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Senator Floyd Prozanski, Chairman  
Senate Judiciary Committee  
900 Court Street NE  
Salem, OR 97301

Chairman Prozanski:

AARP Oregon supports passage of House Bill 4114.

With people living longer, and increased age can often be accompanied by diminished decision-making ability, older people need to engage in advance planning. While still capable of decision-making a person may grant authority voluntarily to others to manage his or her personal decisions or property. When an individual loses capacity and has not delegated authority for decision-making, a court may appoint a guardian or conservator with specific decision-making powers.

We would hope otherwise but guardianship and conservatorship arrangements do carry risks and require careful scrutiny and monitoring. Risks range from mismanagement of fiduciary responsibility to physical harm to the incapacitated individual. Judges can only appoint guardians and conservators in Oregon. However, due to limited infrastructure and resources, keeping guardians accountable to the courts is an increasing challenge.

House Bill 4114 gives local courts and judges clear statutory authority to appoint a special advocate to "protected persons". Special advocates will be judicially appointed to monitor existing court guardianships to ensure that protected persons are receiving adequate services from their guardians, that they are not subject of abuse or neglect, and whether the guardianship is still appropriate.

For several years AARP Oregon has been actively engaged with legislators and advocates on issues related to the safety and well being of older Oregonians, including public guardianship and physical and financial abuse. House Bill 4114 is another step towards the goal of protecting vulnerable Oregonians.

Again, AARP Oregon urges your support of House Bill 4114. Thank you for your consideration.

Rick Bennett  
Director, Government Relations  
AARP Oregon