



January 25, 2023

To: Chair Prozanski

From: Em Braman, Executive Director, The Arc Oregon

RE: Support for Senate Bill 528

Chair Prozanski and Committee Members

On behalf of The Arc Oregon and the eight local chapters of The Arc throughout Oregon, I am writing today to express our **support for SB 528**.

For over **65 years** The Arc of Oregon has provided advocacy, support, and services to people with intellectual and/or developmental disabilities (I/DD) and their families. We also support and represent eight local chapters of The Arc serving Oregonians with I/DD across the state. We envision a world in which all persons have the support and opportunities they need for personal development and independence, interdependence with family and friends, and inclusion in the community.

The Arc Oregon supports around 60 adults with intellectual/developmental disabilities (IDD) in the state of Oregon through guardianship, with the length of our appointment for current cases ranging from 40 years to our newest at 2 months. The appointment of a guardian is most often for the remainder of a person's life, and as you can see from people we support that can be an extended period of time. For many of the people The Arc Oregon supports and many of the families we talk with the decision around guardianship happens at or around 18 years of age. At this time, a guardianship established at 18 continues indefinitely as long as the guardian sees that it is necessary.

We also provide information and resources to individuals, families and professionals in the field of IDD about guardianship, less restrictive alternatives and future planning. SB528 addresses concerns that we frequently see or hear about regarding guardianship for adults with IDD here in Oregon. At each presentation provided to professionals that support people with IDD at least one person shares a concern with

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the actions of a guardian. They are reaching out to find out how to support the protected person who has a guardian that is not honoring the person's rights, does not respond to inquiries for support, makes decisions against the protected person's wishes, and/or tries to make decisions outside the scope of their authority. At The Arc Oregon we are contacted multiple times a month by supporters, friends, allies, or providers asking how they can support a protected person with getting their voice heard by the courts due to concerns with their guardian. Our statute does not include a mechanism for example a form, annual report or scheduled review period for the protected person to have a voice in their guardianship once the guardianship is established. It is concerning that once a guardian is appointed the voice of the protected person is never sought out or statutorily obligated to be heard again by the courts. SB528 builds in a process for review which includes the opportunity for the protected person to have their voice heard and share how they are being supported by their guardian.

At The Arc Oregon we support around 60 adults with intellectual/developmental disabilities (IDD) in the state of Oregon through guardianship, with the length of our appointment for current cases ranging from 40 years to our newest at 2 months. At The Arc Oregon we have guardianships that are limited in scope and tailored to the needs of the protected person. We prefer these judgements as they honor the voice and abilities of the protected person, give us a guardian clear explanation of our decision-making authority, and help to drive continued development of the self-reliance and independence of the protected person. SB528 clarifies the need to address the various areas of life where a person may need decision making support so that the guardianship fits the person. We at The Arc Oregon see this a positively benefiting the protected person.

ORS 125 currently has a section that addresses ensuring that less restrictive alternatives are considered prior to the establishment of a guardianship. SB528 provides additional structure to this obligation. In our experience and the stories that have been relayed to us at The Arc Oregon there is a disconnect between the intent to of this language in statute and the practice of considering less restrictive alternatives.

Please support SB528 and ensure that people are the focus of guardianship here in Oregon.