

IDoA Legislative Update

9/4/2018

Public Act 100-0641 / HB 4847

<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=100-0641>

Amends the Adult Protective Services (APS) Act. Expands definition of the term “eligible adult” to include an adult who resides in a facility excluded from the definition of the term “domestic living situation” if either: (1) the alleged abuse or neglect occurs outside of the facility and not under facility supervision and the alleged abuser is a family member, caregiver, or another person who has a continuing relationship with that adult; or (2) alleged financial exploitation is perpetrated by a family member, caregiver, or another person who has a continuing relationship with an adult, but the alleged abuser is not an employee of the facility where that adult resides.

Effective Date: Jan. 1, 2019

Public Act 100-0952 / HB 4879

<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=100-0952>

Amends the Illinois Power of Attorney Act to clarify that a representative of the Office of the State Long Term Care Ombudsman may petition the court for an order requiring an agent to turn over requested records relating to receipts, disbursements, and significant actions.

Effective Date: Jan. 1, 2019

Public Act 100-0756 / HB 4686

<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=100-0756>

Amends the Probate Act of 1975. Prohibits a court from appointing as guardian an employee of an agency that is directly providing residential services to a ward.

Effective Date: Jan. 1, 2019

Respect for yesterday. Support for today. Hope for tomorrow.

Public Act 100-0659 / HB 4867

<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=100-0659>

Amends the Probate Act of 1975. Requires a guardian to disclose to a judge the number of wards (adults with disabilities) over which that individual is currently responsible before finalizing appointment decisions. If a guardian is responsible for more than 5 wards, the court shall order the circuit court clerk to notify the Guardianship and Advocacy Commission, which will maintain a list for reference purposes. This legislation does not apply to the Office of the State Guardian or public guardians.

Effective Date: Jan. 1, 2019

Public Act 100-1054 / HB 4687

<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=100-1054>

Amends the Probated Act of 1975. Expands the list of individuals who can petition a court for visitation rights with a ward to include a spouse, adult grandchild, parent or adult sibling if the guardian is unreasonably preventing access Also prohibits a court from allowing visitation if the ward has capacity to evaluate and communicate decisions and expresses a desire not to have visitation.

Effective Date: Jan. 1, 2019

Public Act 100-0621/ SB 1936

<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=100-0621>

Amends the Property Tax Code. Eliminates an obsolete requirement to include a statement about the availability of applications at the Department on Aging for the defunded Circuit Breaker property tax relief program on local property tax bills. Makes other changes.

Effective Date: Immediately

Public Act 100-0631 / HB 4212

<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=100-0631>

Amends the Missing Persons Identification Act. Adds to the definition of “high-risk missing person” by including a veteran or active duty member of the United States Armed Forces, the National Guard, or any reserve component of the United States Armed Forces who is believed to have a physical or mental health condition that is related to his or her service.

Effective Date: Jan. 1, 2019

Public Act 100-0662 / SB 2265

<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=100-0662>

Amends the Department of State Police Law of the Civil Administrative Code of Illinois. Requires the Illinois State Police to include lost or missing individuals with developmental or intellectual disabilities in the statewide Law Enforcement Agencies Data System (LEADS). Subject to appropriations, also requires the Illinois State Police and the Department of Human Services to develop and implement a community outreach program among applicable entities (including developmental disability facilities) to promote awareness of the Endangered Missing Person Advisory.

Effective Date: Jan. 1, 2019

Public Act 100-0850 / HB 4309

<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=100-0850>

Enacts the Frail Elderly Individual Family Visitation Protection Act. Permits a family member to petition a court for visitation rights if a family caregiver unreasonably prevents visiting of a frail elderly individual. The court shall consider the nature of the frail elderly individual's functional impairment, their previously expressed preferences in regard to visitation with the petitioning family member, the history of visitation between the frail elderly individual and the petitioning family member, the opinions of any family members and the family caregiver, and any other areas of inquiry deemed appropriate by the court under the circumstances.

The court shall not allow visitation if the finding indicate that the frail elderly individual has the capacity to evaluate and communicate visitation decisions and does not wish to visit

with the family member, or the visitation is not in the best interests of the frail elderly individual. The court may appoint a guardian ad litem if it determines such appointment is in the best interests of the frail elderly individual.

If the court grants the visitation petition, the court may also order the family caregiver to use reasonable efforts to notify the petitioner if the frail elderly individual is hospitalized, admitted to a healthcare facility, changes permanent residence, or passes away.

This section does not apply if the frail elderly individual has a guardian, or the family caregiver is acting as agent under a power of attorney or at the direction of such an agent.

The bill defines "frail elderly individual" as an adult over 60 years of age who is determined by a court to be functionally impaired because the person 1) is unable to perform at least 2 activities of daily living without substantial human assistance or 2) requires substantial supervision because the person behaves in a manner that poses a serious health or safety hazard to that person or another person due to a cognitive or other mental impairment.

Effective Date: Jan. 1, 2019

Public Act 100-0972 / SB 2469

<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=100-0972>

Amends the Respite Program Act. Requires the Department on Aging's Annual Report to the General Assembly on Respite Care Services to include an estimate of the demand for respite care services over the next 10 years.

Effective Date: Jan. 1, 2019

Public Act 100-0915 / HB 5558

<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=100-0915>

Amends the Mental Health and Developmental Disabilities Code. Requires the conspicuous posting of contact information for the Guardianship and Advocacy Commission and for Equip for Equality (as the agency designated by the Governor to administer the State plan to protect and advocate the rights of persons with developmental disabilities) in public areas at mental health or developmental disability facilities.

Effective Date: Jan 1, 2019.