

2019 SENATE HUMAN SERVICES COMMITTEE

SB 2289

2019 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Red River Room, State Capitol

SB 2289
2/4/2019
Job # 32034

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature: Justin Velez

Explanation or reason for introduction of bill/resolution:

Relating to family visitation rights.

Minutes:

Attachment #1

Vice Chairman Larsen: Opens the hearing on SB 2289.

Madam Chair Lee: Introduces SB 2289 and gives a brief description.

(04:15-07:50) Michelle Gayette, Assistan Director for the Department of Human Services Aging Services Division. Testifying in favor of SB 2289. Please see **Attachment #1** for testimony.

(5:49) Madam Chair Lee: What if the individual who is doing the obstructing is someone who has now financially abused this individual and is just tightening the noose on control?

Michelle Gayette: I think this is why we wanted it to state clearly for healthcare purposes because of financial power of attorney or guardian should not have any rights to restrict.

(6:14) Michelle Gayette continues testimony.

Senator Hogan: Have you worked with the legal department and the department of human services to draft amendments that your proposing.

Michelle Gayette: Yes, we can have Jonathan Alm draft them for you.

Senator Clemens: Regardless of mental capacity, anyone over 65 is determined vulnerable?

Michelle Gayette: In the vulnerable adult statute which is 50-25.2, there is no age that determines being vulnerable, it is an adult with a substantial mental or functional impairment. I would encourage no age in the definition.

Madam Chair Lee: It doesn't call in the process for the individual to visit privately with anyone about who is visiting and who is not. The intimidation component is a huge deal. I would like suggest that there is going to be an opportunity for neutral parties that will permit the person who is in question to have a private consultation with someone whether or not they can have visitation.

Michelle Gayette: I would agree and it would be nice to have an advocate for the vulnerable adult.

Madam Chair Lee: sometimes the advocate is actually one of the people who are involved in the problem. Whether it is an ombudsman or someone from the courts that is a non-threatening person. If you could figure out a way to include an opportunity for that.

Madam Chair Lee: Any more testimony in favor of SB 2289?

Senator Anderson: I think there is someone here from the courts and I would like to hear from them on how this would work in the courts.

Madam Chair Lee: Anyone from the courts here that can speak on that?

Madam Chair Lee speaks to someone sitting in the room who is from the courts and explains that she cannot speak on that subject.

Madam Chair Lee: Closes the hearing on SB 2289.

2019 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Red River Room, State Capitol

SB 2289
2/4/2019
32136

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature: Justin Velez

Explanation or reason for introduction of bill/resolution:

Relating to family visitation rights.

Minutes:

No Attachments

Madam Chair Lee: Opens the discussion on SB 2289.

(00:55) Storm Olson, Attorney with the Legal Advisory Unit for the Department of Human Services.

Storm Olson: I am here to assist you in answering any questions you might have.

Madam Chair Lee: What we would like to do is go through the amendments that we have drafted with you and if you see something that requires a little more attention please let us know.

(01:34-51:12) Madam Chair Lee goes over the amendments that the committee has proposed with Storm Olson and goes over the proposed amendments from the Vulnerable Adults Division to concur with the first draft of amendments that the senate human services committee have come up with.

2019 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Red River Room, State Capitol

SB 2289
2/5/2019
Job # 32205

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature: Justin Velez

Explanation or reason for introduction of bill/resolution:

Relating to family visitation rights.

Minutes:

Attachment #1

Madam Chair Lee: Opens the discussion on SB 2289.

(00:13-09:37) Storm Olson, Legal Advisory Unit with the Department of Human Services. Provides overview on the proposed amendments from DHS for SB 2289. Please see **Attachment #1** for amendments.

(04:17) Madam Chair Lee: If it's being done by camera, it doesn't say that anyone is going to be in the room.

Storm Olson: The terminology in-camera interview is a term of court that indicates it is a private in chamber discussion between the judge and the individual. However, if they have an attorney, they can be present but no one else is present in the room.

