



## Illinois Department of Financial and Professional Regulation

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### SUPPORTING DOCUMENTATION OF COERCED DEBT QUALIFIED THIRD-PARTY VERIFICATION FORM 205 ILCS 740/9.6(a)(5)(c)

Illinois law provides relief for victims of coerced debt under certain circumstances if they provide certain information to the collection agency, including supporting documentation. One of the approved types of supporting documentation is a Written Verification from a Qualified Third-Party who provides assistance to the victim of coerced debt.

*Coerced Debt is any debt, except for debt secured by real property such as real estate, that a debtor incurs because of fraud, duress, intimidation, threat, force, coercion, undue influence, abuse, exploitation, the non-consensual use of the debtor's personal identifying information by a family or household member, or due to human trafficking.*

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***You qualify as a Third Party to provide this information if the debtor:***

- (1) disclosed the coerced debt to you;***
- (2) sought your assistance related to the coerced debt as defined above, due to abuse, exploitation, family violence, or domestic violence, or because they are a victim of human trafficking; AND***
- (3) you are any one of the following:***

*law enforcement officer*

*attorney*

*physician, physician assistant, psychiatrist,  
psychologist, social worker, nurse, therapist,  
clinical professional counselor, or other  
medical professional*

*person who advises or provides services to  
persons regarding domestic violence, family  
violence, sexual assault, human trafficking, or  
abuse of children, the elderly or dependent adults;  
member of the clergy of a church, religious  
society, or denomination*

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#### I. DESCRIPTION OF COERCED DEBT

Name of Victim/Debtor: \_\_\_\_\_

Description of Coerced Debt (or portion thereof): [e.g. credit card, auto/personal loan]

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#### II. QUALIFIED THIRD-PARTY INFORMATION

Name: \_\_\_\_\_ Organization: \_\_\_\_\_

Address: \_\_\_\_\_ Occupation/Title: \_\_\_\_\_

Telephone: \_\_\_\_\_



## Illinois Department of Financial and Professional Regulation

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### III. NO WAIVER

Providing this written verification does not waive any privilege or confidentiality between the third party and the debtor under federal, State, or local law.

### IV. CERTIFICATION

I, \_\_\_\_\_, hereby certify under penalty of perjury as provided by law pursuant to 735 ILCS 5/1-109 of the Code of Civil Procedure that I am a Qualified Third Party as defined in Section 9.6 of the Collection Agency Act, that \_\_\_\_\_ reported the above-described coerced debt to me in my capacity as a Qualified Third Party, and that \_\_\_\_\_ sought my assistance related to the coerced debt, abuse or exploitation under the Illinois Domestic Violence Act of 1986, or because they are a victim of human trafficking under Section 10-9 of the Criminal Code of 2012.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

**Note:** A qualified third party who fraudulently certifies that the debtor sought assistance from the Qualified Third Party related to the coerced debt, abuse, exploitation, or human trafficking shall be liable to the collection agency for actual damages, court costs, and reasonable attorney's fees.



# Illinois Department of Financial and Professional Regulation

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## DEFINITIONS

“Abuse” means physical abuse, harassment, intimidation of a dependent, interference with personal liberty or willful deprivation but does not include reasonable direction of a minor child by a parent or person in loco parentis.

“Caregivers” means a person who has a duty to provide for an elderly person or person with a disability's health and personal care, at the elderly person or person with a disability's place of residence, including, but not limited to, food and nutrition, shelter, hygiene, prescribed medication, and medical care and treatment, and includes any of the following: (1) A parent, spouse, adult child, or other relative by blood or marriage who resides with or resides in the same building with or regularly visits the elderly person or person with a disability, knows or reasonably should know of such person's physical or mental impairment, and knows or reasonably should know that such person is unable to adequately provide for his or her own health and personal care. (2) A person who is employed by the elderly person or person with a disability or by another to reside with or regularly visit the elderly person or person with a disability and provide for such person's health and personal care. (3) A person who has agreed for consideration to reside with or regularly visit the elderly person or person with a disability and provide for such person's health and personal care. (4) A person who has been appointed by a private or public agency or by a court of competent jurisdiction to provide for the elderly person or person with a disability's health and personal care. "Caregiver" does not include a long-term care facility licensed or certified under the Nursing Home Care Act or a facility licensed or certified under the ID/DD Community Care Act, the MC/DD Act, or the Specialized Mental Health Rehabilitation Act of 2013, or any administrative, medical, or other personnel of such a facility, or a health care provider who is licensed under the Medical Practice Act of 1987 and renders care in the ordinary course of his or her profession.

