

1 AN ACT in relation to aging.

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

4 Section 5. The Elder Abuse and Neglect Act is amended by
5 changing Sections 2, 3, 3.5, 4, 5, 8, 9, and 13 as follows:

6 (320 ILCS 20/2) (from Ch. 23, par. 6602)

7 Sec. 2. Definitions. As used in this Act, unless the
8 context requires otherwise:

9 (a) "Abuse" means causing any physical, mental or sexual
10 injury to an eligible adult, including exploitation of such
11 adult's financial resources.

12 Nothing in this Act shall be construed to mean that an
13 eligible adult is a victim of abuse, ~~or~~ neglect, or
14 self-neglect for the sole reason that he or she is being
15 furnished with or relies upon treatment by spiritual means
16 through prayer alone, in accordance with the tenets and
17 practices of a recognized church or religious denomination.

18 Nothing in this Act shall be construed to mean that an
19 eligible adult is a victim of abuse because of health care
20 services provided or not provided by licensed health care
21 professionals.

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

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

29 (b) "Department" means the Department on Aging of the State
30 of Illinois.

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

32 (d) "Domestic living situation" means a residence where the

1 eligible adult lives alone or with his or her family or a
2 caregiver, or others, or a board and care home or other
3 community-based unlicensed facility, but is not:

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

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

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

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

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

19 (6) A "community residential alternative" as defined
20 in the Community Residential Alternatives Licensing Act;
21 ~~and~~

22 (7) A "community-integrated living arrangement" as
23 defined in the Community-Integrated Living Arrangements
24 Licensure and Certification Act; ~~and~~

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

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

30 (e) "Eligible adult" means a person 60 years of age or
31 older who resides in a domestic living situation and is, or is
32 alleged to be, abused, neglected, or financially exploited by
33 another individual or who neglects himself or herself.

34 (f) "Emergency" means a situation in which an eligible
35 adult is living in conditions presenting a risk of death or
36 physical, mental or sexual injury and the provider agency has

1 reason to believe the eligible adult is unable to consent to
2 services which would alleviate that risk.

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

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

27 (2) an employee of a vocational rehabilitation
28 facility prescribed or supervised by the Department of
29 Human Services;

30 (3) an administrator, employee, or person providing
31 services in or through an unlicensed community based
32 facility;

33 (4) any religious practitioner who provides treatment
34 by prayer or spiritual means alone in accordance with the
35 tenets and practices of a recognized church or religious
36 denomination, except as to information received in any

1 confession or sacred communication enjoined by the
2 discipline of the religious denomination to be held
3 confidential ~~a Christian Science Practitioner;~~

4 (5) field personnel of the Department of Public Aid,
5 Department of Public Health, and Department of Human
6 Services, and any county or municipal health department;

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

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

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

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

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

30 (h) "Provider agency" means any public or nonprofit agency
31 in a planning and service area appointed by the regional
32 administrative agency with prior approval by the Department on
33 Aging to receive and assess reports of alleged or suspected
34 abuse, neglect, or financial exploitation.

35 (i) "Regional administrative agency" means any public or
36 nonprofit agency in a planning and service area so designated

1 by the Department, provided that the designated Area Agency on
2 Aging shall be designated the regional administrative agency if
3 it so requests. The Department shall assume the functions of
4 the regional administrative agency for any planning and service
5 area where another agency is not so designated.

6 (i-5) "Self-neglect" means a condition that is the result
7 of an eligible adult's inability, due to physical or mental
8 impairments, or both, or a diminished capacity, to perform
9 essential self-care tasks that substantially threaten his or
10 her own health, including: providing essential food, clothing,
11 shelter, and health care; and obtaining goods and services
12 necessary to maintain physical health, mental health,
13 emotional well-being, and general safety.

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

19 (Source: P.A. 92-16, eff. 6-28-01; 93-281 eff. 12-31-03;
20 93-300, eff. 1-1-04; revised 9-22-03.)