(05:10) Storm Olson continues overview of the proposed amendments.

(06:30) Madam Chair Lee: Can you eliminate the B

Storm Olson: Yes, and no. We are removing on page 2 we are removing lines 25-26. However, on page 2 we are reinserting that language as a stand-alone. Our reasoning behind that was the order compelling visitation is very different from prohibiting contact, so we didn't feel that they were tied together any longer.

(07:29) Storm Olson continues overview of the proposed amendments.

(09:40) Senator Anderson: I did have notes on page 1 line 8, where someone thought it was important to say "caregiver means a person who has assumed a legal responsibility for healthcare purposes or a contractual obligation".

Storm Olson: I actually did check with program on that language I spoke to Michelle Gayette she originally proposed that language thinking that they should limit it to the healthcare component. However, upon reflection and further discussion there are other caregiver responsibilities that can occur outside of and addition to healthcare, so by limiting it you actually potentially creating additional challenges.

Madam Chair Lee: I'm thinking of a person that would not necessarily have a big healthcare issue but might be in early stages of dementia, its not that they are not physically able to do things.

Senator Hogan: I really appreciate the program people do they feel better about this with these revisions.

Storm Olson: Yes, they feel this is more accurate with the intent of the bill.

Senator O. Larsen: Section 4 where they talk about the camera interview will that always be the process. Does it always have to go to the camera interview?

Storm Olson: Currently based on the language "shall" makes it mandatory that the court has to have that interview. You can change it to "may" which will give the court the discretion to determine whether or not the camera interview is mandatory. DHS would not be adverse to the "may"

Senator O. Larsen: I can see the instance where there is going to be some obstruction where the camera interview is needed but I feel that they might not have to use it in the majority of cases.

Madam Chair Lee: maybe "may" will be better.

Storm Olson: I actually don't disagree. I think "may" is good the courts know what they are doing and it does not prohibit them from using the camera interview later on. We are still meeting the committee request to have the vulnerable adult being able to speak for themselves.

Senator Hogan: On that same section 4 "the court may conduct in-camera interview", the next sentence is "the in-camera interview shall be on the record." Do we still need that?

Storm Olson: The mandatory portion of the in-camera interview being on the record actually protects not only the vulnerable adult, but also the judge. The courts will actually be happy with the "may" in the discretion for the in-camera interview. However, they do in all the other code sections the in-camera interviews shall be on the record and that is why.

Senator K. Roers: Did I miss that we had talked about on page 3 line 17 to 14 did we decide not to do that?

Storm Olson: I apologize, we originally had it in our draft that we had been working on then we received the updated version from Alex (Senate Human Services Intern) and we thought

we will use Alex's version and as we were transferring information unfortunately, was missed. We are definitely going to change page 10 line 17 to line 14.

Madam Chair Lee: So on page 3 line 17 overstrike "10" and insert "14". Are there any other changes to the amendments?

Senator Hogan: I move a motion to **ADOPT AMENDMENTS**
Seconded by Senator O. Larsen

ROLL CALL VOTE TAKEN
6 YEA, 0 NAY, 0 ABSENT
MOTION CARRIES, AMENDMENT ADOPTED

Senator O. Larsen: I move **DO PASS, AS AMENDED.**
Seconded by Senator Hogan

ROLL CALL VOTE TAKEN
6 YEA, 0 NAY, 0 ABSENT
MOTION CARRIES, DO PASS, AS AMENDED
Senator Clemens will carry SB 2289 to the floor.

Madam Chair Lee and the Senate Human Services committee move on to discuss SB 2163.

February 5, 2019

84
1002

PROPOSED AMENDMENTS TO SENATE BILL NO. 2289

Page 1, line 13, after "2." insert "Clergy member" means a member of the clergy or spiritual counselor who has provided a vulnerable adult with religious or spiritual care who represents a religious organization to which a vulnerable adult is a member.

