



February 5, 2019

To: Sen. Prozanski, Chair, Senate Committee on Judiciary, and Committee Members

From: Katie Rose, Chair, Oregon Developmental Disabilities Coalition

RE: Support for SB 682 -- Right to Counsel in Guardianship bill

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Sen. Prozanski and Members of the Committee:

The Oregon Developmental Disabilities Coalition (DD Coalition) is a group of approximately 36 organizations across Oregon that promote quality services, equality and community integration for Oregonians with intellectual and developmental disabilities (IDD) and their families. We also have individual members who are self-advocates and family members.

The ability to have control over our lives and make decisions for ourselves such as where we live, what we do for work, with whom we associate, how we spend our money, and what we do with our time, is something we all regard as a fundamental right. Yet, individuals who experience disability are sometimes subjected to guardianship proceedings where they are determined to be incapable of making those types of personal and financial decisions for themselves, and those rights are then stripped away, often permanently, without them having had the ability to understand their rights and participate meaningfully in the process.

SB 682 provides that individuals that are the subject of a guardianship proceeding must be granted a hearing if they object to a guardianship petition or motion, and if a hearing is to be held, the court shall appoint legal counsel for them 1) if they ask for legal counsel, 2) if someone files an objection to the petition or motion, 3) if the court has appointed a visitor and the visitor recommend that counsel be appointed, and 4) if the court determines that the person is in need of legal counsel. The bill also provides that if the person does not have the resources to pay for legal counsel, the court can determine that the legal counsel will be paid for at state expense.

As we learned when this bill was brought forward in previous legislative sessions, Oregon is one of only a handful of states that makes no provision for legal counsel for protected persons in its guardianship statute. It's time Oregon joins the majority of other states in our country in adopting a "right to counsel" law in guardianship proceedings.

The DD Coalition strongly supports SB 682 and urges your support for this important legislation that will help ensure that no one loses their right to make decisions for themselves without having had the benefit of legal counsel to advise them, advocate for their wishes and help safeguard their fundamental legal rights.