

May 6, 2019

TO: Senator Floyd Prozanski, Chair
Senate Committee on Judiciary
FR: Bob Joondeph
RE: Support for SB 2601A

Disability Rights Oregon (DRO) is the Protection and Advocacy office for Oregon. We have provided legal-based advocacy services to Oregonians with disabilities since 1977. DRO is mandated by Oregon law to monitor the use of guardianship when used to institutionalize an individual with psychiatric or intellectual disabilities.

DRO supports SB 2601A because it adds to Oregon law some important national standards recognizing that guardianships should not be used to isolate and control individuals for the benefit of the guardian. Instead, guardians must allow the protected persons to see friends and family unless there is a true danger created by the visitation. Guardians should also know and stay in touch with their protected person and seek to include the person in decision-making.

We applaud HB 2601A for recognizing that protected persons should have a realistic opportunity to protest their isolation, without having to meet complicated and costly filing and notice requirements. In fact, we believe that Oregon law could go farther by specifying that any notice requirements required by law should be fulfilled by the court if the person is unable to satisfy them.

DRO receives complaints from time to time regarding guardians who assert their own values or interests by overly restricting their protected person. In one case, a guardian controlled the music their adult protected person could listen to. In another case, an adult who sustained a major brain injury was not allowed to see any of his friends because his parents/guardians did not approve of the friends' lifestyle. Guardianship is a legal mechanism to allow certain decisions to be made for adults who are legally incapable of making those medical, housing and other judgments. It is not designed to transfer complete control of an adult's life to someone else.

Thank you for this opportunity to submit testimony in support of SB 2601A.