



Sen. Steve Stadelman

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10400SB1551sam002

LRB104 07489 KTG 24798 a

1 AMENDMENT TO SENATE BILL 1551

2 AMENDMENT NO. _____. Amend Senate Bill 1551, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Adult Protective Services Act is amended
6 by changing Sections 2, 4, and 13 and by adding Section 4.3 as
7 follows:

8 (320 ILCS 20/2) (from Ch. 23, par. 6602)

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

11 (a) "Abandonment" means the desertion or willful forsaking
12 of an eligible adult by an individual responsible for the care
13 and custody of that eligible adult under circumstances in
14 which a reasonable person would continue to provide care and
15 custody. Nothing in this Act shall be construed to mean that an
16 eligible adult is a victim of abandonment because of health

1 care services provided or not provided by licensed health care
2 professionals.

3 (a-1) "Abuse" means causing any physical, mental or sexual
4 injury to an eligible adult, including exploitation of such
5 adult's financial resources, and abandonment or subjecting an
6 eligible adult to an environment which creates a likelihood of
7 harm to the eligible adult's health, physical and emotional
8 well-being, or welfare.

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

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

19 Nothing in this Act shall be construed to mean that an
20 eligible adult is a victim of abuse in cases of criminal
21 activity by strangers, telemarketing scams, consumer fraud,
22 internet fraud, home repair disputes, complaints against a
23 homeowners' association, or complaints between landlords and
24 tenants.

25 (a-5) "Abuser" means a person who is a family member,
26 caregiver, or another person who has a continuing relationship

1 with the eligible adult and abuses, abandons, neglects, or
2 financially exploits an eligible adult.

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

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

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

15 (a-9) ~~(a-7)~~ "Caregiver" means a person who either as a
16 result of a family relationship, voluntarily, or in exchange
17 for compensation has assumed responsibility for all or a
18 portion of the care of an eligible adult who needs assistance
19 with activities of daily living or instrumental activities of
20 daily living.

21 (b) "Department" means the Department on Aging of the
22 State of Illinois.

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

24 (c-5) "Disability" means a physical or mental disability,
25 including, but not limited to, a developmental disability, an
26 intellectual disability, a mental illness as defined under the

1 Mental Health and Developmental Disabilities Code, or dementia
2 as defined under the Alzheimer's Disease Assistance Act.

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

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

9 (1.5) A facility licensed under the ID/DD Community
10 Care Act;

11 (1.6) A facility licensed under the MC/DD Act;

12 (1.7) A facility licensed under the Specialized Mental
13 Health Rehabilitation Act of 2013;

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

16 (3) A home, institution, or other place operated by
17 the federal government or agency thereof or by the State
18 of Illinois;

19 (4) A hospital, sanitarium, or other institution, the
20 principal activity or business of which is the diagnosis,
21 care, and treatment of human illness through the
22 maintenance and operation of organized facilities
23 therefor, which is required to be licensed under the
24 Hospital Licensing Act;

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

1 (6) (Blank);

2 (7) A "community-integrated living arrangement" as
3 defined in the Community-Integrated Living Arrangements
4 Licensure and Certification Act or a "community
5 residential alternative" as licensed under that Act;

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

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

11 (e) "Eligible adult" means either an adult with
12 disabilities aged 18 through 59 or a person aged 60 or older
13 who resides in a domestic living situation and is, or is
14 alleged to be, abused, abandoned, neglected, or financially
15 exploited by another individual or who neglects himself or
16 herself. "Eligible adult" also includes an adult who resides
17 in any of the facilities that are excluded from the definition
18 of "domestic living situation" under paragraphs (1) through
19 (9) of subsection (d), if either: (i) the alleged abuse,
20 abandonment, or neglect occurs outside of the facility and not
21 under facility supervision and the alleged abuser is a family
22 member, caregiver, or another person who has a continuing
23 relationship with the adult; or (ii) the alleged financial
24 exploitation is perpetrated by a family member, caregiver, or
25 another person who has a continuing relationship with the
26 adult, but who is not an employee of the facility where the

1 adult resides.

