

Submitter: John Steinbach  
On Behalf Of:  
Committee: Senate Committee On Judiciary  
Measure: SB528

I am an attorney and have represented multiple clients facing guardianship/conservatorship proceedings. I enthusiastically support SB 528 as a means of vindicating the essential humanity and autonomy of Oregonians with disabilities. Promoting supported decision-making and requiring a clear and convincing standard of evidence to continue protective proceedings will help safeguard the fundamental liberty interests of people who are all too frequently subjected to abuse.

Protective proceedings, however well-intended, amount to a sweeping erasure of individual autonomy. Under Oregon law, a guardian's rights, powers, and duties respecting his or her ward include the exclusive authority to: establish the protected person's place of abode; make health care decisions including consent to treatment; receive and spend the ward's money for their support, care, and education; and exercise control over disposition of the remains including funeral arrangements and whether to make an anatomical gift of the body.

In a 2017 Oregon Senate Committee on Judiciary meeting on the topic of guardianships, Senior Judge Elizabeth Welch, Chair of the Legislative Task Force on Public Guardianship, described guardianship thus:

"[A] profound intrusion into the freedoms and fundamental choices otherwise available to all...The circumstances of persons who are the subject of a petition for civil commitment and those who face Guardianship are essentially the same. The potential loss of self-determination and of liberty is actually greater in Guardianships than will Civil Commitments because Civil commitments are not permanent."

Hon. Elizabeth Welch, Statement in Support of SB 501, 502 and 503, available at <https://olis.leg.state.or.us/liz/2017R1/Downloads/CommitteeMeetingDocument/102740>

These constraints curtail the protected person's liberty and should not be adopted if any less intrusive alternatives are available. SB 528 would enact safeguards requiring courts to prioritize supported decision-making and to demand a clear and convincing reason for continuation of the protective proceedings. Both measures would help more Oregonians with disabilities live with dignity and limit financial, physical, or other forms of abuse at the hands of a guardian with plenary power to dictate important personal decisions. This is a powerful way to stand up for those without power, and I urge you to support SB 528.

Thank you for your consideration.