USEFUL DEFINITIONS
(except as noted, citations are to the Adult Protective Services Act, f/k/a Elder Abuse and Neglect Act, 320 ILCS 20/1, et seq.
abandon: desert or knowingly forsake an elderly person under circumstances in which a reasonable person would continue to provide care and custody. Criminal Code of 2012, 720 ILCS 5/12-4.4a(e)
abuse, generally: “any physical, mental or sexual injury to an eligible adult (age 60 and over), including exploitation of such adult’s financial resources.” 320 ILCS 20/2(a).
abuse, mental: “includes, but is not limited to, humiliation, harassment, threats of punishment or deprivation, or offensive physical contact.” 77 Ill. Adm. Code § 300.330 (2014)
abuse, physical: “knowing or reckless use of physical force, confinement or restraint; knowing, repeated and unnecessary sleep deprivation; or knowing or reckless conduct which creates an immediate risk of physical harm.” Illinois Domestic Violence Act of 1986, 750 ILCS 60/130(14)
abuse, sexual: “sexual conduct by the use of force or threat of force; or victim is unable to understand the nature of the act or is unable to give knowing consent.” Criminal Code of 2012, 720 ILCS 5/11-1.50(a)
eligible adult: a person aged 60 or older who resides in a domestic living situation and is, or is alleged to be, abused, neglected, or financially exploited by another individual or who neglects himself or herself. 320 ILCS 20/2(e).
exploitation, financial: use of an eligible adult’s resources by another to the disadvantage of that adult or the profit or advantage of a person other than that adult. 320 ILCS 20/2(f-1); using a position of trust or confidence with the elderly person and knowingly and by deception or intimidation obtaining control over the property of an elderly person or illegally uses the assets or resources of an elderly person. Criminal Code of 2012, 720 ILCS 5/17-56(a).
mandated reporter: numerous categories of persons engaged in carrying out their professional duties, as required by the Adult Protective Services Act, 320 ILCS 20/2(f-5).
neglect: another individual’s failure to provide an eligible adult with or willful withholding from an eligible adult the necessities of life including, but not limited to, food, clothing, shelter or health care. 320 ILCS 20/2(g).
self-neglect: result of an eligible adult’s inability, due to physical or mental impairments, or both, or a diminished capacity, to perform essential self-care tasks that substantially threaten his or her own health. 320 ILCS 20/2(i-5).
willful deprivation: willfully denying a person who because of age requires medication, medical care, shelter, accessible shelter or services, food, therapeutic device, or other physical assistance, and thereby exposing that person to the risk of physical, mental or emotional harm. Criminal Code of 2012, 720 ILCS 5/12-4.4a(e); Illinois Domestic Violence Act of 1986, 750 ILCS 60/103(15).

IMPORTANT CONCEPTS
There are different legal thresholds of mental capacity for different documents, decisions, and causes of action.
Capacity: having “sufficient mind and memory to comprehend the nature and effect of his act.” McLaughlin v. Pickerel, 381 Ill. 574 (1943).
Undue Influence: “[A]ny improper...urgency or persuasion whereby the will of a person is overpowered and he is induced to do or forebear an act which he would not do or would do if left to act freely.” Estate of Hoover, 155 Ill. 2d 402 (1993).

RELEVANT STATUTES
Adult Protective Services Act, f/k/a Elder Abuse and Neglect Act, 320 ILCS 20/1, et seq.
Abuse or criminal neglect of a long term care facility resident; criminal abuse or neglect of an elderly person. 720 ILCS 5/12-4.4a.
Financial exploitation of an elderly person, 720 ILCS 5/17-56

Circuit Court of Cook County Illinois

SEPT. 2, 2014
Signs of Elder Abuse or Neglect

Physical Abuse
Bruises, scars, cuts, broken bones, or wounds
Unexplained injuries
Complaints of discomfort

Neglect by Caregivers or Self-Neglect
Fear or reluctance to admit visitors to the home
Lack of cleanliness
Unkempt appearance
Smells of urine or feces
Abandonment of elder
Not getting prescribed medications
Sudden inexplicable weight loss
Unsuitable clothing for weather conditions

Emotional Abuse
Change in personality
Display of agitation or hesitancy
Display of disorientation or confusion
Apathy or depression
Despondency
Fear or reluctance to talk openly

Financial Exploitation
Change in spending patterns
Failure or inability to manage finances
Receiving past due notices
Bounced checks
Statements or bills no longer coming to the home
Large decrease in funds in short time
Missing checks

Reporting Elder Abuse

TO MAKE A REPORT, CALL:
City of Chicago Senior Services
Ill. Dept. on Aging
24-Hour Adult Protective Services
RESOURCES:
AgeOptions (Cook County)
Area Agency on Aging (Cook County)
Senior Services
Area Agency on Aging (Chicago)
Cook County Elder Justice Center

| 311 (Chicago) |
| 800-252-8966 |
| 866-800-1409 |
| 888-206-1327 (TTY) |
| 800-699-9043 |
| 708-383-0258 |
| 312-744-4016 |
| 312-603-9233 |

Additional information, resources, and communications options for the organizations listed to the left are available on the Elder Law and Miscellaneous Division’s section of the court’s Web site:

http://www.cookcountycourt.org/

Case Management Tools
Ensure courtroom accessibility and accommodations for physical and/or cognitive impairments.
Understand gradations of diminished capacity and calendar cases to accommodate medical needs and fluctuations in capacity and mental alertness.
 Expedite cases in which elder abuse is an underlying factor, including avoiding unnecessary continuances and delays.
While preserving the defendant’s right of confrontation, consider procedures that memorialize elder victim or witness testimony, such as videotaped evidence depositions.

CIRCUIT COURT OF COOK COUNTY ILLINOIS

SEPT. 2, 2014