

State of Illinois
Pat Quinn, Governor

Illinois Department on Aging
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Reporting Elder Abuse: What Professionals Need to Know

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Reporting Elder Abuse: What Professionals Need to Know

Table of Contents

What is elder abuse?	Page 1
When must elder abuse be reported?	Page 1
What is meant by dysfunction?	Page 2
How does a person make an elder abuse report?	Page 3
What about older persons in nursing homes who are abused?	Page 4
Who is required to report under the new law?	Page 4
Are bankers and attorneys required to report?	Page 6
Does the law provide any protections to reporters? ..	Page 7
What happens when a report is made?	Page 7
What happens if a client does not want services? ...	Page 10
What about people who self-neglect?	Page 10
Do reporters have to testify in court?	Page 11
What are the penalties for failure to report?	Page 11
What are some of the signs and symptoms of elder abuse?	Page 11
What are the indicators of elder abuse, neglect and exploitation?	Page 12
Who are the agencies responding to domestic elder abuse, neglect, and financial exploitation?	Page 14

What is elder abuse?

Elder abuse refers to the following types of mistreatment to any Illinois resident 60 years of age or older who lives in the community. The abuse must be one of the following types and must be committed by another person on the elder.

Abuse means physical, sexual or emotional maltreatment or willful confinement.

Neglect means the failure of a caregiver to provide the older person with the necessities of life, including but not limited to food, clothing, shelter and medical care. Neglect may be either passive (non-malicious) or willful.

Financial exploitation means the misuse or withholding of the older person's resources by another to the disadvantage of the older person or the profit of another.

The Illinois Department on Aging administers the Elder Abuse and Neglect Program (Senior Protective Services) to respond to reports of elder abuse, as authorized by the Elder Abuse and Neglect Act (320 ILCS 20/1 et seq.).

When must elder abuse be reported?

When an older person, because of dysfunction, is unable to self-report, professionals and state employees must report, within 24 hours, any suspected abuse, neglect or financial exploitation to the Department on Aging's Elder Abuse and

Neglect Program. The requirement to report includes any time a mandated reporter is engaged in carrying out his or her professional duties.

All people are encouraged, even when not required, to report any suspected abuse, neglect or exploitation of a person 60 years of age or older. The voluntary reports are handled in the same way as mandatory reports.

Again, if a mandatory reporter is unsure whether an older person whom he or she suspects is being mistreated is able to self-report, the Illinois Department on Aging encourages the reporter to make a voluntary report of the situation. Voluntary reporting is strongly recommended in all cases of elder abuse.

What is meant by dysfunction?

The term dysfunction is not defined in law, but is understood to mean any physical or mental condition that would render an older person unable to seek help for himself or herself. Such conditions might include dementia, paralysis, speech disorders, being confined to bed and unable to reach or use a telephone, etc. It is up to the professional person's judgment as to whether an older person is able to self-report.

The following questions may help the reporter determine if a person has the mental capacity to self-report:

1. Does the person understand the facts of the situation?
2. Does the person express a free choice about his or her situation?

3. Does the person understand the risks and benefits of that choice?

NOTE: If a reporter is unsure whether an older person is able to self-report, but suspects that the person is being abused, neglected or exploited, the Department on Aging encourages the reporter to voluntarily report the situation to the Elder Abuse and Neglect Program.

How does a person make an elder abuse report?

Anyone who suspects that an older person is being mistreated by another should call the designated **Elder Abuse Provider Agency** in the client's area (see attached list). If that number cannot be reached, the following phone numbers are available:

The Department on Aging's **Senior HelpLine at 1-800-252-8966 (Voice and TTY)** during regular business hours (8:30 a.m. to 5:00 p.m., Monday through Friday);

The Department on Aging's **After-Hours Elder Abuse Hotline at 1-800-279-0400** (5:00 p.m. to 8:30 a.m., Monday through Friday; and all weekend and holiday hours).

Elder Abuse and Neglect Program services are provided through local agencies that are designated by the Area Agency on Aging and the Department on Aging. All elder abuse caseworkers are trained and certified by the Department, which also promulgates the Program's policies and procedures and oversees the monitoring of services through the Area Agencies on Aging.

What about older persons in nursing homes who are abused?