3."

Page 1, line 15, replace "3." with "4."

Page 1, line 17, replace "4." with "5."

Page 1, line 20, replace "5." with "6."

Page 2, line 1, replace "6." with "7."

Page 2, line 1, remove "who is at least sixty-five years of age or an adult"

Page 2, line 2, after "impairment" insert "or an adult who is experiencing visitation restrictions while under the care of a caregiver"

Page 2, line 3, replace "or" with an underscored boldfaced comma

Page 2, line 3, after "friends" insert ", or clergy member"

Page 2, line 5, replace the first "or" with an underscored comma

Page 2, line 5, after "friend" insert ", or clergy member"

Page 2, line 5, replace the fourth "or" with an underscored comma

Page 2, line 6, after "friend" insert ", or clergy member"

Page 2, line 8, replace the first "or" with an underscored comma

Page 2, line 8, after "friend" insert ", or clergy member"

Page 2, line 19, after "caregiver" insert ", vulnerable adult, and other interested parties"

Page 2, line 21, after "4." insert "The court shall conduct an in camera interview of the vulnerable adult to determine the wishes of the vulnerable adult. The in camera interview may be on the record. The court shall give deference to the vulnerable adult's preference in making decisions.

5."

Page 2, line 21, remove the underscored colon

Page 2, line 22, replace "a. The" with "the"

Page 2, line 24, remove "; or"

Page 2, replace lines 25 and 26 with an underscored period

Page 2, line 27, replace "5." with "6."

Page 2, line 27, remove "reasonable"

Page 2, line 28, replace "restrictions" with "conditions"

Page 2, line 28, after "adult" insert "after consultation with the vulnerable adult and based on the minimum visitation necessary to allow the vulnerable adult to maintain maximum self-reliance and independence"

Page 3, line 1, remove "and must occur at the"

Page 3, line 2, remove "placement location of the vulnerable adult"

Page 3, line 3, replace "6." with "The court may prohibit contact between the petitioner and the vulnerable adult when contact is not in the best interest of the vulnerable adult."

8."

Page 3, line 7, replace "or" with an underscored comma

Page 3, line 7, after "friend" insert ", or clergy member"

Page 3, line 10, replace "7." with "9."

Page 3, line 11, replace the second "or" with an underscored comma

Page 3, line 12, after "friend" insert ", or clergy member"

Page 3, line 17, replace "ten" with "fourteen"

Page 3, line 18, after "court" insert ", or at a later date upon a showing of good cause"

Renumber accordingly

Date: 2/5/19
Roll Call Vote #: 1

2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2289

Senate Human Services Committee

☐ Subcommittee

Amendment LC# or Description: 19.0118.01001

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐

Motion Made By Sen. Hogan Seconded By Sen. D. Larsen

Senators	Yes	No	Senators	Yes	No
Chair Lee	X		Senator Hogan	X	
Vice Chair Larsen	X				
Senator Anderson	X				
Senator Clemens	X				
Senator Roers	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 2/5/19
Roll Call Vote #: 2

2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2269

Senate Human Services Committee

☐ Subcommittee

Amendment LC# or Description: 19.0118.01001

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☒ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Sen. D. Larsen Seconded By Sen. Hogan

Senators	Yes	No	Senators	Yes	No
Chair Lee	X		Senator Hogan	X	
Vice Chair Larsen	X				
Senator Anderson	X				
Senator Clemens	X				
Senator Roers	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen. Clemens

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2289: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2289 was placed on the Sixth order on the calendar.

Page 1, line 13, after "2." insert "Clergy member" means a member of the clergy or spiritual counselor who has provided a vulnerable adult with religious or spiritual care who represents a religious organization to which a vulnerable adult is a member.

3."

Page 1, line 15, replace "3." with "4."

Page 1, line 17, replace "4." with "5."

