



February 6, 2014

TO: Rep. Jeff Barker, Chair
House Committee on Judiciary

FR: Bob Joondeph, DRO Executive Director

RE: HB 4114

Disability Rights Oregon strongly supports passage of HB 4114.

As Oregon's federally-funded *Protection and Advocacy* program, DRO has worked for years to assure that individuals who have been alleged to need a guardian or have been appointed a guardian receive adequate due process protection and effective ways to voice objections regarding their need for a guardian or the guardian's performance.

Oregon is one of the few states that do not require a court hearing before appointing a fiduciary and do not provide funding for an attorney to represent indigent people who object to having a fiduciary appointed for them. The sole formal oversight of these guardianships and conservatorships falls to the appointing court that receives a yearly written report from the guardian. Needless to say, fiduciaries are not likely to point out deficiencies in their own performance.

Most guardianships and conservatorships are proceedings involving private parties. The only government involvement is through the court that appoints and monitors. Legal and procedural costs, which can be quite expensive, are borne by these private parties. Because of financial constraints on the courts and private parties, efforts in the past to find funding for more robust oversight and attention to due process have had very limited success.

HB 4114 provides a creative option for courts to use volunteers to respond to situations in which serious questions have been raised as to whether a fiduciary is acting appropriately and diligently to protect and support their protected person. Unfortunately, fiduciaries may neglect the physical needs of their protected person, mismanage or exploit their finances and even actively abuse the person. DRO receives complaints of such situations periodically. In these cases, the referral options for investigation are limited to Adult Protective Services or the court.

HB 4114 will not affect the state budget and may save vulnerable people from suffering and exploitation. We urge its passage.