



of Nebraska

Julie Stahla, President
Marla Fischer-Lempke, Executive Director
3601 Calvert Street, Suite #25
Lincoln, NE 68506
(402) 475-4407 / Fax (402) 475-0214
e-mail: arcneb@inebraska.com
www.arc-nebraska.org

Judiciary Committee Written Testimony for LB 85

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 85 which provides the adoption of the Nebraska Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act.

As a support and advocacy organization for individuals with intellectual and developmental disabilities and their families, we are familiar with situations in which an adult has a guardian who resides in another state. Either the adult under guardianship resides in Nebraska or their guardian does. This becomes quite complicated when, for example, a successor guardian becomes a person who resides in a state outside of Nebraska. At times, the new guardian would like their ward to be in closer proximity to them. As such, they may encounter issues within the guardian's state as to whether the guardianship is even recognized there. LB 85 helps to resolve this issue.

While each state has its own guardianship statutes and procedures for creating guardianships, LB 85 will give states a uniform way to recognize guardianships from state to state without having to engage in potentially complicated and costly proceedings to establish the same relationship (guardian & ward) as is already in effect in another state.

Passing LB 85 will also assist in reducing the likelihood of abuse. While the American Bar Association has published information that generally applies this Act to elders, it is equally applicable to people with intellectual and/or developmental disabilities who may also have a guardian. Specifically, the Act will assist to address abusive situations by:

- Facilitating the monitoring of guardianships
- Bringing an awareness of the potential for abuse to non-home states (states other than that where the guardianship originated)
- Facilitating communication among courts in other states
- Establishing transfer procedures that could remove people from abusive situations
- Establishing a mechanism that will aid in notification and monitoring of abuse

LB 85 will also serve to:

- Decrease the costs for individuals and families
- Save states money
- Conserve judicial resources
- Provides a similar format as the child custody process

So far approximately 19 states have passed this Uniform Act. We strongly urge your consideration to move LB 85 to General File.