



Disability
Rights
Oregon

TO: Joint Ways and Means Subcommittee on Public Safety
FROM: Jake Cornett, Disability Rights Oregon
DATE: March 20, 2025
RE: HB 5031, Funding Levels for Guardianship Representation, Oregon Public Defense Commission, Special programs, Contracts, and Distributions

Co-Chair Broadman, Co-Chair Evans, and Members of the Committee,

Disability Rights Oregon, a non-profit, civil legal service provider, has been dedicated exclusively to disability, mental health, and guardianship law for 48 years. Each year, we provide client-centered representation to thousands of Oregonians in the civil legal system, partially through Oregon Public Defense Commission (OPDC) funding for guardianship representation.

Background and Request:

After a 6-month pilot program in three counties concluded, in January 2024, Disability Rights Oregon took over state-wide responsibility for the legal representation of people objecting to guardianship under SB578 (2021). The legislature allocated \$1.523,964 to the program based on the assumption of an average of 12 appointments per month which would take an average of 60 days to resolve. However, between January 2024 and March 5, 2025, Disability Rights Oregon was appointed by the Courts in 296 cases, or an average of 21 cases per month. These cases are time consuming, taking on average 161 days to resolve. Each attorney working on this program is carrying an average caseload of 83 cases—far exceeding the maximum amount for most other types of legal work funded by OPDC.

In 2017-2021, more than half of the cases where the Respondent in a guardianship was appointed counsel came from Multnomah and Lane counties. In 2024, less than a quarter of the appointments were in Lane and Multnomah counties. This shows that the appointment program is working and is ensuring that people with disabilities, older adults, and others statewide are now receiving critical due process and a voice in the proceedings. Not only is the guardianship program crucial to ensuring that people with disabilities have their rights protected during guardianship proceedings, we also have safeguarded many Oregonians against abuse, neglect, and financial exploitation.

To put it plainly, In January 2024 the number of appointments was dramatically underestimated when determining the 2023-2025 biennium budget. Because of this, inadequate resources are being provided by OPDC to support implementation of SB578 (2021). To fully staff this legal representation, we request an increase in HB 5031, under the Special programs, Contracts, and Distributions section of the budget to \$2.63 million for purposes of implementing SB578 (2021).

This requesting funding will support 2 additional attorneys, 1 additional investigator, and 1.5 additional support staff to assist with court filings.

Disability Rights Oregon's guardianship upholds the state of Oregon's obligation to protect the constitutional due process rights and well-being of individuals with disabilities while promoting autonomy and dignity. By providing oversight and advocacy in guardianship cases, the program helps ensure that vulnerable individuals are not unnecessarily stripped of their decision-making rights. Instead, it works to identify less restrictive alternatives, preventing exploitation and abuse while upholding personal freedoms. By fostering supported decision-making, the program empowers individuals to participate more fully in their communities, enhancing inclusion and equity across Oregon.

Case Example:

A county investigator raised concerns about severe abuse and neglect of "Maggie", a 26-year-old woman with developmental disabilities and persistent seizures, who had limited ability to communicate¹. She had been under her mother's guardianship since before turning 18 and lived in an apartment with her mother and two brothers, who were also her caregivers. Despite her serious medical needs, she received inadequate healthcare, rarely seeing doctors or specialists. After her condition worsened in the fall of 2024, she was hospitalized for severe malnutrition, dehydration, and an infected gastric tube. However, her mother removed her from care against medical advice. Protective services later found "Maggie" in dire conditions at home, prompting Disability Rights Oregon to take emergency legal action to remove her mother as guardian and secure appropriate medical care.

With DRO's intervention, the court appointed a nonprofit guardian, ensuring Maggie's safety and medical needs were met. She was re-hospitalized, received critical treatment, and stabilized after weeks of care. Now, Maggie lives in a group home, where she is at a healthy weight, experiences fewer seizures, and has a safe, clean environment. She is scheduled for overdue medical and dental care, and her new guardian and caregivers are committed to supporting her well-being and development.

In this instance, DRO played a vital role in protecting Maggie's due process rights in this case. As a result of our involvement, she was able to secure a more suitable living environment that supports both her mental and physical health. With additional funding, DRO could assist more clients like Maggie, ultimately reducing the burden on state resources by minimizing costly legal interventions and institutional placements.

Sincerely,

Jake Cornett
CEO, Disability Rights Oregon

¹ The name of this client has been changed to protect her confidential information

About Disability Rights Oregon

Since 1977 Disability Rights Oregon has been the State's Protection and Advocacy System.¹ 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”.² We are also mandated to "educate policymakers" on matters related to people with disabilities.³

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