Physicians, hospital staff, dentists, chiropractors, coroners, social workers, registered nurses and law enforcement officers are some of the professionals who are mandated to report the suspicion of abuse or neglect to a resident of a nursing home, sheltered care home or assisted living establishment. Reports are to be made to the Illinois Department of Public Health's Nursing Home Hotline at 1-800-252-4343. The reporter is encouraged to contact the Illinois Long Term Care Ombudsman Program for information on how to make an effective abuse or neglect complaint to the Nursing Home Hotline, how to interpret the findings of a report, how to appeal the findings and how to get other needed services for the alleged victim in the long-term-care facility setting. The Ombudsman Program is a resident advocacy program and will work with the resident and his or her family to obtain the services desired from the facility or establishment. An Ombudsman contact list can be downloaded from the Illinois Department on Aging Web site at www.state.il.us/aging/1directory/ombudsmen.pdf.

Who is required to report under the new law?

"Mandated Reporter" includes any of the following people who suspect abuse while engaged in carrying out professional duties:

- ✘ A professional or professional's delegate while engaged in:
 - ❖ social services,

- ❖ the care of an eligible adult or eligible adults,
- ❖ education,
- ❖ law enforcement,
- ❖ any of the occupations required to be licensed under the:

Clinical Psychologist Licensing Act
 Clinical Social Work and Social Work Practice Act
 Illinois Dental Practice Act
 Dietetic and Nutrition Services Practice Act
 Marriage and Family Therapy Licensing Act
 Medical Practice Act of 1987
 Naprapathic Practice Act
 Illinois Nursing Act of 1987
 Illinois Occupational Therapy Practice Act
 Illinois Public Accounting Act
 Illinois Optometric Practice Act of 1987
 Pharmacy Practice Act of 1987
 Illinois Physical Therapy Act
 Physician Assistant Practice Act of 1987
 Podiatric Medical Practice Act of 1987
 Professional Counselor and Clinical Professional
 Counselor Licensing Act
 Respiratory Care Practice Act
 Illinois Speech-Language Pathology and Audiology
 Practice Act
 Nursing Home Administrators Licensing and
 Disciplinary Act
 Veterinary Medicine and Surgery Practice Act of
 2004,

- ✗ an employee of a vocational rehabilitation facility prescribed or supervised by the Department of Human Services,
- ✗ an administrator, employee, or person providing services in or through an unlicensed community-based facility,

- ✗ a Christian Science Practitioner,
- ✗ field personnel of the Departments of Healthcare and Family Services, Public Health, and Human Services, and any county or municipal health department,
- ✗ personnel of the Department of Human Services, the Guardianship and Advocacy Commission, the State Fire Marshal, local fire departments, the Department on Aging and its subsidiary Area Agencies on Aging and provider agencies, and the Office of State Long Term Care Ombudsman,
- ✗ any employee of the state of Illinois not otherwise specified who is involved in providing services to eligible adults, including professionals providing medical or rehabilitation services and all other persons having direct contact with eligible adults,
- ✗ a person who performs the duties of a coroner or medical examiner,
- ✗ a person who performs the duties of a paramedic or an emergency medical technician.

As defined in the Elder Abuse and Neglect Act (320 ILCS 20/1 et seq.), as amended.

Are bankers and attorneys required to report?

Because of the confidentiality restrictions of their professions, bankers and attorneys are **not mandated** to report suspected elder abuse. They are, however, like all others, **encouraged to voluntarily report any suspected mistreatment of older persons.**

Does the law provide any protections to reporters?

The Elder Abuse and Neglect Act provides extensive protections to all reporters, whether voluntary or mandatory. Anyone who makes an elder abuse report in good faith is exempt from civil and criminal liability as well as any professional disciplinary action. These same protections are provided to any person who provides information, records or services related to a report.

The law also prohibits any retaliation by an employer against any employee who makes a good faith report of abuse, who is or will be a witness, or who will testify in any investigation or proceeding concerning a report of elder abuse.

In addition, by law, a reporter's name may be released only with the reporter's written consent or by the order of a court. The Department on Aging also accepts anonymous reports.

What happens when a report is made?

Step 1: Intake

The agency receiving the call will do an intake. The reporter should be prepared to answer as many of the following questions as possible:

- ✗ the alleged victim's name, address, telephone number, sex, age and general condition;

- ✗ the alleged abuser's name, sex, age, relationship to victim and condition;
- ✗ the circumstances that led the reporter to believe that the older person is being abused, neglected or financially exploited, with as much specificity as possible;
- ✗ whether the alleged victim is in immediate danger; the best time to contact the person; if she or he knows of the report; and if there is any danger to the worker going out;
- ✗ whether the reporter believes the client could self-report;
- ✗ the name, telephone number and profession of the reporter;
- ✗ the names of others with information about the situation;
- ✗ whether the reporter is willing to be contacted again;
- ✗ any other relevant information.

