Act, the Illinois
7 Optometric Practice Act of 1987, the Pharmacy Practice
8 Act, the Illinois Physical Therapy Act, the Physician
9 Assistant Practice Act of 1987, the Podiatric Medical
10 Practice Act of 1987, the Respiratory Care Practice Act,
11 the Professional Counselor and Clinical Professional
12 Counselor Licensing and Practice Act, the Illinois
13 Speech-Language Pathology and Audiology Practice Act, the
14 Veterinary Medicine and Surgery Practice Act of 2004, and
15 the Illinois Public Accounting Act;

16 (1.5) an employee of an entity providing developmental
17 disabilities services or service coordination funded by
18 the Department of Human Services;

19 (2) an employee of a vocational rehabilitation
20 facility prescribed or supervised by the Department of
21 Human Services;

22 (3) an administrator, employee, or person providing
23 services in or through an unlicensed community based
24 facility;

25 (4) any religious practitioner who provides treatment
26 by prayer or spiritual means alone in accordance with the

1 tenets and practices of a recognized church or religious
2 denomination, except as to information received in any
3 confession or sacred communication enjoined by the
4 discipline of the religious denomination to be held
5 confidential;

6 (5) field personnel of the Department of Healthcare
7 and Family Services, Department of Public Health, and
8 Department of Human Services, and any county or municipal
9 health department;

10 (6) personnel of the Department of Human Services, the
11 Guardianship and Advocacy Commission, the State Fire
12 Marshal, local fire departments, the Department on Aging
13 and its subsidiary Area Agencies on Aging and provider
14 agencies, and the Office of State Long Term Care
15 Ombudsman;

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

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

23 (9) a person who performs the duties of a paramedic or
24 an emergency medical technician.

25 (g) "Neglect" means another individual's failure to
26 provide an eligible adult with or willful withholding from an

1 eligible adult the necessities of life including, but not
2 limited to, food, clothing, shelter or health care. This
3 subsection does not create any new affirmative duty to provide
4 support to eligible adults. Nothing in this Act shall be
5 construed to mean that an eligible adult is a victim of neglect
6 because of health care services provided or not provided by
7 licensed health care professionals.

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

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

1 Department.

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

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

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

25 (Source: P.A. 99-180, eff. 7-29-15; 100-641, eff. 1-1-19.)

1 (320 ILCS 20/3) (from Ch. 23, par. 6603)

2 Sec. 3. Responsibilities.

3 (a) The Department shall establish, design, and manage a
4 protective services program for eligible adults who have been,
5 or are alleged to be, victims of abuse, abandonment, neglect,
6 financial exploitation, or self-neglect. The Department shall
7 contract with or fund, or contract with and fund, regional
8 administrative agencies, provider agencies, or both, for the
9 provision of those functions, and, contingent on adequate
10 funding, with attorneys or legal services provider agencies
11 for the provision of legal assistance pursuant to this Act.
12 For self-neglect, the program shall include the following
13 services for eligible adults who have been removed from their
14 residences for the purpose of cleanup or repairs: temporary
15 housing; counseling; and caseworker services to try to ensure
16 that the conditions necessitating the removal do not reoccur.

17 (a-1) The Department shall by rule develop standards for
18 minimum staffing levels and staff qualifications. The
19 Department shall by rule establish mandatory standards for the
20 investigation of abuse, abandonment, neglect, financial
21 exploitation, or self-neglect of eligible adults and mandatory
22 procedures for linking eligible adults to appropriate services
23 and supports.

24 (a-5) A provider agency shall, in accordance with rules
25 promulgated by the Department, establish a multi-disciplinary
26 team to act in an advisory role for the purpose of providing

1 professional knowledge and expertise in the handling of
2 complex abuse cases involving eligible adults. Each
3 multi-disciplinary team shall consist of one volunteer
4 representative from the following professions: banking or
5 finance; disability care; health care; law; law enforcement;
6 mental health care; and clergy. A provider agency may also
7 choose to add representatives from the fields of substance
8 abuse, domestic violence, sexual assault, or other related
9 fields. To support multi-disciplinary teams in this role, law
10 enforcement agencies and coroners or medical examiners shall
11 supply records as may be requested in particular cases.

12 (b) Each regional administrative agency shall designate
13 provider agencies within its planning and service area with
14 prior approval by the Department on Aging, monitor the use of
15 services, provide technical assistance to the provider
16 agencies and be involved in program development activities.

17 (c) Provider agencies shall assist, to the extent
18 possible, eligible adults who need agency services to allow
19 them to continue to function independently. Such assistance
20 shall include, but not be limited to, receiving reports of
21 alleged or suspected abuse, abandonment, neglect, financial
22 exploitation, or self-neglect, conducting face-to-face
23 assessments of such reported cases, determination of
24 substantiated cases, referral of substantiated cases for
25 necessary support services, referral of criminal conduct to
26 law enforcement in accordance with Department guidelines, and

1 provision of case work and follow-up services on substantiated
2 cases. In the case of a report of alleged or suspected abuse,
3 abandonment, or neglect that places an eligible adult at risk
4 of injury or death, a provider agency shall respond to the
5 report on an emergency basis in accordance with guidelines
6 established by the Department by administrative rule and shall
7 ensure that it is capable of responding to such a report 24
8 hours per day, 7 days per week. A provider agency may use an
9 on-call system to respond to reports of alleged or suspected
10 abuse, abandonment, or neglect after hours and on weekends.

11 (c-5) Where a provider agency has reason to believe that
12 the death of an eligible adult may be the result of abuse,
13 abandonment, or neglect, including any reports made after
14 death, the agency shall immediately report the matter to both
15 the appropriate law enforcement agency and the coroner or
16 medical examiner. Between 30 and 45 days after making such a
17 report, the provider agency again shall contact the law
18 enforcement agency and coroner or medical examiner to
19 determine whether any further action was taken. Upon request
20 by a provider agency, a law enforcement agency and coroner or
21 medical examiner shall supply a summary of its action in
22 response to a reported death of an eligible adult. A copy of
23 the report shall be maintained and all subsequent follow-up
24 with the law enforcement agency and coroner or medical
25 examiner shall be documented in the case record of the
26 eligible adult. If the law enforcement agency, coroner, or

1 medical examiner determines the reported death was caused by
2 abuse, abandonment, or neglect by a caregiver, the law
3 enforcement agency, coroner, or medical examiner shall inform
4 the Department, and the Department shall report the
5 caregiver's identity on the Registry as described in Section
6 7.5 of this Act.

7 (d) Upon sufficient appropriations to implement a
8 statewide program, the Department shall implement a program,
9 based on the recommendations of the Self-Neglect Steering
10 Committee, for (i) responding to reports of possible
11 self-neglect, (ii) protecting the autonomy, rights, privacy,
12 and privileges of adults during investigations of possible
13 self-neglect and consequential judicial proceedings regarding
14 competency, (iii) collecting and sharing relevant information
15 and data among the Department, provider agencies, regional
16 administrative agencies, and relevant seniors, (iv) developing
17 working agreements between provider agencies and law
18 enforcement, where practicable, and (v) developing procedures
19 for collecting data regarding incidents of self-neglect.

