



Right of Adults with Guardians to Control the Privacy of Their Rape Crisis Center Records

Current Law

An adult with a guardian can:

- decide whether his or her guardian can look at her/his rape crisis center records; and
- decide whether or not to waive the rape crisis center privilege.

If a court decides that the adult with a guardian is not capable of making an informed decision about waiving the privilege, the guardian can still do so, provided that the guardian's interests are not adverse to the interests of the adult.

Background

Prior to January 1, 2011, an adult with a guardian had no right to control whether the guardian had access to her/his rape crisis center counseling records. In addition, an adult with a guardian could not decide whether to waive the rape crisis center privilege. Only the guardian could make that decision.

Sometimes a victim with a disability had a guardian whose interests were adverse to those of the victim.

To remedy this problem, the Confidentiality of Statements Made to Rape Crisis Personnel statute was amended to provide adults with a guardian control and access to their records at the rape crisis centers. [735 ILCS 5/8-802.1\(c\)](#).

The change to the law is the outcome of the Illinois Imagines Project, a collaborative among the Illinois Department of Human Services, the Illinois Coalition Against Sexual Assault, and self-advocates for people with disabilities.

Questions?

Illinois Coalition Against Sexual Assault
217.753.4117
www.icasa.org

Illinois Department of Human Services
Domestic Violence & Sexual Assault Unit
217.558.6192 or teresa.tudor@illinois.gov