Even if the reporter does not have all of the above information, the call should be made with as much information as possible.

Step 2: Assessment

Depending on the nature and seriousness of the allegations, a trained caseworker will make a face-to-face contact with the alleged victim within the following time frames:

- ✗ 24 hours for life threatening situations,
- ✗ 72 hours for most neglect and non life-threatening physical abuse reports,
- ✗ 7 calendar days for most financial exploitation and emotional abuse reports.

The caseworker has 30 days to do a comprehensive assessment both to determine if the client has been mistreated and to determine his or her needs for services and interventions. If the abuse is substantiated, the caseworker involves the older person in the development of a case plan to alleviate the situation. The caseworker always attempts to utilize the least restrictive alternatives that will allow the older person to remain independent to the highest degree possible.

Alternatives might include in-home care, adult day services, respite, health services, and services such as counseling. Other interventions might include an order of protection, obtaining a representative payee, having the person change or execute a new power of attorney for financial or health decisions, or assisting the client in obtaining other legal remedies. In some cases, services for the abuser are also obtained, including mental illness, substance abuse, job placement or other services related to their problems.

Step 3: Follow-Up

The caseworker may keep the case open 15 months from the date of intake in order to monitor the situation and to continually reassess the need for different interventions. Where the caseworker judges that the best interests, safety and well-being of the client require further follow-up service, the case may stay open for up to an additional 12 month period. If subsequent reports of abuse are received and substantiated, the case may be kept open even longer.

Confidentiality

All reports and records of the Elder Abuse and Neglect Program are subject to strict confidentiality provisions.

What happens if a client does not want services?

As an adult, a competent client may refuse an assessment and may refuse all services and interventions. This is called the **client's right to self-determination**. In practice, it is rare for a client to refuse an assessment, and 90 percent of clients whose abuse is substantiated consent to further services.

Where a client has dementia or another form of cognitive impairment, the Elder Abuse Program works to assess the situation and to provide services as needed. In some cases, the Elder Abuse Provider Agency petitions the court for guardianship in order to ensure that the client's needs are met. Guardianship and nursing home placement are always the last resort.

What about people who self-neglect?

Some older people lack the capacity to care for themselves and may suffer health and other consequences that bring them to the attention of the community. They should be referred to the Senior HelpLine or to the local Case Coordination Unit for outreach and assessment. Unless they are being mistreated by a third party, they are not served under the Elder Abuse and Neglect Program.

Do reporters have to testify in court?

The Elder Abuse and Neglect Act requires that a mandatory reporter must testify fully in any judicial or administrative hearing resulting from the report. This outcome occurs in only a very small number of cases.

What are the penalties for failure to report?

Any physician who willfully fails to report as required by this Act shall be referred to the Illinois State Medical Disciplinary Board.

Any dentist or dental hygienist who willfully fails to report as required by this Act shall be referred to the Department of Financial and Professional Regulation.

Any other mandated reporter required by this Act to report suspected abuse, neglect, or financial exploitation and, who willfully fails to report the same, is guilty of a Class A misdemeanor.

What are some of the signs and symptoms of elder abuse?

On the next two pages are indicators that an older person may be abused, although an older person may have one or more of these even if he or she has not been mistreated. The reporter needs only to suspect that abuse may be

occurring; the Elder Abuse and Neglect Program will conduct an investigation to determine if that is the case. Even where the abuse allegation is not substantiated, the report may enable the older person to become aware of Aging Network services for which he or she is eligible.

What are the indicators of elder abuse, neglect and exploitation?

Physical Indicators

- ✓ Injuries that have not been properly treated,
- ✓ Injuries incompatible with explanatory statements,
- ✓ Cuts, lacerations or puncture wounds,
- ✓ Bruises, welts, discoloration, especially bilateral or multiple in various stages of healing,
- ✓ Dehydration, malnourishment or weight loss without medical explanation,
- ✓ Pallor or poor skin hygiene,
- ✓ Sunken eyes or cheeks,
- ✓ Evidence of inadequate care, such as improperly treated bedsores,
- ✓ Eye problems, retinal detachment,
- ✓ Pulled out hair,
- ✓ Soiled clothing or bed, left in own waste,
- ✓ Burns such as by cigarettes, acids or ropes,
- ✓ Locked in room; tied to furniture or toilet,
- ✓ Broken bones.

