

AN ACT concerning human services.

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

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

(20 ILCS 2435/45) (from Ch. 23, par. 3395-45)

Sec. 45. Consent.

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

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

(b) A guardian of the person of an adult with disabilities who is abused, neglected, or exploited by another individual in a domestic living situation may consent to an assessment or to services being provided pursuant to the service plan. If the guardian is alleged to be the perpetrator of the abuse,

neglect, or exploitation, the Adults with Disabilities Abuse Project shall, when there is an immediate and urgent necessity, seek the appointment of a temporary substitute guardian pursuant to Section 213.3 of the Illinois Domestic Violence Act of 1986 under the provisions of Article XIa of the Probate Act of 1975. If a guardian withdraws his consent or refuses to allow an assessment or services to be provided to the adult with disabilities, the Adults with Disabilities Abuse Project may seek directly or through another agency a court order seeking appropriate remedies, and may in addition request removal of the guardian and appointment of a successor guardian pursuant to Article XIa of the Probate Act of 1975.

(c) For the purposes of this Section only, "lacks the capacity to consent" shall mean that the adult with disabilities reasonably appears to be unable by reason of physical or mental condition to receive and evaluate information related to the assessment or services, or to communicate decisions related to the assessment or services.

(Source: P.A. 90-655, eff. 7-30-98; 91-671, eff. 7-1-00.)

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