Page 1, line 20, replace "5." with "6."

Page 2, line 1, replace "6." with "7."

Page 2, line 1, remove "who is at least sixty-five years of age or an adult"

Page 2, line 2, after "impairment" insert "or an adult who is experiencing visitation restrictions while under the care of a caregiver"

Page 2, line 3, replace "or" with an underscored boldfaced comma

Page 2, line 3, after "friends" insert ", or clergy member"

Page 2, line 5, replace the first "or" with an underscored comma

Page 2, line 5, after "friend" insert ", or clergy member"

Page 2, line 5, replace the fourth "or" with an underscored comma

Page 2, line 6, after "friend" insert ", or clergy member"

Page 2, line 8, replace the first "or" with an underscored comma

Page 2, line 8, after "friend" insert ", or clergy member"

Page 2, line 19, after "caregiver" insert ", vulnerable adult, and other interested parties"

Page 2, line 21, after "4." insert "The court shall conduct an in camera interview of the vulnerable adult to determine the wishes of the vulnerable adult. The in camera interview may be on the record. The court shall give deference to the vulnerable adult's preference in making decisions.

5."

Page 2, line 21, remove the underscored colon

Page 2, line 22, replace "a. The" with "the"

Page 2, line 24, remove ", or"

Page 2, replace lines 25 and 26 with an underscored period

Page 2, line 27, replace "5." with "6."

Page 2, line 27, remove "reasonable"

Page 2, line 28, replace "restrictions" with "conditions"

Page 2, line 28, after "adult" insert "after consultation with the vulnerable adult and based on the minimum visitation necessary to allow the vulnerable adult to maintain maximum self-reliance and independence"

Page 3, line 1, remove "and must occur at the"

Page 3, line 2, remove "placement location of the vulnerable adult"

Page 3, line 3, replace "6." with "The court may prohibit contact between the petitioner and the vulnerable adult when contact is not in the best interest of the vulnerable adult."

8."

Page 3, line 7, replace "or" with an underscored comma

Page 3, line 7, after "friend" insert ", or clergy member"

Page 3, line 10, replace "7." with "9."

Page 3, line 11, replace the second "or" with an underscored comma

Page 3, line 12, after "friend" insert ", or clergy member"

Page 3, line 17, replace "ten" with "fourteen"

Page 3, line 18, after "court" insert ", or at a later date upon a showing of good cause"

Renumber accordingly

2019 HOUSE HUMAN SERVICES

SB 2289

2019 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Fort Union Room, State Capitol

SB 2289
3/6/2019
33291

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk: Nicole Klamann by Marjorie Conley

Explanation or reason for introduction of bill/resolution:

Relating to family visitation rights

Minutes:

Chairman Weisz: Open hearing on SB 2289.

Michelle Gayette, Assistant Director for Aging Services for the Dept of Human Services:

I am here to support this bill. What I believe this proposes to do is to set up a mechanism whereby a family member who has been restricted access to their loved one could petition the court to be allowed visitation rights. The restriction usually comes at the hands of a power of attorney or a guardian and we do believe by federal law that this is not allowed, but this is North Dakota law, this would be a mechanism they could use to thereby visit with their family members. I would stand for any questions.

Chairman Weisz: Any questions from the committee?

Rep. Schneider: Has this been a problem because this has already been allowed?

Michelle Gayette: We see this happening a lot where a POA may not like their brother or sister and then they say you don't get to see mom today. You see this with guardianships as well.

Rep. Schneider: Have the courts been nonresponsive to requests for ordering that?

Michelle Gayette: Technically speaking a POA has no oversight.

Chairman Weisz: Any questions from the committee? We have gone very specific on visitation, is that necessary?

Michelle Gayette: We did work with the court on the amendments. The original bill did not have that specific language and this came directly from the courts to include a time and a place and to set a time frame in there.

Chairman Weisz: Any further questions from the committee? Support? Opposition?

