

2/4/2014

Testimony in support of SB 1553

Chair Monnes Anderson and members of the committee,

The Joint Interim Task Force on Public Guardian and Conservator worked for two “interims” to develop and refine the proposed Senate Bill.

I served as the Chair of the Task Force. Previous to that, I was a Circuit Court Judge in Multnomah County from 1989-2006; I was the Chief Judge of the Family Court from 1992-2006 and the Chief Judge in Probate from 1994-2006.

This proposal is not controversial. To the extent there were differences of opinion regarding the details, they were harmonized in our work.

Oregon has a significant and largely unaddressed health and human rights crisis.

Due to the lack of public guardian services throughout most of the state, adults lacking capacity to make personal, medical and financial decisions have no one to act on their behalf.

Lack of capacity may stem from severe mental health conditions, developmental disabilities and age-related conditions. These adults are at significant risk of harm and their numbers are likely to increase in the coming years.

Guardianship is a court-ordered protection for adults who are incapable of protecting themselves. Family members or close friends are preferred to serve as guardians. In many cases, however, there is no such person available or appropriate to serve. Where the person or families have the resources, a professional fiduciary may be employed.

In the absence of such resources, at-risk adults are vulnerable to repeated hospitalizations, stroke, heart attack, malnutrition, commitment to a psychiatric unit, or premature death. Elder abuse is common in this population; such individuals are highly vulnerable.

Public Guardianship programs exist in many cities and states. Multnomah County has had a Public Guardian since 1972. There are a few private non-profits elsewhere in Oregon who provide a very modest level of such services.

The proposal calls for a very stringent intake process. All aspects of the operation of this office are to be guided by the duty to find the least restrictive alternative for each individual.

The people intended to be served are currently coming into regular contact with services funded by State and local governments. They represent a drain upon police, emergency services, hospitals and the system of services currently available for seniors and the disabled.

The creation of a State Public Guardian is widely supported by senior services programs. The need is clear and the circumstances of those affected are tragic.

Thank you for your consideration,

Elizabeth Welch
Senior Judge and former Chair of
Interim Task Force