



Right of Adults with Guardians to Obtain Short-Term Counseling

Current Law

An adult with a guardian can attend up to five, forty-five minute counseling sessions without the consent of, or notice to, the guardian unless the counselor or therapist believes such disclosure is necessary.

If a counselor or therapist decides to disclose the fact of counseling or psychotherapy to the guardian, he or she must inform the adult with a guardian.

The guardian is not responsible for the costs of counseling or psychotherapy received by the adult without the consent of the guardian.

Background

Prior to January 1, 2012, an adult with a guardian of her/his person had no right to attend counseling sessions without the consent of the guardian.

Reasons for decisions to deny consent to adults with disabilities who had been sexually assaulted varied. Sometimes the guardian did not believe that the ward had been sexually assaulted; sometimes the guardian supported, or worst of all was, the assailant.

To remedy this problem, the Mental Health and Developmental Disabilities Code was amended to provide adults with a guardian of her/his person access to short-term counseling. [405 ILCS 5/2-101.1](#).

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
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Domestic Violence & Sexual Assault Unit
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