



FAQs for Adult Protective Services Registry Appeals

1. Why did I receive a Notice to Caregiver? Under the Adult Protective Services (APS) Act, the Illinois Department on Aging (IDoA) established an APS Registry to identify caregivers against whom a verified and substantiated finding of abuse, neglect, or financial exploitation exists. Placement on the APS Registry prevents that caregiver from providing direct care if the position is regulated or paid with public funds. 320 ILCS 20/7.5 and Title 89, Illinois Administrative Code 270, Subpart E.

2. What do I do next? Your next step is to make a decision about collateral action and/or requesting an appeal.

Collateral Action is used by a caregiver to challenge adverse employment action relating to the verified and substantiated finding. See question 3 below for more information.

An **Appeal** is used to contest whether placement of a caregiver's identity on the APS Registry is in the public interest. (See question 4 below for more information.) It does not address the underlying verified and substantiated finding on the merits. See 89 Ill. Adm. Code 270.414.

HOWEVER, if you do not request an appeal, your name will be placed on the APS Registry as soon as practicable and notice will be provided to the caregiver's employer of this action, if applicable.

- 3. What is collateral action in the context of the APS Registry?** A caregiver may have a right to formally challenge an adverse employment action resulting from a verified and substantiated finding of abuse, neglect, or financial exploitation by a complaint filed with the Illinois Civil Service Commission or by another means which seeks to enforce the caregiver's rights pursuant to any applicable collective bargaining agreement. A caregiver may stay the appeal process if adequate and timely notice of the filing of a collateral action challenging an adverse employment action resulting from the verified and substantiated finding of abuse, neglect, or financial exploitation is sent to the IDoA Office of General Counsel, the ALJ, and all parties of record in the administrative hearing. See 89 Ill. Adm. Code 270.416.
- 4. How do I file an appeal?** Complete the [Request for Appeal](#) form that is included with the Notice to Caregiver. You may self-represent, designate another individual to be your authorized representative, or be represented by an attorney licensed in Illinois during the appeal process.

The mailing address, email, and fax number are on the form and provided below:

Illinois Department on Aging
Office of General Counsel
Attention: APS Registry
One Natural Resources Way, #100
Springfield, Illinois 62702-1271

via email at AGING.APSRegistryAppeals@illinois.gov

OR fax at (217) 785-4477

- 5. Is there a deadline for appeal?** A Request for Appeal to contest placement of the caregiver's identity on the APS Registry must be submitted within thirty (30) calendar days after the date of the Notice to Caregiver from IDoA. Failure to timely respond may result in your inability to challenge your initial placement on the APS Registry.
- 6. Will I be able to produce additional evidence or supporting documentation after submitting my Request for Appeal form to IDoA?** Yes. You may produce additional evidence or supporting documentation prior to the hearing.

- 7. What if I need an interpreter or other communication assistance?** The Request for Appeal form allows you to indicate if you need an interpreter or other communication assistance (e.g., TTY). An interpreter will be provided at no cost to the individual so long as the request is made at least 14 calendar days prior to a scheduled conference call regarding the appeal.
- 8. After I make the request, what happens?** Upon receipt of the Request for Appeal, the IDoA Office of General Counsel will forward the request to the Illinois Central Management Services Bureau of Hearings (CMS BAH) Administrative Law Judge (ALJ). The ALJ will provide notices regarding the appeal and may schedule a conference call for a pre-hearing conference or initial status conference with the parties to informally discuss the case. Later, a notice with the hearing date will be provided to all parties at least fifteen (15) calendar days prior to the scheduled hearing date. Hearings will be at a reasonable time, date, and location designated in the notice of administrative hearings. Most hearings will be conducted via telephone.
- 9. What should the caregiver provide as evidence?** The caregiver should provide evidence or other supporting documentation to establish by a preponderance of the evidence that placement of his or her identity on the APS Registry is not in the public interest based on the following factors:
- Length of time the caregiver has been providing care to the victim;
 - Relationship between the caregiver and the victim;
 - Whether placement of caregiver's identity on the APS Registry is in the victim's best interest or that of other participants;
 - Whether additional training for the caregiver has been undertaken that could remediate the abuse, neglect, or financial exploitation;
 - In the case of financial exploitation, the value of the asset(s) at issue and whether restitution was made; or
 - Whether criminal charges were filed against the caregiver and any related outcome.

The burden of proof belongs to the caregiver. The hearing will be informal but the rules of evidence and privilege, as applied in civil cases in the circuit courts of this State, shall be followed.

- 10. What happens after the hearing?** After the hearing, the ALJ will issue a recommendation to the Director of IDoA to determine whether placement of the caregiver's identity on the APS Registry is in the public interest. The final administrative decision will be sent by IDoA to the caregiver.
- 11. I have been placed on the APS Registry, what can I do?** At any time after a caregiver's identity has been placed on the APS Registry, a caregiver may request removal of his or her name from the APS Registry. A request to the Illinois Department on Aging (IDoA) is not to be made more than once in each successive 3-year period after placement, with a maximum of 3 such requests.
- 12. Are APS Registry records confidential?** Yes, except as otherwise authorized by law (see 320 ILCS 20/8). None of the information and documents in the case record of the victim or in the appeal record, including the final administrative decision of the IDoA Director, is subject to the Freedom of Information Act [5 ILCS 140].

DISCLAIMER: The above questions and answers are provided for general information only and may not be completely accurate in every circumstance, do not purport to be legal advice, and not intended to be legally binding on IDoA in a particular case. Questions involving interpretation of the law and your legal rights and obligations should be addressed to your attorney.