



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB1551

Introduced 2/4/2025, by Sen. Steve Stadelman

SYNOPSIS AS INTRODUCED:

5 ILCS 140/7	
320 ILCS 20/2	from Ch. 23, par. 6602
320 ILCS 20/4	from Ch. 23, par. 6604
320 ILCS 20/4.3 new	
320 ILCS 20/13	

Amends the Adult Protective Services Act. Expands the list of mandated reporters under the Act to include a broker-dealer and any qualified individual who serves in a supervisory, compliance, or legal capacity for a broker-dealer or investment advisor. Permits a broker-dealer or investment advisor to delay a disbursement from an account of an eligible adult or an account on which an eligible adult is a beneficiary in cases of suspected financial exploitation. Sets forth certain actions a broker-dealer or investment advisor must take, including notifying the Department on Aging, of the requested disbursement and suspected financial exploitation. Contains provisions setting forth conditions upon which a delay of a disbursement shall expire; immunity for delaying disbursements; and financial records access. Makes conforming changes throughout the Act. Expands the definition of "financial exploitation" to include (1) the wrongful or unauthorized taking, withholding, appropriation, or use of money, assets, or property of an eligible adult; or (2) any act or omission taken by a person, including through the use of a power of attorney, guardianship, or conservatorship of an eligible adult, to: (A) obtain control over the eligible adult's money, assets, or property; or (B) convert money, assets, or property of the eligible adult to deprive such eligible adult of the ownership, use, benefit, or possession of his or her money, assets, or property.

LRB104 07489 KTG 17532 b

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 Freedom of Information Act is amended by
5 changing Section 7 as follows:

6 (5 ILCS 140/7)

7 Sec. 7. Exemptions.

8 (1) When a request is made to inspect or copy a public
9 record that contains information that is exempt from
10 disclosure under this Section, but also contains information
11 that is not exempt from disclosure, the public body may elect
12 to redact the information that is exempt. The public body
13 shall make the remaining information available for inspection
14 and copying. Subject to this requirement, the following shall
15 be exempt from inspection and copying:

16 (a) Information specifically prohibited from
17 disclosure by federal or State law or rules and
18 regulations implementing federal or State law.

19 (b) Private information, unless disclosure is required
20 by another provision of this Act, a State or federal law,
21 or a court order.

22 (b-5) Files, documents, and other data or databases
23 maintained by one or more law enforcement agencies and

1 specifically designed to provide information to one or
2 more law enforcement agencies regarding the physical or
3 mental status of one or more individual subjects.

4 (c) Personal information contained within public
5 records, the disclosure of which would constitute a
6 clearly unwarranted invasion of personal privacy, unless
7 the disclosure is consented to in writing by the
8 individual subjects of the information. "Unwarranted
9 invasion of personal privacy" means the disclosure of
10 information that is highly personal or objectionable to a
11 reasonable person and in which the subject's right to
12 privacy outweighs any legitimate public interest in
13 obtaining the information. The disclosure of information
14 that bears on the public duties of public employees and
15 officials shall not be considered an invasion of personal
16 privacy.

17 (d) Records in the possession of any public body
18 created in the course of administrative enforcement
19 proceedings, and any law enforcement or correctional
20 agency for law enforcement purposes, but only to the
21 extent that disclosure would:

22 (i) interfere with pending or actually and
23 reasonably contemplated law enforcement proceedings
24 conducted by any law enforcement or correctional
25 agency that is the recipient of the request;

26 (ii) interfere with active administrative

1 enforcement proceedings conducted by the public body
2 that is the recipient of the request;

3 (iii) create a substantial likelihood that a
4 person will be deprived of a fair trial or an impartial
5 hearing;

6 (iv) unavoidably disclose the identity of a
7 confidential source, confidential information
8 furnished only by the confidential source, or persons
9 who file complaints with or provide information to
10 administrative, investigative, law enforcement, or
11 penal agencies; except that the identities of
12 witnesses to traffic crashes, traffic crash reports,
13 and rescue reports shall be provided by agencies of
14 local government, except when disclosure would
15 interfere with an active criminal investigation
16 conducted by the agency that is the recipient of the
17 request;

18 (v) disclose unique or specialized investigative
19 techniques other than those generally used and known
20 or disclose internal documents of correctional
21 agencies related to detection, observation, or
22 investigation of incidents of crime or misconduct, and
23 disclosure would result in demonstrable harm to the
24 agency or public body that is the recipient of the
25 request;

26 (vi) endanger the life or physical safety of law

1 enforcement personnel or any other person; or
2 (vii) obstruct an ongoing criminal investigation
3 by the agency that is the recipient of the request.

