



March 29, 2023

To: Sen. Prozanski, Chair, Senate Committee on Judiciary

From: Leslie Sutton, Oregon Developmental Disabilities Coalition

RE: Support for SB 528-2 Providing representation for people in protective proceedings from Oregon's Protection and Advocacy organization

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Sen. Prozanski and Members of the Committee:

The Oregon Developmental Disabilities Coalition (DD Coalition) is a group of approximately 40 organizations across Oregon that promote quality services, equity and community integration for Oregonians with developmental disabilities (DD) and their families. Our members include a statewide coalition of people with DD, peer-based family support organizations, support services brokerages, advocacy organizations and DD providers.

The ability to have control over our lives and make decisions for ourselves such as where we live, what we do for work, and how we spend our money, is something we all regard as a fundamental right. Yet, people with disabilities are sometimes subjected to protective proceedings where they are stripped of these rights, often permanently, without the opportunity to benefit from counsel to understand their rights and participate in the process.

Appointing a guardian is a serious matter – and has significant, long-term consequences for the person, their sense of self-determination, their sense of self and their rights. It is such a serious matter that Oregon now allows counsel to represent people in protective proceedings. We recognize the rollout of the right to counsel in these cases has not been easy. SB 528-2 is a path forward to implement the essential right to counsel in protective proceedings.

SB 528-2 allows Oregon's Protection and Advocacy organization, Disability Rights Oregon, to provide legal services to people in protective proceedings, provide education to courts and visitors about the rights of people subject to protective proceedings, including the right to counsel. The bill also requires Disability Rights Oregon to create a notice in plain language regarding the right to court-appointed counsel.

We believe SB 528-2 will help the implementation of the right to counsel program by providing attorneys through Disability Rights Oregon (DRO) who understand disability benefits and supports, are comfortable with supporting people with varying disabilities and communication styles and are skilled at communicating in plain language. DRO has been a partner in the developmental disability community for decades. Experience tells us that DRO attorneys are committed to working with people with disabilities, so they understand and participate in their legal case.



Further, DRO attorneys have years of experience supporting people in guardianship cases. We have heard from many protected people that they did not understand that there was a protective proceeding filed—or how it would impact their future. They wanted representation. SB 528-2 provides an opportunity to correct this for people moving forward by requiring DRO to create a plain language notice about the right to counsel. DRO attorneys are practiced with communicating in plain language. The DRO Guardianship Handbook is an essential plain language guide to adult guardianship cases. Many of our Coalition members have used and distributed this guide many times.

Guardianships dramatically impact a person's rights. They are typically in place for the rest of the person's life. We owe it to Oregonians with disabilities to get the guardianship determination right. SB 528-2 will ensure that people with disabilities have effective representation in protective proceedings. We urge you to pass SB 528-2.