

needs of that individual are assessed, and if Beatrice is the appropriate location for the distribution of those services, then that is where the individual may be committed. All along the line, these orders by the court are appealable to higher courts. For example, a parent who feels that the interdisciplinary team's decision is wrong may themselves ask for a second interdisciplinary team and delay the process and have those results utilized by the court and weighed at the hearing. The hearing is open. It has a chance for a cross-examination of witnesses. It has the opportunity for representation by counsel and it has the basic guarantees of a full and fair hearing under the due process clause. I would also add that we have built in here the recognition of our current status under the Horacek decision which allows for the attempt at arriving at the alternative which is the least restrictive on the individual. It works in this way. Once there is proof and evidence that the individual is mentally retarded and that they are in need of services, those services are identified by the team. They are then forwarded, this list of services, to the local regional office of mental retardation and the director there can say whether or not those services are available in that area or they will be available in the next ninety days. If they are available, the expectation will be that most likely the individual's commitment to Beatrice will not proceed, that they probably will be handled at the regional level. However, if a parent or if another party is not satisfied with that, they can continue with the commitment process but we have built in the review in order to search for the least restrictive alternative which may potentially be a regional mental retardation center. Now, in the event those services are not available at the regional level and in the event that Beatrice is the best location, then the commitment procedure can continue and the individual can be committed to Beatrice. Towards the end of the bill, there are also other sections which after outlining this process indicate that there is a limitation on the liability for people that are participating in this process if they are acting in good faith and that appears in Section 34. Of course, the right to representation is found throughout the bill although it is specifically guaranteed in Section 35. There is also the opportunity for the appointment of counsel for those who are indigent and that appears in Section 36. Also once an individual is placed in Beatrice, they have to be reviewed on a regular basis, and when possible and if it is the best possibility and if it meets with the approval of the guardians or the parents, they can be replaced back in the community in the regional mental retardation section or programs throughout the state. There are also some changes in juvenile court language to allow for this kind of process to occur and those occur in Section 40 and 41 of the bill,