

The CATHERINE FALK Organization



ADVOCATING VISITATION
LEGISLATION SINCE 2011
In Memory of Peter Falk



February 28, 2017

Position: In favor of Oregon Bill 2217
Chairman and Committee Members

As you may know, I am Catherine Falk, the daughter to Peter Falk, best known for his role as Lt. Columbo, who passed away June 2011. I am not testifying as Peter Falk's daughter, I am testifying as a national activist for guardianship reform and elder abuse awareness. I am testifying as an advocate for adults with disabilities and the elderly population in every single state of America. While my father was best known for his role as Lt. Columbo, he was a staunch advocate for the elderly. I watched how he brought his mother's caretaker to justice in New York for financial exploitation when this caretaker was supposed to look after my grandmother but instead abused her emotionally and financially. My father worked with the District Attorney's office to press criminal charges for elder abuse and financial exploitation. My father even made a public service announcement about elder abuse. He was the greatest influence on my life and his example of standing up for the abused and voiceless is very much a part of why I am here today. What began as a quest to help others trapped and suffering in isolation, separated from their family has led to my advocacy of guardianship reform for the elderly and disabled.

Bill 2217, titled the Falk~Alfano Act, empowers the protected persons' rights to make decisions about who can visit them and who cannot. Those decisions are now in the guardian's hands alone, and we've found that too many guardians isolate their wards for convenience or as retaliation against families who complain.

This bill also stipulates that if the protected person is unable to express his or her preference due to physical or mental condition, then consent may be presumed based upon the protected person's proven relationship history with the person seeking visitation. To ensure that wards and their loved ones are treated fairly, the bill requires guardians/conservators to seek a court order if they chose to stop visitation. Restriction

is important but only in cases where the visitor might pose a threat. Rarely is that really true in the isolation cases we see. The court should be the judge, and we feel that too much power to impede quality of life is in one person's hands. The bill prevents guardians/conservators from wrongfully isolating protected persons, yet it doesn't stop guardians/conservators' from being able to protect their wards when protecting is necessary. Supervised visits are available until the court determines a visitor to be a danger. Our intention is to provide accountability and possible removal for those guardians/conservators who isolate their wards. Usually this type of guardian wrongly stops loved ones from visiting in addition to not allowing phone calls or personal mail. The decision can be purely personal and motivated by not getting along with family members who complain. No one is checking to see that this abuse doesn't occur.

The second part of the bill stipulates that an emergency hearing be conducted if the protected person's health is in significant decline or death may be imminent. In these circumstances, supervised visitation would be put in place until the hearing and subsequent court ruling is complete. This bill puts checks and balances into the system that should be protecting and preserving wards' most fundamental rights as human beings in America. Many states are now realizing that guardianship is a troubled system with too much control placed in a single person's hands with little accountability.

Having worked in juvenile hall and juvenile camps as well as mental health hospitals as a Probation Officer, I witnessed felons who had visitation rights on weekends, access to telephone calls, the ability to send and receive mail, and proper medical care while I have studied thousands of cases of wards who's fundamental and civil liberties have been violated and exploited as they live in isolation, over-medicated, while their bank accounts are depleted. I ask myself why do we treat prisoners better than our elders or adult disabled population in America? I wonder why we don't guardianize the homeless, people who need our help the most, yet far too often we guardianize unnecessarily in an effort to control, exploit, liquidate and over medicate the most precious population as moving targets in a very flawed court system!

Thank you for allowing me the opportunity to share my story and testimony with you.

CATHERINE FALK, Founder of Catherine Falk Organization & Peter Falk's daughter