

Disability Rights Nebraska

Protection and Advocacy for People with Disabilities

**Testimony on LB 157
Before the Judiciary Committee
Nebraska Legislature**

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Disability Rights Nebraska**

Good afternoon Senator Wayne and members of the Committee. For the record, my name is Brad B-R-A-D Meurrens M-E-U-R-R-E-N-S and I am the Public Policy Director with Disability Rights Nebraska, the designated Protection and Advocacy organization for persons with disabilities in Nebraska. I am here today in opposition to LB 157.

We are not dismissive of the situation giving rise to this bill. However, as the Protection and Advocacy organization we have particular interests relative to guardianships and persons with disabilities. As one of the organizations that supported the creation of the Office of Public Guardian, we are also concerned with its efficacy. We would encourage the legislature to work to explore alternative options rather than placing the solution squarely and solely on the Office of Public Guardian.

We share the concerns expressed by the Office of Public Guardian regarding LB 157. Our literature review and research report¹ on public guardian offices indicated that no more than 20 wards was a hard limit for a workable caseload for associate guardians. We are concerned that adding temporary guardianships for benefits to the OPG caseload will be a significant burden on the associate guardians; even worse if they are not counted in the 20 case limit. This would compromise the ability of the associate guardians to meet fully the extensive needs of their wards. Ultimately the wards will suffer (emphasis added):

“The recommendation for a *staff-to-client ratio is as important today as it was 25 years ago. At some tipping point, chronic understaffing means that protective intervention by a public guardianship program simply cannot be justified as being in the best interests of the vulnerable individual. Based on the site visits and observations of Phase I and Phase II, a guardian-to-client ratio of no more than 1:20 is recommended.*” (Teaster et al 2010, p. 138)

Additionally, we are concerned LB 157 will either create permanent wards for the Office of Public Guardian or will leave persons who are applying for benefits without the ability to follow through in the benefits process. LB 157 only addresses the application for benefits, but the

¹ “Public Guardianship: A Literature Review” (2013) available at https://www.disabilityrightsnebraska.org/file_download/5adbc636-7996-43e0-96ae-be98fb6f971d; see Pamela Teaster et al (2010), “Public Guardianship: In the Best Interests of Incapacitated People?”

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question remains, who will manage the benefits (e.g., record keeping, reporting requirements) let alone file appeals, adjustments, in order to qualify for benefits. Why would the guardian be changed from the one who worked on the application? If there aren't enough resources for applying, how can there be any left for managing/maintenance? Given the bill's silence on this issue, we are concerned this would also fall to the OPG.

Disability Rights Nebraska is willing to assist in this matter however we can—again we are not dismissive of or downplay the issue.

We recommend this committee do not advance this bill and instead seek alternative solutions.