



May 26, 2015

TO: Senator Floyd Prozanski, Chair
Senate Judiciary Committee
FR: Bob Joondeph, Executive Director
RE: HB 2361

Disability Rights Oregon is Oregon's federally-funded *Protection and Advocacy* office and "the system described in ORS 192.517 (1)" as referenced in ORS 125.060 and other state statutes. DRO is a 501(c)(3) nonprofit.

DRO supports passage of HB 2361.

During the 1990s, DRO joined other advocates to support bills that would have required hearings and appointed counsel for those subject to guardianships. Not meeting with success, DRO collaborated with the state Long Term Care Ombudsman to suggest a new oversight role for both our agencies to protect people who might be inappropriately institutionalized by a guardian.

The result was 1999's HB 2760 [Oregon Laws Chapter 775] which requires proposed and appointed guardians to notify DRO or the LTCO if s/he intends to place the protected person in a mental health facility, developmental disabilities facility or nursing home. The legislature did not provide any resources for our agencies to conduct this oversight function but we have done it for the past sixteen years.

DRO receives and reviews the notifications mandated by HB 2760 and contacts proposed protected persons to ask if they are aware of the proceeding and have any questions or concerns. Sometimes, we will take the additional step of notifying the court that the person does not want a guardianship, does not want a particular guardian or wants an appointed lawyer. Very occasionally, DRO will accept appointment as the lawyer.

Recently, some circuit courts have been unwilling to allow DRO to provide information or participate in proceedings unless we submit filing fees. This is particularly troubling in that DRO has provided this oversight service for years without cost to the state and requiring DRO to pay fees for individuals who are usually indigent and disabled discourages us from performing the oversight role that the legislature contemplated.

HB 2361, by relieving DRO and the LTCO of the obligation to pay filing fees when acting to assure a proper and informed court guardianship process, will further the state's interest in protecting its vulnerable citizens as well as assuring justice and effectiveness of the court process.