

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	8 - 0 - 1
Yeas:	Boone, Cowan, Dembrow, Freeman, Maurer, Olson, VanOrman, Tomei
Nays:	0
Exc.:	Huffman
Prepared By:	Keely West, Administrator
Meeting Dates:	3/6, 4/22

WHAT THE MEASURE DOES: Provides immunity from civil liability for individuals and entities when protected information is disclosed in good faith and with reasonable grounds in connection with a protective proceeding. Allows the Department of Human Services to petition for a protective order. Allows the department, the proposed public guardian or conservator to disclose protected information if necessary for health and safety purposes.

ISSUES DISCUSSED:

- Concern about language being too broad
- Effects of guardianship
- Amount of disclosure permitted
- Protection against secondary disclosure
- “Good faith” standard
- Needs of individuals v. protective services
- Details of the rights and responsibilities of guardians and conservators

EFFECT OF COMMITTEE AMENDMENT: Limits the information that may be disclosed. Places limits on civil immunity and increases disclosure requirements to the need to prevent or lessen a “serious and eminent threat to health and safety.” Requires that confidential information disclosed to the court remain confidential and sealed by the court.

BACKGROUND: According to the Department of Human Services (DHS), national data indicates a substantial increase in cases of financial abuse of seniors and people with disabilities. Current statutes limit the ability of Adult Protective Services staff to share investigation results with courts. HB 2137 allows the department to work more closely with the court system in situations where perpetrators of abuse or neglect have been identified in departmental investigations. DHS asserts the bill would permit and expedite the sharing of information with courts. Opponents assert the language is too broad and the changes to current policy should be more carefully tailored. The current system provides checks and balances and court requests of information provides a defense against legal action

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This summary has not been adopted or officially endorsed by action of the committee.