

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 19-0490.01 Shelby Ross x4510

HOUSE BILL 19-1063

HOUSE SPONSORSHIP

Kraft-Tharp and Larson,

SENATE SPONSORSHIP

Gardner and Lee,

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ABILITY TO SHARE INFORMATION BETWEEN COUNTY**
102 **ADULT PROTECTIVE SERVICES WITH COUNTY CHILD PROTECTIVE**
103 **SERVICES AS WELL AS AT-RISK ADULTS OBTAINING THEIR OWN**
104 **INFORMATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill allows adult protective services (APS) to access child abuse or neglect records and reports when the information is necessary for APS to adequately assess the safety, risk, or provision of services for

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
2nd Reading Unamended
February 5, 2019

an at-risk adult.

The bill prohibits a substantiated perpetrator from receiving any identifying information about the person who made a report of the mistreatment or self-neglect of an at-risk adult.

The bill allows any person named as an at-risk adult in a report, or the person's guardian or guardian ad litem, to access the report without a court order. The disclosure must not include any identifying information about the person who made the report. The bill requires a court order if the substantiated perpetrator is the guardian of the at-risk adult.

The bill allows child protective services (CPS) to access information about mistreatment or self-neglect of an at-risk adult, without a court order, when the information is necessary for CPS to adequately assess the safety, risk, or provision of services for a child.

The bill limits the disclosure of information shared from APS and CPS to information regarding prior or current referrals, assessments, investigations, or related case information involving an at-risk adult and an alleged perpetrator.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 19-1-307, **add** (2)(x)
3 as follows:

4 **19-1-307. Dependency and neglect records and information -**
5 **access - fee - rules - records and reports fund - misuse of information**
6 **- penalty - adult protective services data system check. (2) Records**
7 **and reports - access to certain persons - agencies.** Except as otherwise
8 provided in section 19-1-303, only the following persons or agencies shall
9 have access to child abuse or neglect records and reports:

10 (x) A COUNTY DEPARTMENT THAT ASSESSES OR PROVIDES
11 PROTECTIVE SERVICES FOR AT-RISK ADULTS, PURSUANT TO ARTICLE 3.1 OF
12 TITLE 26, WHEN THE INFORMATION IS NECESSARY FOR THE COUNTY
13 DEPARTMENT TO ADEQUATELY ASSESS FOR SAFETY AND RISK OR TO
14 PROVIDE PROTECTIVE SERVICES FOR AN AT-RISK ADULT. THE
15 INFORMATION DISCLOSED PURSUANT TO THIS SUBSECTION (2)(x) IS
16 LIMITED TO INFORMATION REGARDING PRIOR OR CURRENT REFERRALS,

1 ASSESSMENTS, INVESTIGATIONS, OR CASE INFORMATION RELATED TO A
2 CHILD OR AN ALLEGED PERPETRATOR. A COUNTY DEPARTMENT THAT
3 ASSESSES OR PROVIDES PROTECTIVE SERVICES FOR CHILDREN IS
4 PERMITTED TO ACCESS INFORMATION FROM A COUNTY DEPARTMENT THAT
5 ASSESSES OR PROVIDES PROTECTIVE SERVICES FOR AT-RISK ADULTS
6 PURSUANT TO SECTION 26-3.1-102 (7)(b)(VIII). THE PROVISIONS OF THIS
7 SUBSECTION (2)(x) ARE IN ADDITION TO AND NOT IN LIEU OF OTHER
8 FEDERAL AND STATE LAWS CONCERNING PROTECTED OR CONFIDENTIAL
9 INFORMATION.

