

HB0187



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB0187

Introduced 1/9/2025, by Rep. Emanuel "Chris" Welch

SYNOPSIS AS INTRODUCED:

320 ILCS 20/4

from Ch. 23, par. 6604

Amends the Adult Protective Services Act. Makes a technical change in a Section concerning reports of abuse, abandonment, or neglect.

LRB104 03591 KTG 13615 b

A BILL FOR

1 AN ACT concerning aging.

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

4 Section 5. The Adult Protective Services Act is amended by
5 changing Section 4 as follows:

6 (320 ILCS 20/4) (from Ch. 23, par. 6604)

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

8 (a) Any person who suspects the ~~the~~ abuse, abandonment,
9 neglect, financial exploitation, or self-neglect of an
10 eligible adult may report this suspicion or information about
11 the suspicious death of an eligible adult to an agency
12 designated to receive such reports under this Act or to the
13 Department.

14 (a-5) If any mandated reporter has reason to believe that
15 an eligible adult, who because of a disability or other
16 condition or impairment is unable to seek assistance for
17 himself or herself, has, within the previous 12 months, been
18 subjected to abuse, abandonment, neglect, or financial
19 exploitation, the mandated reporter shall, within 24 hours
20 after developing such belief, report this suspicion to an
21 agency designated to receive such reports under this Act or to
22 the Department. The agency designated to receive such reports
23 under this Act or the Department may establish a manner in

1 which a mandated reporter can make the required report through
2 an Internet reporting tool. Information sent and received
3 through the Internet reporting tool is subject to the same
4 rules in this Act as other types of confidential reporting
5 established by the designated agency or the Department.
6 Whenever a mandated reporter is required to report under this
7 Act in his or her capacity as a member of the staff of a
8 medical or other public or private institution, facility, or
9 agency, he or she shall make a report to an agency designated
10 to receive such reports under this Act or to the Department in
11 accordance with the provisions of this Act and may also notify
12 the person in charge of the institution, facility, or agency
13 or his or her designated agent that the report has been made.
14 Under no circumstances shall any person in charge of such
15 institution, facility, or agency, or his or her designated
16 agent to whom the notification has been made, exercise any
17 control, restraint, modification, or other change in the
18 report or the forwarding of the report to an agency designated
19 to receive such reports under this Act or to the Department.
20 The privileged quality of communication between any
21 professional person required to report and his or her patient
22 or client shall not apply to situations involving abused,
23 abandoned, neglected, or financially exploited eligible adults
24 and shall not constitute grounds for failure to report as
25 required by this Act.

26 (a-6) If a mandated reporter has reason to believe that

1 the death of an eligible adult may be the result of abuse or
2 neglect, the matter shall be reported to an agency designated
3 to receive such reports under this Act or to the Department for
4 subsequent referral to the appropriate law enforcement agency
5 and the coroner or medical examiner in accordance with
6 subsection (c-5) of Section 3 of this Act.

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

14 (a-9) Law enforcement officers shall continue to report
15 incidents of alleged abuse pursuant to the Illinois Domestic
16 Violence Act of 1986, notwithstanding any requirements under
17 this Act.

18 (b) Any person, institution or agency participating in the
19 making of a report, providing information or records related
20 to a report, assessment, or services, or participating in the
21 investigation of a report under this Act in good faith, or
22 taking photographs or x-rays as a result of an authorized
23 assessment, shall have immunity from any civil, criminal or
24 other liability in any civil, criminal or other proceeding
25 brought in consequence of making such report or assessment or
26 on account of submitting or otherwise disclosing such

1 photographs or x-rays to any agency designated to receive
2 reports of alleged or suspected abuse, abandonment, or
3 neglect. Any person, institution or agency authorized by the
4 Department to provide assessment, intervention, or
5 administrative services under this Act shall, in the good
6 faith performance of those services, have immunity from any
7 civil, criminal or other liability in any civil, criminal, or
8 other proceeding brought as a consequence of the performance
9 of those services. For the purposes of any civil, criminal, or
10 other proceeding, the good faith of any person required to
11 report, permitted to report, or participating in an
12 investigation of a report of alleged or suspected abuse,
13 abandonment, neglect, financial exploitation, or self-neglect
14 shall be presumed.

15 (c) The identity of a person making a report of alleged or
16 suspected abuse, abandonment, neglect, financial exploitation,
17 or self-neglect or a report concerning information about the
18 suspicious death of an eligible adult under this Act may be
19 disclosed by the Department or other agency provided for in
20 this Act only with such person's written consent or by court
21 order, but is otherwise confidential.

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

24 (e) Any physician who willfully fails to report as
25 required by this Act shall be referred to the Illinois State
26 Medical Disciplinary Board for action in accordance with

1 subdivision (A) (22) of Section 22 of the Medical Practice Act
2 of 1987. Any dentist or dental hygienist who willfully fails
3 to report as required by this Act shall be referred to the
4 Department of Financial and Professional Regulation for
5 possible disciplinary action. Any optometrist who willfully
6 fails to report as required by this Act shall be referred to
7 the Department of Financial and Professional Regulation for
8 action in accordance with paragraph (15) of subsection (a) of
9 Section 24 of the Illinois Optometric Practice Act of 1987.
10 Any other mandated reporter required by this Act to report
11 suspected abuse, abandonment, neglect, or financial
12 exploitation who willfully fails to report the same is guilty
13 of a Class A misdemeanor.

14 (Source: P.A. 102-244, eff. 1-1-22; 103-329, eff. 1-1-24;
15 103-626, eff. 1-1-25.)