

January 16, 1992 LB 696

would do it. SENATOR LANDIS: Let me continue on, in that case. That's a helpful answer. The topic of what constitutes an interested party capable of challenging this kind of an action and tying it up in what we might regard it is a relatively cumbersome process. My recollection is...and I wish I had better data, maybe a year ago, 18 months ago, Omaha, in a hospital, I think it was a family there who wished, according to the desires that they thought of the...of the loved one, wished to remove medical assistance and wound up facing an injunction and an action by a religious organization totally unrelated to the family, not a denomination that the family was a member of, not their clergy, but an organization who felt very strongly about this entire area, intervened into the situation, got an injunction, closed the system down for a period of time, forced the family into defending themselves before the convictions of a completely unknown party, basically, and the civil procedure was available to stopping in that circumstance. There, the term of our interested person at least must have been broad enough to allow that to happen. Are we in the similar circumstance here? Does this, by so doing, create the opportunity for a highly motivated group of, let's say, religiously motivated people from intervening in cases like this and use this kind of language as a justification for intervention in what I would hope most of us would regard as a relatively personal and family kind of a measure?

SENATOR LINDSAY: First, in that situation, if I recall, I believe the individual actually lived with that organization, with that religious group, and became like a family, became close to those individuals. There was some interest in there. It wasn't a group that had never met the person, didn't know the person, and like that, and the family, if I recall, and I may be wrong, but, if I recall, the family was not that close to that person. So this is a type of situation,...

SPEAKER BAACK: One minute.

SENATOR LINDSAY: ...it is a type of circumstance where the durable power would allow that person to specify who should make the decision. At that point, there has to be some bigger interest than she lived with us and we want to...we think we can challenge it. It's got to be something a little more than that. The intent would not be to allow, in the circumstance you mentioned, if that's the case, some religious group who didn't know the person to come in and challenge it. That's not the