Financial Indicators

- ✓ Unpaid bills when income is adequate,
- ✓ Food, clothing and care needs not met,

- ✓ Overcharged for rent or services,
- ✓ Personal loans not repaid,
- ✓ Complaints of theft of property or money,
- ✓ Missing checks, jewelry or other valuables,
- ✓ Power of attorney signed by confused person,
- ✓ Suspicious changes in titles to property,
- ✓ Caregiver overly concerned with person's money,
- ✓ Promises of lifelong care in exchange for assets,
- ✓ ATM transactions by homebound elder,
- ✓ Utility shut-offs or threats of shut-offs,
- ✓ Large telephone bills run up by caregiver,
- ✓ Checks for food, etc., written over amount needed,
- ✓ Large or unusual bank transactions.

Family and Caregiver Indicators

- ✓ Indifference or hostility to client,
- ✓ Excessive blaming of client,
- ✓ Problems with alcohol or drugs,
- ✓ Previous history of violence,
- ✓ Failure to comply with the care plan,
- ✓ Social isolation of the victim; withholding of affection,
- ✓ Conflicting accounts of incidents,
- ✓ Threats and intimidation of client.

Behavioral Indicators of Client

- ✓ Withdrawn, depressed, resigned, helpless,
- ✓ Hesitates to talk openly,
- ✓ Gives implausible stories about injuries or events,
- ✓ Denies problems,
- ✓ Appears fearful of caregiver or family member,
- ✓ Has lost touch with family and friends other than caregiver or alleged abuser.

Who are the agencies responding to domestic elder abuse, neglect, and financial exploitation?

Illinois Department on Aging

1-800-252-8966

(Voice and TTY)

Can accept reports of domestic elder abuse, neglect, and financial exploitation and refer to the local Elder Abuse Provider Agencies throughout the state. **The after-hours toll free number is 1-800-279-0400.**

Or call locally:

<u>County</u>	<u>Elder Abuse Agency</u>	<u>Phone</u>
Adams	West Central Illinois Case Coordination Unit	217-222-1189
Alexander	Shawnee Alliance for Seniors	618-985-8322
Bond	Southwestern Illinois Visiting Nurses Association	618-236-5863
Boone	Visiting Nurses Association of Rockford	815-971-3502
Brown	West Central Illinois Case Coordination Unit	217-222-1189
Bureau	Alternatives for the Older Adult	309-277-0168
Calhoun	West Central Illinois Case Coordination Unit	217-222-1189
Carroll	Intouch Service of Lutheran Social Services of Illinois	815-626-7333
Cass	Prairie Council on Aging	217-479-4600
Champaign	Senior Resource Center	217-352-5100
Christian	Macoupin County Programs for the Elderly	217-854-4706
Clark	Cumberland Associates, Inc.	1-800-626-7911

<u>County</u>	<u>Elder Abuse Agency</u>	<u>Phone</u>
Clay	Effingham City and County Committee on Aging	1-800-283-4070
Clinton	Southwestern Illinois Visiting Nurses Association	618-236-5863
Coles	Cumberland Associates, Inc.	1-800-626-7911
Cook	See page 19.	
Crawford	SWAN (Stopping Woman Abuse Now)	618-392-3556
Cumberland	Cumberland Associates, Inc.	1-800-626-7911
DeKalb	Elder Care Services of DeKalb Co.	815-758-6550
DeWitt	Community Home Environmental Learning Project, Inc. (CHELP)	217-422-9888
Douglas	Cumberland Associates, Inc.	1-800-626-7911
DuPage	DuPage County Dept. of Human Resources	630-682-7000
Edgar	Cumberland Associates, Inc.	1-800-626-7911
Edwards	SWAN (Stopping Woman Abuse Now)	618-392-3556
Effingham	Effingham City and County Committee on Aging	1-800-283-4070
Fayette	Effingham City and County Committee on Aging	1-800-283-4070
Ford	Elder Care Services of Ford-Iroquois Counties	815-432-2483
Franklin	Shawnee Alliance for Seniors	618-985-8322
Fulton	SeniorStrength	309-637-3905
Gallatin	Shawnee Alliance for Seniors	618-985-8322
Greene	Prairie Council on Aging	217-479-4600
Grundy	Grundy County Health Department	815-941-3143
Hamilton	SWAN (Stopping Woman Abuse Now)	618-392-3556
Hancock	West Central Illinois Case Coordination Unit	217-222-1189
Hardin	Shawnee Alliance for Seniors	618-985-8322
Henderson	Alternatives for the Older Adult	309-277-0168