4 (d-5) A law enforcement record created for law
5 enforcement purposes and contained in a shared electronic
6 record management system if the law enforcement agency
7 that is the recipient of the request did not create the
8 record, did not participate in or have a role in any of the
9 events which are the subject of the record, and only has
10 access to the record through the shared electronic record
11 management system.

12 (d-6) Records contained in the Officer Professional
13 Conduct Database under Section 9.2 of the Illinois Police
14 Training Act, except to the extent authorized under that
15 Section. This includes the documents supplied to the
16 Illinois Law Enforcement Training Standards Board from the
17 Illinois State Police and Illinois State Police Merit
18 Board.

19 (d-7) Information gathered or records created from the
20 use of automatic license plate readers in connection with
21 Section 2-130 of the Illinois Vehicle Code.

22 (e) Records that relate to or affect the security of
23 correctional institutions and detention facilities.

24 (e-5) Records requested by persons committed to the
25 Department of Corrections, Department of Human Services
26 Division of Mental Health, or a county jail if those

1 materials are available in the library of the correctional
2 institution or facility or jail where the inmate is
3 confined.

4 (e-6) Records requested by persons committed to the
5 Department of Corrections, Department of Human Services
6 Division of Mental Health, or a county jail if those
7 materials include records from staff members' personnel
8 files, staff rosters, or other staffing assignment
9 information.

10 (e-7) Records requested by persons committed to the
11 Department of Corrections or Department of Human Services
12 Division of Mental Health if those materials are available
13 through an administrative request to the Department of
14 Corrections or Department of Human Services Division of
15 Mental Health.

16 (e-8) Records requested by a person committed to the
17 Department of Corrections, Department of Human Services
18 Division of Mental Health, or a county jail, the
19 disclosure of which would result in the risk of harm to any
20 person or the risk of an escape from a jail or correctional
21 institution or facility.

22 (e-9) Records requested by a person in a county jail
23 or committed to the Department of Corrections or
24 Department of Human Services Division of Mental Health,
25 containing personal information pertaining to the person's
26 victim or the victim's family, including, but not limited

1 to, a victim's home address, home telephone number, work
2 or school address, work telephone number, social security
3 number, or any other identifying information, except as
4 may be relevant to a requester's current or potential case
5 or claim.

6 (e-10) Law enforcement records of other persons
7 requested by a person committed to the Department of
8 Corrections, Department of Human Services Division of
9 Mental Health, or a county jail, including, but not
10 limited to, arrest and booking records, mug shots, and
11 crime scene photographs, except as these records may be
12 relevant to the requester's current or potential case or
13 claim.

14 (f) Preliminary drafts, notes, recommendations,
15 memoranda, and other records in which opinions are
16 expressed, or policies or actions are formulated, except
17 that a specific record or relevant portion of a record
18 shall not be exempt when the record is publicly cited and
19 identified by the head of the public body. The exemption
20 provided in this paragraph (f) extends to all those
21 records of officers and agencies of the General Assembly
22 that pertain to the preparation of legislative documents.

23 (g) Trade secrets and commercial or financial
24 information obtained from a person or business where the
25 trade secrets or commercial or financial information are
26 furnished under a claim that they are proprietary,

1 privileged, or confidential, and that disclosure of the
2 trade secrets or commercial or financial information would
3 cause competitive harm to the person or business, and only
4 insofar as the claim directly applies to the records
5 requested.

6 The information included under this exemption includes
7 all trade secrets and commercial or financial information
8 obtained by a public body, including a public pension
9 fund, from a private equity fund or a privately held
10 company within the investment portfolio of a private
11 equity fund as a result of either investing or evaluating
12 a potential investment of public funds in a private equity
13 fund. The exemption contained in this item does not apply
14 to the aggregate financial performance information of a
15 private equity fund, nor to the identity of the fund's
16 managers or general partners. The exemption contained in
17 this item does not apply to the identity of a privately
18 held company within the investment portfolio of a private
19 equity fund, unless the disclosure of the identity of a
20 privately held company may cause competitive harm.

21 Nothing contained in this paragraph (g) shall be
22 construed to prevent a person or business from consenting
23 to disclosure.

24 (h) Proposals and bids for any contract, grant, or
25 agreement, including information which if it were
26 disclosed would frustrate procurement or give an advantage

1 to any person proposing to enter into a contractor
2 agreement with the body, until an award or final selection
3 is made. Information prepared by or for the body in
4 preparation of a bid solicitation shall be exempt until an
5 award or final selection is made.

6 (i) Valuable formulae, computer geographic systems,
7 designs, drawings, and research data obtained or produced
8 by any public body when disclosure could reasonably be
9 expected to produce private gain or public loss. The
10 exemption for "computer geographic systems" provided in
11 this paragraph (i) does not extend to requests made by
12 news media as defined in Section 2 of this Act when the
13 requested information is not otherwise exempt and the only
14 purpose of the request is to access and disseminate
15 information regarding the health, safety, welfare, or
16 legal rights of the general public.

