

ILLINOIS DEPARTMENT ON AGING

Adult Protective Services Suspicious Death Training
Updated (Effective January 1, 2024)

Training Objectives

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Inform of Amends to **Section 270.241**
Reporting a Suspicious Death



HB 2858 Effective January 1, 2024

Suspicious Death

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- On January 1, 2024, HB 2858 went into effect.
- HB 2858 requires mandated reporters to report incidents of suspicious death.

What is Suspicious Death?

- A suspicious death " means an instance in which an individual believes that the death of an individual may be the result of abuse or neglect. that is unexpected and has circumstances or a cause that is unexplained.
- These circumstances may raise doubts or concerns about the manner or cause of death and could suggest that the death was the result of foul play, criminal activity, negligence, or some other unnatural or unexpected factor.
- Suspicious deaths can occur in a variety of situations, including those involving medical care or suspected criminal activity.

Adult Protective Services Program

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- APS is a program of the IDoA that investigates ANE/SN, more information about APS can be found at the mandated reporter training on the IDoA website.
- <https://multimedia.illinois.gov/aging/Aging-APS-Manadated-Reporter-Training-052323.html>

What is A Mandated Reporter?

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- The Adult Protective Services Act can be found online:
<https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1452&ChapterID=31>
- Or by searching "**Illinois General Assembly APS Act**"
- Section 20/2 defines mandated reporters. In general, mandated reporters are individuals who work with older adults and many licensed professionals.

Reports of Abuse

- Any person and all mandated reporters who suspect abuse or neglect, caused the death of an eligible adult may report this suspicion or information about the suspicious death to an Adult Protective Services agency or the 24/7 Adult Protective Services Hotline.

Reports of Abuse

- 320 ILCS 20/ 4 (a-5)
- A person must be unable to report for themselves
- The information must have been obtained through the course of a mandated reporter's professional capacity.
- Reminder: **APS encourages all reports to be made.** There may be additional reports that do not fall into the above categories. In those instances, everyone is encouraged to make a report even when they are not required by law.

Mandated Reporters

- 320 ILCS 20/Section 4 (a-6)
- If a mandated reporter has reason to believe that the death of an eligible adult may be the result of abuse or neglect, the matter shall be reported to an agency designated to receive such reports under this Act or to the Adult Protective Services 24/7 Hotline at 1-866-800-1409.
- The designated agency will then immediately refer the matter to the appropriate law enforcement agency and the coroner or medical examiner in accordance with subsection (c-5) of Section 3 of this Act.

Client's Best Interest

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- A person making a report under this Act in the belief that it is in the alleged victim's best interest shall be immune from criminal or civil liability or professional disciplinary action on account of making the report.

Immunity

- Any person, institution or agency participating in the making of a report, providing information or records related to a report, assessment, or services, or participating in the investigation of a report under this Act in good faith.
- Taking photographs or x-rays as a result of an authorized assessment, shall have immunity from any civil, criminal or other liability in any civil, criminal or other proceeding brought in consequence of making such report or assessment.
- on account of submitting or otherwise disclosing such photographs or x-rays to any agency designated to receive reports of alleged or suspected abuse, abandonment, or neglect.

Identity Of Reporter

- The identity of a person making a report of alleged or suspected abuse, abandonment, neglect, financial exploitation, or self-neglect or a report concerning information about the suspicious death of an eligible adult under this Act may be disclosed by the Department or other agency provided for in this Act only with such person's written consent or by court order but is otherwise confidential.

Mandated Report (Law Enforcement)

- ❑ If the law enforcement agency, coroner, or medical examiner determines that the reported death was caused by abuse or neglect by a caregiver, they are required to inform IDoA.
- ❑ IDoA will then report the caregiver's identity on the Adult Protective Service Registry as described in Section 7.5 of this Act. [320 ILCS 20/3 (c-5)]

Mandated Reporter (Physicians)

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- 320 ILCS 20/4 (e)
- Failure to report may have consequences.
- Any physician who willfully fails to report as required by this Act shall be referred to the Illinois State Medical Disciplinary Board for action.

Testimony by Mandated Reporter

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- 320 ILCS 20/4.2
- Any mandated reporter who is required to report a suspected case of or a suspicious death due to abuse, abandonment, neglect, or financial exploitation under Section 4 of this Act shall testify fully in any administrative hearing resulting from such report, as to any evidence of abuse.

Contact APS Training

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- Thank you for your participation!
- For Additional Questions Please Contact:

APS Training at:

Aging.Apstraining@Illinois.gov

- APS Hotline: 1866-800-1409

