

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;~~;~~

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 Healthcare and
5 Family Services ~~Public Aid~~, Department of Public Health,
6 and Department of Human Services, and any county or
7 municipal health department;

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

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

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

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

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

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

36 (i) "Regional administrative agency" means any public or

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

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

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

20 (Source: P.A. 92-16, eff. 6-28-01; 93-281 eff. 12-31-03;
21 93-300, eff. 1-1-04; revised 12-15-05.)

22 (320 ILCS 20/3) (from Ch. 23, par. 6603)

23 Sec. 3. Responsibilities.

24 (a) The Department shall establish, design and manage a
25 program of response and services for persons 60 years of age
26 and older who have been, or are alleged to be, victims of
27 abuse, neglect, ~~or~~ financial exploitation, or self-neglect.

28 The Department shall contract with or fund or, contract with
29 and fund, regional administrative agencies, provider agencies,
30 or both, for the provision of those functions, and, contingent
31 on adequate funding, with attorneys or legal services provider
32 agencies for the provision of legal assistance pursuant to this
33 Act.

34 (b) Each regional administrative agency shall designate
35 provider agencies within its planning and service area with

1 prior approval by the Department on Aging, monitor the use of
2 services, provide technical assistance to the provider
3 agencies and be involved in program development activities.

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

15 (d) By January 1, 2008, the Department on Aging, in
16 cooperation with an Elder Self-Neglect Steering Committee,
17 shall by rule develop protocols, procedures, and policies for
18 (i) responding to reports of possible self-neglect, (ii)
19 protecting the autonomy, rights, privacy, and privileges of
20 adults during investigations of possible self-neglect and
21 consequential judicial proceedings regarding competency, (iii)
22 collecting and sharing relevant information and data among the
23 Department, provider agencies, regional administrative
24 agencies, and relevant seniors, (iv) developing working
25 agreements between provider agencies and law enforcement,
26 where practicable, and (v) developing procedures for
27 collecting data regarding incidents of self-neglect. The Elder
28 Self-Neglect Steering Committee shall be comprised of one
29 person selected by the Elder Abuse Advisory Committee of the
30 Department on Aging; 3 persons selected, on the request of the
31 Director of Aging, by State or regional organizations that
32 advocate for the rights of seniors, at least one of whom shall
33 be a legal assistance attorney who represents seniors in
34 competency proceedings; 2 persons selected, on the request of
35 the Director of Aging, by statewide organizations that
36 represent social workers and other persons who provide direct

1 intervention and care to housebound seniors who are likely to
2 neglect themselves; an expert on geropsychiatry, appointed by
3 the Secretary of Human Services; an expert on issues of
4 physical health associated with seniors, appointed by the
5 Director of Public Health; one representative of a law
6 enforcement agency; one representative of the Chicago
7 Department on Aging; and 3 other persons selected by the
8 Director of Aging, including an expert from an institution of
9 higher education who is familiar with the relevant areas of
10 data collection and study.

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

12 (320 ILCS 20/3.5)

13 Sec. 3.5. Other Responsibilities. The Department shall
14 also be responsible for the following activities, contingent
15 upon adequate funding:

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

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

34 (c) collection and analysis of data;

35 (d) monitoring of the performance of regional

1 administrative agencies and elder abuse provider agencies;

2 (e) promotion of prevention activities;

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

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

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

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

30 (320 ILCS 20/4) (from Ch. 23, par. 6604)

31 Sec. 4. Reports of abuse or neglect.

32 (a) Any person who suspects the abuse, neglect, ~~or~~
33 financial exploitation, or self-neglect of an eligible adult
34 may report this suspicion to an agency designated to receive
35 such reports under this Act or to the Department.

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

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

36 (a-9) Law enforcement officers shall continue to report

1 incidents of alleged abuse pursuant to the Illinois Domestic
2 Violence Act of 1986, notwithstanding any requirements under
3 this Act.

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

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

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

32 (e) Any physician who willfully fails to report as required
33 by this Act shall be referred to the Illinois State Medical
34 Disciplinary Board for action in accordance with subdivision
35 (A) (22) of Section 22 of the Medical Practice Act of 1987. Any
36 dentist or dental hygienist who willfully fails to report as

1 required by this Act shall be referred to the Department of
2 Professional Regulation for action in accordance with
3 paragraph 19 of Section 23 of the Illinois Dental Practice Act.
4 Any other mandated reporter required by this Act to report
5 suspected abuse, neglect, or financial exploitation who
6 willfully fails to report the same is guilty of a Class A
7 misdemeanor.

