**Section 270.245 Access to Alleged Victims and Relevant Records**

a) *The designated* APS *provider agencies shall have access to* alleged victims *who* are *reported to be victims of abuse, neglect, financial exploitation, or self-neglect in order to assess the validity of the report, assess other needs of the* alleged victim*, and provide services in accordance with the Act.* [320 ILCS 20/13(a)]

1) A representative of the Department or a designated APS provider agency that is actively involved in an abuse, neglect, financial exploitation, or self-neglect investigation under the Act shall be allowed access to the financial records, mental and physical health records, and other relevant evaluative records of the eligible adult that are in the possession of any individual, financial institution, health care provider, mental health provider, educational facility, or other facility if necessary to complete the investigation mandated by the Act.

2) The provider or facility shall provide these records to the representative upon receipt of a written request and certification from the Department or designated APS provider agency that an investigation is being conducted under the Act and the records are pertinent to the investigation.

3) Any records received by the representative, the confidentiality of which is protected by another law or rule, shall be maintained as confidential, except that the records may be used as necessary for any administrative or legal proceeding.

b) When the case worker is unable to access the alleged victim due to interference by another, the case worker shall seek the assistance of law enforcement. If the report is a Priority 1, the APS case worker shall immediately seek police assistance in accessing the alleged victim. If the report is a Priority 2 or a Priority 3, the APS case worker shall make at least one additional attempt, and up to four additional attempts, to gain access to the residence prior to seeking police assistance.

c) When *access to an eligible adult is denied,* *including the refusal to provide requested records, the Office of the Attorney General, the Department, or the APS provider agency may petition the court for an order to require appropriate access where:*

1) *a caregiver or third party has interfered with the assessment or service plan, or*

2) *the agency has reason to believe that the eligible adult is denying access because of coercion, extortion, or justifiable fear of future abuse, neglect, or financial exploitation.* [320 ILCS 20/13(b)]

d) If the initial face-to-face visit indicates that the alleged victim does not meet the eligibility criterion for the program, the APS provider agency will terminate the assessment, document this finding in the case record, and refer the person to other appropriate services or agencies.

(Source: Amended at 42 Ill. Reg. 9226, effective July 1, 2018)