17 (j) The following information pertaining to
18 educational matters:

19 (i) test questions, scoring keys, and other
20 examination data used to administer an academic
21 examination;

22 (ii) information received by a primary or
23 secondary school, college, or university under its
24 procedures for the evaluation of faculty members by
25 their academic peers;

26 (iii) information concerning a school or

1 university's adjudication of student disciplinary
2 cases, but only to the extent that disclosure would
3 unavoidably reveal the identity of the student; and

4 (iv) course materials or research materials used
5 by faculty members.

6 (k) Architects' plans, engineers' technical
7 submissions, and other construction related technical
8 documents for projects not constructed or developed in
9 whole or in part with public funds and the same for
10 projects constructed or developed with public funds,
11 including, but not limited to, power generating and
12 distribution stations and other transmission and
13 distribution facilities, water treatment facilities,
14 airport facilities, sport stadiums, convention centers,
15 and all government owned, operated, or occupied buildings,
16 but only to the extent that disclosure would compromise
17 security.

18 (l) Minutes of meetings of public bodies closed to the
19 public as provided in the Open Meetings Act until the
20 public body makes the minutes available to the public
21 under Section 2.06 of the Open Meetings Act.

22 (m) Communications between a public body and an
23 attorney or auditor representing the public body that
24 would not be subject to discovery in litigation, and
25 materials prepared or compiled by or for a public body in
26 anticipation of a criminal, civil, or administrative

1 proceeding upon the request of an attorney advising the
2 public body, and materials prepared or compiled with
3 respect to internal audits of public bodies.

4 (n) Records relating to a public body's adjudication
5 of employee grievances or disciplinary cases; however,
6 this exemption shall not extend to the final outcome of
7 cases in which discipline is imposed.

8 (o) Administrative or technical information associated
9 with automated data processing operations, including, but
10 not limited to, software, operating protocols, computer
11 program abstracts, file layouts, source listings, object
12 modules, load modules, user guides, documentation
13 pertaining to all logical and physical design of
14 computerized systems, employee manuals, and any other
15 information that, if disclosed, would jeopardize the
16 security of the system or its data or the security of
17 materials exempt under this Section.

18 (p) Records relating to collective negotiating matters
19 between public bodies and their employees or
20 representatives, except that any final contract or
21 agreement shall be subject to inspection and copying.

22 (q) Test questions, scoring keys, and other
23 examination data used to determine the qualifications of
24 an applicant for a license or employment.

25 (r) The records, documents, and information relating
26 to real estate purchase negotiations until those

1 negotiations have been completed or otherwise terminated.
2 With regard to a parcel involved in a pending or actually
3 and reasonably contemplated eminent domain proceeding
4 under the Eminent Domain Act, records, documents, and
5 information relating to that parcel shall be exempt except
6 as may be allowed under discovery rules adopted by the
7 Illinois Supreme Court. The records, documents, and
8 information relating to a real estate sale shall be exempt
9 until a sale is consummated.

10 (s) Any and all proprietary information and records
11 related to the operation of an intergovernmental risk
12 management association or self-insurance pool or jointly
13 self-administered health and accident cooperative or pool.
14 Insurance or self-insurance (including any
15 intergovernmental risk management association or
16 self-insurance pool) claims, loss or risk management
17 information, records, data, advice, or communications.

18 (t) Information contained in or related to
19 examination, operating, or condition reports prepared by,
20 on behalf of, or for the use of a public body responsible
21 for the regulation or supervision of financial
22 institutions, insurance companies, or pharmacy benefit
23 managers, unless disclosure is otherwise required by State
24 law.

25 (u) Information that would disclose or might lead to
26 the disclosure of secret or confidential information,

1 codes, algorithms, programs, or private keys intended to
2 be used to create electronic signatures under the Uniform
3 Electronic Transactions Act.

4 (v) Vulnerability assessments, security measures, and
5 response policies or plans that are designed to identify,
6 prevent, or respond to potential attacks upon a
7 community's population or systems, facilities, or
8 installations, but only to the extent that disclosure
9 could reasonably be expected to expose the vulnerability
10 or jeopardize the effectiveness of the measures, policies,
11 or plans, or the safety of the personnel who implement
12 them or the public. Information exempt under this item may
13 include such things as details pertaining to the
14 mobilization or deployment of personnel or equipment, to
15 the operation of communication systems or protocols, to
16 cybersecurity vulnerabilities, or to tactical operations.

17 (w) (Blank).

18 (x) Maps and other records regarding the location or
19 security of generation, transmission, distribution,
20 storage, gathering, treatment, or switching facilities
21 owned by a utility, by a power generator, or by the
22 Illinois Power Agency.

