

**S. Travis Wall**  
5506 NE 31<sup>st</sup> Avenue  
Portland, Oregon 97211  
walltravis@msn.com

February 3, 2014

The Honorable Laurie Monnes Anderson  
The Honorable Jeff Kruse  
The Honorable Tim Knopp  
The Honorable Chip Shields  
The Honorable Elizabeth Steiner Hayward  
Senate Committee on Health Care and Human Services  
Oregon Senate

**Submitted c/o Sandy Thiele-Cirka, [sandy.thielecirka@state.or.us](mailto:sandy.thielecirka@state.or.us)**

Dear Chairwoman Anderson and Committee Members,

I strongly urge you to pass Senate Bill 1553.

This long overdue and greatly needed legislation will begin to address one of the most serious and largely unaddressed social issues in Oregon. **SB 1553 provides for the appointment of a state public guardian and conservator to serve as a court-appointed surrogate decisionmaker for the most vulnerable and dependent adults in Oregon – individuals who lack the capacity to make most decisions about their lives and as a result are in harm's way or at imminent risk of abuse, neglect or self-neglect; and who have no responsible and willing family member, friend or other person to serve as their legally-authorized guardian.** These are persons with severe developmental disabilities, serious and persistent mental illnesses, age-related cognitive issues, traumatic brain injuries and/or acutely incapacitating medical illnesses. Most are poor or unable to manage their financial affairs. Often they live in jeopardy in the community because they are unable to take care of their basic needs or are being abused or exploited by others. Others reside in long-term care or institutional settings, where they are at risk because they have no court-appointed guardian to ensure their welfare and protect and advocate for their rights and interests.

Over the past five years, first an ad hoc group of concerned human services and legal professionals and subsequently two state task forces on public guardianship sought to address the almost complete lack of public guardianship services in Oregon. The work of these groups drew on the experience and knowledge of seasoned guardians who have served here and elsewhere. It included extensive study of the need for public guardianship services in Oregon and the presence and practice of public guardianship programs in neighboring and other states, as well as consultation with national guardianship experts.

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In course of this effort, we determined that between 1,500 to 3,000 adult Oregonians are in need of public guardianship services. But with the exception of Multnomah County (which operates the sole public guardianship office in the state), Oregon counties have declined to use the statutory authority long granted them to provide guardianship services, and the state has failed to remedy this shortcoming. The gravity of this situation is readily evident when one considers that most western states (Alaska, Arizona, California, Nevada, New Mexico and Utah), have had public guardianship systems for at least a decade and in some instance 30 to 40 years. Moreover, in recent years, outliers like the state of Washington have begun to address this oversight.

For many of us who advocate for vulnerable and dependent individuals and who have first-hand experience developing and providing public guardianship services, SB 1553 represents a difficult compromise. It provides for two to three guardianship positions to begin to address a problem that merits a comprehensive statewide program and effort, with sufficient staff and resources to address the needs of Oregon's most at risk adult citizens. If passed as written, the bill may result in provision of public guardianship services to about 60 incapacitated persons a year or about 3% to 5% of those in need of a public guardian.

Nevertheless, we can no longer postpone addressing this problem. While SB 1553 is limited, it is a step in the right direction. We must do more, much more. But we must do this now. Please pass SB 1553.

Sincerely yours,

S. Travis Wall  
former Director, Utah State Office of Public Guardian &  
Executive Director, Nevada Disability Advocacy & Law Center, Inc.

copies: Senator Michael Dembrow  
Representative Margaret Doherty  
Mary Jaegger, Long-Term Care Ombudsman