

One Hundred Fourth Legislature - Second Session - 2016

Introducer's Statement of Intent

LB1007

Chairperson: Senator Les Seiler

Committee: Judiciary

Date of Hearing: February 5, 2016

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

LB1007 is a bill relating to Adult Protective Services, and changes provisions and definitions in regards to vulnerable and senior adults. The bill also eliminates the statute of limitations for knowing and intentional abuse, neglect, or exploitation of a vulnerable adult.

LB1007 makes three definition changes to the Adult Protective Services Act. The first definition enhances the definition of exploitation to include the wrongful or unauthorized taking, withholding, appropriation, conversion, control or use of money, funds, securities, assets, or any other property of a vulnerable adult or senior adult by any person by means of undue influence, breach of a fiduciary relationship, deception, extortion, intimidation, force or threat of force, isolation, or any unlawful means or by the breach of a fiduciary duty by the guardian, conservator, agent under a power of attorney, trustee, or any other fiduciary of a vulnerable adult or senior adult.

The inclusion of the breach of fiduciary duty by the agent under a power of attorney is one of the most important needs that LB1007 addresses. Powers of attorney fiduciary abuses are becoming extremely problematic across the nation.

The second definition that is added under LB1007 is the term isolation. Isolation needs to be added to APS statutes for reasons to investigate cases of exploitation of vulnerable adults and senior adults.

The third definition that is added in LB1007 is the term senior adult which is defined as any person sixty-five years of age or older. Currently, in cases of abuse, neglect, or exploitation of adults, law enforcement and DHHS workers have to prove vulnerability, which is very difficult due to the high burden of proof. By treating every adult 65 years and older as vulnerable, prosecutors will have the tool they need to prove vulnerability in cases of exploitation.

The final piece of LB1007 removes the three year statute of limitations on prosecution of punishment for knowing and intentional abuse, neglect, or exploitation of a vulnerable adult or senior adult.

Principal Introducer: _____

Senator Colby Coash