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

21 (320 ILCS 20/3.3 new)

22 Sec. 3.3. Adult protective services trauma-informed
23 training.

24 (a) This Section applies to any person who is employed by
25 the Department in the Adult Protective Services division, or

1 is contracted with the Department, and works on the
2 development and implementation of social services to respond
3 to and prevent adult abuse, neglect, or exploitation.

4 (b) Subject to appropriation, the Department shall offer
5 an annual trauma-informed training program that includes (i)
6 instruction on how trauma impacts caseworkers and other
7 employees who respond to and prevent adult abuse, neglect,
8 exploitation, or abandonment, (ii) a review of the meaning and
9 impact of secondary trauma, and (iii) information about
10 strategies to identify and address secondary trauma in
11 caseworkers and other employees who work with adults who may
12 have experienced abuse, neglect, exploitation, or abandonment.

13 (c) Any trauma-informed training offered by the Department
14 shall cover the following:

15 (1) The widespread impact of secondary trauma on
16 caseworkers and other employees who work with adults who
17 may have experienced abuse, neglect, exploitation, or
18 abandonment.

19 (2) An understanding of who is at risk for developing
20 secondary trauma.

21 (3) Relevant and realistic case studies involving
22 traumatic situations that other caseworkers and employees
23 who work with adults who may have experienced abuse,
24 neglect, exploitation, or abandonment have encountered in
25 their work.

26 (4) Symptoms and causes of secondary trauma in

1 caseworkers and other employees who work with adults who
2 may have experienced abuse, neglect, exploitation, or
3 abandonment.

4 (5) Strategies for prevention and intervention in
5 cases of secondary trauma involving caseworkers or other
6 employees who work with adults who may have experienced
7 abuse, neglect, exploitation, or abandonment, including
8 the development of a self-care plan.

9 (6) How to incorporate monitoring and support
10 techniques for employees experiencing secondary trauma
11 into departmental policies, guidelines, and protocols.

12 (d) This Section is designed to address gaps in current
13 trauma-informed training requirements for employees of the
14 Office of Adult Protective Services and to improve the quality
15 of training. If any law or rule existing on the effective date
16 of this amendatory Act of the 102nd General Assembly contains
17 more rigorous training requirements for employees of the
18 Office of Adult Protective Services, then that law or rule
19 applies. If there is overlap between this Section and other
20 laws and rules, the Department shall interpret this Section to
21 avoid duplication of requirements while ensuring that the
22 minimum requirements set in this Section are met.

23 (e) The Department may adopt rules to implement this
24 Section.

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 State Police, the
22 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 State Police, the Illinois Law Enforcement
15 Training Standards Board, the State Triad, the Illinois
16 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;

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; the Department of Financial
15 and Professional Regulation shall retain sole visitation
16 and enforcement authority under this subsection (g-1); the
17 Department of Financial and Professional Regulation shall
18 provide bi-annual reports to the Department setting forth
19 aggregate statistics on the training programs required
20 under this subsection (g-1); and

21 (h) coordinating efforts with utility and electric
22 companies to send notices in utility bills to explain to
23 persons 60 years of age or older their rights regarding
24 telemarketing and home repair fraud.

25 (Source: P.A. 98-49, eff. 7-1-13; 98-1039, eff. 8-25-14;
26 99-143, eff. 7-27-15.)

1 (320 ILCS 20/3.6 new)

2 Sec. 3.6. Elder abuse risk assessment tool.

3 (a) The Department shall develop and implement a
4 demonstration project to allow for the use of a risk
5 assessment tool to assist in identifying elderly persons,
6 including homebound persons, who may be experiencing elder
7 abuse, abandonment, neglect, or exploitation and providing the
8 necessary support to address elder abuse, abandonment,
9 neglect, or exploitation. The Department shall finalize
10 planning on the demonstration project no later than December
11 1, 2023 with implementation beginning no later than January 1,
12 2024. The risk assessment tool shall identify (i) the level of
13 risk for elder abuse, abandonment, neglect, or exploitation;
14 (ii) risk factors causing the abuse, abandonment, neglect, or
15 exploitation; and (iii) appropriate follow-up and action in
16 response to any suspected abuse, abandonment, neglect, or
17 exploitation. In identifying a risk assessment tool, the
18 Department shall coordinate with all of the following:

19 (1) The Department of Healthcare and Family Services.

20 (2) A hospital, hospital system, or a statewide
21 association representing hospitals.

22 (3) A managed care organization or a statewide
23 association representing managed care organizations.

24 (4) A Care Coordination Unit.

25 (5) An Area Agency on Aging or a statewide association

1 representing Area Agencies on Aging.

2 (6) Legal aid providers.

3 (7) A financial institution or a statewide association
4 representing financial institutions.

5 (8) Adult Protective Services providers.

6 (b) The risk assessment tool shall be comprehensive and
7 include all of the following components:

8 (1) Client demographics.

9 (2) Indicators of elder abuse, abandonment, neglect,
10 or exploitation.

11 (3) Contributing risk factors for abuse, abandonment,
12 neglect, or exploitation.

13 (4) Overall level of risk on a scale of low, medium,
14 and high-risk level.

15 (5) Appropriate follow-up and action.

16 (6) Client outcomes.

17 (c) If any hospital employee, social worker, or other
18 employee utilizing the risk assessment tool identifies that an
19 elderly person is at risk for elder abuse, abandonment,
20 neglect, or exploitation, the employee shall utilize the risk
21 assessment tool to refer the elderly person to a managed care
22 organization, legal aid service, Adult Protective Services
23 provider, or other needed services and supports.

24 (d) The Department may adopt rules to implement this
25 Section.

1 (320 ILCS 20/4) (from Ch. 23, par. 6604)

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

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

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

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

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

24 (a-9) Law enforcement officers shall continue to report
25 incidents of alleged abuse pursuant to the Illinois Domestic
26 Violence Act of 1986, notwithstanding any requirements under

1 this Act.

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

25 (c) The identity of a person making a report of alleged or
26 suspected abuse, abandonment, neglect, financial exploitation,

1 or self-neglect under this Act may be disclosed by the
2 Department or other agency provided for in this Act only with
3 such person's written consent or by court order, but is
4 otherwise confidential.

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

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

23 (Source: P.A. 97-860, eff. 7-30-12; 98-49, eff. 7-1-13;
24 98-1039, eff. 8-25-14.)

1 Sec. 4.1. Employer discrimination. No employer shall
2 discharge, demote or suspend, or threaten to discharge, demote
3 or suspend, or in any manner discriminate against any employee
4 who makes any good faith oral or written report of suspected
5 abuse, abandonment, neglect, or financial exploitation or who
6 is or will be a witness or testify in any investigation or
7 proceeding concerning a report of suspected abuse,
8 abandonment, neglect, or financial exploitation.

9 (Source: P.A. 98-49, eff. 7-1-13.)