21 (320 ILCS 20/3) (from Ch. 23, par. 6603)

22 Sec. 3. Responsibilities.

23 (a) The Department shall establish, design and manage a
24 program of response and services for persons 60 years of age
25 and older who have been, or are alleged to be, victims of
26 abuse, neglect, ~~or~~ financial exploitation, or self-neglect.
27 The Department shall contract with or fund or, contract with
28 and fund, regional administrative agencies, provider agencies,
29 or both, for the provision of those functions, and, contingent
30 on adequate funding, with attorneys or legal services provider
31 agencies for the provision of legal assistance pursuant to this
32 Act.

33 (b) Each regional administrative agency shall designate
34 provider agencies within its planning and service area with
35 prior approval by the Department on Aging, monitor the use of

1 services, provide technical assistance to the provider
2 agencies and be involved in program development activities.

3 (c) Provider agencies shall assist, to the extent possible,
4 eligible adults who need agency services to allow them to
5 continue to function independently. Such assistance shall
6 include but not be limited to receiving reports of alleged or
7 suspected abuse, neglect, ~~or~~ financial exploitation, or
8 self-neglect, conducting face-to-face assessments of such
9 reported cases, determination of substantiated cases, referral
10 of substantiated cases for necessary support services,
11 referral of criminal conduct to law enforcement in accordance
12 with Department guidelines, and provision of case work and
13 follow-up services on substantiated cases.

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

15 (320 ILCS 20/3.5)

16 Sec. 3.5. Other Responsibilities. The Department shall
17 also be responsible for the following activities, contingent
18 upon adequate funding:

19 (a) promotion of a wide range of endeavors for the purpose
20 of preventing elder abuse, neglect, ~~and~~ financial
21 exploitation, and self-neglect in both domestic and
22 institutional settings, including, but not limited to,
23 promotion of public and professional education to increase
24 awareness of elder abuse, neglect, ~~and~~ financial exploitation,
25 and self-neglect, to increase reports, and to improve response
26 by various legal, financial, social, and health systems;

27 (b) coordination of efforts with other agencies, councils,
28 and like entities, to include but not be limited to, the Office
29 of the Attorney General, the State Police, the Illinois Law
30 Enforcement Training Standards Board, the State Triad, the
31 Illinois Criminal Justice Information Authority, the
32 Departments of Public Health, Public Aid, and Human Services,
33 the Family Violence Coordinating Council, the Illinois
34 Violence Prevention Authority, and other entities which may
35 impact awareness of, and response to, elder abuse, neglect, ~~and~~

1 financial exploitation, and self-neglect;

2 (c) collection and analysis of data;

3 (d) monitoring of the performance of regional
4 administrative agencies and elder abuse provider agencies;

5 (e) promotion of prevention activities;

6 (f) establishing and coordinating ~~establishment and~~
7 ~~coordination of a~~ an aggressive training program on ~~about~~ the
8 unique nature of elder abuse cases with other agencies,
9 councils, and like entities, to include ~~including~~ but not be
10 limited to the Office of the Attorney General, the State
11 Police, the Illinois Law Enforcement Training Standards Board,
12 the State Triad, the Illinois Criminal Justice Information
13 Authority, the State Departments of Public Health, Public Aid,
14 and Human Services, the Family Violence Coordinating Council,
15 the Illinois Violence Prevention Authority, and other entities
16 that may impact awareness of, and response to, elder abuse,
17 neglect, ~~and~~ financial exploitation, and self-neglect;

18 (g) solicitation of financial institutions for the purpose
19 of making information available to the general public warning
20 of financial exploitation of the elderly and related financial
21 fraud or abuse, including such information and warnings
22 available through signage or other written materials provided
23 by the Department on the premises of such financial
24 institutions, provided that the manner of displaying or
25 distributing such information is subject to the sole discretion
26 of each financial institution; and

27 (h) coordinating ~~coordination of~~ efforts with utility and
28 electric companies to send notices in utility bills to ~~which~~
29 explain to persons 60 years of age or older their ~~elder~~ rights
30 regarding telemarketing and home repair fraud ~~frauds~~.

31 (Source: P.A. 92-16, eff. 6-28-01; 93-300, eff. 1-1-04; 93-301,
32 eff. 1-1-04; revised 1-23-04.)