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

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

11 (1) the wrongful or unauthorized taking, withholding,
12 appropriation, or use of money, assets, or property of an
13 eligible adult; or

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

17 (A) obtain control, through deception,
18 intimidation, or undue influence, over the eligible
19 adult's money, assets, or property to deprive the
20 eligible adult of the ownership, use, benefit, or
21 possession of his or her money, assets, or property;
22 or

23 (B) convert money, assets, or property of the
24 eligible adult through deception, intimidation, or
25 undue influence in order to deprive such eligible
26 adult of the ownership, use, benefit, or possession of

1 his or her money, assets, or property.

2 (f-2) ~~(f-3)~~ "Investment advisor" means any person required
3 to register as a federally-covered investment adviser or an
4 investment adviser ~~or investment adviser representative~~ under
5 Section 8 of the Illinois Securities Law of 1953, which for
6 purposes of this Act excludes any bank, trust company, savings
7 bank, or credit union, or their respective employees.

8 (f-4) "Qualified individual" means any person who serves
9 in a supervisory, compliance, or legal capacity for a
10 broker-dealer or investment advisor.

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

14 (1) a professional or professional's delegate while
15 engaged in: (i) social services, (ii) law enforcement,
16 (iii) education, (iv) the care of an eligible adult or
17 eligible adults, or (v) any of the occupations required to
18 be licensed under the Behavior Analyst Licensing Act, the
19 Clinical Psychologist Licensing Act, the Clinical Social
20 Work and Social Work Practice Act, the Illinois Dental
21 Practice Act, the Dietitian Nutritionist Practice Act, the
22 Marriage and Family Therapy Licensing Act, the Medical
23 Practice Act of 1987, the Naprapathic Practice Act, the
24 Nurse Practice Act, the Nursing Home Administrators
25 Licensing and Disciplinary Act, the Illinois Occupational
26 Therapy Practice Act, the Illinois Optometric Practice Act

1 of 1987, the Pharmacy Practice Act, the Illinois Physical
2 Therapy Act, the Physician Assistant Practice Act of 1987,
3 the Podiatric Medical Practice Act of 1987, the
4 Respiratory Care Practice Act, the Professional Counselor
5 and Clinical Professional Counselor Licensing and Practice
6 Act, the Illinois Speech-Language Pathology and Audiology
7 Practice Act, the Veterinary Medicine and Surgery Practice
8 Act of 2004, and the Illinois Public Accounting Act;

9 (1.5) an employee of an entity providing developmental
10 disabilities services or service coordination funded by
11 the Department of Human Services;

12 (2) an employee of a vocational rehabilitation
13 facility prescribed or supervised by the Department of
14 Human Services;

15 (3) an administrator, employee, or person providing
16 services in or through an unlicensed community based
17 facility;

18 (4) any religious practitioner who provides treatment
19 by prayer or spiritual means alone in accordance with the
20 tenets and practices of a recognized church or religious
21 denomination, except as to information received in any
22 confession or sacred communication enjoined by the
23 discipline of the religious denomination to be held
24 confidential;

25 (5) field personnel of the Department of Healthcare
26 and Family Services, Department of Public Health, and

1 Department of Human Services, and any county or municipal
2 health department;

3 (6) personnel of the Department of Human Services, the
4 Guardianship and Advocacy Commission, the State Fire
5 Marshal, local fire departments, the Department on Aging
6 and its subsidiary Area Agencies on Aging and provider
7 agencies, except the State Long Term Care Ombudsman and
8 any of his or her representatives or volunteers where
9 prohibited from making such a report pursuant to 45 CFR
10 1324.11(e)(3)(iv);

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

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

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

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

22 (11) a person who performs the duties of a
23 broker-dealer; or

24 (12) a qualified individual.

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

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

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

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

1 Department.

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

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

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

25 (Source: P.A. 102-244, eff. 1-1-22; 102-953, eff. 5-27-22;
26 103-329, eff. 1-1-24; 103-626, eff. 1-1-25.)

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

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

3 (a) Except as otherwise provided for broker-dealers,
4 investment advisors, and qualified individuals in subsection
5 (a-1), any ~~Any~~ person who suspects the abuse, abandonment,
6 neglect, financial exploitation, or self-neglect of an
7 eligible adult may report this suspicion or information about
8 the suspicious death of an eligible adult to an agency
9 designated to receive such reports under this Act or to the
10 Department.

