

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 Sections 2, 4, 4.1, 4.2, 5, and 8 as follows:

6 (320 ILCS 20/2) (from Ch. 23, par. 6602)

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

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

17 (a-1) "Abuse" means causing any physical, mental or sexual  
18 injury to an eligible adult, including exploitation of such  
19 adult's financial resources, and abandonment.

20 Nothing in this Act shall be construed to mean that an  
21 eligible adult is a victim of abuse, abandonment, neglect, or  
22 self-neglect for the sole reason that he or she is being  
23 furnished with or relies upon treatment by spiritual means

1 through prayer alone, in accordance with the tenets and  
2 practices of a recognized church or religious denomination.

3 Nothing in this Act shall be construed to mean that an  
4 eligible adult is a victim of abuse because of health care  
5 services provided or not provided by licensed health care  
6 professionals.

7 Nothing in this Act shall be construed to mean that an  
8 eligible adult is a victim of abuse in cases of criminal  
9 activity by strangers, telemarketing scams, consumer fraud,  
10 internet fraud, home repair disputes, complaints against a  
11 homeowners' association, or complaints between landlords and  
12 tenants.

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

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

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

1 living.

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

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

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

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

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

16 (1.5) A facility licensed under the ID/DD Community  
17 Care Act;

18 (1.6) A facility licensed under the MC/DD Act;

19 (1.7) A facility licensed under the Specialized Mental  
20 Health Rehabilitation Act of 2013;

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

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

26 (4) A hospital, sanitarium, or other institution, the

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

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

8 (6) (Blank);

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

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

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

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

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

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

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

18 (f-3) "Investment advisor" means any person required to  
19 register as an investment adviser or investment adviser  
20 representative under Section 8 of the Illinois Securities Law  
21 of 1953, which for purposes of this Act excludes any bank,  
22 trust company, savings bank, or credit union, or their  
23 respective employees.

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

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

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

25           (2) an employee of a vocational rehabilitation  
26 facility prescribed or supervised by the Department of

1 Human Services;

2 (3) an administrator, employee, or person providing  
3 services in or through an unlicensed community based  
4 facility;

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

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

16 (6) personnel of the Department of Human Services, the  
17 Guardianship and Advocacy Commission, the State Fire  
18 Marshal, local fire departments, the Department on Aging  
19 and its subsidiary Area Agencies on Aging and provider  
20 agencies, and the Office of State Long Term Care  
21 Ombudsman;

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; ~~or~~

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

5           (10) a person who performs the duties of an investment  
6           advisor.

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

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

23          (i) "Regional administrative agency" means any public or  
24          nonprofit agency in a planning and service area that provides  
25          regional oversight and performs functions as set forth in  
26          subsection (b) of Section 3 of this Act. The Department shall



1 designate an Area Agency on Aging as the regional  
2 administrative agency or, in the event the Area Agency on  
3 Aging in that planning and service area is deemed by the  
4 Department to be unwilling or unable to provide those  
5 functions, the Department may serve as the regional  
6 administrative agency or designate another qualified entity to  
7 serve as the regional administrative agency; any such  
8 designation shall be subject to terms set forth by the  
9 Department.

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

23 (j) "Substantiated case" means a reported case of alleged  
24 or suspected abuse, abandonment, neglect, financial  
25 exploitation, or self-neglect in which a provider agency,  
26 after assessment, determines that there is reason to believe

1 abuse, abandonment, neglect, or financial exploitation has  
2 occurred.

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

7 (Source: P.A. 102-244, eff. 1-1-22; 102-953, eff. 5-27-22.)

8 (320 ILCS 20/4) (from Ch. 23, par. 6604)

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

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

16 (a-5) If any mandated reporter has reason to believe that  
17 an eligible adult, who because of a disability or other  
18 condition or impairment is unable to seek assistance for  
19 himself or herself, has, within the previous 12 months, been  
20 subjected to abuse, abandonment, neglect, or financial  
21 exploitation, the mandated reporter shall, within 24 hours  
22 after developing such belief, report this suspicion to an  
23 agency designated to receive such reports under this Act or to  
24 the Department. The agency designated to receive such reports  
25 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 Professional Regulation for action in accordance  
5 with paragraph 19 of Section 23 of the Illinois Dental  
6 Practice Act. Any optometrist who willfully fails to report as  
7 required by this Act shall be referred to the Department of  
8 Financial and Professional Regulation for action in accordance  
9 with paragraph (15) of subsection (a) of Section 24 of the  
10 Illinois Optometric Practice Act of 1987. Any other mandated  
11 reporter required by this Act to report suspected abuse,  
12 abandonment, neglect, or financial exploitation who willfully  
13 fails to report the same is guilty of a Class A misdemeanor.

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

15 (320 ILCS 20/4.1)

16 Sec. 4.1. Employer discrimination. No employer shall  
17 discharge, demote or suspend, or threaten to discharge, demote  
18 or suspend, or in any manner discriminate against any  
19 employee: (i) who makes any good faith oral or written report  
20 of suspected abuse, abandonment, neglect, or financial  
21 exploitation; (ii) who makes any good faith oral or written  
22 report concerning information about the suspicious death of an  
23 eligible adult; or (iii) who is or will be a witness or testify  
24 in any investigation or proceeding concerning a report of  
25 suspected abuse, abandonment, neglect, or financial

1 exploitation.

