



## What to Report

### **Facilities without Inpatient Mental Health Treatment Programs**

Facilities without inpatient mental health reporting programs are now required to report:

1. Adjudicated Mentally Disabled Person
2. Any person determined to be a Clear and Present Danger to themselves or others
3. Any person determined to be Developmentally Disabled or Intellectually Disabled

#### ***Adjudicated Mentally Disabled Person***

- (1) Presents a clear and present danger to himself, herself, or to others (**must be reported with 24 hours**)
- (2) Lacks the mental capacity to manage his or her own affairs or is adjudicated a disabled person as defined in Section 11a-2 of the Probate Act of 1975
- (3) Is not guilty in a criminal case by reason of insanity, mental disease or defect
- (3.5) Is guilty but mentally ill, as provided in Section 5-2-6 of the Unified Code of Corrections
- (4) Is incompetent to stand trial in a criminal case
- (5) Is not guilty by reason of lack of mental responsibility under Articles 50a and 72b of the Uniform Code of Military Justice, 10 U.S.C. 850a, 876b
- (6) Is a sexually violent person under subsection (f) of Section 5 of the Sexually Violent Persons Commitment Act
- (7) Has been found to be a sexually dangerous person under the Sexually Dangerous Persons Act
- (8) Is unfit to stand trial under the Juvenile Court Act of 1987
- (9) Is not guilty by reason of insanity under the Juvenile Court Act of 1987
- (10) Is subject to **involuntary admission as an inpatient** as defined in Section 1-119 of the Mental Health and Development Disabilities Code
- (11) Is subject to involuntary admission as an outpatient as defined in Section 1-119.1 of the Mental Health and Developmental Disabilities Code
- (12) Is subject to judicial admission as set forth in Section 4-500 of the Mental Health and Developmental Disabilities Code
- (13) Is subject to the provisions of the Interstate Agreements on Sexually Dangerous Persons Act

"Clear and Present Danger" means a person who:

- (1) communicates a serious threat of physical violence against a reasonably identifiable victim or poses a clear and imminent risk of serious physical injury to himself, herself, or another person as determined by a physician, clinical psychologist, or qualified examiner; or
- (2) demonstrates threatening physical or verbal behavior, such as violent, suicidal, or assaultive threats, actions, or other behavior, as determined by a physician, clinical psychologist, qualified examiner, school administrator, or law enforcement official. (FOID Act, Sec. 1.1)

"Developmentally disabled" means:

For purposes of this Section, "developmentally disabled" means a disability which is attributable to any other condition which results in impairment similar to that caused by an intellectual disability and which requires services similar to those required by intellectually disabled persons. The disability must originate before the age of 18 years, be expected to continue indefinitely, and constitute a substantial disability. This disability results in the professional opinion of a physician, clinical psychologist, or qualified examiner, in significant functional limitations in 3 or more of the following areas of major life activity:

- (i) self-care;
- (ii) receptive and expressive language;
- (iii) learning;
- (iv) mobility; or
- (v) self-direction.

(FOID Act Sec. 1.1)

"Determined to be developmentally disabled by a physician, clinical psychologist, or qualified examiner" means in the professional opinion of the physician, clinical psychologist, or qualified examiner, a person is diagnosed, assessed, or evaluated to be developmentally disabled.

"Intellectually Disabled" means significantly sub average general intellectual functioning which exists concurrently with impairment in adaptive behavior and which originates before the age of 18 years. (FOID Act Sec. 1.1)

*\* Adjudicated Admissions - required to report to DHS FOID, **within 7 days after ADMISSION** (See 740 ILCS 110/12(b))*

*\*Clear and Present Danger and Intellectually Disabled events are required to report to DHS FOID **within 24 hours**. Developmentally Disabled events are required to report to DHS FOID **within 7 days**. (See 740 ILCS 110/12(b))*