

CHAPTER 46

HUMAN SERVICES - SOCIAL SERVICES

HOUSE BILL 19-1063

BY REPRESENTATIVE(S) Kraft-Tharp and Larson, Arndt, Bockenfeld, Buentello, Cutter, Esgar, Exum, Jaquez Lewis, Kennedy, Kipp, Lontine, Mullica, Pelton, Snyder, Titone;
also SENATOR(S) Gardner and Lee, Court, Crowder, Ginal, Hisey, Moreno, Priola, Rankin, Tate, Todd, Williams A., Winter, Garcia.

AN ACT

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

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

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

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

(x) A COUNTY DEPARTMENT THAT ASSESSES OR PROVIDES PROTECTIVE SERVICES FOR AT-RISK ADULTS, PURSUANT TO ARTICLE 3.1 OF TITLE 26, WHEN THE INFORMATION IS NECESSARY FOR THE COUNTY DEPARTMENT TO ADEQUATELY ASSESS FOR SAFETY AND RISK OR TO PROVIDE PROTECTIVE SERVICES FOR AN AT-RISK ADULT. THE INFORMATION DISCLOSED PURSUANT TO THIS SUBSECTION (2)(x) IS LIMITED TO INFORMATION REGARDING PRIOR OR CURRENT REFERRALS, ASSESSMENTS, INVESTIGATIONS, OR CASE INFORMATION RELATED TO A CHILD OR AN ALLEGED PERPETRATOR. A COUNTY DEPARTMENT THAT ASSESSES OR PROVIDES PROTECTIVE SERVICES FOR CHILDREN IS PERMITTED TO ACCESS INFORMATION FROM A COUNTY DEPARTMENT THAT ASSESSES OR PROVIDES PROTECTIVE SERVICES FOR AT-RISK ADULTS PURSUANT TO SECTION 26-3.1-102 (7)(b)(VIII). THE PROVISIONS OF THIS SUBSECTION (2)(x) ARE IN ADDITION TO AND NOT IN LIEU OF OTHER FEDERAL

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.

AND STATE LAWS CONCERNING PROTECTED OR CONFIDENTIAL INFORMATION.

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

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

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

(VII) THE DISCLOSURE IS MADE TO AN AT-RISK ADULT, 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. 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.

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

SECTION 3. 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 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: March 21, 2019