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

3 (320 ILCS 20/4.2)

4 Sec. 4.2. Testimony by mandated reporter and investigator.

5 Any mandated reporter who makes a report or any person who  
6 investigates a report under this Act shall testify fully in  
7 any judicial proceeding resulting from such report, as to any  
8 evidence of abuse, abandonment, neglect, or financial  
9 exploitation or the cause thereof. Any mandated reporter who  
10 is required to report a suspected case of or a suspicious death  
11 due to abuse, abandonment, neglect, or financial exploitation  
12 under Section 4 of this Act shall testify fully in any  
13 administrative hearing resulting from such report, as to any  
14 evidence of abuse, abandonment, neglect, or financial  
15 exploitation or the cause thereof. No evidence shall be  
16 excluded by reason of any common law or statutory privilege  
17 relating to communications between the alleged abuser or the  
18 eligible adult subject of the report under this Act and the  
19 person making or investigating the report.

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

21 (320 ILCS 20/5) (from Ch. 23, par. 6605)

22 Sec. 5. Procedure.

23 (a) A provider agency designated to receive reports of  
24 alleged or suspected abuse, abandonment, neglect, financial

1 exploitation, or self-neglect under this Act shall, upon  
2 receiving such a report, conduct a face-to-face assessment  
3 with respect to such report, in accord with established law  
4 and Department protocols, procedures, and policies.  
5 Face-to-face assessments, casework, and follow-up of reports  
6 of self-neglect by the provider agencies designated to receive  
7 reports of self-neglect shall be subject to sufficient  
8 appropriation for statewide implementation of assessments,  
9 casework, and follow-up of reports of self-neglect. In the  
10 absence of sufficient appropriation for statewide  
11 implementation of assessments, casework, and follow-up of  
12 reports of self-neglect, the designated adult protective  
13 services provider agency shall refer all reports of  
14 self-neglect to the appropriate agency or agencies as  
15 designated by the Department for any follow-up. The assessment  
16 shall include, but not be limited to, a visit to the residence  
17 of the eligible adult who is the subject of the report and  
18 shall include interviews or consultations regarding the  
19 allegations with service agencies, immediate family members,  
20 and individuals who may have knowledge of the eligible adult's  
21 circumstances based on the consent of the eligible adult in  
22 all instances, except where the provider agency is acting in  
23 the best interest of an eligible adult who is unable to seek  
24 assistance for himself or herself and where there are  
25 allegations against a caregiver who has assumed  
26 responsibilities in exchange for compensation. If, after the



1 assessment, the provider agency determines that the case is  
2 substantiated it shall develop a service care plan for the  
3 eligible adult and may report its findings at any time during  
4 the case to the appropriate law enforcement agency in accord  
5 with established law and Department protocols, procedures, and  
6 policies. In developing a case plan, the provider agency may  
7 consult with any other appropriate provider of services, and  
8 such providers shall be immune from civil or criminal  
9 liability on account of such acts. The plan shall include  
10 alternative suggested or recommended services which are  
11 appropriate to the needs of the eligible adult and which  
12 involve the least restriction of the eligible adult's  
13 activities commensurate with his or her needs. Only those  
14 services to which consent is provided in accordance with  
15 Section 9 of this Act shall be provided, contingent upon the  
16 availability of such services.

17 (b) A provider agency shall refer evidence of crimes  
18 against an eligible adult to the appropriate law enforcement  
19 agency according to Department policies. A referral to law  
20 enforcement may be made at intake, at ~~or~~ any time during the  
21 case, or after a report of a suspicious death, depending upon  
22 the circumstances. Where a provider agency has reason to  
23 believe the death of an eligible adult may be the result of  
24 abuse, abandonment, or neglect, the agency shall immediately  
25 report the matter to the coroner or medical examiner and shall  
26 cooperate fully with any subsequent investigation.

1 (c) If any person other than the alleged victim refuses to  
2 allow the provider agency to begin an investigation,  
3 interferes with the provider agency's ability to conduct an  
4 investigation, or refuses to give access to an eligible adult,  
5 the appropriate law enforcement agency must be consulted  
6 regarding the investigation.

7 (Source: P.A. 101-496, eff. 1-1-20; 102-244, eff. 1-1-22.)