10 (320 ILCS 20/4.2)

11 Sec. 4.2. Testimony by mandated reporter and investigator.
12 Any mandated reporter who makes a report or any person who
13 investigates a report under this Act shall testify fully in
14 any judicial proceeding resulting from such report, as to any
15 evidence of abuse, abandonment, neglect, or financial
16 exploitation or the cause thereof. Any mandated reporter who
17 is required to report a suspected case of abuse, abandonment,
18 neglect, or financial exploitation under Section 4 of this Act
19 shall testify fully in any administrative hearing resulting
20 from such report, as to any evidence of abuse, abandonment,
21 neglect, or financial exploitation or the cause thereof. No
22 evidence shall be excluded by reason of any common law or
23 statutory privilege relating to communications between the
24 alleged abuser or the eligible adult subject of the report
25 under this Act and the person making or investigating the

1 report.

2 (Source: P.A. 90-628, eff. 1-1-99.)

3 (320 ILCS 20/5) (from Ch. 23, par. 6605)

4 Sec. 5. Procedure.

5 (a) A provider agency designated to receive reports of
6 alleged or suspected abuse, abandonment, neglect, financial
7 exploitation, or self-neglect under this Act shall, upon
8 receiving such a report, conduct a face-to-face assessment
9 with respect to such report, in accord with established law
10 and Department protocols, procedures, and policies.
11 Face-to-face assessments, casework, and follow-up of reports
12 of self-neglect by the provider agencies designated to receive
13 reports of self-neglect shall be subject to sufficient
14 appropriation for statewide implementation of assessments,
15 casework, and follow-up of reports of self-neglect. In the
16 absence of sufficient appropriation for statewide
17 implementation of assessments, casework, and follow-up of
18 reports of self-neglect, the designated adult protective
19 services provider agency shall refer all reports of
20 self-neglect to the appropriate agency or agencies as
21 designated by the Department for any follow-up. The assessment
22 shall include, but not be limited to, a visit to the residence
23 of the eligible adult who is the subject of the report and
24 shall include interviews or consultations regarding the
25 allegations with service agencies, immediate family members,

1 and individuals who may have knowledge of the eligible adult's
2 circumstances based on the consent of the eligible adult in
3 all instances, except where the provider agency is acting in
4 the best interest of an eligible adult who is unable to seek
5 assistance for himself or herself and where there are
6 allegations against a caregiver who has assumed
7 responsibilities in exchange for compensation. If, after the
8 assessment, the provider agency determines that the case is
9 substantiated it shall develop a service care plan for the
10 eligible adult and may report its findings at any time during
11 the case to the appropriate law enforcement agency in accord
12 with established law and Department protocols, procedures, and
13 policies. In developing a case plan, the provider agency may
14 consult with any other appropriate provider of services, and
15 such providers shall be immune from civil or criminal
16 liability on account of such acts. The plan shall include
17 alternative suggested or recommended services which are
18 appropriate to the needs of the eligible adult and which
19 involve the least restriction of the eligible adult's
20 activities commensurate with his or her needs. Only those
21 services to which consent is provided in accordance with
22 Section 9 of this Act shall be provided, contingent upon the
23 availability of such services.

24 (b) A provider agency shall refer evidence of crimes
25 against an eligible adult to the appropriate law enforcement
26 agency according to Department policies. A referral to law

1 enforcement may be made at intake or any time during the case.
2 Where a provider agency has reason to believe the death of an
3 eligible adult may be the result of abuse, abandonment, or
4 neglect, the agency shall immediately report the matter to the
5 coroner or medical examiner and shall cooperate fully with any
6 subsequent investigation.

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

13 (Source: P.A. 101-496, eff. 1-1-20.)

14 (320 ILCS 20/7.1)

15 Sec. 7.1. Final investigative report. A provider agency
16 shall prepare a final investigative report, upon the
17 completion or closure of an investigation, in all cases of
18 reported abuse, abandonment, neglect, financial exploitation,
19 or self-neglect of an eligible adult, whether or not there is a
20 substantiated finding.

21 (Source: P.A. 98-49, eff. 7-1-13.)

22 (320 ILCS 20/7.5)

23 Sec. 7.5. Registry.

24 (a) To protect individuals receiving in-home and

1 community-based services, the Department on Aging shall
2 establish an Adult Protective Service Registry that will be
3 hosted by the Department of Public Health on its website
4 effective January 1, 2015, and, if practicable, shall propose
5 rules for the Registry by January 1, 2015.

6 (a-5) The Registry shall identify caregivers against whom
7 a verified and substantiated finding was made under this Act
8 of abuse, abandonment, neglect, or financial exploitation.

9 The information in the Registry shall be confidential
10 except as specifically authorized in this Act and shall not be
11 deemed a public record.

12 (a-10) Reporting to the Registry. The Department on Aging
13 shall report to the Registry the identity of the caregiver
14 when a verified and substantiated finding of abuse,
15 abandonment, neglect, or financial exploitation of an eligible
16 adult under this Act is made against a caregiver, and all
17 appeals, challenges, and reviews, if any, have been completed
18 and a finding for placement on the Registry has been sustained
19 or upheld.

20 A finding against a caregiver that is placed in the
21 Registry shall preclude that caregiver from providing direct
22 care, as defined in this Section, in a position with or that is
23 regulated by or paid with public funds from the Department on
24 Aging, the Department of Healthcare and Family Services, the
25 Department of Human Services, or the Department of Public
26 Health or with an entity or provider licensed, certified, or

1 regulated by or paid with public funds from any of these State
2 agencies.

3 (b) Definitions. As used in this Section:

4 "Direct care" includes, but is not limited to, direct
5 access to a person aged 60 or older or to an adult with
6 disabilities aged 18 through 59, his or her living quarters,
7 or his or her personal, financial, or medical records for the
8 purpose of providing nursing care or assistance with feeding,
9 dressing, movement, bathing, toileting, other personal needs
10 and activities of daily living or instrumental activities of
11 daily living, or assistance with financial transactions.

12 "Participant" means an individual who uses the services of
13 an in-home care program funded through the Department on
14 Aging, the Department of Healthcare and Family Services, the
15 Department of Human Services, or the Department of Public
16 Health.

17 (c) Access to and use of the Registry. Access to the
18 Registry shall be limited to the Department on Aging, the
19 Department of Healthcare and Family Services, the Department
20 of Human Services, and the Department of Public Health and
21 providers of direct care as described in subsection (a-10) of
22 this Section. These State agencies and providers shall not
23 hire, compensate either directly or on behalf of a
24 participant, or utilize the services of any person seeking to
25 provide direct care without first conducting an online check
26 of whether the person has been placed on the Registry. These

1 State agencies and providers shall maintain a copy of the
2 results of the online check to demonstrate compliance with
3 this requirement. These State agencies and providers are
4 prohibited from retaining, hiring, compensating either
5 directly or on behalf of a participant, or utilizing the
6 services of a person to provide direct care if the online check
7 of the person reveals a verified and substantiated finding of
8 abuse, abandonment, neglect, or financial exploitation that
9 has been placed on the Registry or when the State agencies or
10 providers otherwise gain knowledge of such placement on the
11 Registry. Failure to comply with this requirement may subject
12 such a provider to corrective action by the appropriate
13 regulatory agency or other lawful remedies provided under the
14 applicable licensure, certification, or regulatory laws and
15 rules.