10 **SECTION 2.** In Colorado Revised Statutes, 26-3.1-102, **amend**
11 (7)(b)(III) and (7)(b)(V); and **add** (7)(b)(VII) and (7)(b)(VIII) as follows:

12 **26-3.1-102. Reporting requirements.** (7) (b) Disclosure of a
13 report of the mistreatment or self-neglect of an at-risk adult and
14 information relating to an investigation of such a report is permitted only
15 when authorized by a court for good cause. A court order is not required,
16 and such disclosure is not prohibited when:

17 (III) The disclosure is necessary for the coordination of multiple
18 agencies' JOINT investigation of a report or for the provision of protective
19 services to an at-risk adult;

20 (V) The disclosure is made for purposes of the appeals process
21 relating to a substantiated case of mistreatment of an at-risk adult
22 pursuant to section 26-3.1-108 (2). ~~or~~ THE PROVISIONS OF THIS
23 SUBSECTION (7)(b)(V) ARE IN ADDITION TO AND NOT IN LIEU OF OTHER
24 FEDERAL AND STATE LAWS CONCERNING PROTECTED OR CONFIDENTIAL
25 INFORMATION.

26 (VII) THE DISCLOSURE IS MADE TO AN AT-RISK ADULT, OR IF THE
27 AT-RISK ADULT IS OTHERWISE INCOMPETENT AT THE TIME OF THE

1 REQUEST, TO THE GUARDIAN OR GUARDIAN AD LITEM FOR THE AT-RISK
2 ADULT. THE INFORMATION DISCLOSED PURSUANT TO THIS SUBSECTION
3 (7)(b)(VII) MUST NOT BE DISCLOSED UNTIL AFTER THE INVESTIGATION IS
4 COMPLETE AND MUST NOT INCLUDE ANY IDENTIFYING INFORMATION
5 RELATED TO THE REPORTING PARTY OR ANY OTHER APPROPRIATE
6 PERSONS. IF THE GUARDIAN IS THE SUBSTANTIATED PERPETRATOR IN A
7 CASE OF MISTREATMENT OF AN AT-RISK ADULT, THE DISCLOSURE MUST
8 NOT BE MADE WITHOUT AUTHORIZATION BY THE COURT FOR GOOD CAUSE.
9 IF THE COURT AUTHORIZES THE RELEASE OF INFORMATION TO A
10 SUBSTANTIATED PERPETRATOR, ANY PROTECTED OR CONFIDENTIAL
11 INFORMATION PURSUANT TO FEDERAL OR STATE LAW MUST NOT BE
12 DISCLOSED.

13 (VIII) THE DISCLOSURE IS MADE TO A COUNTY DEPARTMENT THAT
14 ASSESSES OR PROVIDES PROTECTIVE SERVICES FOR CHILDREN, WHEN THE
15 INFORMATION IS NECESSARY TO ADEQUATELY ASSESS FOR SAFETY AND
16 RISK OR TO PROVIDE PROTECTIVE SERVICES FOR A CHILD. THE
17 INFORMATION DISCLOSED PURSUANT TO THIS SUBSECTION (7)(b)(VIII) IS
18 LIMITED TO INFORMATION REGARDING PRIOR OR CURRENT REFERRALS,
19 ASSESSMENTS, INVESTIGATIONS, OR CASE INFORMATION RELATED TO AN
20 AT-RISK ADULT OR AN ALLEGED PERPETRATOR. A COUNTY DEPARTMENT
21 THAT ASSESSES OR PROVIDES PROTECTIVE SERVICES FOR AT-RISK ADULTS
22 IS SIMILARLY PERMITTED TO ACCESS INFORMATION FROM A COUNTY
23 DEPARTMENT THAT ASSESSES OR PROVIDES PROTECTIVE SERVICES FOR
24 CHILDREN PURSUANT TO SECTION 19-1-307 (2)(x). THE PROVISIONS OF
25 THIS SUBSECTION (7)(b)(VIII) ARE IN ADDITION TO AND NOT IN LIEU OF
26 OTHER FEDERAL AND STATE LAWS CONCERNING PROTECTED OR
27 CONFIDENTIAL INFORMATION.

1 **SECTION 3. Act subject to petition - effective date.** This act
2 takes effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly (August
4 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
5 referendum petition is filed pursuant to section 1 (3) of article V of the
6 state constitution against this act or an item, section, or part of this act
7 within such period, then the act, item, section, or part will not take effect
8 unless approved by the people at the general election to be held in
9 November 2020 and, in such case, will take effect on the date of the
10 official declaration of the vote thereon by the governor.