

April 27, 1981

LB 499

Now that has been ruled unconstitutional but we have always had that. This bill continues with that philosophy. I would also like to add that in the event 499 was not to pass and we simply did away with that commitment process, another alternative method would still exist for a parent who chose to keep their child at home to have that decision attacked in the court, and that would be by the bringing of a guardianship by some third party which then could persuade a court to have the child treated. So let me say that to object to LB 499 will not do away with all potential claims contrary to the parent but in fact creates a mechanism for which the parent has a lot of alternatives, and by comparison to which I think the guardianship route is not nearly as fair or as good a mechanism to safeguard the parent as LB 499 would be.

SENATOR CARSTEN: Thank you.

SPEAKER MARVEL: Senator Peterson.

SENATOR H. PETERSON: Mr. Chairman, I would have a question for Senator Landis. What provision is made in the bill for church owned institutions like Martin Luther at Beatrice, Bethpage at Axtell? We have a number of these kind of individuals at both of these institutions and it seems to me that they in some way ought to be involved.

SENATOR LANDIS: Right. Let me answer that, first, those kinds of facilities now are designed for voluntary placement by the choice of the guardian, the foster parent, the ward of the court. However, it is possible that these facilities can be utilized and it would occur in this way. I indicated that after they determine if the individual is mentally retarded, they may be placed in the regional community mental retardation area. Those areas may contract with exactly the kinds of facilities you are talking about, and if they can so contract and provide those services, it is entirely possible that under this process you identify the person who is mentally retarded in need of services, it goes to the regional director. Maybe his program can't meet it but he can contract for it with the kind of facility you are talking about. Nothing in LB 499 would stop him from doing so, and if he did so, the individual could be placed there.

SPEAKER MARVEL: Senator Landis, do you wish to close?

SENATOR LANDIS: I will waive closing. I do want to indicate the bill is very technical in nature and has been arrived at over the course of a long period of discussion. However, I am sure that you may have questions about it. What I am hoping