16 (d) Notice to caregiver. The Department on Aging shall
17 establish rules concerning notice to the caregiver in cases of
18 a verified and substantiated finding of abuse, abandonment,
19 neglect, or financial exploitation against him or her that may
20 make him or her eligible for placement on the Registry.

21 (e) Notification to eligible adults, guardians, or agents.
22 As part of its investigation, the Department on Aging shall
23 notify an eligible adult, or an eligible adult's guardian or
24 agent, that his or her caregiver's name may be placed on the
25 Registry based on a finding as described in subsection (a-10)
26 of this Section.

1 (f) Notification to employer. The Department on Aging
2 shall notify the appropriate State agency or provider of
3 direct care, as described in subsection (a-10), when there is
4 a verified and substantiated finding of abuse, abandonment,
5 neglect, or financial exploitation in a case under this Act
6 that is reported on the Registry and that involves one of its
7 caregivers. That State agency or provider is prohibited from
8 retaining or compensating that individual in a position that
9 involves direct care, and if there is an imminent risk of
10 danger to the victim or an imminent risk of misuse of personal,
11 medical, or financial information, that caregiver shall
12 immediately be barred from providing direct care to the victim
13 pending the outcome of any challenge, appeal, criminal
14 prosecution, or other type of collateral action.

15 (g) Challenges and appeals. The Department on Aging shall
16 establish, by rule, procedures concerning challenges and
17 appeals to placement on the Registry pursuant to legislative
18 intent. The Department shall not make any report to the
19 Registry pending challenges or appeals.

20 (h) Caregiver's rights to collateral action. The
21 Department on Aging shall not make any report to the Registry
22 if a caregiver notifies the Department in writing that he or
23 she is formally challenging an adverse employment action
24 resulting from a verified and substantiated finding of abuse,
25 abandonment, neglect, or financial exploitation by complaint
26 filed with the Illinois Civil Service Commission, or by

1 another means which seeks to enforce the caregiver's rights
2 pursuant to any applicable collective bargaining agreement. If
3 an action taken by an employer against a caregiver as a result
4 of such a finding is overturned through an action filed with
5 the Illinois Civil Service Commission or under any applicable
6 collective bargaining agreement after that caregiver's name
7 has already been sent to the Registry, the caregiver's name
8 shall be removed from the Registry.

9 (i) Removal from Registry. At any time after a report to
10 the Registry, but no more than once in each successive 3-year
11 period thereafter, for a maximum of 3 such requests, a
12 caregiver may request removal of his or her name from the
13 Registry in relationship to a single incident. The caregiver
14 shall bear the burden of establishing, by a preponderance of
15 the evidence, that removal of his or her name from the Registry
16 is in the public interest. Upon receiving such a request, the
17 Department on Aging shall conduct an investigation and
18 consider any evidentiary material provided. The Department
19 shall issue a decision either granting or denying removal to
20 the caregiver and report it to the Registry. The Department
21 shall, by rule, establish standards and a process for
22 requesting the removal of a name from the Registry.

23 (j) Referral of Registry reports to health care
24 facilities. In the event an eligible adult receiving services
25 from a provider agency changes his or her residence from a
26 domestic living situation to that of a health care or long term

1 care facility, the provider agency shall use reasonable
2 efforts to promptly inform the facility and the appropriate
3 Regional Long Term Care Ombudsman about any Registry reports
4 relating to the eligible adult. For purposes of this Section,
5 a health care or long term care facility includes, but is not
6 limited to, any residential facility licensed, certified, or
7 regulated by the Department of Public Health, Healthcare and
8 Family Services, or Human Services.

9 (k) The Department on Aging and its employees and agents
10 shall have immunity, except for intentional willful and wanton
11 misconduct, from any liability, civil, criminal, or otherwise,
12 for reporting information to and maintaining the Registry.

13 (Source: P.A. 98-49, eff. 1-1-14; 98-756, eff. 7-16-14;
14 98-1039, eff. 8-25-14; 99-78, eff. 7-20-15.)

15 (320 ILCS 20/8) (from Ch. 23, par. 6608)

16 Sec. 8. Access to records. All records concerning reports
17 of abuse, abandonment, neglect, financial exploitation, or
18 self-neglect 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) An executor or administrator of the estate of an
19 eligible adult who is deceased;

20 (5) In cases regarding abuse, abandonment, neglect, or
21 financial exploitation, a court or a guardian ad litem,
22 upon its or his or her finding that access to such records
23 may be necessary for the determination of an issue before
24 the court. However, such access shall be limited to an in
25 camera inspection of the records, unless the court
26 determines that disclosure of the information contained

1 therein is necessary for the resolution of an issue then
2 pending before it;

3 (5.5) In cases regarding self-neglect, a guardian ad
4 litem;

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

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

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

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

24 (9) Department of Financial and Professional
25 Regulation staff and members of the Illinois Medical
26 Disciplinary Board or the Social Work Examining and

1 Disciplinary Board in the course of investigating alleged
2 violations of the Clinical Social Work and Social Work
3 Practice Act by provider agency staff or other licensing
4 bodies at the discretion of the Director of the Department
5 on Aging;

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

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

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

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

23 (12) The Illinois Guardianship and Advocacy Commission
24 and the agency designated by the Governor under Section 1
25 of the Protection and Advocacy for Persons with
26 Developmental Disabilities Act shall have access, through

1 the Department, to records, including the findings,
2 pertaining to a completed or closed investigation of a
3 report of suspected abuse, abandonment, neglect, financial
4 exploitation, or self-neglect of an eligible adult.

5 (Source: P.A. 98-49, eff. 7-1-13; 98-1039, eff. 8-25-14;
6 99-143, eff. 7-27-15; 99-287, eff. 1-1-16; 99-547, eff.
7 7-15-16; 99-642, eff. 7-28-16.)

8 (320 ILCS 20/9) (from Ch. 23, par. 6609)

9 Sec. 9. Authority to consent to services.

10 (a) If an eligible adult consents to an assessment of a
11 reported incident of suspected abuse, abandonment, neglect,
12 financial exploitation, or self-neglect and, following the
13 assessment of such report, consents to services being provided
14 according to the case plan, such services shall be arranged to
15 meet the adult's needs, based upon the availability of
16 resources to provide such services. If an adult withdraws his
17 or her consent for an assessment of the reported incident or
18 withdraws his or her consent for services and refuses to
19 accept such services, the services shall not be provided.

20 (b) If it reasonably appears to the Department or other
21 agency designated under this Act that a person is an eligible
22 adult and lacks the capacity to consent to an assessment of a
23 reported incident of suspected abuse, abandonment, neglect,
24 financial exploitation, or self-neglect or to necessary
25 services, the Department or other agency shall take

1 appropriate action necessary to ameliorate risk to the
2 eligible adult if there is a threat of ongoing harm or another
3 emergency exists. The Department or other agency shall be
4 authorized to seek the appointment of a temporary guardian as
5 provided in Article XIa of the Probate Act of 1975 for the
6 purpose of consenting to an assessment of the reported
7 incident and such services, together with an order for an
8 evaluation of the eligible adult's physical, psychological,
9 and medical condition and decisional capacity.

