

CHAPTER 393

HUMAN SERVICES - SOCIAL SERVICES

HOUSE BILL 19-1307

BY REPRESENTATIVE(S) Kraft-Tharp and Larson, Bird, Buentello, Carver, Duran, Exum, Snyder;
also SENATOR(S) Lee and Gardner, Cooke, Crowder, Ginal, Marble, Moreno, Priola, Smallwood, Tate, Todd, Garcia.

AN ACT

CONCERNING THE CLARIFICATION THAT THE DISCLOSURE OF A REPORT OF THE MISTREATMENT OR SELF-NEGLECT OF AN AT-RISK ADULT SHALL ONLY BE MADE TO THE AT-RISK ADULT WHO IS THE SUBJECT OF THE REPORT.

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

SECTION 1. In Colorado Revised Statutes, 26-3.1-102, **amend as added by House Bill 19-1063** (7)(b)(VII) as follows:

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

(VII) The disclosure is made to ~~an~~ THE at-risk adult WHO IS THE SUBJECT OF THE REPORT, or if the at-risk adult is otherwise incompetent at the time of the request, to the guardian or guardian ad litem for the at-risk adult WHO IS THE SUBJECT OF THE REPORT. The information disclosed pursuant to this subsection (7)(b)(VII) must not be disclosed until after the investigation is complete and must not include any identifying information related to the reporting party or any other appropriate persons. If the guardian is the substantiated perpetrator in a case of mistreatment of an at-risk adult, the disclosure must not be made without authorization by the court for good cause. If the court authorizes the release of information to a substantiated perpetrator, any protected or confidential information pursuant to federal or state law must not be disclosed.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

May 3, 2019); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 31, 2019