

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE RESOLUTION 587

Introduced by Coash, 27.

PURPOSE: To determine if there is a need for and what kinds of safeguards are needed to protect adults with developmental disabilities, who require a guardian or conservator, from being unduly influenced to change their guardian or conservator for the financial benefit of another person rather than for the best interests of such adult. Such adults may qualify for habilitative services that are paid for by the State of Nebraska. The adult with developmental disabilities may choose which provider he or she will receive services from, and this decision is most often made in conjunction with their guardian or conservator because such persons can be vulnerable.

Recently, habilitative services for such adults have expanded from the group home model of providers to the extended family home (EFH) model in which individuals subcontract with the provider to care for and provide services to an adult with developmental disabilities in the individual's personal home. The individual providing EFH services may now be in a position to unduly influence the adult with developmental disabilities who requires a guardian or conservator to change guardian or conservator to someone who would work with the EFH provider to change service providers or contracts to the benefit of the individual providing EFH services. The court asked to change the guardian or conservator may be without accurate or complete information regarding the situation and such information is needed for the court to reach the result which is in the best interests of

the adult with developmental disabilities who requires a guardian or conservator.

In addition to the Judiciary Committee, those participating in the study shall include, but not be limited to, adults with developmental disabilities receiving services, providers of services, the Department of Health and Human Services, court-appointed guardians and conservators, and developmental disability advocates. The study shall include a hearing to investigate the issue and, if it is determined that a problem exists, recommend changes in court procedures, provider contracts, ethical standards, or other solutions to the problem.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SECOND LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.