



# ASSOCIATION OF OREGON COMMUNITY MENTAL HEALTH PROGRAMS

Addictions • Mental Health • Developmental Disabilities

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Washington County Behavioral Health &  
Developmental Disabilities Division

February 17, 2014

TO: Chair Prozanski and Members of the Senate Committee on Judiciary

FROM: Cherryl Ramirez, Executive Director, Association of Oregon  
Community Mental Health Programs

RE: Support of HB 4114A

The Association of Oregon Community Mental Health Programs (AOCMHP) supports HB 4114A, authorizing courts to appoint special advocates to examine guardianship or conservators for seniors and people with disabilities. AOCMHP's membership includes 32 Community Developmental Disability Programs (CDDPs) across Oregon, whose responsibilities are to assure the protection and safety of over 12,000 Oregonians with intellectual and developmental disabilities (I/DD).

One of the mechanisms used in Oregon to assist an individual with I/DD is through the court appointment of a guardian or conservator when an individual has been determined to be incapable of making decisions. In many cases this may be appropriate, however, currently there is no oversight from the court. While the guardian is required to submit an annual report, many courts do not have the time and/or resources to ensure the fiduciary is acting in the best interest of the individual. Due to the vulnerability of individuals with I/DD who tend to have limited verbal skills, it is difficult for them to report if there is abuse or neglect. Often the fiduciary is a family member and there is a disproportionate balance of power, so it is difficult for individuals to voice their choices or even objections to the actions taken by the guardian. Service Coordinators may suspect issues when individuals state they can't see their friends, buy new clothes, or do not have money to pursue activities, but are currently limited to noting that clients have no funds in their accounts when monitoring financial records. If abuse is suspected, the Service Coordinator will report it, but many of these cases do not rise to the level of abuse. While this puts the Service Coordinator on alert to monitor more closely, there would be considerable value to the DD system in having court appointed special advocate volunteers who could evaluate the situation, determine if the fiduciaries are fulfilling their duties and report to the court.

HB 4114A would greatly help to support a protected person's rights, choices and to ensure they are not being taken advantage of, with minimal fiscal impact. We urge support and passage of this bill.

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