10 (c) A guardian of the person of an eligible adult may
11 consent to an assessment of the reported incident and to
12 services being provided according to the case plan. If an
13 eligible adult lacks capacity to consent, an agent having
14 authority under a power of attorney may consent to an
15 assessment of the reported incident and to services. If the
16 guardian or agent is the suspected abuser and he or she
17 withdraws consent for the assessment of the reported incident,
18 or refuses to allow services to be provided to the eligible
19 adult, the Department, an agency designated under this Act, or
20 the office of the Attorney General may request a court order
21 seeking appropriate remedies, and may in addition request
22 removal of the guardian and appointment of a successor
23 guardian or request removal of the agent and appointment of a
24 guardian.

25 (d) If an emergency exists and the Department or other
26 agency designated under this Act reasonably believes that a

1 person is an eligible adult and lacks the capacity to consent
2 to necessary services, the Department or other agency may
3 request an ex parte order from the circuit court of the county
4 in which the petitioner or respondent resides or in which the
5 alleged abuse, abandonment, neglect, financial exploitation,
6 or self-neglect occurred, authorizing an assessment of a
7 report of alleged or suspected abuse, abandonment, neglect,
8 financial exploitation, or self-neglect or the provision of
9 necessary services, or both, including relief available under
10 the Illinois Domestic Violence Act of 1986 in accord with
11 established law and Department protocols, procedures, and
12 policies. Petitions filed under this subsection shall be
13 treated as expedited proceedings. When an eligible adult is at
14 risk of serious injury or death and it reasonably appears that
15 the eligible adult lacks capacity to consent to necessary
16 services, the Department or other agency designated under this
17 Act may take action necessary to ameliorate the risk in
18 accordance with administrative rules promulgated by the
19 Department.

20 (d-5) For purposes of this Section, an eligible adult
21 "lacks the capacity to consent" if qualified staff of an
22 agency designated under this Act reasonably determine, in
23 accordance with administrative rules promulgated by the
24 Department, that he or she appears either (i) unable to
25 receive and evaluate information related to the assessment or
26 services or (ii) unable to communicate in any manner decisions

1 related to the assessment of the reported incident or
2 services.

3 (e) Within 15 days after the entry of the ex parte
4 emergency order, the order shall expire, or, if the need for
5 assessment of the reported incident or services continues, the
6 provider agency shall petition for the appointment of a
7 guardian as provided in Article XIa of the Probate Act of 1975
8 for the purpose of consenting to such assessment or services
9 or to protect the eligible adult from further harm.

10 (f) If the court enters an ex parte order under subsection
11 (d) for an assessment of a reported incident of alleged or
12 suspected abuse, abandonment, neglect, financial exploitation,
13 or self-neglect, or for the provision of necessary services in
14 connection with alleged or suspected self-neglect, or for
15 both, the court, as soon as is practicable thereafter, shall
16 appoint a guardian ad litem for the eligible adult who is the
17 subject of the order, for the purpose of reviewing the
18 reasonableness of the order. The guardian ad litem shall
19 review the order and, if the guardian ad litem reasonably
20 believes that the order is unreasonable, the guardian ad litem
21 shall file a petition with the court stating the guardian ad
22 litem's belief and requesting that the order be vacated.

23 (g) In all cases in which there is a substantiated finding
24 of abuse, abandonment, neglect, or financial exploitation by a
25 guardian, the Department shall, within 30 days after the
26 finding, notify the Probate Court with jurisdiction over the

1 guardianship.

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

3 (320 ILCS 20/13)

4 Sec. 13. Access.

5 (a) In accord with established law and Department
6 protocols, procedures, and policies, the designated provider
7 agencies shall have access to eligible adults who have been
8 reported or found to be victims of abuse, abandonment,
9 neglect, financial exploitation, or self-neglect in order to
10 assess the validity of the report, assess other needs of the
11 eligible adult, and provide services in accordance with this
12 Act.

13 (a-5) A representative of the Department or a designated
14 provider agency that is actively involved in an abuse,
15 abandonment, neglect, financial exploitation, or self-neglect
16 investigation under this Act shall be allowed access to the
17 financial records, mental and physical health records, and
18 other relevant evaluative records of the eligible adult which
19 are in the possession of any individual, financial
20 institution, health care provider, mental health provider,
21 educational facility, or other facility if necessary to
22 complete the investigation mandated by this Act. The provider
23 or facility shall provide such records to the representative
24 upon receipt of a written request and certification from the
25 Department or designated provider agency that an investigation

1 is being conducted under this Act and the records are
2 pertinent to the investigation.

3 Any records received by such representative, the
4 confidentiality of which is protected by another law or rule,
5 shall be maintained as confidential, except for such use as
6 may be necessary for any administrative or other legal
7 proceeding.

8 (b) Where access to an eligible adult is denied, including
9 the refusal to provide requested records, the Office of the
10 Attorney General, the Department, or the provider agency may
11 petition the court for an order to require appropriate access
12 where:

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

15 (2) the agency has reason to believe that the eligible
16 adult is denying access because of coercion, extortion, or
17 justifiable fear of future abuse, abandonment, neglect, or
18 financial exploitation.

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

21 (d) If the provider agency has substantiated financial
22 exploitation against an eligible adult, and has documented a
23 reasonable belief that the eligible adult will be irreparably
24 harmed as a result of the financial exploitation, the Office
25 of the Attorney General, the Department, or the provider
26 agency may petition for an order freezing the assets of the

1 eligible adult. The petition shall be filed in the county or
2 counties in which the assets are located. The court's order
3 shall prohibit the sale, gifting, transfer, or wasting of the
4 assets of the eligible adult, both real and personal, owned
5 by, or vested in, the eligible adult, without the express
6 permission of the court. The petition to freeze the assets of
7 the eligible adult shall be afforded an expedited hearing in
8 the circuit court.

9 (Source: P.A. 98-1039, eff. 8-25-14.)

10 (320 ILCS 20/15)

11 Sec. 15. Fatality review teams.

12 (a) State policy.

13 (1) Both the State and the community maintain a
14 commitment to preventing the abuse, abandonment, neglect,
15 and financial exploitation of at-risk adults. This
16 includes a charge to bring perpetrators of crimes against
17 at-risk adults to justice and prevent untimely deaths in
18 the community.

19 (2) When an at-risk adult dies, the response to the
20 death by the community, law enforcement, and the State
21 must include an accurate and complete determination of the
22 cause of death, and the development and implementation of
23 measures to prevent future deaths from similar causes.

24 (3) Multidisciplinary and multi-agency reviews of
25 deaths can assist the State and counties in developing a

1 greater understanding of the incidence and causes of
2 premature deaths and the methods for preventing those
3 deaths, improving methods for investigating deaths, and
4 identifying gaps in services to at-risk adults.

5 (4) Access to information regarding the deceased
6 person and his or her family by multidisciplinary and
7 multi-agency fatality review teams is necessary in order
8 to fulfill their purposes and duties.

9 (a-5) Definitions. As used in this Section:

10 "Advisory Council" means the Illinois Fatality Review
11 Team Advisory Council.

12 "Review Team" means a regional interagency fatality
13 review team.