33 (320 ILCS 20/4) (from Ch. 23, par. 6604)

34 Sec. 4. Reports of abuse or neglect.

35 (a) Any person who suspects the abuse, neglect, ~~or~~

1 financial exploitation, or self-neglect of an eligible adult
2 may report this suspicion to an agency designated to receive
3 such reports under this Act or to the Department.

4 (a-5) If any mandated reporter has reason to believe that
5 an eligible adult, who because of dysfunction is unable to seek
6 assistance for himself or herself, has, within the previous 12
7 months, been subjected to abuse, neglect, or financial
8 exploitation, the mandated reporter shall, within 24 hours
9 after developing such belief, report this suspicion to an
10 agency designated to receive such reports under this Act or to
11 the Department. Whenever a mandated reporter is required to
12 report under this Act in his or her capacity as a member of the
13 staff of a medical or other public or private institution,
14 facility, board and care home, or agency, he or she shall make
15 a report to an agency designated to receive such reports under
16 this Act or to the Department in accordance with the provisions
17 of this Act and may also notify the person in charge of the
18 institution, facility, board and care home, or agency or his or
19 her designated agent that the report has been made. Under no
20 circumstances shall any person in charge of such institution,
21 facility, board and care home, or agency, or his or her
22 designated agent to whom the notification has been made,
23 exercise any control, restraint, modification, or other change
24 in the report or the forwarding of the report to an agency
25 designated to receive such reports under this Act or to the
26 Department. The privileged quality of communication between
27 any professional person required to report and his or her
28 patient or client shall not apply to situations involving
29 abused, neglected, or financially exploited eligible adults
30 and shall not constitute grounds for failure to report as
31 required by this Act.

32 (a-7) A person making a report under this Act in the belief
33 that it is in the alleged victim's best interest shall be
34 immune from criminal or civil liability or professional
35 disciplinary action on account of making the report,
36 notwithstanding any requirements concerning the

1 confidentiality of information with respect to such eligible
2 adult which might otherwise be applicable.

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

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

29 (c) The identity of a person making a report of alleged or
30 suspected abuse or neglect under this Act may be disclosed by
31 the Department or other agency provided for in this Act only
32 with such person's written consent or by court order.

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

35 (e) Any physician who willfully fails to report as required
36 by this Act shall be referred to the Illinois State Medical

1 Disciplinary Board for action in accordance with subdivision
2 (A) (22) of Section 22 of the Medical Practice Act of 1987. Any
3 dentist or dental hygienist who willfully fails to report as
4 required by this Act shall be referred to the Department of
5 Professional Regulation for action in accordance with
6 paragraph 19 of Section 23 of the Illinois Dental Practice Act.
7 Any other mandated reporter required by this Act to report
8 suspected abuse, neglect, or financial exploitation who
9 willfully fails to report the same is guilty of a Class A
10 misdemeanor.

11 (Source: P.A. 93-300, eff. 1-1-04; 93-301, eff. 1-1-04.)

12 (320 ILCS 20/5) (from Ch. 23, par. 6605)

13 Sec. 5. Procedure.

14 (a) A provider agency designated to receive reports of
15 alleged or suspected abuse, neglect, ~~or~~ financial
16 exploitation, or self-neglect under this Act shall, upon
17 receiving such a report, conduct a face-to-face assessment with
18 respect to such report. Face-to-face assessments, casework,
19 and follow-up of reports of self-neglect by the provider
20 agencies designated to receive reports of self-neglect shall be
21 subject to sufficient appropriation for statewide
22 implementation of assessments, casework, and follow-up of
23 reports of self-neglect. In the absence of sufficient
24 appropriation for statewide implementation of assessments,
25 casework, and follow-up of reports of self-neglect, the
26 designated elder abuse provider agency shall refer all reports
27 of self-neglect to the appropriate agency or agencies as
28 designated by the Department for any follow-up. The assessment
29 shall include, but not be limited to, a visit to the residence
30 of the eligible adult who is the subject of the report and may
31 include interviews or consultations with service agencies or
32 individuals who may have knowledge of the eligible adult's
33 circumstances. If, after the assessment, the provider agency
34 determines that the case is substantiated it shall develop a
35 service care plan for the eligible adult and may report its

1 findings to the appropriate law enforcement agency. In
2 developing the plan, the provider agency may consult with any
3 other appropriate provider of services, and such providers
4 shall be immune from civil or criminal liability on account of
5 such acts. The plan shall include alternative suggested or
6 recommended services which are appropriate to the needs of the
7 eligible adult and which involve the least restriction of the
8 eligible adult's activities commensurate with his or her needs.
9 Only those services to which consent is provided in accordance
10 with Section 9 of this Act shall be provided, contingent upon
11 the availability of such services.

