

ONE HUNDRED SECOND LEGISLATURE - SECOND SESSION - 2012
COMMITTEE STATEMENT
LB1051

Hearing Date: Wednesday February 01, 2012
Committee On: Judiciary
Introducer: Coash
One Liner: Change registry provisions regarding adult protective services and child protection cases

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 7 Senators Ashford, Coash, Harr, Larson, Lathrop, Lautenbaugh, McGill
Nay:
Absent:
Present Not Voting: 1 Senator Council

Proponents: SEN. COLBY COASH SCOT ADAMS	Representing: INTRODUCER CPS/DHHS
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Opponents:	Representing:
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Neutral:	Representing:
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Summary of purpose and/or changes:

Legislative Bill 1051 would make a series of technical changes to clarify provisions of the Adult Protective Services Act. The bill would change the definition of abuse in the the Act by replacing "denial of essential services" with "neglect." The definition of "denial of essential services" would be replaced with a definition of "neglect" which would include essential services being denied or not provided. The definition of "sexual abuse" would be expanded to include "unlawful intrusion" and "sexual exploitation." A definition of "sexual exploitation" would be added to the Act. The definition of "unreasonable confinement" would be expanded to include "false imprisonment."

A new section would be added to the Act to provide that when the investigation of alleged abuse is completed, the alleged abuser shall be given written notice of the the determination of the investigation and whether the alleged abuser will be entered into the registry. If the alleged abuser will be entered into the registry, the notice must be sent by certified mail with return receipt requested or first class mail. The notice must include the nature of the report; the classification of the report and the right of the alleged abuser to request to amend or expunge identifying information or remove the substantiated report from the registry. If the alleged abuser will not be entered into the registry, the notice must be sent by first class mail.

The bill would amend statute section 28-376 to remove the requirement that the Adult Protective Services Registry contain each report of alleged abuse and to provide that the registry contain all substantiated reports of abuse. The bill would also provide that the alleged abuser would be entitled to get a copy of the information contained in the registry upon request. As the bill would remove the requirement that unfounded reports of abuse be included in the registry, the bill would also remove the requirement that unfounded cases be expunged from the registry.

The bill would amend the notice provisions related to the central register of child protection cases in statute section

28-713.01. The amendments would provide that if the subject of the report will be entered into the registry, the notice must be sent by certified mail with return receipt requested or first class mail. The notice must include the right of the alleged abuser to request to amend or expunge identifying information or remove the substantiated report from the registry. If the subject of the report will not be entered into the registry, the notice must be sent by first class mail.

Explanation of amendments:

Committee Amendment AM 2314 would further clarify the definitions of "abuse", "neglect" and "exploitation" to eliminate confusion of the terms within the Act.

Brad Ashford, Chairperson