11 (a-1) If a broker-dealer, investment advisor, or qualified
12 individual reasonably believes that financial exploitation of
13 an eligible adult may have occurred, may have been attempted,
14 or is being attempted, the broker-dealer, investment advisor,
15 or qualified individual shall promptly notify the Department
16 and the Illinois Securities Department within the Office of
17 the Secretary of State, or the provider agency designated to
18 receive such reports under this Act. The broker-dealer,
19 investment advisor, or qualified individual may also notify
20 any third party previously designated by the eligible adult.
21 Disclosure shall not be made to any designated third party who
22 is suspected of financial exploitation of the eligible adult.

23 (a-5) Except as otherwise provided for broker-dealers,
24 investment advisors, and qualified individuals in subsection
25 (a-1), if ~~if~~ any mandated reporter has reason to believe that

1 an eligible adult, who because of a disability or other
2 condition or impairment is unable to seek assistance for
3 himself or herself, has, within the previous 12 months, been
4 subjected to abuse, abandonment, 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. The agency designated to receive such reports
9 under this Act or the Department may establish a manner in
10 which a mandated reporter can make the required report through
11 an Internet reporting tool. Information sent and received
12 through the Internet reporting tool is subject to the same
13 rules in this Act as other types of confidential reporting
14 established by the designated agency or the Department.
15 Whenever a mandated reporter is required to report under this
16 Act in his or her capacity as a member of the staff of a
17 medical or other public or private institution, facility, or
18 agency, he or she shall make a report to an agency designated
19 to receive such reports under this Act or to the Department in
20 accordance with the provisions of this Act and may also notify
21 the person in charge of the institution, facility, or agency
22 or his or her designated agent that the report has been made.
23 Under no circumstances shall any person in charge of such
24 institution, facility, or agency, or his or her designated
25 agent to whom the notification has been made, exercise any
26 control, restraint, modification, or other change in the

1 report or the forwarding of the report to an agency designated
2 to receive such reports under this Act or to the Department.
3 The privileged quality of communication between any
4 professional person required to report and his or her patient
5 or client shall not apply to situations involving abused,
6 abandoned, neglected, or financially exploited eligible adults
7 and shall not constitute grounds for failure to report as
8 required by this Act.

9 (a-6) Except as otherwise provided for broker-dealers,
10 investment advisors, and qualified individuals in subsection
11 (a-1), if ~~if~~ a mandated reporter has reason to believe that the
12 death of an eligible adult may be the result of abuse or
13 neglect, the matter shall be reported to an agency designated
14 to receive such reports under this Act or to the Department for
15 subsequent referral to the appropriate law enforcement agency
16 and the coroner or medical examiner in accordance with
17 subsection (c-5) of Section 3 of this Act.

18 (a-7) Except as otherwise provided for broker-dealers,
19 investment advisors, and qualified individuals in subsection
20 (a-8), any ~~A~~ person making a report under this Act in the
21 belief that it is in the alleged victim's best interest shall
22 be immune from criminal or civil liability or professional
23 disciplinary action on account of making the report,
24 notwithstanding any requirements concerning the
25 confidentiality of information with respect to such eligible
26 adult which might otherwise be applicable.

1 (a-8) A broker-dealer, investment advisor, or qualified
2 individual who in good faith and exercising reasonable care
3 makes a report or disclosure to the Department, the Illinois
4 Securities Department within the Office of the Secretary of
5 State, a designated provider agency, or a designated
6 third-party in accordance with subsection (a-1) shall be
7 immune from any administrative, civil, or criminal liability
8 that might otherwise arise from such report or disclosure or
9 for any failure to notify the eligible adult of the report or
10 disclosure.

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

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

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

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

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

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

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

11 (Source: P.A. 102-244, eff. 1-1-22; 103-329, eff. 1-1-24;
12 103-626, eff. 1-1-25.)

13 (320 ILCS 20/4.3 new)

14 Sec. 4.3. Delaying disbursements or transactions from
15 eligible adult's financial accounts.

16 (a) Delaying disbursements or transactions.

