

May 4, 2019

TO: Senator FLoyd Prozanski, Chair

Senate Committee on Judiciary

FR: Ella Sue Martin

RE: Support for SB2601A

I am strongly supporting SB2601A because my 85 year old aunt has been under the control of a court appointed guardian for just over 1 year. During that year I have watched as she has gradually changed from truly enjoying her home, her family and her life into just existing day by day.

She has gone from totally independent living to having a caregiver in her home for 12 hours per day. I have proposed less restrictive/intrusive options for keeping my aunt safe and happy in her own home and the court appointed guardian has not considered any of those suggestions.

In December of 2018 my aunt was living alone in her own home, cooking, cleaning, walking her dog and visiting with friends, neighbors and family whenever they would stop in.

In January of 2019 three of her granddaughters petitioned for emergency guardianship & conservatorship. Her son was served with the paperwork on Saturday, Monday was a holiday and my aunt filed her response on Tuesday that she did not want the girls making her financial or medical decisions. The court ruled on Tuesday to grant the temporary petitions. This is when the nightmare started for my aunt. The rush by the court to deny her rights was swift and immediate. Later, when the attorney for the girls submitted their bill for approval of payment it was revealed that they initially contacted the attorney in October. That time line does not sound much like an emergency.

The temporary guardian sent a letter to other family members with rules that included: No one is to take Grandma outside the her home without the guardian's express written permission.

During her time as temporay guardian, the granddaughter had other family members living withmy aunt 24/7 and took her phones off the wall to limit her contact with friends and family. We had to let the guardian know when we were going to call so they could put the phones back and my aunt to talk.

I went to visit my aunt and ask if she would prefer that I be her conservator, the family member on duty at the time called the guardian and the guardian told me I was not allowed to talk to Grandma about anything that might upset her. I was not able to talk with my aunt about her situation, but still filed the petition for conservatorship.

Due to the family discord over this temporary order, the decision was made to appoint a neutral third pary guardian/conservator. This guardian did not listen to my aunts wishes, and sent the family the attached rules. After a year, none of those rules have changed. To the best of her ability, my aunt has the right to know how much her care is costing and how/why these legal proceedings came about. Her court appointed attorney has not advocated for her wishes in this matter and has ignored emails from

me requesting his assistance. When I asked my aunt to call and talk with him her response was "Why, he hasn't helped me yet".

I understand the need to protect elderly and disabled folks from abusive family and friends. Once a conservator is in place there can be no financial exploitation and a reputable guardian who takes the time to listen to the client, family and friends should be able to make a reasonable decision about contact with individuals in the clients life. I support the format of the form to be filed that is in this bill and suggest that perhaps it be filed again at the 6 month mark. Particularly when the guardian & conservator are the same person, 13 months with no oversight can cost the protected person hundreds of thousands of dollars.

Ella Sue Martin

Cornelius, Oregon