

## **Public Guardian and Conservator Task Force Report January 15, 2010**

The 2009 Legislative Assembly passed HB 2883 establishing a Public Guardian and Conservator Task Force. The Senate, the House of Representatives, the Chief Justice of the Supreme Court and the Board of Governors of the Oregon State Bar each were authorized to appoint a member, and the Governor appointed sixteen members representing various disability rights, social service and advocacy organizations. The Task Force convened in September 2009, elected member Judge Elizabeth Welch as Chair and scheduled monthly meetings through December 2010. (Please see attached Membership List and Task Force Meeting Schedule.)

The Task Force is charged with studying the need and providing comprehensive recommendations to the Legislature about Public Guardian and Conservator services in Oregon,

Specifically, these recommendations will address:

- providing Guardianship and Conservator services to those not served by the private sector and those who cannot afford such services;
- models of like programs with quality and cost effective approaches for delivering such services;
- the need, efficacy, duration and resources required to establish and evaluate procedures for interim pilot programs;
- reviewing Oregon's existing public guardian and conservator laws and recommending legislative changes where needed;
- evaluating the need for a permanent commission authorized to allocate funds to projects, make legislative recommendations about improvements and perform other appropriate functions;
- developing model standards of practice including eligibility criteria, standards for program operations and standards of professional conduct;
- potential alternative public and private funding sources to finance programs and projects.

The Task Force will prepare a detailed assessment of the current and future costs for providing public guardian and conservator services. Each agency

and organization with a member is assessing and identifying the costs of complying with the task force's recommendations.

From September 2009 through January 2010, the Task Force organized into subcommittees, developed a work plan, shared educational materials, arranged to comply with Public Meeting laws and heard invited testimony from existing programs. SPD provided technical assistance to add public record materials to their web site. Public information on the Task Force is available at the following links:

<http://www.oregon.gov/DHS/spd/adv/gcss/home.shtml>;

<http://www.oregon.gov/DHS/atoz.shtml>;

<http://www.oregon.gov/DHS/spd/adv/gcss/tf/task-force.shtml>

The Task Force articulated a list of shared assumptions which will be tested against the recommendations contained in the final report.

#### Shared Assumptions:

1. There is a public interest in having a qualified decision maker for persons found to be unable to act for themselves by a court of law.
2. There is a public interest in an accountable public entity responsible for persons needing a fiduciary who lack the personal or financial resources to make their own arrangements.
3. Guardians and conservators and programs providing such services must be bound by professional and ethical standards, including the commitment to seek the least restrictive alternatives.
4. Equal access to protective proceedings should be available to persons regardless of their financial circumstances or geographic location in Oregon.
5. A public guardianship system should provide a central oversight component.
6. A Public Guardian should be independent from any part of a larger executive branch social agency which presents conflicts for the goals of Public Guardianship programs.

7. All Public Guardianship programs should be guided by the principles of “least restrictive alternative” and due process.

The Task Force work plan directs the work of the sub committees into the following areas:

1. Identifying the Need for Services
2. Key Program Elements and Inventory of Current Programs
3. Basic Standards for Public Guardian Programs
4. Legal and Ethical Standards
5. Funding Issues

The Task Force deferred work on the following topics until the initial analysis and projects are completed:

1. Which programs/services will work in Oregon?
2. What are the functions of a central oversight body?

The Task Force is appreciative of donated meeting space, materials and/or staff time and skills from: The Oregon State Bar, The Office of the Long Term Care Ombudsman, Oregon Health Care Association, SPD, The Governor’s Commission, The ARC of Oregon and Oregon Disabilities Commission and (check name, please?) The Betsy Johnson and John Helm Foundation.

The Task Force will deliver a Final Report to the Oregon Legislature no later than October 1, 2010.

Respectfully submitted,

Elizabeth Welch, Chair  
Public Guardian and Conservator Task Force  
And Task Force Members

Enclosures: Task Force Membership Roster  
2010 Meeting Calendar