12 (a-5) The Illinois Department on Aging shall collaborate
13 with representatives of regional administrative agencies,
14 provider agencies, local law enforcement agencies, State's
15 Attorneys, the Illinois Department of State Police, the
16 Illinois Attorney General, the Illinois Criminal Justice
17 Information Authority, and others, as appropriate, to develop a
18 protocol for dissemination within one year after the effective
19 date of this amendatory Act of the 94th General Assembly. The
20 protocol shall outline (i) the procedure for referral of cases
21 involving elder abuse, neglect, financial exploitation, and
22 self-neglect; (ii) the access to records and information; (iii)
23 the procedure for development of working agreements between
24 provider agencies and law enforcement, where practicable; and
25 (iv) the procedure for data collection of incidents of
26 self-neglect.

27 (b) A provider agency shall refer evidence of crimes
28 against an eligible adult to the appropriate law enforcement
29 agency according to Department policies. A referral to law
30 enforcement may be made at intake or any time during the case.
31 Where a provider agency has reason to believe the death of an
32 eligible adult may be the result of abuse or neglect, the
33 agency shall immediately report the matter to the coroner or
34 medical examiner and shall cooperate fully with any subsequent
35 investigation.

36 (c) If any person other than the alleged victim refuses to

1 allow the provider agency to begin an investigation, interferes
2 with the provider agency's ability to conduct an investigation,
3 or refuses to give access to an eligible adult, the appropriate
4 law enforcement agency must be consulted regarding the
5 investigation.

6 (d) A representative of a provider agency, while
7 investigating a report of alleged or suspected abuse, neglect,
8 financial exploitation, or self-neglect, may, with the
9 eligible adult's consent if he or she is able to consent, take
10 or cause to be taken photographs, videotapes, and digital or
11 electronic recordings of the eligible adult, and of his or her
12 environment, that are relevant to the investigation. All
13 photographs, videotapes, and digital or electronic recordings
14 taken during the course of the investigation are to be treated
15 as records and shall be used only as other records are allowed
16 to be used under this Act.

17 (e) If a provider agency has reason to believe that records
18 not in its possession would be of assistance in an
19 investigation of suspected abuse, neglect, financial
20 exploitation, or self-neglect under this Act, then the provider
21 agency may petition the chief judge, or another judge
22 designated by the chief judge, of the judicial circuit in which
23 the eligible adult resides for the issuance of a subpoena to
24 the holder of the records sought by the provider agency. Upon a
25 showing by the provider agency that the records are relevant to
26 the investigation and upon notice to the holder of the records
27 and notice to the eligible adult or his or her guardian, the
28 court shall direct that a subpoena shall issue to the holder of
29 the records. All records disclosed pursuant to a subpoena
30 issued under this Section shall be treated as records under
31 Section 8 of this Act.

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

33 (320 ILCS 20/8) (from Ch. 23, par. 6608)

34 Sec. 8. Access to records. All records concerning reports
35 of elder abuse, neglect, ~~and~~ financial exploitation, or

1 self-neglect and all records generated as a result of such
2 reports shall be confidential and shall not be disclosed except
3 as specifically authorized by this Act or other applicable law.
4 Access to such records, but not access to the identity of the
5 person or persons making a report of alleged abuse, neglect, ~~or~~
6 financial exploitation, or self-neglect as contained in such
7 records, shall be provided, upon request, ~~allowed~~ to the
8 following persons and for the following persons:

9 (1) Department staff, provider agency staff, other aging
10 network staff, and regional administrative agency staff, including staff of the Chicago Department on Aging while that
11 agency is designated as a regional administrative agency, in
12 the furtherance of their responsibilities under this Act;