"Coerced debt" means any debt as defined by this Act or a portion of the debt, except for debt secured by real property, that was incurred by the debtor because of fraud, duress, intimidation, threat, force, coercion, undue influence, or the non-consensual use of the debtor's personal identifying information between family or household members as defined in Section 103 of the Illinois Domestic Violence Act of 1986, as a result of abuse or exploitation as defined in Section 103 of the Illinois Domestic Violence Act of 1986, or due to human trafficking as defined in subsections (b), (c), and (d) of Section 10-9 of the Criminal Code of 2012.

“Debt” means money, property, or their equivalent which is due or owing or alleged to be due or owing from a person to another person.

"Exploitation" means the illegal, including tortious, use of a high-risk adult with disabilities or of the assets or resources of a high-risk adult with disabilities. Exploitation includes, but is not limited to, the 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.

“Family or household members” means spouses, former spouses, parents, children, stepchildren and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly have a child in common, persons who share or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship, persons with disabilities and their personal assistants, and caregivers. Neither a casual acquaintanceship nor ordinary fraternization between 2 individuals in business or social contexts shall be deemed to constitute a dating relationship. In the case of a high-risk adult with disabilities, "family or household members" includes any person who has the responsibility for a high-risk adult as a result of a family relationship or who has assumed responsibility for all or a portion of the care of a high-risk adult with disabilities voluntarily, or by express or implied contract, or by court order.



## Illinois Department of Financial and Professional Regulation

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"High-risk adult with disabilities" means a person aged 18 or over whose physical or mental disability impairs his or her ability to seek or obtain protection from abuse, neglect, or exploitation.

"Human trafficking" means involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons.

"Involuntary servitude". A person commits involuntary servitude when he or she knowingly subjects, attempts to subject, or engages in a conspiracy to subject another person to labor or services obtained or maintained through any of the following means, or any combination of these means: (1) causes or threatens to cause physical harm to any person; (2) physically restrains or threatens to physically restrain another person; (3) abuses or threatens to abuse the law or legal process; (4) knowingly destroys, conceals, removes, confiscates, or possesses any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person; (5) uses intimidation, or exerts financial control over any person; or (6) uses any scheme, plan, or pattern intended to cause the person to believe that, if the person did not perform the labor or services, that person or another person would suffer serious harm or physical restraint.

"Involuntary sexual servitude of a minor." A person commits involuntary sexual servitude of a minor when he or she knowingly recruits, entices, harbors, transports, provides, or obtains by any means, or attempts to recruit, entice, harbor, provide, or obtain by any means, another person under 18 years of age, knowing that the minor will engage in commercial sexual activity, a sexually-explicit performance, or the production of pornography, or causes or attempts to cause a minor to engage in one or more of those activities and: (1) there is no overt force or threat and the minor is between the ages of 17 and 18 years; (2) there is no overt force or threat and the minor is under the age of 17 years; or (3) there is overt force or threat.

"Trafficking in persons." A person commits trafficking in persons when he or she knowingly: (1) recruits, entices, harbors, transports, provides, or obtains by any means, or attempts to recruit, entice, harbor, transport, provide, or obtain by any means, another person, intending or knowing that the person will be subjected to involuntary servitude; or (2) benefits, financially or by receiving anything of value, from participation in a venture that has engaged in an act of involuntary servitude or involuntary sexual servitude of a minor. A company commits trafficking in persons when the company knowingly benefits, financially or by receiving anything of value, from participation in a venture that has engaged in an act of involuntary servitude or involuntary sexual servitude of a minor.

"Qualified third party" means any law enforcement officer; attorney; physician, physician assistant, psychiatrist, psychologist, social worker, nurse, therapist, clinical professional counselor, or other medical professional; person who advises or provides services to persons regarding domestic violence, family violence, sexual assault, human trafficking, or abuse of children, the elderly, or dependent adults; or member of the clergy of a church, religious society, or denomination.