23 (y) Information contained in or related to proposals,
24 bids, or negotiations related to electric power
25 procurement under Section 1-75 of the Illinois Power
26 Agency Act and Section 16-111.5 of the Public Utilities

1 Act that is determined to be confidential and proprietary
2 by the Illinois Power Agency or by the Illinois Commerce
3 Commission.

4 (z) Information about students exempted from
5 disclosure under Section 10-20.38 or 34-18.29 of the
6 School Code, and information about undergraduate students
7 enrolled at an institution of higher education exempted
8 from disclosure under Section 25 of the Illinois Credit
9 Card Marketing Act of 2009.

10 (aa) Information the disclosure of which is exempted
11 under the Viatical Settlements Act of 2009.

12 (bb) Records and information provided to a mortality
13 review team and records maintained by a mortality review
14 team appointed under the Department of Juvenile Justice
15 Mortality Review Team Act.

16 (cc) Information regarding interments, entombments, or
17 inurnments of human remains that are submitted to the
18 Cemetery Oversight Database under the Cemetery Care Act or
19 the Cemetery Oversight Act, whichever is applicable.

20 (dd) Correspondence and records (i) that may not be
21 disclosed under Section 11-9 of the Illinois Public Aid
22 Code or (ii) that pertain to appeals under Section 11-8 of
23 the Illinois Public Aid Code.

24 (ee) The names, addresses, or other personal
25 information of persons who are minors and are also
26 participants and registrants in programs of park

1 districts, forest preserve districts, conservation
2 districts, recreation agencies, and special recreation
3 associations.

4 (ff) The names, addresses, or other personal
5 information of participants and registrants in programs of
6 park districts, forest preserve districts, conservation
7 districts, recreation agencies, and special recreation
8 associations where such programs are targeted primarily to
9 minors.

10 (gg) Confidential information described in Section
11 1-100 of the Illinois Independent Tax Tribunal Act of
12 2012.

13 (hh) The report submitted to the State Board of
14 Education by the School Security and Standards Task Force
15 under item (8) of subsection (d) of Section 2-3.160 of the
16 School Code and any information contained in that report.

17 (ii) Records requested by persons committed to or
18 detained by the Department of Human Services under the
19 Sexually Violent Persons Commitment Act or committed to
20 the Department of Corrections under the Sexually Dangerous
21 Persons Act if those materials: (i) are available in the
22 library of the facility where the individual is confined;
23 (ii) include records from staff members' personnel files,
24 staff rosters, or other staffing assignment information;
25 or (iii) are available through an administrative request
26 to the Department of Human Services or the Department of

1 Corrections.

2 (jj) Confidential information described in Section
3 5-535 of the Civil Administrative Code of Illinois.

4 (kk) The public body's credit card numbers, debit card
5 numbers, bank account numbers, Federal Employer
6 Identification Number, security code numbers, passwords,
7 and similar account information, the disclosure of which
8 could result in identity theft or impersonation or defrauding
9 of a governmental entity or a person.

10 (ll) Records concerning the work of the threat
11 assessment team of a school district, including, but not
12 limited to, any threat assessment procedure under the
13 School Safety Drill Act and any information contained in
14 the procedure.

15 (mm) Information prohibited from being disclosed under
16 subsections (a) and (b) of Section 15 of the Student
17 Confidential Reporting Act.

18 (nn) Proprietary information submitted to the
19 Environmental Protection Agency under the Drug Take-Back
20 Act.

21 (oo) Records described in subsection (f) of Section
22 3-5-1 of the Unified Code of Corrections.

23 (pp) Any and all information regarding burials,
24 interments, or entombments of human remains as required to
25 be reported to the Department of Natural Resources
26 pursuant either to the Archaeological and Paleontological

1 Resources Protection Act or the Human Remains Protection
2 Act.

3 (qq) Reports described in subsection (e) of Section
4 16-15 of the Abortion Care Clinical Training Program Act.

5 (rr) Information obtained by a certified local health
6 department under the Access to Public Health Data Act.

7 (ss) For a request directed to a public body that is
8 also a HIPAA-covered entity, all information that is
9 protected health information, including demographic
10 information, that may be contained within or extracted
11 from any record held by the public body in compliance with
12 State and federal medical privacy laws and regulations,
13 including, but not limited to, the Health Insurance
14 Portability and Accountability Act and its regulations, 45
15 CFR Parts 160 and 164. As used in this paragraph,
16 "HIPAA-covered entity" has the meaning given to the term
17 "covered entity" in 45 CFR 160.103 and "protected health
18 information" has the meaning given to that term in 45 CFR
19 160.103.

20 (tt) Proposals or bids submitted by engineering
21 consultants in response to requests for proposal or other
22 competitive bidding requests by the Department of
23 Transportation or the Illinois Toll Highway Authority.

