



March 27, 2017

TO: Senator Floyd Prozanski, Chair
Senate Committee on Judiciary
FR: Bob Joondeph, Executive Director
RE: Support for SB 494

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. DRO also represents residents of Oregon State Hospital when the hospital asserts the resident is incapable of making decisions about their psychiatric treatment.

For individuals with disabilities, the freedom to direct one's own life is at greater risk than others. Interventions such as guardianship or civil commitment can remove a person's fundamental right to decide where to live, whether to engage in medical care, how to use one's money and other freedoms most adults take for granted. An advance directive for medical care is one mechanism that allows a capable adult to retain authority over one's own life in the event that their capacity is challenged.

Adults can avoid unwanted interventions on their self-direction by planning for the eventuality of incapacity. Powers of attorney, trusts and advance directives are important legal mechanisms that should be easily available to those who choose to plan.

DRO participated on the work group that produced SB 494 and support the goal of the bill which is to make advance directive easier to use for those who choose to plan. SB 494 creates an ongoing committee that will assure that advance directives remain relevant to users by evaluating its use and making adjustments with legislative oversight. All of this is calculated to make the document more responsive to the needs of Oregonians, not to remove public oversight.