

One Hundred Second Legislature - Second Session - 2012

Introducer's Statement of Intent

LB1051

Chairperson: Senator Brad Ashford

Committee: Judiciary

Date of Hearing: February 01, 2012

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 1051 makes the following changes to the Adult Protective Services (APS) Act:

1. Update definitions contained in the Adult Protective Services Act in the following ways:
 - a. Update the statutory definition of Sexual Abuse to include sexual exploitation and unlawful intrusion;
 - b. Add a definition of sexual exploitation, a term currently found in the regulatory definition of sexual abuse, but without a statutory or regulatory definition;
 - c. Update the definition of unreasonable confinement to include false imprisonment; and
 - d. Change the terminology from "Denial of Essential Services" to the more commonly accepted term "Neglect".
2. Clarify the content of the APS Central Registry to contain substantiated reports of persons who allegedly abused a vulnerable adults through investigation rather than containing all reports of abuse of a vulnerable adult;
3. Mandate that the Department provide written notification of the investigation findings to the person who allegedly abused a vulnerable adult;
4. Mandate that the person who allegedly abused a vulnerable adult have the right to receive information pertaining to his/her case contained in the APS Central Registry.

LB 1051 also makes consistent updates to the APS Central Registry and to the CPS Central Register as follows:

1. Provide for different content and different methods of notification of persons reported to have allegedly abused a vulnerable adult or persons who are the subject of a child abuse and neglect report depending on whether or not there is an entry in the APS Central Registry/CPS Central Register respectively; and
2. Clarify that the person has the right to request the Department to amend or expunge identifying information from the report or to remove the substantiated report from the APS registry in accordance with section 28-380 and or from the Child Abuse Central Register in accordance with section 28-723 rather than the right to request a hearing and appeal.

Principal Introducer: _____

Senator Colby Coash