24 (uu) Records described in subsection (c) of Section
25 4.3 of the Adult Protective Services Act.

26 (1.5) Any information exempt from disclosure under the

1 Judicial Privacy Act shall be redacted from public records
2 prior to disclosure under this Act.

3 (2) A public record that is not in the possession of a
4 public body but is in the possession of a party with whom the
5 agency has contracted to perform a governmental function on
6 behalf of the public body, and that directly relates to the
7 governmental function and is not otherwise exempt under this
8 Act, shall be considered a public record of the public body,
9 for purposes of this Act.

10 (3) This Section does not authorize withholding of
11 information or limit the availability of records to the
12 public, except as stated in this Section or otherwise provided
13 in this Act.

14 (Source: P.A. 102-38, eff. 6-25-21; 102-558, eff. 8-20-21;
15 102-694, eff. 1-7-22; 102-752, eff. 5-6-22; 102-753, eff.
16 1-1-23; 102-776, eff. 1-1-23; 102-791, eff. 5-13-22; 102-982,
17 eff. 7-1-23; 102-1055, eff. 6-10-22; 103-154, eff. 6-30-23;
18 103-423, eff. 1-1-24; 103-446, eff. 8-4-23; 103-462, eff.
19 8-4-23; 103-540, eff. 1-1-24; 103-554, eff. 1-1-24; 103-605,
20 eff. 7-1-24; 103-865, eff. 1-1-25.)

21 Section 10. The Adult Protective Services Act is amended
22 by changing Sections 2, 4, and 13 and by adding Section 4.3 as
23 follows:

24 (320 ILCS 20/2) (from Ch. 23, par. 6602)

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

3 (a) "Abandonment" means the desertion or willful forsaking
4 of an eligible adult by an individual responsible for the care
5 and custody of that eligible adult under circumstances in
6 which a reasonable person would continue to provide care and
7 custody. Nothing in this Act shall be construed to mean that an
8 eligible adult is a victim of abandonment because of health
9 care services provided or not provided by licensed health care
10 professionals.

11 (a-1) "Abuse" means causing any physical, mental or sexual
12 injury to an eligible adult, including exploitation of such
13 adult's financial resources, and abandonment or subjecting an
14 eligible adult to an environment which creates a likelihood of
15 harm to the eligible adult's health, physical and emotional
16 well-being, or welfare.

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

23 Nothing in this Act shall be construed to mean that an
24 eligible adult is a victim of abuse because of health care
25 services provided or not provided by licensed health care
26 professionals.

1 Nothing in this Act shall be construed to mean that an
2 eligible adult is a victim of abuse in cases of criminal
3 activity by strangers, telemarketing scams, consumer fraud,
4 internet fraud, home repair disputes, complaints against a
5 homeowners' association, or complaints between landlords and
6 tenants.

7 (a-5) "Abuser" means a person who is a family member,
8 caregiver, or another person who has a continuing relationship
9 with the eligible adult and abuses, abandons, neglects, or
10 financially exploits an eligible adult.

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

16 (a-7) "Agent" has the meaning ascribed to that term in
17 Section 2-3 of the Illinois Power of Attorney Act.

18 (a-8) "Broker-dealer" means any person engaged in the
19 business of effecting transactions in securities in this State
20 for the account of others or for that person's own account and
21 who is registered with the United States Securities and
22 Exchange Commission.

23 (a-9) ~~(a-7)~~ "Caregiver" means a person who either as a
24 result of a family relationship, voluntarily, or in exchange
25 for compensation has assumed responsibility for all or a
26 portion of the care of an eligible adult who needs assistance

1 with activities of daily living or instrumental activities of
2 daily living.

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

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

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

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

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

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

19 (1.6) A facility licensed under the MC/DD Act;

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

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

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

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

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

9 (6) (Blank);

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

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

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

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

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

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

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

19 (1) the wrongful or unauthorized taking, withholding,
20 appropriation, or use of money, assets, or property of an
21 eligible adult; or

22 (2) any act or omission taken by a person, including
23 through the use of a power of attorney, guardianship, or
24 conservatorship of an eligible adult, to:

25 (A) obtain control, through deception,
26 intimidation, or undue influence, over the eligible

1 adult's money, assets, or property to deprive the
2 eligible adult of the ownership, use, benefit, or
3 possession of his or her money, assets, or property;
4 or

5 (B) convert money, assets, or property of the
6 eligible adult to deprive such eligible adult of the
7 ownership, use, benefit, or possession of his or her
8 money, assets, or property.

9 (f-2) ~~(f-3)~~ "Investment advisor" means any person required
10 to register as an investment adviser ~~or investment adviser~~
11 ~~representative~~ under Section 8 of the Illinois Securities Law
12 of 1953, which for purposes of this Act excludes any bank,
13 trust company, savings bank, or credit union, or their
14 respective employees.

