



January 25, 2023

To: Sen Prozanski, Chair, Senate Committee on Judiciary

From: Katie Rose, Oregon Council on Developmental Disabilities

RE: Support for Senate Bill 528

The Oregon Developmental Disabilities Coalition (DD Coalition) is a group of more than 40 organizations and individuals across Oregon that come together to advocate for the services to further the values outlined in ORS 427.007: to support people with intellectual or developmental disabilities (IDD) to exercise self-determination, living and working in the most integrated community settings, and providing services for families to raise their children at home. Our members represent advocacy groups (including self-advocacy organizations), family peer supports, DD residential providers, DD supported employment providers, and Support Services Brokerages.

The DD Coalition believes that Oregon is strongest when everyone has choice and control over their lives. We also realize that at times people with disabilities need decision-making support to meet their goals and stay healthy and safe. The DD Coalition supports SB 528 because we believe that with the right support, Oregonians with IDD can lead self-determined lives. Supported decision-making is a tool that most of us utilize regularly. Very few people would buy a home without a realtor's assistance. We depend on the mechanic to explain what our car needs to be fixed. We all need help making decisions and seeking advice from friends, family, and professionals. Supported decision-making can positively impact the health and well-being of Oregonians with IDD because exercising decision-making skills leads to greater self-determination and the opportunity to control things in life that are important. People with greater self-determination are healthier, more



independent, better able to recognize and resist abuse and have greater psychological health.¹

SB 528 requires that the least restrictive, appropriate environment be explored such as the use of assistive technology, the appointment of a rep payee, power of attorney, health care representative as well as other supports that encourage self-direction before the appointment of a guardian or conservator. Appointing a guardian is a serious decision and it has significant impacts on a person's rights. Requiring that a person have an opportunity to try less restrictive alternatives prior to taking away their rights through guardianship is the right thing to do.

When youth turn 18, a decision must be made regarding guardianship. This establishes a lifelong trajectory: too often guardians are appointed at the age of 18 and the decision is never again revisited. Too often we hear from families that they feel to support their student with disabilities, their only option is to petition for guardianship. No other options are discussed with them, and this decision will be made and extend beyond decisions regarding education. We know that as humans we all grow and learn. With this understanding, SB 528 requires a resubmission to continue as guardian or conservator every five years. This allows for the decision to be reconsidered by the individual and people who care about them. Life can change drastically in five years, and it is important that we allow for the reconsideration of such a sweeping decision.

We appreciate that SB 528 clearly calls out the areas of life where someone might need decision making support and that guardianship is to be tailored to the needs of each person. This grants flexibility and individualization in

¹ Wehmeyer, Palmer, Rifenbark, & Little 2014; Powers et al., 2012; Khemka, Hickson & Reynolds 2005; Wehmeyer & Palmer, 2003; Shogren, Wehmeyer & Shwartz, 1997 & 1998; Wehmeyer, Kelchner, & Reynolds 1996)



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the guardianship process. We support the importance of this process as it can expand options for people with IDD to exercise supported decision-making in some areas of their life even if a guardian is needed in other areas.

Oregonians with disabilities should have the right to exercise self-determination, develop the skills to self-direct, and utilize supported decision-making whenever possible. We respectfully ask that you **pass SB 528** and support Oregonians with choice and control.