14 (b) The Director, in consultation with the Advisory
15 Council, law enforcement, and other professionals who work in
16 the fields of investigating, treating, or preventing abuse,
17 abandonment, or neglect of at-risk adults, shall appoint
18 members to a minimum of one review team in each of the
19 Department's planning and service areas. Each member of a
20 review team shall be appointed for a 2-year term and shall be
21 eligible for reappointment upon the expiration of the term. A
22 review team's purpose in conducting review of at-risk adult
23 deaths is: (i) to assist local agencies in identifying and
24 reviewing suspicious deaths of adult victims of alleged,
25 suspected, or substantiated abuse, abandonment, or neglect in
26 domestic living situations; (ii) to facilitate communications

1 between officials responsible for autopsies and inquests and
2 persons involved in reporting or investigating alleged or
3 suspected cases of abuse, abandonment, neglect, or financial
4 exploitation of at-risk adults and persons involved in
5 providing services to at-risk adults; (iii) to evaluate means
6 by which the death might have been prevented; and (iv) to
7 report its findings to the appropriate agencies and the
8 Advisory Council and make recommendations that may help to
9 reduce the number of at-risk adult deaths caused by abuse, abandonment,
10 abandonment, and neglect and that may help to improve the
11 investigations of deaths of at-risk adults and increase
12 prosecutions, if appropriate.

13 (b-5) Each such team shall be composed of representatives
14 of entities and individuals including, but not limited to:

15 (1) the Department on Aging;

16 (2) coroners or medical examiners (or both);

17 (3) State's Attorneys;

18 (4) local police departments;

19 (5) forensic units;

20 (6) local health departments;

21 (7) a social service or health care agency that
22 provides services to persons with mental illness, in a
23 program whose accreditation to provide such services is
24 recognized by the Division of Mental Health within the
25 Department of Human Services;

26 (8) a social service or health care agency that

1 provides services to persons with developmental
2 disabilities, in a program whose accreditation to provide
3 such services is recognized by the Division of
4 Developmental Disabilities within the Department of Human
5 Services;

6 (9) a local hospital, trauma center, or provider of
7 emergency medicine;

8 (10) providers of services for eligible adults in
9 domestic living situations; and

10 (11) a physician, psychiatrist, or other health care
11 provider knowledgeable about abuse, abandonment, and
12 neglect of at-risk adults.

13 (c) A review team shall review cases of deaths of at-risk
14 adults occurring in its planning and service area (i)
15 involving blunt force trauma or an undetermined manner or
16 suspicious cause of death; (ii) if requested by the deceased's
17 attending physician or an emergency room physician; (iii) upon
18 referral by a health care provider; (iv) upon referral by a
19 coroner or medical examiner; (v) constituting an open or
20 closed case from an adult protective services agency, law
21 enforcement agency, State's Attorney's office, or the
22 Department of Human Services' Office of the Inspector General
23 that involves alleged or suspected abuse, abandonment,
24 neglect, or financial exploitation; or (vi) upon referral by a
25 law enforcement agency or State's Attorney's office. If such a
26 death occurs in a planning and service area where a review team

1 has not yet been established, the Director shall request that
2 the Advisory Council or another review team review that death.
3 A team may also review deaths of at-risk adults if the alleged
4 abuse, abandonment, or neglect occurred while the person was
5 residing in a domestic living situation.

6 A review team shall meet not less than 4 times a year to
7 discuss cases for its possible review. Each review team, with
8 the advice and consent of the Department, shall establish
9 criteria to be used in discussing cases of alleged, suspected,
10 or substantiated abuse, abandonment, or neglect for review and
11 shall conduct its activities in accordance with any applicable
12 policies and procedures established by the Department.

13 (c-5) The Illinois Fatality Review Team Advisory Council,
14 consisting of one member from each review team in Illinois,
15 shall be the coordinating and oversight body for review teams
16 and activities in Illinois. The Director may appoint to the
17 Advisory Council any ex-officio members deemed necessary.
18 Persons with expertise needed by the Advisory Council may be
19 invited to meetings. The Advisory Council must select from its
20 members a chairperson and a vice-chairperson, each to serve a
21 2-year term. The chairperson or vice-chairperson may be
22 selected to serve additional, subsequent terms. The Advisory
23 Council must meet at least 4 times during each calendar year.

24 The Department may provide or arrange for the staff
25 support necessary for the Advisory Council to carry out its
26 duties. The Director, in cooperation and consultation with the

1 Advisory Council, shall appoint, reappoint, and remove review
2 team members.

3 The Advisory Council has, but is not limited to, the
4 following duties:

5 (1) To serve as the voice of review teams in Illinois.

6 (2) To oversee the review teams in order to ensure
7 that the review teams' work is coordinated and in
8 compliance with State statutes and the operating protocol.

9 (3) To ensure that the data, results, findings, and
10 recommendations of the review teams are adequately used in
11 a timely manner to make any necessary changes to the
12 policies, procedures, and State statutes in order to
13 protect at-risk adults.

14 (4) To collaborate with the Department in order to
15 develop any legislation needed to prevent unnecessary
16 deaths of at-risk adults.

17 (5) To ensure that the review teams' review processes
18 are standardized in order to convey data, findings, and
19 recommendations in a usable format.

20 (6) To serve as a link with review teams throughout
21 the country and to participate in national review team
22 activities.

23 (7) To provide the review teams with the most current
24 information and practices concerning at-risk adult death
25 review and related topics.

26 (8) To perform any other functions necessary to

1 enhance the capability of the review teams to reduce and
2 prevent at-risk adult fatalities.

3 The Advisory Council may prepare an annual report, in
4 consultation with the Department, using aggregate data
5 gathered by review teams and using the review teams'
6 recommendations to develop education, prevention, prosecution,
7 or other strategies designed to improve the coordination of
8 services for at-risk adults and their families.

9 In any instance where a review team does not operate in
10 accordance with established protocol, the Director, in
11 consultation and cooperation with the Advisory Council, must
12 take any necessary actions to bring the review team into
13 compliance with the protocol.

14 (d) Any document or oral or written communication shared
15 within or produced by the review team relating to a case
16 discussed or reviewed by the review team is confidential and
17 is not admissible as evidence in any civil or criminal
18 proceeding, except for use by a State's Attorney's office in
19 prosecuting a criminal case against a caregiver. Those records
20 and information are, however, subject to discovery or
21 subpoena, and are admissible as evidence, to the extent they
22 are otherwise available to the public.

23 Any document or oral or written communication provided to
24 a review team by an individual or entity, and created by that
25 individual or entity solely for the use of the review team, is
26 confidential, is not subject to disclosure to or discoverable

1 by another party, and is not admissible as evidence in any
2 civil or criminal proceeding, except for use by a State's
3 Attorney's office in prosecuting a criminal case against a
4 caregiver. Those records and information are, however, subject
5 to discovery or subpoena, and are admissible as evidence, to
6 the extent they are otherwise available to the public.

