

Dear Chair Prozanski and Committee Members,

On behalf of The Arc Oregon and the nine local chapters of The Arc throughout Oregon, I am writing today to express our support for SB 202 Representation for Protected Persons.

At The Arc Oregon we support people with intellectual / developmental disabilities (I/DD) and their families across Oregon. For over 65 years The Arc of Oregon has provided advocacy, support, and services to people with intellectual and/or developmental disabilities and their families. We also support and represent nine 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.

As an advocacy organization we are often contacted by people with I/DD and/or their families requesting information about protective proceedings as well as less restrictive alternatives. An aspect of protected proceedings that has raised concern is the lack of representation for people who are being subjected to a protective proceeding which is why we support SB 202.

People who experience I/DD are frequently subjected to protective proceedings. Many do not understand these proceedings and almost none have representation during protective proceedings. The current court process places the expectation to secure counsel on the proposed protected person, who by the nature of protective proceedings, is assumed to have some lack of capacity. This expectation for an individual who may or may not lack capacity to be able to independently access legal counsel places undue burden on the person and places them at risk of an unnecessary guardianship. In addition, most people who experience I/DD live solely on their Social Security income thus have no way to pay for counsel. Even if they could reach out to secure legal counsel, they would be unable to pay for the service. From our work as professional guardians at The Arc Oregon, we know many of the low-cost legal aid options decline or refuse to represent people in protective proceedings. When combined, the person's potential lack of capacity, financial resources, and access to legal counsel create an extreme burden upon the proposed protected person to access representation.

Protective proceedings take away a person's rights, autonomy, self-determination, and ability to control their life. The vastness of the decision to take away these rights needs to continually be examined to make sure processes are in place that assure each person has support and protection to avoid an unnecessary protective order. There are many

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less restrictive alternatives available to people. These alternatives can create a network of support that does not rely on a protective proceeding. By assuring people have the right and access to legal counsel in a protective proceeding we can assure all options are being considered and the most appropriate support is provided.

In closing I would like to amplify one point that Judge Holland made in oral testimony today: protective proceedings last a person's lifetime and in some cases that is many, many years. At The Arc Oregon we have served as guardian for several individuals for over 40 years. The magnitude of assigning the provision of care and welfare of one person to another should not be taken lightly. Providing representation to a person being subjected to a protective proceeding is one way to assure the person is involved in and consulted about the life altering appointment of a guardian.

For these reasons we are strongly in support of providing representation to people who are subject to protective proceedings. Thank you for your time.



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