House Human Services Committee

SB 2289

3/6/2019

Page 2

Closed hearing.

2019 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Fort Union Room, State Capitol

SB 2289
3/6/2019
33310

- ☐ Subcommittee
☐ Conference Committee

Committee Clerk: Nicole Klamann by Marjorie Conley
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Explanation or reason for introduction of bill/resolution:

Relating to family visitation rights

Minutes:

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Chairman Weisz: Reopened SB2289.

Senator Judy Lee: The purpose of the bill is to enable someone to prevent caregivers from interfering with the ability to visit with someone who may be a friend or relative who may be impaired. Might be someone with early Alzheimers or whatever, but if it happens and it is unfortunate and so there are examples of kinds of situations that we would like to see not happen. The person who would like to have someone visit, the caregiver perhaps with the instruction of a family member perhaps it is a family member who is doing this prevents this from happening. There are times when someone perhaps shouldn't be visiting, but that isn't always the case. This provides a process.

Chairman Weisz: We were told that the court suggested the wording of this bill.

Senator Judy Lee: One should not be prevented from seeing a pastor or a priest or a spiritual leader that would be someone that would have a connection with that person. This has happened and it is a familiar situation that happens and it is just ridiculous. When a person is kept from seeing family, friends or a member of the clergy.

Rep. Rohr: Is this for children too?

Senator Judy Lee: It is for anybody as far as we were concerned. We had no age limitations.

Rep. Ruby: Why just amend Chapter 50-25.2 is the vulnerable adult section. I am just curious because why just amend that rather than create a new section when there is a fair amount of these definitions. They are double already.

Senator Judy Lee: One would have to ask Legislative Council that. If you like, I could do that but since you are on the committee maybe you would like to inquire about whether or not there is more appropriate place for it. All of the decisions about the drafting itself were made by Legislative Council, so I can't answer that. I welcome the question and the Legislative Council Attorneys could certainly help you answer that.

Chairman Weisz: Who did help you draft this?

Senator Judy Lee: Of the 25 attorneys, I am not sure.

Rep. Devlin: Are we talking anywhere in North Dakota, long care facilities, private home, whatever anywhere there is visitation?

Senator Judy Lee: The most egregious example that I am familiar is in the private home. I think that it is important that it be available. Looking at adding children in those areas might be contentious. If it is not going to be good for the person who will be visited, that isn't a guarantee that everybody can do it.

Rep. Skroch: You might have a caregiver that doesn't want people to see this individual in the condition they are in. So we go through this process even the court orders them to allow visitors and I can imagine the hostility that might occur if you are in their private home. How would that play out?

Senator Judy Lee: I would expect grownups to at least behave appropriately in a situation like that. If it looks like it could happen like that, there could always be a request made of law enforcement to examine the situation. Safety visits could also take place. We cannot legislate every personality conflict either. There are also all kinds of nasty little intertangles. We can't cover everything. There just needs to be a process for some well intended friend or family member to be able to visit the person who is being isolated at a time when they may need visitors.

Rep. Ruby: I am looking at the petition and there is no time frame that a court has to be set.

Senator Judy Lee: I do note that it does say that the court shall fix a time and place and that at least 20 days before the date of the hearing, there will be information provided there. We didn't press about talking about that.

Chairman Weisz: Any further questions? Closed hearing.

2019 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Union Room, State Capitol

SB 2289
3/6/2019
33338

☐ Subcommittee
☐ Conference Committee

Committee Clerk: Nicole Klamann by Marjorie Conley
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Explanation or reason for introduction of bill/resolution:

Relating to family visitation rights

Minutes:

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Chairman Weisz: Reopened SB 2289.

Rep. Ruby: The second part of the bill covers expedited hearings.
Motion for a Do Pass on SB 2289.

Rep. Dobervich: Second.

Chairman Weisz: It is pretty unfortunate that we have to put legislation in for that.
We have to have a legal process for someone to see their family. Is there any
further discussion?