7 Each entity or individual represented on the fatality
8 review team may share with other members of the team
9 information in the entity's or individual's possession
10 concerning the decedent who is the subject of the review or
11 concerning any person who was in contact with the decedent, as
12 well as any other information deemed by the entity or
13 individual to be pertinent to the review. Any such information
14 shared by an entity or individual with other members of the
15 review team is confidential. The intent of this paragraph is
16 to permit the disclosure to members of the review team of any
17 information deemed confidential or privileged or prohibited
18 from disclosure by any other provision of law. Release of
19 confidential communication between domestic violence advocates
20 and a domestic violence victim shall follow subsection (d) of
21 Section 227 of the Illinois Domestic Violence Act of 1986
22 which allows for the waiver of privilege afforded to
23 guardians, executors, or administrators of the estate of the
24 domestic violence victim. This provision relating to the
25 release of confidential communication between domestic
26 violence advocates and a domestic violence victim shall

1 exclude adult protective service providers.

2 A coroner's or medical examiner's office may share with
3 the review team medical records that have been made available
4 to the coroner's or medical examiner's office in connection
5 with that office's investigation of a death.

6 Members of a review team and the Advisory Council are not
7 subject to examination, in any civil or criminal proceeding,
8 concerning information presented to members of the review team
9 or the Advisory Council or opinions formed by members of the
10 review team or the Advisory Council based on that information.
11 A person may, however, be examined concerning information
12 provided to a review team or the Advisory Council.

13 (d-5) Meetings of the review teams and the Advisory
14 Council may be closed to the public under the Open Meetings
15 Act. Records and information provided to a review team and the
16 Advisory Council, and records maintained by a team or the
17 Advisory Council, are exempt from release under the Freedom of
18 Information Act.

19 (e) A review team's recommendation in relation to a case
20 discussed or reviewed by the review team, including, but not
21 limited to, a recommendation concerning an investigation or
22 prosecution, may be disclosed by the review team upon the
23 completion of its review and at the discretion of a majority of
24 its members who reviewed the case.

25 (e-5) The State shall indemnify and hold harmless members
26 of a review team and the Advisory Council for all their acts,

1 omissions, decisions, or other conduct arising out of the
2 scope of their service on the review team or Advisory Council,
3 except those involving willful or wanton misconduct. The
4 method of providing indemnification shall be as provided in
5 the State Employee Indemnification Act.

6 (f) The Department, in consultation with coroners, medical
7 examiners, and law enforcement agencies, shall use aggregate
8 data gathered by and recommendations from the Advisory Council
9 and the review teams to create an annual report and may use
10 those data and recommendations to develop education,
11 prevention, prosecution, or other strategies designed to
12 improve the coordination of services for at-risk adults and
13 their families. The Department or other State or county
14 agency, in consultation with coroners, medical examiners, and
15 law enforcement agencies, also may use aggregate data gathered
16 by the review teams to create a database of at-risk
17 individuals.

18 (g) The Department shall adopt such rules and regulations
19 as it deems necessary to implement this Section.

20 (Source: P.A. 98-49, eff. 7-1-13; 98-1039, eff. 8-25-14;
21 99-78, eff. 7-20-15; 99-530, eff. 1-1-17.)

22 Section 10. The Criminal Code of 2012 is amended by
23 changing Sections 3-5 and 17-56 as follows:

24 (720 ILCS 5/3-5) (from Ch. 38, par. 3-5)

1 Sec. 3-5. General limitations.

2 (a) A prosecution for: (1) first degree murder, attempt to
3 commit first degree murder, second degree murder, involuntary
4 manslaughter, reckless homicide, a violation of subparagraph
5 (F) of paragraph (1) of subsection (d) of Section 11-501 of the
6 Illinois Vehicle Code for the offense of aggravated driving
7 under the influence of alcohol, other drug or drugs, or
8 intoxicating compound or compounds, or any combination thereof
9 when the violation was a proximate cause of a death, leaving
10 the scene of a motor vehicle accident involving death or
11 personal injuries under Section 11-401 of the Illinois Vehicle
12 Code, failing to give information and render aid under Section
13 11-403 of the Illinois Vehicle Code, concealment of homicidal
14 death, treason, arson, residential arson, aggravated arson,
15 forgery, child pornography under paragraph (1) of subsection
16 (a) of Section 11-20.1, or aggravated child pornography under
17 paragraph (1) of subsection (a) of Section 11-20.1B, or (2)
18 any offense involving sexual conduct or sexual penetration, as
19 defined by Section 11-0.1 of this Code may be commenced at any
20 time.

21 (a-5) A prosecution for theft of property exceeding
22 \$100,000 in value under Section 16-1, identity theft under
23 subsection (a) of Section 16-30, aggravated identity theft
24 under subsection (b) of Section 16-30, financial exploitation
25 of an elderly person or a person with a disability under
26 Section 17-56; theft by deception of a victim 60 years of age

1 or older or a person with a disability under Section 16-1; or
2 any offense set forth in Article 16H or Section 17-10.6 may be
3 commenced within 7 years of the last act committed in
4 furtherance of the crime.

5 (b) Unless the statute describing the offense provides
6 otherwise, or the period of limitation is extended by Section
7 3-6, a prosecution for any offense not designated in
8 subsection (a) or (a-5) must be commenced within 3 years after
9 the commission of the offense if it is a felony, or within one
10 year and 6 months after its commission if it is a misdemeanor.

11 (Source: P.A. 100-149, eff. 1-1-18; 100-863, eff. 8-14-18;
12 101-130, eff. 1-1-20.)

13 (720 ILCS 5/17-56) (was 720 ILCS 5/16-1.3)

14 Sec. 17-56. Financial exploitation of an elderly person or
15 a person with a disability.

16 (a) A person commits financial exploitation of an elderly
17 person or a person with a disability when he or she stands in a
18 position of trust or confidence with the elderly person or a
19 person with a disability and he or she knowingly:

20 (1) by deception or intimidation obtains control over
21 the property of an elderly person or a person with a
22 disability; or

23 (2) illegally uses the assets or resources of an
24 elderly person or a person with a disability.

25 (b) Sentence. Financial exploitation of an elderly person

1 or a person with a disability is: (1) a Class 4 felony if the
2 value of the property is \$300 or less, (2) a Class 3 felony if
3 the value of the property is more than \$300 but less than
4 \$5,000, (3) a Class 2 felony if the value of the property is
5 \$5,000 or more but less than \$50,000, and (4) a Class 1 felony
6 if the value of the property is \$50,000 or more or if the
7 elderly person is over 70 years of age and the value of the
8 property is \$15,000 or more or if the elderly person is 80
9 years of age or older and the value of the property is \$5,000
10 or more.

11 (c) For purposes of this Section:

12 (1) "Elderly person" means a person 60 years of age or
13 older.

14 (2) "Person with a disability" means a person who
15 suffers from a physical or mental impairment resulting
16 from disease, injury, functional disorder or congenital
17 condition that impairs the individual's mental or physical
18 ability to independently manage his or her property or
19 financial resources, or both.

20 (3) "Intimidation" means the communication to an
21 elderly person or a person with a disability that he or she
22 shall be deprived of food and nutrition, shelter,
23 prescribed medication or medical care and treatment or
24 conduct as provided in Section 12-6 of this Code.

