

**LB 1051 – Testimony
Judiciary Committee
February 1, 2012**

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Department of Health and Human Services**

Good afternoon, Senator Campbell and members of the Health and Human Services Committee, my name is Scot Adams, (S-C-OT A-D-A-M-S), Interim Director of Children and Family Services in the Department of Health and Human Services. I would like to thank Senator Coash for introducing LB 1051 on behalf of DHHS, and I am here to testify in support. In addition to clarifying terms.

LB 1051 amends several definitions contained in the Adult Protective Service Act and clarifies rights and expectations of persons who allegedly abuse a vulnerable adult and are the subject of an abuse report.

LB 1051 updates the term “Denial of Essential Services” to a more commonly used and understood term of “Neglect” and provides clarification of the list of perpetrated acts that fall under the categories of sexual abuse and unreasonable confinement. Across the nation, state adult protective services statutes use the term “Neglect” to define the failure to provide necessities of life such as food, clothing, shelter, and medical care. This minor clarification will make the Act easier to understand within Nebraska and across state lines.

The current definition of sexual abuse provides for investigation and intervention when there is sexual contact. However, DHHS believes that sexual exploitation of a vulnerable adult is a form of sexual abuse for which Nebraskans would expect Adult Protective Services to intervene. DHHS supports amending the definition of sexual abuse to include and define sexual exploitation.

DHHS also supports amendment of the definitions for sexual abuse and unreasonable confinement in the Adult Protective Services Act. Adding the current crimes of unlawful intrusion (section 28-311.08) and false imprisonment (section 28-314 and 28-315) under the purview of abuse of a vulnerable adult provides greater protection to the vulnerable adults and strengthens the ability of the legal system to file the charge of Abuse of a Vulnerable Adult in these situations.

DHHS also agrees with Section 8 of the bill that directs DHHS to provide notification to the person who allegedly abused a vulnerable adult, of the investigation findings and of the decision regarding whether or not an entry is made on the APS Central Registry. LB 1051 also amends the Central Registry of Child Protection Cases, (Sec. 28-713.01) to provide subjects of child abuse reports the same information and in the same manner as APS.

We also support the addition of Sec. 8 (2) of the APS Act to more accurately reflect a citizen's right to make a request for an expungement or removal of their name from the Adult Protective Services Central Registry.

LB 1051 provides several common sense definitions that will reflect our continued commitment to vulnerable adults and it clarifies rights and expectations of persons who allegedly abuse a vulnerable adult and are the subject of a report. I encourage you to support LB1051 .

Thank you. I would be happy to answer any questions at this time.