Roll Call Vote Yes 13 No 0 Absent 1

Rep. Anderson is the **Carrier**.

Date: 3-6-19
Roll Call Vote #: 1

2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2289

House Human Services Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Rep Ruby Seconded By Rep Dobervich

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman	X		Gretchen Dobervich	X	
Karen M. Rohr - Vice Chairman	X		Mary Schneider	X	
Dick Anderson	X				
Chuck Damschen	X				
Bill Devlin	A				
Clayton Fegley	X				
Dwight Kiefert	X				
Todd Porter	X				
Matthew Ruby	X				
Bill Tveit	X				
Greg Westlind	X				
Kathy Skroch	X				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Rep Anderson

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2289, as reengrossed: Human Services Committee (Rep. Weisz, Chairman)
recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
Reengrossed SB 2289 was placed on the Fourteenth order on the calendar.

2019 TESTIMONY

SB 2289

Testimony
Senate Bill 2289 - Department of Human Services
Senate Human Services Committee
Senator Lee, Chairman

February 4, 2019

Chairman Lee, and members of the Senate Human Services Committee, I am Michelle Gayette, Assistant Director for the Department of Human Services Aging Services Division (Department). I appear today in support of Senate Bill No. 2289 and to offer language suggestions that would allow the vulnerable adult to have input in situations where visitation has been restricted.

One of my roles is to oversee the Vulnerable Adult Protective Services Program (VAPS). As you know, one of the main principles when dealing with vulnerable adults is right to self-determination. To that effort, VAPS workers strive to allow the vulnerable adult to have choice in their lives and allow their voices to be heard. While this bill offers protections for vulnerable adults a few modifications to the language may also make it possible for the vulnerable adult to express their wishes in the matters described in this bill and allow vulnerable adults under age 65 the same protections. For example:

Section 1.

Page 1, lines 8 and 9. Based on experience dealing with vulnerable adults and their caregivers, it may be beneficial to clarify what legal responsibility and contractual obligation means in the definition of caregiver. Consider limiting this to legal responsibility for healthcare purposes.

Page 2, lines 1 and 2. Consider expanding the definition of vulnerable adult to include adults under the age of 65 who also may be experiencing visitation restrictions while under the care of an individual who meets the definition of caregiver. This bill appears to merge the criminal statute and the VAPS statute

definition of vulnerable adults and from the department's experience, individuals over the age of 65 may not be a vulnerable adult and individuals under the age 65 may be a vulnerable adult. It all depends on the individual and the specific facts of the situation.

Page 2, lines 18-20. As many vulnerable adults lose their voice in situations such as these, it may also be beneficial to consider providing notice of the petition and time and place of hearing to the vulnerable adult so that they may attend and speak to their wishes.

Page 2, lines 25 and 26. A vulnerable adult should have the right to express their opinions on visitation even if it's not in their best interest. They should be able to choose to have visitation with friends and family of their choosing and reasonable restrictions could be established for safety.

Page 3, lines 1 and 2. The language in the bill "must occur at the placement location of the vulnerable adult" may take away the choice of the adult to have a visit in the community or location of their choice, especially if there are no concerns related to a visit occurring away from the placement location.

This concludes my testimony, and I am happy to answer any questions you may have.

UNIFIED PROPOSED AMENDMENTS TO SB 2289

Page 1, line 8, after “responsibility” insert “for healthcare purposes”

Page 1, after line 12 insert:

2. “Clergy member” means a member of the clergy or spiritual counselor who has provided a vulnerable adult with religious or spiritual care or who represents a religious organization to which a vulnerable adult is a member.

Page 1, line 13, replace “2.” with “3.”

Page 1, line 17, replace “4.” with “5.”

Page 1, line 20, replace “5.” with “6.”

Page 2, line 1, replace “6.” with “7.”