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

9 (320 ILCS 20/5) (from Ch. 23, par. 6605)

10 Sec. 5. Procedure.

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

1 Department protocols, procedures, and policies. In developing
2 the plan, the provider agency may consult with any other
3 appropriate provider of services, and such providers shall be
4 immune from civil or criminal liability on account of such
5 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 (b) A provider agency shall refer evidence of crimes
13 against an eligible adult to the appropriate law enforcement
14 agency according to Department policies. A referral to law
15 enforcement may be made at intake or any time during the case.
16 Where a provider agency has reason to believe the death of an
17 eligible adult may be the result of abuse or neglect, the
18 agency shall immediately report the matter to the coroner or
19 medical examiner and shall cooperate fully with any subsequent
20 investigation.

21 (c) If any person other than the alleged victim refuses to
22 allow the provider agency to begin an investigation, interferes
23 with the provider agency's ability to conduct an investigation,
24 or refuses to give access to an eligible adult, the appropriate
25 law enforcement agency must be consulted regarding the
26 investigation.

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

28 (320 ILCS 20/8) (from Ch. 23, par. 6608)

29 Sec. 8. Access to records. All records concerning reports
30 of elder abuse, neglect, ~~and~~ financial exploitation, or
31 self-neglect and all records generated as a result of such
32 reports shall be confidential and shall not be disclosed except
33 as specifically authorized by this Act or other applicable law.
34 In accord with established law and Department protocols,
35 procedures, and policies, access ~~Access~~ to such records, but

1 not access to the identity of the person or persons making a
2 report of alleged abuse, neglect, ~~or~~ financial exploitation, or
3 self-neglect as contained in such records, shall be provided,
4 upon request, ~~allowed~~ to the following persons and for the
5 following persons:

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

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

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

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

27 (5) In cases regarding elder abuse, neglect, or financial
28 exploitation, a ~~A~~ court or a guardian ad litem, upon its or his
29 or her finding that access to such records may be necessary for
30 the determination of an issue before the court. However, such
31 access shall be limited to an in camera inspection of the
32 records, unless the court determines that disclosure of the
33 information contained therein is necessary for the resolution
34 of an issue then pending before it;

35 (5.5) In cases regarding self-neglect, a guardian ad litem;

36 (6) A grand jury, upon its determination that access to

1 such records is necessary in the conduct of its official
2 business;

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

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

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

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

17 (320 ILCS 20/9) (from Ch. 23, par. 6609)

18 Sec. 9. Authority to consent to services.

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

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

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

1 the Department, an agency designated under this Act, or the
2 office of the Attorney General may request a court order
3 seeking appropriate remedies, and may in addition request
4 removal of the guardian and appointment of a successor
5 guardian.

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

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

28 (f) If the court enters an ex parte order under subsection
29 (d) for an assessment of a report of alleged or suspected
30 self-neglect, or for the provision of necessary services in
31 connection with alleged or suspected self-neglect, or for both,
32 the court, as soon as is practicable thereafter, shall appoint
33 a guardian ad litem for the eligible adult who is the subject
34 of the order, for the purpose of reviewing the reasonableness
35 of the order. The guardian ad litem shall review the order and,
36 if the guardian ad litem reasonably believes that the order is

1 unreasonable, the guardian ad litem shall file a petition with
2 the court stating the guardian ad litem's belief and requesting
3 that the order be vacated.

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

5 (320 ILCS 20/13)

6 Sec. 13. Access.

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

14 (b) Where access to an eligible adult is denied, the Office
15 of the Attorney General, the Department, or the provider agency
16 may petition the court for an order to require appropriate
17 access where:

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

20 (2) the agency has reason to believe that the eligible
21 adult is denying access because of coercion, extortion, or
22 justifiable fear of future abuse, neglect, or financial
23 exploitation.

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

26 (d) If the elder abuse provider agency has substantiated
27 financial exploitation against an eligible adult, and has
28 documented a reasonable belief that the eligible adult will be
29 irreparably harmed as a result of the financial exploitation,
30 the Office of the Attorney General, the Department, or the
31 provider agency may petition for an order freezing the assets
32 of the eligible adult. The petition shall be filed in the
33 county or counties in which the assets are located. The court's
34 order shall prohibit the sale, gifting, transfer, or wasting of
35 the assets of the eligible adult, both real and personal, owned

1 by, or vested in, the eligible adult, without the express
2 permission of the court. The petition to freeze the assets of
3 the eligible adult shall be afforded an expedited hearing in
4 the circuit court.

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

6 Section 99. Effective date. This Act takes effect January
7 1, 2007.