



FILED
INDEX DEPARTMENT

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IN THE OFFICE OF
SECRETARY OF STATE

EXECUTIVE ORDER

12-02

Executive Order Strengthening Reporting Requirements and Protective Services for Adults with Disabilities

WHEREAS, the State has an obligation to protect its most vulnerable citizens from abuse, neglect, and exploitation; and

WHEREAS, adults with disabilities living in domestic settings throughout Illinois communities must be protected from being the victims of abuse, neglect, or exploitation by others; and

WHEREAS, in addition to being “created to investigate and report upon allegations of the abuse, neglect, or financial exploitation of individuals receiving services within mental health facilities, developmental disabilities facilities, and community agencies operated, licensed, funded or certified by the Department of Human Services,” the Office of the Inspector General for the Department of Human Services (DHS OIG) is also charged with investigating “alleged or suspected cases of abuse, neglect, or financial exploitation of adults with disabilities living in domestic settings in the community under the Abuse of Adults with Disabilities Intervention Act (AADIA), 20 ILCS 2435; and

WHEREAS, the DHS OIG must immediately report the death of an adult with disabilities to the coroner or medical examiner and cooperate fully with any subsequent investigation when it “has reason to believe that the death of the adult with disabilities may be the result of abuse, neglect, or exploitation;” and

WHEREAS, as part of the statutory Adults with Disabilities Abuse Project, if the DHS OIG “has reason to believe that a crime has been committed, the incident shall be reported to the appropriate law enforcement agency;” and

WHEREAS, immediate improvements must be made in the DHS OIG’s referral of, documentation of, and follow-up on the deaths of adults with disabilities that may be the result of abuse, neglect, or exploitation; and

WHEREAS, the effort to provide protective services to adults with disabilities living in domestic settings requires an integrated network of resources from the DHS OIG and community service providers; and

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, pursuant to the supreme executive authority vested in me by Article V, Section 8 of the Illinois Constitution, do hereby order as follows:

I. Reporting of Deaths of Adults with Disabilities by the DHS OIG

In addition to its already-existing statutory obligations under the Abuse of Adults with Disabilities Intervention Act, the DHS OIG shall:

- a) For any death of an adult with disabilities who is the subject of a pending complaint investigation by the DHS OIG, regardless of the circumstances, immediately report the matter to both the appropriate (1) law enforcement agency and (2) coroner or medical examiner.

Such reports shall be in writing and, at a minimum, shall contain information regarding (a) the incident(s), victim(s), and subject(s), (b) the reporting of the incident to the DHS OIG, (c) the DHS OIG personnel involved, and (d) as available and applicable, case numbers for the DHS OIG, law enforcement, and the coroner or medical examiner. The DHS OIG shall also maintain a copy of the report and shall document subsequent action, if any, by the appropriate law enforcement agency.

- b) Between 30 and 45 days after reporting the death of an adult with disabilities who is the subject of a pending complaint investigation by the DHS OIG to the appropriate law enforcement agency, contact that law enforcement agency to determine whether any further action was taken. If no further action was taken at the end of 45 days following the DHS OIG's report, the DHS OIG shall notify the Office of the Illinois Attorney General, in writing.
- c) In evaluating past cases, contact the applicable law enforcement agency to follow up on all death referrals made by the DHS OIG to a law enforcement agency under the AADIA since 2003. For all other deaths of an adult with disabilities who was the subject of a pending complaint investigation by the DHS OIG since 2003, the DHS OIG shall undertake a detailed review of each file to determine whether further DHS OIG action is required.

II. Enhancing Protective Services for Adults with Disabilities

a) Developing an Integrated State and Local Network for Adults with Disabilities

To supplement the current investigatory work of the DHS OIG under the Abuse of Adults with Disabilities Intervention Act and to ensure enhanced protective services through an integrated State and local network, the DHS OIG shall utilize and develop relationships with and, as necessary, contract with, regional and local provider agencies to provide (a) regional and local intake, outreach, and investigatory resources to the DHS OIG and (b) additional regional and local options for protective services for adults with disabilities in domestic settings.

b) Leveraging the Already Existing Network and Resources

The DHS OIG shall consult with and, to the extent practicable, use the Department on Aging's Protective Services for Seniors Unit as a model. Likewise, to the extent permitted by law, in order to build an integrated State and local protective services network, the DHS OIG may initially utilize the existing contracts that the Department on Aging has with regional and local providers.

III. Savings Clause

Nothing in this Executive Order shall be construed to contravene any state or federal law.

IV. Severability

If any provision of this Executive Order is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

V. Effective Date

This Executive Order shall take effect immediately upon filing with the Secretary of State.


Pat Quinn
Governor

Issued by the Governor: July 6, 2012

Filed with the Secretary of State: July 6, 2012