25 (4) "Deception" means, in addition to its meaning as
26 defined in Section 15-4 of this Code, a misrepresentation

1 or concealment of material fact relating to the terms of a
2 contract or agreement entered into with the elderly person
3 or person with a disability or to the existing or
4 pre-existing condition of any of the property involved in
5 such contract or agreement; or the use or employment of
6 any misrepresentation, false pretense or false promise in
7 order to induce, encourage or solicit the elderly person
8 or person with a disability to enter into a contract or
9 agreement.

10 The illegal use of the assets or resources of an elderly
11 person or a person with a disability includes, but is not
12 limited to, the misappropriation of those assets or resources
13 by undue influence, breach of a fiduciary relationship, fraud,
14 deception, extortion, or use of the assets or resources
15 contrary to law.

16 A person stands in a position of trust and confidence with
17 an elderly person or person with a disability when he (i) is a
18 parent, spouse, adult child or other relative by blood or
19 marriage of the elderly person or person with a disability,
20 (ii) is a joint tenant or tenant in common with the elderly
21 person or person with a disability, (iii) has a legal or
22 fiduciary relationship with the elderly person or person with
23 a disability, (iv) is a financial planning or investment
24 professional, ~~or~~ (v) is a paid or unpaid caregiver for the
25 elderly person or person with a disability, or (vi) is a friend
26 or acquaintance in a position of trust.

1 (d) Limitations. Nothing in this Section shall be
2 construed to limit the remedies available to the victim under
3 the Illinois Domestic Violence Act of 1986.

4 (e) Good faith efforts. Nothing in this Section shall be
5 construed to impose criminal liability on a person who has
6 made a good faith effort to assist the elderly person or person
7 with a disability in the management of his or her property, but
8 through no fault of his or her own has been unable to provide
9 such assistance.

10 (f) Not a defense. It shall not be a defense to financial
11 exploitation of an elderly person or person with a disability
12 that the accused reasonably believed that the victim was not
13 an elderly person or person with a disability. Consent is not a
14 defense to financial exploitation of an elderly person or a
15 person with a disability if the accused knew or had reason to
16 know that the elderly person or a person with a disability
17 lacked capacity to consent.

18 (g) Civil Liability. A civil cause of action exists for
19 financial exploitation of an elderly person or a person with a
20 disability as described in subsection (a) of this Section. A
21 person against whom a civil judgment has been entered for
22 financial exploitation of an elderly person or person with a
23 disability shall be liable to the victim or to the estate of
24 the victim in damages of treble the amount of the value of the
25 property obtained, plus reasonable attorney fees and court
26 costs. In a civil action under this subsection, the burden of

1 proof that the defendant committed financial exploitation of
2 an elderly person or a person with a disability as described in
3 subsection (a) of this Section shall be by a preponderance of
4 the evidence. This subsection shall be operative whether or
5 not the defendant has been charged or convicted of the
6 criminal offense as described in subsection (a) of this
7 Section. This subsection (g) shall not limit or affect the
8 right of any person to bring any cause of action or seek any
9 remedy available under the common law, or other applicable
10 law, arising out of the financial exploitation of an elderly
11 person or a person with a disability.

12 (h) If a person is charged with financial exploitation of
13 an elderly person or a person with a disability that involves
14 the taking or loss of property valued at more than \$5,000, a
15 prosecuting attorney may file a petition with the circuit
16 court of the county in which the defendant has been charged to
17 freeze the assets of the defendant in an amount equal to but
18 not greater than the alleged value of lost or stolen property
19 in the defendant's pending criminal proceeding for purposes of
20 restitution to the victim. The burden of proof required to
21 freeze the defendant's assets shall be by a preponderance of
22 the evidence.

23 (Source: P.A. 101-394, eff. 1-1-20.)

24 Section 15. The Home Repair Fraud Act is amended by
25 changing Section 3 as follows:

1 (815 ILCS 515/3) (from Ch. 121 1/2, par. 1603)

2 Sec. 3. Home Repair Fraud.

3 (a) A person commits the offense of home repair fraud when
4 he knowingly enters into an agreement or contract, written or
5 oral, with a person for home repair, and he knowingly:

6 (1) Misrepresents a material fact relating to the
7 terms of the contract or agreement or the preexisting or
8 existing condition of any portion of the property
9 involved, or creates or confirms another's impression
10 which is false and which he does not believe to be true, or
11 promises performance which he does not intend to perform
12 or knows will not be performed or completed at any time
13 during the performance of the service; or

14 (2) uses or employs any deception, false pretense or
15 false promises in order to induce, encourage or solicit
16 such person to enter into any contract or agreement; or

17 (3) enters into an unconscionable agreement or
18 contract requiring payment to the contractor of at least
19 \$4,000. A contract is unconscionable within the meaning of
20 this Act when an unreasonable difference exists between
21 the value of the services, materials and work to be
22 performed and the amount charged for those services,
23 materials and work. For purposes of this Section, prima
24 facie evidence shall exist that the contract or agreement
25 is unconscionable if the total payment called for by the

1 contract or agreement is in excess of four times the fair
2 market value for those services, materials and work; or

3 (4) fails to comply with the provisions of "An Act in
4 relation to the use of an assumed name in the conduct or
5 transaction of business in this State", approved July 17,
6 1941, as amended, and misrepresents or conceals either his
7 real name, the name of his business, or his business
8 address.

9 (b) A person commits the offense of home repair fraud when
10 he knowingly:

11 (1) damages the property of a person with the intent
12 to enter into an agreement or contract for home repair; or

13 (2) misrepresents himself or another to be an employee
14 or agent of any unit of the federal, State or municipal
15 government or any other governmental unit, or an employee
16 or agent of any public utility, with the intent to cause a
17 person to enter into, with himself or another, any
18 contract or agreement for home repair.

19 (c) For purposes of subsection (a), paragraph (1), it
20 shall be a rebuttable presumption of intent or knowledge that
21 a person promises performance which he does not intend to
22 perform and knows will not be performed when, after no
23 performance or no substantial performance of a contract or
24 agreement for home repair, he fails or refuses to return
25 payments made by the victim and he:

26 (1) fails to acknowledge or respond to a written

1 demand for commencement or completion of home repair
2 within 10 days after such demand is mailed or presented to
3 him by the victim or by the victim's legal representative
4 or by a law enforcement or consumer agency acting on
5 behalf of the victim; or

6 (2) fails to notify the victim in writing of a change
7 of business name or address prior to the completion of the
8 home repair; or

9 (3) makes false statements or representations to the
10 victim to excuse his non-performance or non-substantial
11 performance; or

12 (4) uses deception to obtain the victim's consent to
13 modification of the terms of the original contract or
14 agreement; or

15 (5) fails to employ qualified personnel necessary to
16 perform the home repair; or

17 (6) fails to order or purchase the basic materials
18 required for performance of the home repair; or

19 (7) fails to comply with municipal, county, State or
20 federal regulations or codes relating to the performance
21 of home repair.

22 Intent and knowledge shall be determined by an evaluation
23 of all circumstances surrounding a transaction and the
24 determination shall not be limited to the time of contract or
25 agreement.

26 Substantial performance shall not include work performed

1 in a manner of little or no value or work that fails to comply
2 with the appropriate municipal, county, State or federal
3 regulations or codes.
4 (Source: P.A. 87-820.)".