15 (f-3) "Investment adviser representative" has the meaning
16 ascribed to that term in Section 2.12b of the Illinois
17 Securities Law of 1953.

18 (f-4) "Qualified individual" means any agent, investment
19 adviser representative, or person who serves in a supervisory,
20 compliance, or legal capacity for a broker-dealer or
21 investment advisor.

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

25 (1) a professional or professional's delegate while
26 engaged in: (i) social services, (ii) law enforcement,

1 (iii) education, (iv) the care of an eligible adult or
2 eligible adults, or (v) any of the occupations required to
3 be licensed under the Behavior Analyst Licensing Act, the
4 Clinical Psychologist Licensing Act, the Clinical Social
5 Work and Social Work Practice Act, the Illinois Dental
6 Practice Act, the Dietitian Nutritionist Practice Act, the
7 Marriage and Family Therapy Licensing Act, the Medical
8 Practice Act of 1987, the Naprapathic Practice Act, the
9 Nurse Practice Act, the Nursing Home Administrators
10 Licensing and Disciplinary Act, the Illinois Occupational
11 Therapy Practice Act, the Illinois Optometric Practice Act
12 of 1987, the Pharmacy Practice Act, the Illinois Physical
13 Therapy Act, the Physician Assistant Practice Act of 1987,
14 the Podiatric Medical Practice Act of 1987, the
15 Respiratory Care Practice Act, the Professional Counselor
16 and Clinical Professional Counselor Licensing and Practice
17 Act, the Illinois Speech-Language Pathology and Audiology
18 Practice Act, the Veterinary Medicine and Surgery Practice
19 Act of 2004, and the Illinois Public Accounting Act;

20 (1.5) an employee of an entity providing developmental
21 disabilities services or service coordination funded by
22 the Department of Human Services;

23 (2) an employee of a vocational rehabilitation
24 facility prescribed or supervised by the Department of
25 Human Services;

26 (3) an administrator, employee, or person providing

1 services in or through an unlicensed community based
2 facility;

3 (4) any religious practitioner who provides treatment
4 by prayer or spiritual means alone in accordance with the
5 tenets and practices of a recognized church or religious
6 denomination, except as to information received in any
7 confession or sacred communication enjoined by the
8 discipline of the religious denomination to be held
9 confidential;

10 (5) field personnel of the Department of Healthcare
11 and Family Services, Department of Public Health, and
12 Department of Human Services, and any county or municipal
13 health department;

14 (6) personnel of the Department of Human Services, the
15 Guardianship and Advocacy Commission, the State Fire
16 Marshal, local fire departments, the Department on Aging
17 and its subsidiary Area Agencies on Aging and provider
18 agencies, except the State Long Term Care Ombudsman and
19 any of his or her representatives or volunteers where
20 prohibited from making such a report pursuant to 45 CFR
21 1324.11(e) (3) (iv);

22 (7) any employee of the State of Illinois not
23 otherwise specified herein who is involved in providing
24 services to eligible adults, including professionals
25 providing medical or rehabilitation services and all other
26 persons having direct contact with eligible adults;

1 (8) a person who performs the duties of a coroner or
2 medical examiner;

3 (9) a person who performs the duties of a paramedic or
4 an emergency medical technician; ~~or~~

5 (10) a person who performs the duties of an investment
6 advisor; ~~or~~

7 (12) a person who performs the duties of a
8 broker-dealer; or

9 (13) a qualified individual.

10 (g) "Neglect" means another individual's failure to
11 provide an eligible adult with or willful withholding from an
12 eligible adult the necessities of life including, but not
13 limited to, food, clothing, shelter or health care. This
14 subsection does not create any new affirmative duty to provide
15 support to eligible adults. Nothing in this Act shall be
16 construed to mean that an eligible adult is a victim of neglect
17 because of health care services provided or not provided by
18 licensed health care professionals.

19 (h) "Provider agency" means any public or nonprofit agency
20 in a planning and service area that is selected by the
21 Department or appointed by the regional administrative agency
22 with prior approval by the Department on Aging to receive and
23 assess reports of alleged or suspected abuse, abandonment,
24 neglect, or financial exploitation. A provider agency is also
25 referenced as a "designated agency" in this Act.

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

1 nonprofit agency in a planning and service area that provides
2 regional oversight and performs functions as set forth in
3 subsection (b) of Section 3 of this Act. The Department shall
4 designate an Area Agency on Aging as the regional
5 administrative agency or, in the event the Area Agency on
6 Aging in that planning and service area is deemed by the
7 Department to be unwilling or unable to provide those
8 functions, the Department may serve as the regional
9 administrative agency or designate another qualified entity to
10 serve as the regional administrative agency; any such
11 designation shall be subject to terms set forth by the
12 Department.