<u>County</u>	<u>Elder Abuse Agency</u>	<u>Phone</u>
Henry	Alternatives for the Older Adult	309-277-0168
Iroquois	Elder Care Services of Ford-Iroquois Counties	815-432-2483
Jackson	Shawnee Alliance for Seniors	618-985-8322
Jasper	SWAN (Stopping Woman Abuse Now)	618-392-3556
Jefferson	Effingham City and County Committee on Aging	1-800-283-4070
Jersey	Prairie Council on Aging	217-479-4600
JoDaviess	Stephenson County Senior Center	815-235-9777
Johnson	Shawnee Alliance for Seniors	618-985-8322
Kane	Senior Services Associates (Elgin) (Aurora)	847-741-0404 630-897-4035
Kankakee	Catholic Charities, Diocese of Joliet	815-932-1921
Kendall	Senior Services Associates, Inc.	630-553-5777
Knox	Alternatives for the Older Adult	309-277-0168
Lake	Catholic Charities, Chicago Archdiocese	847-546-5733
LaSalle	Alternatives for the Older Adult	309-277-0168
Lawrence	SWAN (Stopping Woman Abuse Now)	618-392-3556
Lee	Intouch Services of Lutheran Social Services of Illinois	815-626-7333
Livingston	PATH	309-828-1022
Logan	Senior Services of Central Illinois	217-528-4035
Macon	Community Home Environmental Learning Project, Inc. (CHELP)	217-422-9888
Macoupin	Macoupin County Programs for the Elderly	217-854-4706
Madison	Southwestern Illinois Visiting Nurses Association	618-236-5863
Marion	Effingham City and County Committee on Aging	1-800-283-4070
Marshall	SeniorStrength	309-637-3905

<u>County</u>	<u>Elder Abuse Agency</u>	<u>Phone</u>
Mason	Senior Services of Central Illinois	217-528-4035
Massac	Shawnee Alliance for Seniors	618-985-8322
McDonough	Alternatives for the Older Adult	309-277-0168
McHenry	Senior Services Associates	815-344-3555
McLean	PATH	309-828-1022
Menard	Senior Services of Central Illinois	217-528-4035
Mercer	Alternatives for the Older Adult	309-277-0168
Monroe	Southwestern Illinois Visiting Nurses Association	618-236-5863
Montgomery	Montgomery County Health Dept.	217-532-2001
Morgan	Prairie Council on Aging	217-479-4600
Moultrie	Cumberland Associates, Inc.	1-800-626-7911
Ogle	Intouch Services of Lutheran Social Services of Illinois	815-626-7333
Peoria	SeniorStrength	309-637-3905
Perry	Shawnee Alliance for Seniors	618-985-8322
Piatt	Senior Resource Center	217-352-5100
Pike	West Central Illinois Case Coordination Unit	217-222-1189
Pope	Shawnee Alliance for Seniors	618-985-8322
Pulaski	Shawnee Alliance for Seniors	618-985-8322
Putnam	Alternatives for the Older Adult	309-277-0168
Randolph	Southwestern Illinois Visiting Nurses Association	618-236-5863
Richland	SWAN (Stopping Woman Abuse Now)	618-392-3556
Rock Island	Alternatives for the Older Adult	309-277-0168
Saline	Shawnee Alliance for Seniors	618-985-8322
Sangamon	Senior Services of Central Illinois	217-528-4035
Schuyler	West Central Illinois Case Coordination Unit	217-222-1189
Scott	Prairie Council on Aging	217-479-4600

<u>County</u>	<u>Elder Abuse Agency</u>	<u>Phone</u>
Shelby	Cumberland Associates, Inc.	1-800-626-7911
St. Clair	Southwestern Illinois Visiting Nurses Association	618-236-5863
Stark	SeniorStrength	309-637-3905
Stephenson	Stephenson County Senior Center	815-235-9777
Tazewell	SeniorStrength	309-637-3905
Union	Shawnee Alliance for Seniors	618-985-8322
Vermilion	Community Resources and Information for Seniors (CRIS) Services	217-443-2999
Wabash	SWAN (Stopping Woman Abuse Now)	618-392-3556
Warren	Alternatives for the Older Adult	309-277-0168
Washington	Southwestern Illinois Visiting Nurses Association	618-236-5863
Wayne	SWAN (Stopping Woman Abuse Now)	618-392-3556
White	SWAN (Stopping Woman Abuse Now)	618-392-3556
Whiteside	Intouch Services of Lutheran Social Services of Illinois	815-626-7333
Will	Senior Services Center of Will Co.	815-740-4225
Williamson	Shawnee Alliance for Seniors	618-985-8322
Winnebago	Visiting Nurses Association of Rockford	815-971-3502
Woodford	SeniorStrength	309-637-3905

