



March 1, 2017

TO: Senator Floyd Prozanski, Chair
Senate Committee on Judiciary
FR: Bob Joondeph, Executive Director
RE: Support for SB 503

Disability Rights Oregon (DRO) is Oregon's nonprofit *Protection and Advocacy* office that provides legal-based advocacy to Oregonians with disabilities. DRO has a role under state law to monitor guardianship proceedings for individuals with mental health or developmental disabilities who may be placed in restrictive settings. As a result of this work, DRO has reviewed hundreds of guardianship proceedings.

SB 503 would assure that Court Visitors which act as the "eyes and ears" of the court in a protective proceeding have the training and background to perform the vital functions of investigating and recommending whether a person lacks the capacity to make their own decisions, whether the person is in need of a fiduciary and whether a proposed fiduciary is appropriate. It would assure that this agent of the court is, indeed, appointed by the court. Finally, it would also assure that a Court Visitor can be used for the important tasks of whether a protected person remains incapacitated or in need of a fiduciary, whether the protected person is at risk and whether a fiduciary should be replaced.

Oregon's protective proceedings law employs Court Visitors as a way to evaluate the needs of an individual without costly court hearings and appointed legal counsel. The Visitor plays a quasi-judicial and quasi-expert role in these proceedings. The goals of fairness, accuracy and provision of due process cannot be achieved if the Visitor is not adequately trained and thoroughly objective.

DRO supports SB 503 because it will assure greater safety, fairness and justice for those who may, as the result of a protective proceeding, lose the ability to control where they live, how their money and assets are used, what medical care they receive and many other aspects of life.