

SB075_L.001

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB21-075 be amended as follows:

- 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.
- 16 Page 3, line 9, strike "ENCOURAGES" and substitute "SUPPORTS".
- 17 Page 3, line 10, strike "TO BE THE MASTERS OF" and substitute "IN
18 MAINTAINING DECISION-MAKING AUTHORITY OVER".
- 19 Page 3, lines 14 and 15, strike "SUPPORTS AND EXPERIENCES AND LEARN"
20 and substitute "OPPORTUNITIES TO EXPERIENCE AND PRACTICE".
- 21 Page 3, lines 16 and 17, strike "ARE NOT UNDER A GUARDIANSHIP HAVE A
22 RIGHT TO MAKE A" and substitute "DO NOT HAVE A GUARDIAN HAVE A
23 RIGHT TO INDEPENDENTLY MAKE ANY".
- 24 Page 3, line 18, strike "COMMUNITY;" and substitute "COMMUNITY,
25 REGARDLESS OF HAVING ENTERED INTO A SUPPORTED DECISION-MAKING
26 AGREEMENT OR PROCESS;"
- 27 Page 3, line 21, strike "CHOICES." and substitute "CHOICES, INCLUDING
28 BUT NOT LIMITED TO MEDICAL AND FIDUCIARY POWERS OF ATTORNEY,

- 1 GUARDIANSHIP, LIMITED GUARDIANSHIP, RELEASE OF INFORMATION
2 FORMS, AND REPRESENTATIVE PAYEES."
- 3 Page 4, strike lines 6 through 11 and substitute "WHOM THE ADULT HAS
4 IDENTIFIED, WHOM THE ADULT TRUSTS TO ENGAGE IN THE SUPPORTED
5 DECISION-MAKING PROCESS, AND WHO UNDERSTANDS THE ADULT'S
6 DESIRES AND PERSONAL VALUES."
- 7 Page 4, line 12, strike "THE WAY AN" and substitute "A PROCESS IN WHICH
8 AN".
- 9 Page 4, line 26, strike "AN AGREEMENT" and substitute "A VOLUNTARY
10 AGREEMENT ENTERED INTO".
- 11 Page 4, lines 27 and 28, strike "COMMUNITY, ENTERED INTO" and
12 substitute "COMMUNITY".
- 13 Page 5, line 5, after "COMMUNITY." insert "THE SUPPORTED
14 DECISION-MAKING AGREEMENT DOES NOT IMPACT THE DECISION-MAKING
15 AUTHORITY GRANTED TO A GUARDIAN PURSUANT TO A COURT-ORDERED
16 GUARDIANSHIP."
- 17 Page 5, line 27, strike "EITHER" and substitute "ANY".
- 18 Page 6, line 1, strike "WITHOUT PROVIDING ANY" and substitute "BY
19 PROVIDING".
- 20 Page 6, strike line 2 and substitute "NOTICE OF THE TERMINATION."
- 21 Page 8, line 1, strike "AND".
- 22 Page 8, after line 1, insert:
- 23 "(IV) DISCLOSE ANY ACTUAL OR PERCEIVED CONFLICT OF
24 INTEREST; AND".
- 25 Renumber succeeding subparagraph accordingly.
- 26 Page 8, line 6, strike "PERSON" and substitute "MANDATORY REPORTER,
27 AS DESCRIBED IN SECTION 18-6.5-108,".
- 28 Page 8, line 17, after "ATTESTING" insert "AND DISINTERESTED".

1 Page 8, line 21, strike "AGREEMENT." and substitute "AGREEMENT AND ITS
2 AUTHORITY TO ASSIST AS PRESENTED."

3 Page 8, line 25, strike "AGREEMENT." and substitute "AGREEMENT AND ITS
4 AUTHORITY TO ASSIST AS PRESENTED."

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