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FLOOR DEBATE

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we have found our statutes don't allow us to do appropriate placements for people with developmental disabilities. LB 206 provides a way for the state of Nebraska to place a person in services and require that that person stay in those services. Currently, all individuals are voluntarily accepted by the...and all services currently accepted by the individual or a parent or guardian of that person who has the developmental disability. In the rare instances when a person with developmental disabilities has posed the threat of harm, the county attorney or the Attorney General may file...may file a petition in district court stating that that person has allegedly committed an act of harm or attempted harm and is in need of court-ordered custody and treatment. Court-ordered custody means that the person would now be required to receive the services, and the agency providing the services would have the ability to prevent that person from leaving those services. The bill also lists the person's rights during the process. If a petition for court-ordered custody has been filed, the court must hear the petition within 90 days. The petitioner may also request emergency custody pending a hearing. If that emergency custody is granted, Health and Human Services shall provide a recommendation of an appropriate treatment program which has available space and is willing to hold the person. The department must evaluate the individual within seven days after the date of the EPC to determine if the person has one or more developmental disabilities. If that EPC is granted, the person has the right to an expedited hearing within ten days of being taken into custody to challenge the order of the EPC. The custody hearing should be as practicable...as soon as practicable, but no later than 45 days from the date when the person is taken into custody. Placement of the person shall be in the least restrictive alternative, and an appropriate treatment program that is capable of providing and willing to provide treatment in accordance with the plan. And we have done this with the establishment of our Bridges Program, using available space at the Hastings Regional Center, with the supervision and staff running the program from the Beatrice State Developmental Center. Annual review hearings are required. At any time, if that person no longer poses a threat of harm, any party may file a motion for a review hearing upon good cause shown. The party must show clear and convincing