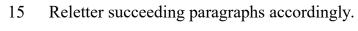
SENATE COMMITTEE OF REFERENCE REPORT

		March 4, 2021
Chair of Cor	nmittee	Date
Committee on <u>Judiciary</u> .		
After consideration on the merits, the Committee recommends the following:		
SB21-075	the Committee of the	nd as so amended, be referred to the Whole with favorable the a recommendation that it be andar:
Amend printed bill, page 2, line 9, strike "AGREEMENTS CONSTITUTE" and substitute "CONSTITUTES".		
Page 2, strike lines 12 and 13 and substitute:		
"(b) GUARDIANSHIP SHOULD BE EMPLOYED ONLY IN THE MOST EXTREME OF CIRCUMSTANCES FOR AN ADULT WITH DISABILITIES;".		
Page 2, line 14, strike "SHOULD BE PRESUMED TO" and substitute "ARE PRESUMED COMPETENT AND".		
Page 3, line 2, strike "AFFAIRS;" and substitute "AFFAIRS, UNLESS OTHERWISE DETERMINED THROUGH LEGAL PROCEEDINGS;".		
Page 3, strike lines 3 through 8 and substitute:		
"(d) Supported Decision-Making, as defined in Section 15-14-802 (5), offers adults with disabilities a voluntary, less restrictive method of decision-making that can also be used to enhance an existing guardianship or power of attorney;".		





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- 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;".
- 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.".
- 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.".
- Page 4, line 12, strike "THE WAY AN" and substitute "A PROCESS IN WHICH
- 21 AN".
- 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.".
- 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.
- Page 8, line 6, strike "PERSON" and substitute "MANDATORY REPORTER,
- 11 AS DESCRIBED IN SECTION 18-6.5-108,".
- Page 8, line 17, after "ATTESTING" insert "AND DISINTERESTED".
- Page 8, line 21, strike "AGREEMENT." and substitute "AGREEMENT AND ITS
- 14 AUTHORITY TO ASSIST AS PRESENTED.".
- Page 8, line 25, strike "AGREEMENT." and substitute "AGREEMENT AND ITS
- 16 AUTHORITY TO ASSIST AS PRESENTED.".

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