



Disability  
Rights  
Oregon

TO: Senate Committee on Human Services  
FROM: Disability Rights Oregon  
DATE: February 07, 2025  
RE: General Support for SB 794 [Authorizes OPGC to provide less restrictive alternative decision-making services for people who choose these]

Chair Gelser Blouin, Vice-Chair Linthicum, and members of the Committee,

This bill addresses the concern that people have varying needs for decision-making support and, moreover, one person may have varying needs over time. Increasing options such that people are supported and not overly restricted is important.

Overall, we support SB 794 in that it:

- Identifies less restrictive alternatives to guardianship or conservatorship.
- Acknowledges the use of these less restrictive alternatives in the field by OPGC.
- Allows OPGC to be the alternate decision-maker.

### **Oregon Needs Less Restrictive Alternatives to Guardianship**

Oregonians may meet OPGC's criteria of having no family, friends, or others as well as no finances who need decision-making help but do not need a guardian or a conservator. When a guardian or conservator is needed, we applaud those fiduciaries who serve and are person-centered, caring, and effective.

Guardianship or conservatorship infringes upon individual liberties and is the most intrusive form of alternate decision-making because it takes authority for decision-making away.<sup>1</sup> People who have no family, friends or others, and no money cannot enter into agreements where they appoint alternate decision makers because they have no one to serve in that role.

There are many less restrictive alternatives to guardianship or conservatorship that allow people greater self-determination and independence. These less restrictive alternatives include Advance Directives for Health Care, Declarations for Mental Health Treatment, Supported Decision Making and Powers of Attorney.

The requested revisions to Oregon Revised Statute (ORS) Chapter 125 acknowledges that there are less restrictive alternative decision-making alternatives to guardianship or conservatorship that may protect a respondent or protected person's independence, self-determination, and dignity to the maximum possible extent.

### **Concerns about Removing Supported Decision Making**

While we support SB 794, Disability Rights Oregon is disappointed to learn that a forthcoming amendment will strip supported decision making as an option because the bill does not include a limitation of liability. To be clear, there is no need for any limitation on liability in SB 794 or any other law implementing supported decision making as a less restrictive alternative to guardianship.

### **About Disability Rights Oregon**

Since 1977 Disability Rights Oregon has been the State's Protection and Advocacy System.<sup>2</sup> We are authorized by Congress to protect, advocate, and enforce the rights of people with disabilities under the U.S. Constitution and Federal and State laws, investigate abuse and neglect of people with disabilities, and "pursue administrative, legal, and other appropriate remedies".<sup>3</sup> We are also mandated to "educate policymakers" on matters related to people with disabilities.<sup>4</sup> Since 2024 and under SB 578, we have contracted with OPDSC to serve as court-appointed attorneys for respondents and protected persons in guardianship/ conservatorship proceedings.

**If you have any questions regarding DRO's position on this legislation, please call Ben Gurewitz at (971)806-79098 or email [bgurewitz@droregon.org](mailto:bgurewitz@droregon.org).**