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

26 (j) "Substantiated case" means a reported case of alleged

1 or suspected abuse, abandonment, neglect, financial
2 exploitation, or self-neglect in which a provider agency,
3 after assessment, determines that there is reason to believe
4 abuse, abandonment, neglect, or financial exploitation has
5 occurred.

6 (k) "Verified" means a determination that there is "clear
7 and convincing evidence" that the specific injury or harm
8 alleged was the result of abuse, abandonment, neglect, or
9 financial exploitation.

10 (Source: P.A. 102-244, eff. 1-1-22; 102-953, eff. 5-27-22;
11 103-329, eff. 1-1-24; 103-626, eff. 1-1-25.)

12 (320 ILCS 20/4) (from Ch. 23, par. 6604)

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

14 (a) Except as otherwise provided for broker-dealers,
15 investment advisors, and qualified individuals in subsection
16 (a-1), any ~~Any~~ person who suspects the abuse, abandonment,
17 neglect, financial exploitation, or self-neglect of an
18 eligible adult may report this suspicion or information about
19 the suspicious death of an eligible adult to an agency
20 designated to receive such reports under this Act or to the
21 Department.

22 (a-1) If a broker-dealer, investment advisor, or qualified
23 individual reasonably believes that financial exploitation of
24 an eligible adult may have occurred, may have been attempted,
25 or is being attempted, the broker-dealer, investment advisor,

1 or qualified individual shall promptly notify the Department
2 or the provider agency designated to receive such reports
3 under this Act. The broker-dealer, investment advisor, or
4 qualified individual may also notify any third party
5 previously designated by the eligible adult. Disclosure may
6 not be made to any designated third party who is suspected of
7 financial exploitation or other abuse of the eligible adult.

8 (a-5) Except as otherwise provided for broker-dealers,
9 investment advisors, and qualified individuals in subsection
10 (a-1), if ~~if~~ any mandated reporter has reason to believe that
11 an eligible adult, who because of a disability or other
12 condition or impairment is unable to seek assistance for
13 himself or herself, has, within the previous 12 months, been
14 subjected to abuse, abandonment, neglect, or financial
15 exploitation, the mandated reporter shall, within 24 hours
16 after developing such belief, report this suspicion to an
17 agency designated to receive such reports under this Act or to
18 the Department. The agency designated to receive such reports
19 under this Act or the Department may establish a manner in
20 which a mandated reporter can make the required report through
21 an Internet reporting tool. Information sent and received
22 through the Internet reporting tool is subject to the same
23 rules in this Act as other types of confidential reporting
24 established by the designated agency or the Department.
25 Whenever a mandated reporter is required to report under this
26 Act in his or her capacity as a member of the staff of a

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

19 (a-6) If a mandated reporter has reason to believe that
20 the death of an eligible adult may be the result of abuse or
21 neglect, the matter shall be reported to an agency designated
22 to receive such reports under this Act or to the Department for
23 subsequent referral to the appropriate law enforcement agency
24 and the coroner or medical examiner in accordance with
25 subsection (c-5) of Section 3 of this Act.

26 (a-7) Except as otherwise provided for broker-dealers,

1 investment advisors, and qualified individuals in subsection
2 (a-8), any A person making a report under this Act in the
3 belief that it is in the alleged victim's best interest shall
4 be immune from criminal or civil liability or professional
5 disciplinary action on account of making the report,
6 notwithstanding any requirements concerning the
7 confidentiality of information with respect to such eligible
8 adult which might otherwise be applicable.

9 (a-8) A broker-dealer, investment advisor, or qualified
10 individual who in good faith and exercising reasonable care
11 makes a report or disclosure to the Department, a designated
12 provider agency, or a designated third-party in accordance
13 with subsection (a-1) shall be immune from administrative or
14 civil liability that might otherwise arise from such report or
15 disclosure or for any failure to notify the eligible adult of
16 the report or disclosure.

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

21 (b) Any person, institution or agency participating in the
22 making of a report, providing information or records related
23 to a report, assessment, or services, or participating in the
24 investigation of a report under this Act in good faith, or
25 taking photographs or x-rays as a result of an authorized
26 assessment, shall have immunity from any civil, criminal or

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

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

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

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

17 (Source: P.A. 102-244, eff. 1-1-22; 103-329, eff. 1-1-24;
18 103-626, eff. 1-1-25.)

19 (320 ILCS 20/4.3 new)

20 Sec. 4.3. Delaying disbursements from eligible adult's
21 financial accounts.

22 (a) Delaying disbursements.