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

9 Sec. 8. Access to records. All records concerning reports  
10 of abuse, abandonment, neglect, financial exploitation, or  
11 self-neglect or reports of suspicious deaths due to abuse,  
12 neglect, or financial exploitation and all records generated  
13 as a result of such reports shall be confidential and shall not  
14 be disclosed except as specifically authorized by this Act or  
15 other applicable law. In accord with established law and  
16 Department protocols, procedures, and policies, access to such  
17 records, but not access to the identity of the person or  
18 persons making a report of alleged abuse, abandonment,  
19 neglect, financial exploitation, or self-neglect as contained  
20 in such records, shall be provided, upon request, to the  
21 following persons and for the following persons:

22 (1) Department staff, provider agency staff, other  
23 aging network staff, and regional administrative agency  
24 staff, including staff of the Chicago Department on Aging  
25 while that agency is designated as a regional

1 administrative agency, in the furtherance of their  
2 responsibilities under this Act;

3 (1.5) A representative of the public guardian acting  
4 in the course of investigating the appropriateness of  
5 guardianship for the eligible adult or while pursuing a  
6 petition for guardianship of the eligible adult pursuant  
7 to the Probate Act of 1975;

8 (2) A law enforcement agency or State's Attorney's  
9 office investigating known or suspected abuse,  
10 abandonment, neglect, financial exploitation, or  
11 self-neglect. Where a provider agency has reason to  
12 believe that the death of an eligible adult may be the  
13 result of abuse, abandonment, or neglect, including any  
14 reports made after death, the agency shall immediately  
15 provide the appropriate law enforcement agency with all  
16 records pertaining to the eligible adult;

17 (2.5) A law enforcement agency, fire department  
18 agency, or fire protection district having proper  
19 jurisdiction pursuant to a written agreement between a  
20 provider agency and the law enforcement agency, fire  
21 department agency, or fire protection district under which  
22 the provider agency may furnish to the law enforcement  
23 agency, fire department agency, or fire protection  
24 district a list of all eligible adults who may be at  
25 imminent risk of abuse, abandonment, neglect, financial  
26 exploitation, or self-neglect;

1           (3) A physician who has before him or her or who is  
2 involved in the treatment of an eligible adult whom he or  
3 she reasonably suspects may be abused, abandoned,  
4 neglected, financially exploited, or self-neglected or who  
5 has been referred to the Adult Protective Services  
6 Program;

7           (4) An eligible adult reported to be abused,  
8 abandoned, neglected, financially exploited, or  
9 self-neglected, or such adult's authorized guardian or  
10 agent, unless such guardian or agent is the abuser or the  
11 alleged abuser;

12           (4.5) An executor or administrator of the estate of an  
13 eligible adult who is deceased;

14           (5) A probate court with jurisdiction over the  
15 guardianship of an alleged victim for an in camera  
16 inspection ~~In cases regarding abuse, abandonment, neglect,~~  
17 ~~or financial exploitation, a court or a guardian ad litem,~~  
18 ~~upon its or his or her finding that access to such records~~  
19 ~~may be necessary for the determination of an issue before~~  
20 ~~the court. However, such access shall be limited to an in~~  
21 ~~camera inspection of the records, unless the court~~  
22 ~~determines that disclosure of the information contained~~  
23 ~~therein is necessary for the resolution of an issue then~~  
24 ~~pending before it;~~

25           (5.5) A ~~In cases regarding self-neglect, a guardian ad~~  
26 litem, unless such guardian ad litem is the abuser or

1       alleged abuser;

2           (6) A grand jury, upon its determination that access  
3 to such records is necessary in the conduct of its  
4 official business;

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

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

13           (8.5) A coroner or medical examiner having proper  
14 jurisdiction, pursuant to a written agreement between a  
15 provider agency and the coroner or medical examiner, under  
16 which the provider agency may furnish to the office of the  
17 coroner or medical examiner a list of all eligible adults  
18 who may be at imminent risk of death as a result of abuse,  
19 abandonment, neglect, financial exploitation, or  
20 self-neglect;

21           (9) Department of Financial and Professional  
22 Regulation staff and members of the Illinois Medical  
23 Disciplinary Board or the Social Work Examining and  
24 Disciplinary Board in the course of investigating alleged  
25 violations of the Clinical Social Work and Social Work  
26 Practice Act by provider agency staff or other licensing

1 bodies at the discretion of the Director of the Department  
2 on Aging;

3 (9-a) Department of Healthcare and Family Services  
4 staff and provider agency staff when that Department is  
5 funding services to the eligible adult, including access  
6 to the identity of the eligible adult;

7 (9-b) Department of Human Services staff and provider  
8 agency staff when that Department is funding services to  
9 the eligible adult or is providing reimbursement for  
10 services provided by the abuser or alleged abuser,  
11 including access to the identity of the eligible adult;

12 (10) Hearing officers in the course of conducting an  
13 administrative hearing under this Act; parties to such  
14 hearing shall be entitled to discovery as established by  
15 rule;

16 (11) A caregiver who challenges placement on the  
17 Registry shall be given the statement of allegations in  
18 the abuse report and the substantiation decision in the  
19 final investigative report; and

20 (12) The Illinois Guardianship and Advocacy Commission  
21 and the agency designated by the Governor under Section 1  
22 of the Protection and Advocacy for Persons with  
23 Developmental Disabilities Act shall have access, through  
24 the Department, to records, including the findings,  
25 pertaining to a completed or closed investigation of a  
26 report of suspected abuse, abandonment, neglect, financial

1 exploitation, or self-neglect of an eligible adult.

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

3 Section 99. Effective date. This Act takes effect January  
4 1, 2024.