

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

March 4, 2021

Committee on Judiciary.

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

SB21-075 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 2, line 9, strike "AGREEMENTS CONSTITUTE" and
2 substitute "CONSTITUTES".
- 3 Page 2, strike lines 12 and 13 and substitute:
4 "(b) GUARDIANSHIP SHOULD BE EMPLOYED ONLY IN THE MOST
5 EXTREME OF CIRCUMSTANCES FOR AN ADULT WITH DISABILITIES;".
- 6 Page 2, line 14, strike "SHOULD BE PRESUMED TO" and substitute "ARE
7 PRESUMED COMPETENT AND".
- 8 Page 3, line 2, strike "AFFAIRS;" and substitute "AFFAIRS, UNLESS
9 OTHERWISE DETERMINED THROUGH LEGAL PROCEEDINGS;".
- 10 Page 3, strike lines 3 through 8 and substitute:
11 "(d) SUPPORTED DECISION-MAKING, AS DEFINED IN SECTION
12 15-14-802 (5), OFFERS ADULTS WITH DISABILITIES A VOLUNTARY, LESS
13 RESTRICTIVE METHOD OF DECISION-MAKING THAT CAN ALSO BE USED TO
14 ENHANCE AN EXISTING GUARDIANSHIP OR POWER OF ATTORNEY;".
- 15 Reletter succeeding paragraphs accordingly.



- 1 Page 3, line 9, strike "ENCOURAGES" and substitute "SUPPORTS".
- 2 Page 3, line 10, strike "TO BE THE MASTERS OF" and substitute "IN
3 MAINTAINING DECISION-MAKING AUTHORITY OVER".
- 4 Page 3, lines 14 and 15, strike "SUPPORTS AND EXPERIENCES AND LEARN"
5 and substitute "OPPORTUNITIES TO EXPERIENCE AND PRACTICE".
- 6 Page 3, lines 16 and 17, strike "ARE NOT UNDER A GUARDIANSHIP HAVE A
7 RIGHT TO MAKE A" and substitute "DO NOT HAVE A GUARDIAN HAVE A
8 RIGHT TO INDEPENDENTLY MAKE ANY".
- 9 Page 3, line 18, strike "COMMUNITY;" and substitute "COMMUNITY,
10 REGARDLESS OF HAVING ENTERED INTO A SUPPORTED DECISION-MAKING
11 AGREEMENT OR PROCESS;".
- 12 Page 3, line 21, strike "CHOICES." and substitute "CHOICES, INCLUDING
13 BUT NOT LIMITED TO MEDICAL AND FIDUCIARY POWERS OF ATTORNEY,
14 GUARDIANSHIP, LIMITED GUARDIANSHIP, RELEASE OF INFORMATION
15 FORMS, AND REPRESENTATIVE PAYEES."
- 16 Page 4, strike lines 6 through 11 and substitute "WHOM THE ADULT HAS
17 IDENTIFIED, WHOM THE ADULT TRUSTS TO ENGAGE IN THE SUPPORTED
18 DECISION-MAKING PROCESS, AND WHO UNDERSTANDS THE ADULT'S
19 DESIRES AND PERSONAL VALUES."
- 20 Page 4, line 12, strike "THE WAY AN" and substitute "A PROCESS IN WHICH
21 AN".
- 22 Page 4, line 26, strike "AN AGREEMENT" and substitute "A VOLUNTARY
23 AGREEMENT ENTERED INTO PURSUANT TO THIS PART 8".
- 24 Page 4, line 27, strike "COMMUNITY, ENTERED" and substitute
25 "COMMUNITY."
- 26 Page 5, strike line 1.
- 27 Page 5, line 5, after "COMMUNITY." insert "THE SUPPORTED
28 DECISION-MAKING AGREEMENT DOES NOT IMPACT THE DECISION-MAKING
29 AUTHORITY GRANTED TO A GUARDIAN PURSUANT TO A COURT-ORDERED
30 GUARDIANSHIP."



- 1 Page 5, line 27, strike "EITHER" and substitute "ANY".
- 2 Page 6, line 1, strike "WITHOUT PROVIDING ANY" and substitute "BY
3 PROVIDING".
- 4 Page 6, strike line 2 and substitute "NOTICE OF THE TERMINATION."
- 5 Page 8, line 1, strike "AND".
- 6 Page 8, after line 1, insert:
 - 7 "(IV) DISCLOSE ANY ACTUAL OR PERCEIVED CONFLICT OF
8 INTEREST; AND".
- 9 Renumber succeeding subparagraph accordingly.
- 10 Page 8, line 6, strike "PERSON" and substitute "MANDATORY REPORTER,
11 AS DESCRIBED IN SECTION 18-6.5-108,".
- 12 Page 8, line 17, after "ATTESTING" insert "AND DISINTERESTED".
- 13 Page 8, line 21, strike "AGREEMENT." and substitute "AGREEMENT AND ITS
14 AUTHORITY TO ASSIST AS PRESENTED.".
- 15 Page 8, line 25, strike "AGREEMENT." and substitute "AGREEMENT AND ITS
16 AUTHORITY TO ASSIST AS PRESENTED.".

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