

1 AN ACT concerning disabled adults.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Abuse of Adults with Disabilities
5 Intervention Act is amended by changing Section 45 as
6 follows:

7 (20 ILCS 2435/45) (from Ch. 23, par. 3395-45)
8 Sec. 45. Consent.

9 (a) If the Adults with Disabilities Abuse Project has
10 received a report of alleged or suspected abuse, neglect, or
11 exploitation with regard to an adult with disabilities who
12 lacks the capacity to consent to an assessment or to
13 services, the Adults with Disabilities Abuse Project may
14 seek, directly or through another agency, the appointment of
15 a temporary or permanent guardian for assessment, provision
16 of services, or any other decision-making authority as is
17 appropriate for the individual as provided in Article XIa of
18 the Probate Act of 1975 or other relief as provided under the
19 Illinois Domestic Violence Act of 1986.

20 (a-5) If the adult with disabilities consents to the
21 assessment, such assessment shall be conducted. If the adult
22 with disabilities consents to the services included in the
23 service plan, such services shall be provided. If the adult
24 with disabilities refuses or withdraws his or her consent to
25 the completion of the assessment, the assessment shall be
26 terminated. If the adult with disabilities refuses or
27 withdraws his or her consent to the provision of services,
28 the services shall not be provided.

29 (b) A guardian of the person of an adult with
30 disabilities who is abused, neglected, or exploited by
31 another individual in a domestic living situation may consent

1 to an assessment or to services being provided pursuant to
 2 the service plan. If the guardian is alleged to be the
 3 perpetrator of the abuse, neglect, or exploitation, the
 4 Adults with Disabilities Abuse Project may ~~shall~~ seek the
 5 appointment of a temporary substitute guardian pursuant to
 6 Section 213.3 of the Illinois Domestic Violence Act of 1986
 7 under the provisions of Article XIa of the Probate Act of
 8 1975. If a guardian withdraws his consent or refuses to allow
 9 an assessment or services to be provided to the adult with
 10 disabilities, the Adults with Disabilities Abuse Project may
 11 seek directly or through another agency a court order seeking
 12 appropriate remedies, and may in addition request removal of
 13 the guardian and appointment of a successor guardian pursuant
 14 to Article XIa of the Probate Act of 1975.

15 (c) For the purposes of this Section only, "lacks the
 16 capacity to consent" shall mean that the adult with
 17 disabilities reasonably appears to be unable by reason of
 18 physical or mental condition to receive and evaluate
 19 information related to the assessment or services, or to
 20 communicate decisions related to the assessment or services.
 21 (Source: P.A. 90-655, eff. 7-30-98; 91-671, eff. 7-1-00.)

22 Section 99. Effective date. This Act takes effect upon
 23 becoming law.