

domestic violence

DOMESTIC VIOLENCE IN CHICAGO

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PROTECTION FOR “HIGH-RISK ADULTS WITH DISABILITIES” UNDER THE ILLINOIS DOMESTIC VIOLENCE ACT

A “high-risk adult with disabilities” (high-risk adult) is a person who has a physical or mental disability that impairs the person’s ability to seek or obtain protection from abuse, neglect or exploitation and is 18 years of age or older. 750 ILCS 60/103 (8)

FAMILY OR HOUSEHOLD RELATIONSHIP

In order to come under the protection of the IDVA and to obtain an order of protection, the victim (petitioner) and the abuser (respondent) must have a “family or household relationship” under the Act. Those relationships typically include relationships by blood or marriage, by involvement in an intimate relationship or by sharing a household, with or without an intimate relationship. The majority of caregivers for high-risk adults fit into one of these categories.

Unfortunately, high-risk adults are also victimized by people who are employed or appointed to protect them. When a victim is a high-risk adult, the definition of “family or household relationship” is expanded to include the relationship between the high-risk adult and their personal assistant or caregiver. Beyond the typical relationships, examples of other caregivers include, but are not limited to:

- a person who is employed by the disabled person or by another to reside with or

regularly visit the disabled person and provide for such person’s health and personal care;

- a person who has agreed for consideration (received something of value) to reside with or regularly visit the disabled person and provide for such person’s health and personal care; and
- a person who has been appointed by a private or public agency or by a court of competent jurisdiction to provide for the disabled person’s health and personal care.¹ 750 ILCS 60/103 (6), 720 ILCS 5/12-21

A person appointed by a private or public agency can include workers who are sent into the victim’s residence to provide services. Some examples would be a visiting nurse or a homemaking assistant. A person appointed by the court would include someone appointed as the guardian of the person, who is granted the right to make health care decisions.

PROTECTION UNDER THE ACT

An order of protection can prohibit the respondent from committing certain forms of abuse against a protected person. In addition to the typical forms of abuse, an order of protection can provide specific protections for persons with disabilities.



Intimidation of a dependent means subjecting a dependent person to participation in or witnessing of physical force, confinement or restraint of another person, whether or not that person is a family or household member. 750 ILCS 60/103 (10)

Willful deprivation means denying a dependent person required medication, medical care, shelter, accessible shelter or services, food, therapeutic device or other physical assistance when that denial exposes the person to the risk of physical, mental or emotional harm. It is not willful deprivation to forego medical care or treatment at the dependant's request. 750 ILCS 60/103 (15)

The IDVA does not create an obligation to care for a person with disabilities if that obligation does not already exist under the law. A parent, spouse, adult child or other relative by blood or marriage can be held accountable if the person:

- resides with or resides in the same building with and regularly visits the disabled person,
- knows or reasonably should know of the person's physical or mental impairment, and
- knows or reasonably should know that such person is unable to adequately provide for his own health and personal care. 750 ILCS 60/103 (6), 720 ILCS 5/12-21

The prohibition against neglect and financial exploitation are available only when the protected person is a high-risk adult with disabilities.

Exploitation means the illegal misappropriation of assets or resources of a high-risk adult with disabilities by undue influence, by breach of a fiduciary relationship, by fraud, deception, or extortion, or the use of such assets or resources in a manner contrary to law. 750 ILCS 60/103 (5)

Neglect means the failure to exercise that degree of care toward a high-risk adult with disabilities which a reasonable person would exercise under the circumstances and includes but is not limited to the:

- failure to take reasonable steps to protect a high-risk adult with disabilities from acts of abuse;
- repeated, careless imposition of unreasonable confinement;
- failure to provide food, shelter, clothing, and personal hygiene to a high-risk adult with disabilities who requires such assistance;
- failure to provide medical and rehabilitative care for the physical and mental health needs of a high-risk adult with disabilities; or
- failure to protect a high-risk adult with disabilities from medical and safety hazards. 750 ILCS 60/103 (11)

Further information can be obtained by calling the **Domestic Violence Program at 312-745-6340** or the **City of Chicago Domestic Violence Help Line at 1-877-863-6338 or 1-877-863-6339 (TTY)**, or if you or someone you know needs immediate assistance, call **911**.

¹Caregiver does not include employees who provide care within long-term care facilities licensed or certified under the Nursing Home Care Act or doctors licensed under the Medical Practice Act of 1987.

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CHICAGO POLICE DEPARTMENT