

Senator Karen Kwan proposes the following substitute bill:

ADULT PROTECTIVE SERVICES AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen Kwan

House Sponsor: Sahara Hayes

LONG TITLE

General Description:

This bill amends provisions regarding the powers of Adult Protective Services.

Highlighted Provisions:

This bill:

- expands the circumstances under which Adult Protective Services may issue an administrative subpoena in relation to a vulnerable adult who is the subject of an investigation; and

- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

62A-3-303, as last amended by Laws of Utah 2017, Chapter 176

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **62A-3-303** is amended to read:



62A-3-303. Powers and duties of Adult Protective Services.

In addition to all other powers and duties that Adult Protective Services is given under this part, Adult Protective Services:

- (1) shall maintain an intake system for receiving and screening reports;
- (2) shall investigate referrals that meet the intake criteria;
- (3) shall conduct assessments of vulnerability and functional capacity as it relates to an allegation of abuse, neglect, or exploitation of an adult who is the subject of a report;
- (4) shall perform assessments based on protective needs and risks for a vulnerable adult who is the subject of a report;
- (5) may address any protective needs by making recommendations to and coordinating with the vulnerable adult or by making referrals to community resources;
- (6) may provide short-term, limited services to a vulnerable adult when family or community resources are not available to provide for the protective needs of the vulnerable adult;
- (7) shall have access to facilities licensed by, or contracted with, the department or the Department of Health and Human Services for the purpose of conducting investigations;
- (8) shall be given access to, or provided with, written statements, documents, exhibits, and other items related to an investigation, including private, controlled, or protected medical or financial records of a vulnerable adult who is the subject of an investigation if:
 - (a) for a vulnerable adult who has the capacity to consent, the vulnerable adult signs a release of information; or
 - (b) ~~[for a vulnerable adult who lacks capacity to consent;]~~ an administrative subpoena is issued by Adult Protective Services~~;~~;
 - (i) for a vulnerable adult who has limited capacity to consent;
 - (ii) for a vulnerable adult whose legal guardian refuses to consent;
 - (iii) to a custodian of records or other items for a vulnerable adult, if the custodian refuses to allow access to the records or items without a subpoena; or
 - (iv) when the records or other items sought are reasonably necessary for Adult Protective Services to:
 - (A) investigate the alleged abuse, neglect, or exploitation of a vulnerable adult; or
 - (B) protect a vulnerable adult who may be the victim of abuse, neglect, or exploitation;

57 (9) may initiate proceedings in a court of competent jurisdiction to seek relief
58 necessary to carry out the provisions of this chapter;
59 (10) shall, subject to Section 62A-3-320, provide emergency protective services;
60 (11) may require all persons, including family members of a vulnerable adult and any
61 caretaker, to cooperate with Adult Protective Services in carrying out its duties under this
62 chapter, including the provision of statements, documents, exhibits, and other items that assist
63 Adult Protective Services in conducting investigations and providing protective services;
64 (12) may require all officials, agencies, departments, and political subdivisions of the
65 state to assist and cooperate within their jurisdictional power with the court, the division, and
66 Adult Protective Services in furthering the purposes of this chapter;
67 (13) may conduct studies and compile data regarding abuse, neglect, and exploitation;
68 and
69 (14) may issue reports and recommendations.