



of Nebraska

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**Banking, Commerce, and Insurance Committee
Nebraska Unicameral
Written Testimony
LB 703**

Dear Chairman Ashford and members of the Judiciary Committee:

The Arc of Nebraska is a support and advocacy organization with and for people with developmental disabilities. We are a state affiliated chapter of The Arc of the United States. The Arc of Nebraska is a statewide organization with 17 local chapter and approximately 1,500 members across Nebraska.

The Arc of Nebraska supports LB 703 which changes to provisions relating to powers of attorney.

LB 703 changes both the Uniform Durable Power of Attorney Act and the Nebraska Short Form Act to require these documents to expressly state the authority of the agent or attorney in fact to be able to create or change rights of survivorship or beneficiary designations. These changes reflect what already exists in Nebraska case law and codifies them into statute.

As an advocacy organization that works for the rights of individuals with intellectual and/or developmental disabilities and their families, we are strongly in support of anything that strives to prevent abusive situations, which LB 703 clearly does. The Arc of Nebraska urges the consideration of less restrictive forms of substituted judgment whenever possible to families who may have a person with an intellectual or developmental disability. Often families are steered toward more restrictive options of guardianship for fear that powers of attorney may not be enough to ensure adequate protections. LB 703 moves one step closer in providing individuals and families with these assurances. While not a fool-proof guarantee that an attorney in fact or agent will not be able to somehow manipulate the relationship with the principal, this bill assists creators of these documents in keeping the integrity of the intent behind their creation.

We commend the Judiciary Committee for moving LB 703 to general file and wish to offer any additional information or support that we can.

Sincerely,

Marla Fischer-Lempke
Executive Director