



March 14, 2017

TO: Representative Jeff Barker, Chair  
House Committee on Judiciary  
FR: Bob Joondeph, Executive Director  
RE: Opposing HB 2776

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.

HB 2776 is extremely problematic from our perspective. Guardianship for an adult is a legal process that transfers some of the adult's decision-making authority to another person. It is designed for adults who are found by the court to lack the capacity to make decisions on his or her own behalf.

HB 2776 would allow a guardian to be appointed for an individual with a disability regardless of their mental capacity to make decisions. Any person, with or without a disability, who is capable of making his or her own decisions does not need a guardian. If the person wants to appoint another adult to help them, the person can sign a power of attorney or health care directive.

The purpose of the bill appears to be to create an enforceable right for a person with disabilities to receive communications and require notification of that person's death or hospitalization. Again, the transfer of authority for a capable adult to assert these interests can be achieved through power of attorney. In addition, state law provides for mandatory reporting and investigation of abuse of seniors and people with disabilities as well as undue restrictions in nursing homes and other licensed care facilities.

While we are unaware of the exact problem that this bill seeks to address, the means suggested would open the door to massive violations of the civil rights of capable adults who happen to have a disability, and disability discrimination that is prohibited by the ADA and equivalent state law.