

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

February 2, 2023
Date

Committee on Health & Human Services.

After consideration on the merits, the Committee recommends the following:

SB23-040 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the consent calendar:

1 Amend printed bill, page 4, after line 13 insert:

2 "SECTION 2. In Colorado Revised Statutes, 26-3.1-102, **amend**
3 (7)(b)(VII) as follows:

4 **26-3.1-102. Reporting requirements.** (7) (b) Disclosure of a
5 report of the mistreatment or self-neglect of an at-risk adult and
6 information relating to an investigation of such a report and subsequent
7 cases resulting from the report is permitted only when authorized by a
8 court for good cause. A court order is not required, and such disclosure
9 is not prohibited, when:

10 (VII) The disclosure is made to the at-risk adult who is the subject
11 of the report, or if the at-risk adult is otherwise incompetent at the time
12 of the request, to the guardian or guardian ad litem for the at-risk adult
13 who is the subject of the report. The information disclosed pursuant to
14 this subsection (7)(b)(VII) must not be disclosed until after the
15 investigation is complete and must not include any identifying
16 information related to the reporting party or any other appropriate
17 persons. If the guardian is the substantiated perpetrator in a case of
18 mistreatment of an at-risk adult, the disclosure must not be made without
19 authorization by ~~the~~ A court for good cause UNLESS THE DISCLOSURE IS
20 BEING MADE FOR THE PURPOSES OF THE GUARDIAN'S APPEAL PROCESS
21 DESCRIBED IN SUBSECTION (7)(b)(V) OF THIS SECTION. If the court
22 authorizes the release of information to a substantiated perpetrator, any
23 protected or confidential information pursuant to federal or state law must
24 not be disclosed."

25 Renumber succeeding sections accordingly.

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