Page 2, line 1, remove “who is at least sixty-five years of age or an adult”

Page 2, line 2, after “impairment” insert “or adults who are experiencing visitation restrictions while under the care of a caregiver”

Page 2, line 3: replace “or” with an underscored comma

Page 2, line 3: after “friends” insert “, or clergy”

Page 2, line 5: replace first “or” with an underscored comma

Page 2, line 5: after “friend” insert “, or clergy member”

Page 2, line 5: replace fourth “or” with an underscored comma

Page 2, line 6: after “friend” insert “, or clergy member”

Page 2, line 8: replace first “or” with an underscored comma

Page 2, line 8: after “friend” insert “, or clergy member”

Page 2, line 19, after “caregiver” insert “and the vulnerable adult”

Page 2, line 26, after the period insert “The court shall give great weight to the wishes of the vulnerable adult in making this finding.”

Page 2, line 28, replace “restrictions” with “conditions”

Page 2, line 28, after “adult” insert “, including visitation in private.”

Page 3, line 1, remove “and must occur at the”

Page 3, line 2, remove “placement location of the vulnerable adult”

Page 3, line 7: replace “or” with an underscored comma

Page 3, line 7: after “friend” insert “, or clergy member”

Page 3, line 11: replace second “or” with an underscored comma

Page 3, line 12: after “friend” insert “, or clergy member”

Page 3, line 18, after “court” insert “, or at a later date if good cause is shown”

Renumber accordingly

SB 2289
2/5/19
#1 pg. 1

UNIFIED PROPOSED AMENDMENTS TO SB 2289

Page 1, after line 12 insert:

- “2. “Clergy member” means a member of the clergy or spiritual counselor who has provided a vulnerable adult with religious or spiritual care or who represents a religious organization to which a vulnerable adult is a member.”

Page 2, line 1, remove “who is at least sixty-five years of age or an adult”

Page 2, line 2, after “impairment” insert “or an adult who is experiencing visitation restrictions while under the care of a caregiver”

Page 2, line 3, replace “or” with an underscored comma

Page 2, line 3, after “friends” insert “, or clergy member”

Page 2, line 5, replace the first “or” with an underscored comma

Page 2, line 5, after “friend” insert “, or clergy member”

Page 2, line 5, replace the fourth “or” with an underscored comma

Page 2, line 6, after “friend” insert “, or clergy member”

Page 2, line 8, replace the first “or” with an underscored comma

Page 2, line 8, after “friend” insert “, or clergy member”

Page 2, line 19, after “caregiver” insert “,vulnerable adult, and other interested parties”

Page 2, after line 20, insert:

- “4. The court shall conduct an in camera interview of the vulnerable adult to determine the wishes of the vulnerable adult. The in camera interview shall be on the record. The court shall give greater weight to the vulnerable adult’s preference in making decisions.”

Page 2, line 21, replace the underscored colon with “that”

Page 2, line 22, remove “a.”

Page 2, line 22, replace “The” with “the”

Page 2, line 24, replace “; or” with an underscored period

Page 2, remove lines 25 and 26

Page 2, after line 26, insert:

“6. The court may prohibit contact between petitioner and vulnerable adult when contact is not in the best interest of the vulnerable adult.”

Page 2, line 27, replace “reasonable” with “conditions”

Page 2, line 28, remove “restrictions”

Page 2, line 28, after “adult” insert “after consultation with the vulnerable adult and based on the minimum necessary to allow the vulnerable adult to maintain maximum self-reliance and independence”

Page 3, line 1, remove “and must occur at the”

Page 3, remove line 2

Page 3, line 7, replace “or” with an underscored comma

Page 3, line 7, after “friend” insert “, or clergy member”

Page 3, line 11, replace the second “or” with an underscored comma

Page 3, line 12, after “friend” insert “, or clergy member”

Page 3, line 18, after “court” insert “, or at a later date if good cause is shown”

Renumber accordingly