14 (2) A law enforcement agency investigating known or
15 suspected elder abuse, neglect, ~~or~~ financial exploitation, or
16 self-neglect. Where a provider agency has reason to believe
17 that the death of an eligible adult may be the result of abuse
18 or neglect, the agency shall immediately provide the
19 appropriate law enforcement agency with all records pertaining
20 to the eligible adult;

21 (3) A physician who has before him or her or who is
22 involved in the treatment of an eligible adult whom he or she
23 reasonably suspects may be abused, neglected, ~~or~~ financially
24 exploited, or self-neglected or who has been referred to the
25 Elder Abuse and Neglect Program;

26 (4) An eligible adult reported to be abused, neglected, ~~or~~
27 financially exploited, or self-neglected, or such adult's
28 guardian unless such guardian is the abuser or the alleged
29 abuser;

30 (5) A court or a guardian ad litem, upon its or his or her
31 finding that access to such records may be necessary for the
32 determination of an issue before the court. However, such
33 access shall be limited to an in camera inspection of the
34 records, unless the court determines that disclosure of the
35 information contained therein is necessary for the resolution
36 of an issue then pending before it;

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

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

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

12 (9) Department of Professional Regulation staff and
13 members of the Social Work Examining and Disciplinary Board in
14 the course of investigating alleged violations of the Clinical
15 Social Work and Social Work Practice Act by provider agency
16 staff.

17 (Source: P.A. 89-387, eff. 8-20-95; 90-628, eff. 1-1-99.)

18 (320 ILCS 20/9) (from Ch. 23, par. 6609)

19 Sec. 9. Authority to consent to services.

20 (a) If an eligible adult consents to services being
21 provided according to the service care plan, such services
22 shall be arranged to meet the adult's needs, based upon the
23 availability of resources to provide such services. If an adult
24 withdraws his or her consent or refuses to accept such
25 services, the services shall not be provided.

26 (b) If it reasonably appears to the Department or other
27 agency designated under this Act that a person is an eligible
28 adult and lacks the capacity to consent to necessary services,
29 including an assessment, the Department or other agency may
30 seek the appointment of a guardian as provided in Article XIa
31 of the Probate Act of 1975 for the purpose of consenting to
32 such services.

33 (c) A guardian of the person of an eligible adult may
34 consent to services being provided according to the service
35 care plan. If a guardian withdraws his or her consent or

1 refuses to allow services to be provided to the eligible adult,
2 the Department, an agency designated under this Act, or the
3 office of the Attorney General may request a court order
4 seeking appropriate remedies, and may in addition request
5 removal of the guardian and appointment of a successor
6 guardian.

7 (d) If an emergency exists and the Department or other
8 agency designated under this Act reasonably believes that a
9 person is an eligible adult and lacks the capacity to consent
10 to necessary services, the Department or other agency may
11 request an ex parte order from the circuit court of the county
12 in which the petitioner or respondent resides or in which the
13 alleged abuse, neglect, ~~or~~ financial exploitation, or
14 self-neglect occurred, authorizing an assessment of a report of
15 alleged or suspected abuse, neglect, ~~or~~ financial
16 exploitation, or self-neglect or the provision of necessary
17 services, or both, including relief available under the
18 Illinois Domestic Violence Act of 1986. Petitions filed under
19 this subsection shall be treated as expedited proceedings.

20 (e) Within 15 days after the entry of the ex parte
21 emergency order, the order shall expire, or, if the need for
22 assessment or services continues, the provider agency shall
23 petition for the appointment of a guardian as provided in
24 Article XIa of the Probate Act of 1975 for the purpose of
25 consenting to such assessment or services or to protect the
26 eligible adult from further harm.

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

28 (320 ILCS 20/13)

29 Sec. 13. Access.

30 (a) The designated provider agencies shall have access to
31 eligible adults who have been reported or found to be victims
32 of abuse, neglect, ~~or~~ financial exploitation, or self-neglect
33 in order to assess the validity of the report, assess other
34 needs of the eligible adult, and provide services in accordance
35 with this Act.

1 (b) Where access to an eligible adult is denied, the Office
2 of the Attorney General, the Department, or the provider agency
3 may petition the court for an order to require appropriate
4 access where:

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

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

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

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

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