City of Chicago

<u>Sub-Area</u>	<u>Elder Abuse Agency</u>	<u>Phone</u>
1 – 60626, 60640, 60645, 60659, 60660	Catholic Charities	773-286-6041
2 – 60625, 60630, 60631, 60646, 60656	Catholic Charities	773-286-6041
3 – 60634, 60635, 60639, 60641, 60666, 60707	Catholic Charities	773-286-6041
4 – 60613, 60614, 60618, 60647, 60657	Catholic Charities	773-286-6041

<u>Chicago Sub-Area</u>	<u>Elder Abuse Agency</u>	<u>Phone</u>
5 – 60601, 60602, 60603, 60604, 60605, 60606, 60607, 60610, 60611, 60622	Healthcare Consortium of Illinois	708-841-9515
6 – 60615, 60616, 60637, 60649, 60653	Centers for New Horizons	773-451-1376
7 – 60609, 60623, 60629, 60632, 60638	Metropolitan Family Services	312-986-4332
8 – 60617, 60619, 60627, 60628, 60633, 60827	Metropolitan Family Services	312-986-4332
9 – 60620, 60621, 60636, 60643, 60652, 60655	Metropolitan Family Services	312-986-4332
10 – 60608, 60612, 60624, 60644, 60651	Westside Health Partnership	773-522-8640

Suburban Cook County

<u>Service Area</u>	<u>Elder Abuse Agency</u>	<u>Phone</u>
Berwyn, Cicero	Berwyn-Cicero Council on Aging	708-447-2448
Barrington, Hanover, Palatine, and Wheeling Townships	Catholic Charities (Northwest Senior Services)	847-253-5500
Bloom, Bremen, Calumet, Rich and Thornton Townships. <u>Cities served:</u> Dixmoor, Harvey, Homewood, Markham, Burnham, Dolton, Calumet City, East Hazel Crest, Lansing, Phoenix, Riverdale, South Holland, and Thornton	Catholic Charities (South Suburban Senior Services)	708-596-2222

<u>Service Area</u>	<u>Elder Abuse Agency</u>	<u>Phone</u>
Elk Grove, Schaumburg	Kenneth W. Young Centers	847-524-8800
Leyden, Norwood Park	Leyden Family Services	847-455-3929
Evanston, Niles	Metropolitan Family Services	847-328-2404
Maine, New Trier, Northfield	North Shore Senior Center	847-784-6000
Oak Park, River Forest	Oak Park Township	708-383-8060
Lemont, Orland, Palos and Worth Townships	PLOWS (Palos, Lemont, Orland and Worth) Council on Aging	708-361-0219
Proviso Township (except the Villages of Brookfield and LaGrange Park)	West Suburban Senior Services	708-547-5600
Lyons and Riverside Townships and the Villages of Brookfield and LaGrange Park	Southwest Suburban Center on Aging	708-354-1323
Stickney Township	Stickney Township Office on Aging	708-636-8850

This list of Elder Abuse Provider Agencies can also be found on the Illinois Department on Aging's Web site at www.state.il.us/aging under the "Directory of Agencies Serving Seniors."

Illinois Department
on **Aging**



421 East Capitol Ave., #100
Springfield, IL 62701-1789

Senior HelpLine:

1-800-252-8966 (Voice and TTY)

8:30 a.m. to 5:00 p.m., Monday through Friday

After hours, on weekends and holidays:

1-800-279-0400

E-mail: ilsenior@aging.state.il.us

www.state.il.us/aging

Outside of Illinois:

Eldercare Locator:

1-800-677-1116

www.eldercare.gov

The Illinois Department on Aging does not discriminate in admission to programs or treatment of employment in compliance with appropriate State and Federal statutes. If you feel you have been discriminated against, call the Senior HelpLine at 1-800-252-8966 (Voice and TTY).

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