

**TESTIMONY ON SB 578
BEFORE THE SENATE COMMITTEE ON JUDICIARY AND BALLOT MEASURE 110
IMPLEMENTATION**

FEBRUARY 23, 2021

**PRESENTED BY: NANCI THAEMERT
JUVENILE AND FAMILY COURT PROGRAMS DIVISION DIRECTOR
OREGON JUDICIAL DEPARTMENT**

Chair Prozanski, Vice-Chair Thatcher, and Members of the Committee:

Senate Bill 578 would set up a pilot program for appointing counsel for respondents or protected persons in probate guardianships and conservatorships in Columbia, Lane and Multnomah counties. While many courts are currently appointing counsel, this would make it mandatory when the respondent or protected person asks for it, a Court Visitor recommends it, or the court determines that counsel is needed.

Legal counsel is instrumental in furthering the best interests and rights of individuals experiencing incapacity. Attorneys for the respondent and protected person are helpful in advocating for their clients in ways that can protect their assets and promote their wishes. Many times, the appointment of counsel has helped protect people from exploitation and abuse, as well as making any court procedures or hearings more efficient.

While data collection and reporting are a vital component to ensuring the efficacy of any pilot program, we have some concerns over the data reporting requirements in Section 2; particularly (1)(d), (e), and (g). These are data points that the courts are not currently equipped to collect. It would require extensive effort and resources to put in place the procedures and personnel to collect data that is not easily gleaned from the electronic record. The Odyssey e-Court system would have to be re-configured and staff trained on new procedures for these three types of data. The changes needed may include revisions to statute, Uniform Trial Court Rules, and business processes. We are grateful to Senator Dembrow and the proponents for their willingness to work with us on language that accomplishes the reporting goals, while keeping costs low.

The Juvenile and Family Court Programs Division strongly supports the concept of appointing attorneys for respondents and protected persons in probate guardianships and conservatorships. It would go a long way in furthering the goals of protecting the rights of some of our most vulnerable Oregonians.