17 (1) In cases of suspected financial exploitation, a
18 broker-dealer or investment advisor may delay a
19 disbursement or transaction from an account of an eligible
20 adult or an account on which an eligible adult is a
21 beneficiary if:

22 (A) the broker-dealer or investment advisor or a
23 qualified individual reasonably believes, after
24 initiating an internal review of the requested
25 disbursement or transaction and the suspected

1 financial exploitation, that the requested
2 disbursement or transaction may result in financial
3 exploitation of an eligible adult; and

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

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

13 (ii) immediately, but in no event more than 2
14 business days after the requested disbursement or
15 transaction, notifies the Department, or a
16 provider agency designated to receive such
17 reports; and

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

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

1 of:

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

6 (B) no later than 15 business days after the date
7 the broker-dealer or investment advisor initially
8 imposed the temporary hold on the disbursement or
9 transaction, unless it is terminated or extended by a
10 State regulator, agency with competent jurisdiction,
11 or court of competent jurisdiction; or

12 (C) if, after conducting an internal review, the
13 broker-dealer or investment advisor reasonably
14 believes that financial exploitation of the eligible
15 adult has occurred, is occurring, has been attempted,
16 or will be attempted, the temporary hold may be
17 extended by the broker-dealer or investment advisor
18 for no more than 10 business days beyond the
19 expiration date established in subparagraph (B),
20 unless otherwise terminated or extended by a State
21 regulator, agency with competent jurisdiction, or
22 court of competent jurisdiction; or

23 (D) if, following the internal review, the
24 broker-dealer or investment advisor reasonably
25 believes that the financial exploitation of the
26 eligible adult has occurred, is occurring, has been

1 attempted, or will be attempted, and has notified a
2 State regulator, agency with competent jurisdiction,
3 or a court of competent jurisdiction of such belief,
4 the temporary hold may be extended by the
5 broker-dealer or investment advisor for up to 30
6 business days from the expiration date outlined in
7 subparagraph (C), unless otherwise terminated or
8 extended by a State regulator, agency with competent
9 jurisdiction, or court of competent jurisdiction.

10 (3) A court of competent jurisdiction may enter an
11 order extending the delay of the disbursement of funds or
12 transaction, or may order other protective relief based on
13 the petition of the Department, the broker-dealer, or the
14 investment adviser that initiated the delay under this
15 subsection, or other interested party.

16 (b) Immunity for delaying disbursements or transactions. A
17 broker-dealer, investment advisor, or qualified individual
18 who, in good faith and exercising reasonable care, complies
19 with subsection (a) shall be immune from any administrative,
20 civil, or criminal liability that might otherwise arise from
21 such delay in a disbursement or transaction.

22 (c) Records. A broker-dealer, investment advisor, or
23 qualified individual shall provide access to or copies of
24 records that are relevant to the suspected or attempted
25 financial exploitation of an eligible adult to a
26 representative of the Department or a designated provider

1 agency and to law enforcement, either as part of a referral to
2 the Department, the provider agency, or law enforcement, or
3 upon request of the Department, the provider agency, or law
4 enforcement pursuant to an investigation. The records may
5 include historical records as well as records relating to the
6 most recent transaction or transactions that may comprise
7 financial exploitation of an eligible adult. All records made
8 available to the Department or a designated provider agency in
9 accordance with this subsection are confidential and not
10 subject to disclosure under the Freedom of Information Act.
11 Nothing in this subsection shall limit or otherwise impede the
12 authority of the Department or a designated provider agency to
13 access or examine the books and records of broker-dealers,
14 investment advisors, or qualified individuals as otherwise
15 provided in Section 13 of this Act or other applicable law.
16 Disclosure requirements do not apply when such disclosure
17 would be prohibited by federal law or regulation, or State law
18 or regulation, including, but not limited to, FinCEN
19 requirements that strictly prohibit any sharing of suspicious
20 activity reports filed by banks.

21 (320 ILCS 20/13)

22 Sec. 13. Access.

23 (a) In accord with established law and Department
24 protocols, procedures, and policies, the designated provider
25 agencies shall have access to eligible adults who have been

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

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

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

1 proceeding. Nothing in this paragraph shall be construed to
2 abrogate or supersede FinCEN requirements that strictly
3 prohibit any sharing of suspicious activity reports filed by
4 banks.

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

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

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

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

18 (d) If the provider agency has substantiated financial
19 exploitation against an eligible adult, and has documented a
20 reasonable belief that the eligible adult will be irreparably
21 harmed as a result of the financial exploitation, the Office
22 of the Attorney General, the Department, or the provider
23 agency may petition for an order freezing the assets of the
24 eligible adult. The petition shall be filed in the county or
25 counties in which the assets are located. The court's order
26 shall prohibit the sale, gifting, transfer, or wasting of the

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

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