

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB21-075 be amended as follows:

1 Amend reengrossed bill, page 3, strike line 19 and substitute:

2 "(h) SUPPORTED DECISION-MAKING AGREEMENTS DO NOT:

3 (I) CREATE A FIDUCIARY RELATIONSHIP BETWEEN AN ADULT WITH  
4 A DISABILITY AND A MEMBER OF THE SUPPORTIVE COMMUNITY;

5 (II) ELEVATE A MEMBER OF THE SUPPORTIVE COMMUNITY TO A  
6 PERSON IN A POSITION OF TRUST IN REGARD TO THE ADULT WITH A  
7 DISABILITY BASED SOLELY ON THE MEMBER OF THE SUPPORTIVE  
8 COMMUNITY'S INVOLVEMENT IN THE SUPPORTED DECISION-MAKING  
9 AGREEMENT;

10 (III) ALTER, DIMINISH, OR SUPERSEDE THE TERMS OF A  
11 COURT-ORDERED GUARDIANSHIP OR CONSERVATORSHIP. A GUARDIAN OR  
12 CONSERVATOR HAS THE RIGHT, IF AUTHORIZED BY THE COURT, TO  
13 DETERMINE IF A WARD OR PROTECTED PERSON MAY ENTER INTO OR  
14 CONTINUE A SUPPORTED DECISION-MAKING AGREEMENT.

15 (IV) AUTHORIZE A MEMBER OF THE SUPPORTIVE COMMUNITY TO  
16 OBTAIN OR USE PERSONAL, FINANCIAL, OR CONFIDENTIAL INFORMATION OF  
17 THE ADULT WITH A DISABILITY FOR THE MEMBER OF THE SUPPORTIVE  
18 COMMUNITY'S OWN PURPOSE OR BENEFIT, OR FOR THE PURPOSE OR BENEFIT  
19 OF A THIRD-PARTY; OR

20 (V) SHIELD A MEMBER OF THE SUPPORTIVE COMMUNITY FROM  
21 CRIMINAL OR CIVIL LIABILITY FOR ACTS THAT WOULD OTHERWISE BE  
22 SUBJECT TO CIVIL OR CRIMINAL LIABILITY, NOTWITHSTANDING SECTION  
23 15-14-806 (2); AND".

24 Reletter succeeding paragraph accordingly.

25 Page 3, line 20, strike "ADULTS" and substitute "IN ADDITION TO  
26 SUPPORTED DECISION-MAKING, ADULTS".

27 Page 3, line 22, before "PREFERENCES" insert "EXPRESS".

28 Page 3, line 23, strike "FIDUCIARY" and substitute "FINANCIAL".

29 Page 3, line 24, after "GUARDIANSHIP," insert "CONSERVATORSHIP,  
30 SPECIAL CONSERVATORSHIP,".

\*\* \*\* \*\* \*\* \*\*