

say at the outset we are not talking about the mentally ill, those that have to meet the standard of dangerous to themselves or to others but we have had in our statutory scheme where a longstanding statute which allows for the commitment to Beatrice without the voluntary agreement of the parents or the guardians for people that are not receiving mental retardation services and who are in need of them. The commitment statute has been found unconstitutional for a variety of reasons, essentially that there has not been sufficient review, essentially that there is not sufficient opportunity for a fair hearing by a cross-examination of witnesses, an opportunity for counsel and the like. Our law writer years ago before the upheaval in the due process section of the 14th Amendment simply said that when it appeared to the judge that the person was mentally retarded they could be committed to Beatrice. Well, as you can all imagine, that is not a sufficient guarantee of rights nor does it put people on notice as to when they fall under the parameters of the commitment statute. This summer under the aegis of the Public Health and Welfare Committee I served on a subcommittee that met with mental retardation officials at the state department's level, DPI level, the citizens for...the parent groups that are involved, other individuals that were involved, the advocacy service agencies and others. We met several times and hammered out as best we could a mechanism that they were comfortable with. At this juncture I should also say that I will offer on Select File one last set of changes making certain that the decisions of the regional directors of mental retardation health service agencies and their decisions under the bill are appealable by a court of law. This is in discussions with Senator Burrows and a point of concern with some parents groups and that will be, you have my assurance, taken care of on Select File basis. Now the first nineteen sections, I believe, of the bill are simply definitions of all of the parties involved, the definition of mental retardation, the definition of the people that serve on the reviewing panels. The meat of the bill starts roughly on Section 20 that indicates that when an individual believes that a person is not receiving mental retardation services and they are mentally retarded that they may make that fact known to the local county attorney. The local county attorney when assured that those facts are so may make a petition to the local court for a determination that the individual, number one, is mentally retarded and is in need of services and, thirdly, that those services are not being received. At that point, if the judge believes that that is so, he can set up an interdisciplinary team to examine the individual and to establish whether or not those situations exist. If they do exist, the court is then empowered to continue on with the process of committing an individual to Beatrice. Once at Beatrice, the