23 (1) In cases of suspected financial exploitation, a
24 broker-dealer or investment advisor may delay a
25 disbursement from an account of an eligible adult or an

1 account on which an eligible adult is a beneficiary if:

2 (A) the broker-dealer or investment advisor or a
3 qualified individual reasonably believes, after
4 initiating an internal review of the requested
5 disbursement and the suspected financial exploitation,
6 that the requested disbursement may result in
7 financial exploitation of an eligible adult; and

8 (B) the broker-dealer or investment advisor:

9 (i) immediately, but in no event more than 2
10 business days after the requested disbursement,
11 provides written notification of the delay and the
12 reason for the delay to all parties authorized to
13 transact business on the account, unless any such
14 party is reasonably believed to have engaged in
15 suspected or attempted financial exploitation of
16 the eligible adult;

17 (ii) immediately, but in no event more than 2
18 business days after the requested disbursement,
19 notifies the Department; and

20 (iii) continues its internal review of the
21 suspected or attempted financial exploitation of
22 the eligible adult, as necessary, and reports the
23 investigation's results to the Department within 7
24 business days after the requested disbursement.

25 (2) Any delay of a disbursement as authorized by this
26 subsection shall expire upon the sooner of:

1 (A) a determination by the broker-dealer or
2 investment advisor that the disbursement will not
3 result in financial exploitation of the eligible
4 adult; or

5 (B) 15 business days after the date on which the
6 broker-dealer or investment advisor first delayed
7 disbursement of the funds, unless the Department
8 requests that the broker-dealer or investment advisor
9 extend the delay, in which case the delay shall expire
10 no more than 25 business days after the date on which
11 the broker-dealer or investment advisor first delayed
12 disbursement of the funds unless sooner terminated by
13 the Department or an order of a court of competent
14 jurisdiction.

15 (3) A court of competent jurisdiction may enter an
16 order extending the delay of the disbursement of funds or
17 may order other protective relief based on the petition of
18 the Department, the broker-dealer, or the investment
19 adviser that initiated the delay under this subsection, or
20 other interested party.

21 (b) Immunity for delaying disbursements. A broker-dealer,
22 investment advisor, or qualified individual who, in good faith
23 and exercising reasonable care, complies with subsection (a)
24 shall be immune from any administrative or civil liability
25 that might otherwise arise from such delay in a disbursement.

26 (c) Records. A broker-dealer, investment advisor, or

1 qualified individual shall provide access to or copies of
2 records that are relevant to the suspected or attempted
3 financial exploitation of an eligible adult to a
4 representative of the Department or a designated provider
5 agency and to law enforcement, either as part of a referral to
6 the Department, the provider agency, or law enforcement, or
7 upon request of the Department, the provider agency, or law
8 enforcement pursuant to an investigation. The records may
9 include historical records as well as records relating to the
10 most recent transaction or transactions that may comprise
11 financial exploitation of an eligible adult. All records made
12 available to the Department or a designated provider agency in
13 accordance with this subsection are confidential and not
14 subject to disclosure under the Freedom of Information Act.
15 Nothing in this subsection shall limit or otherwise impede the
16 authority of the Department or a designated provider agency to
17 access or examine the books and records of broker-dealers,
18 investment advisors, or qualified individuals as otherwise
19 provided in Section 13 of this Act or other applicable law.

20 (320 ILCS 20/13)

21 Sec. 13. Access.

22 (a) In accord with established law and Department
23 protocols, procedures, and policies, the designated provider
24 agencies shall have access to eligible adults who have been
25 reported or found to be victims of abuse, abandonment,

1 neglect, financial exploitation, or self-neglect in order to
2 assess the validity of the report, assess other needs of the
3 eligible adult, and provide services in accordance with this
4 Act.

5 (a-5) A representative of the Department or a designated
6 provider agency that is actively involved in an abuse,
7 abandonment, neglect, financial exploitation, or self-neglect
8 investigation under this Act shall be allowed access to the
9 financial records, including those records described in
10 subsection (c) of Section 4.3, mental and physical health
11 records, and other relevant evaluative records of the eligible
12 adult which are in the possession of any individual, financial
13 institution, broker-dealer, investment advisor, qualified
14 individual, health care provider, mental health provider,
15 educational facility, or other facility if necessary to
16 complete the investigation mandated by this Act. The
17 individual, provider, or facility shall provide such records
18 to the representative upon receipt of a written request and
19 certification from the Department or designated provider
20 agency that an investigation is being conducted under this Act
21 and the records are pertinent to the investigation.

22 Any records received by such representative, the
23 confidentiality of which is protected by another law or rule,
24 shall be maintained as confidential, except for such use as
25 may be necessary for any administrative or other legal
26 proceeding.

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

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

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

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

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

1 the circuit court.

2 (Source: P.A. 102-244, eff. 1-1-22.)