



Maine Developmental Disabilities

April 24, 2019

Testimony in favor of LD 531 An Act To Provide Counsel for a Person Who Is the Subject of an Adult Guardianship, Conservatorship or Other Protective Arrangement Proceeding

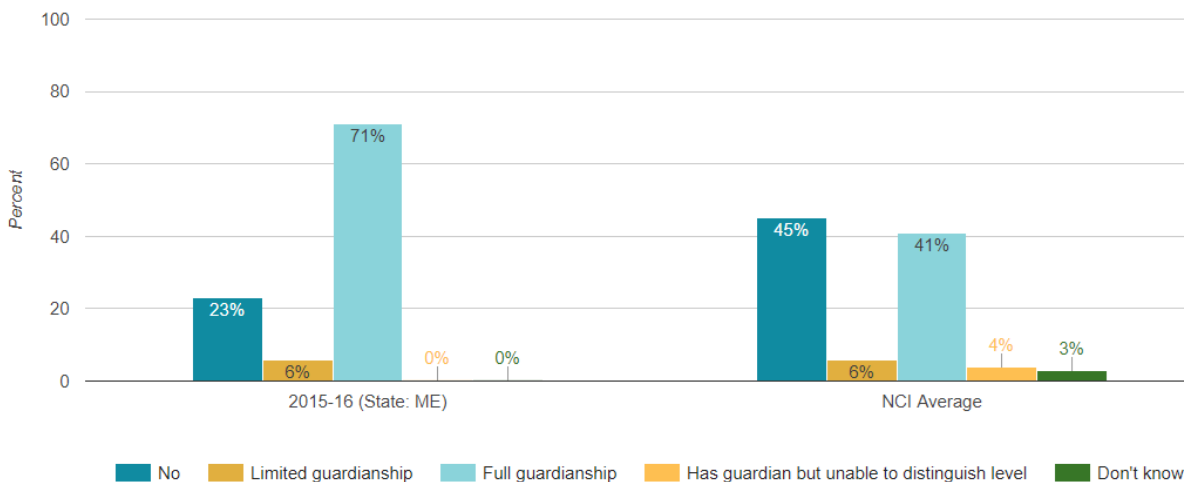
Senator Carpenter, Representative Bailey and the distinguished members of the Judiciary Committee:

My name is Rachel Dyer, and I am the associate director of the Maine Developmental Disabilities Council. Councils on Developmental Disabilities were created through the Developmental Disabilities Assistance and Bill of Rights Act (DD Act) in 1970. Maine's DD Council has been advocating for individuals with Developmental Disabilities (DD) for over 40 years. The DD Council is a federally-funded, independent organization with members from across the state, including persons with disabilities, family members, and representatives of public and private agencies which provide services and/or funding for services for individuals with developmental disabilities. As required in federal law, we are involved in advocacy, capacity building and systemic change activities, with the goal that individuals with developmental and other disabilities of all ages are fully included, integrated and involved in their communities and the decisions impacting their lives.

Please accept this testimony neither for nor against LD 531, An Act to Provide Counsel for a Person Who Is the Subject of an Adult Guardianship, Conservatorship or Other Protective Arrangement Proceeding.

MDDC supports the self determination of all persons with developmental disabilities and recognizes the people with DD may require assistance in making decisions. MDDC does not have legal expertise; nor does it represent individuals or families.

MDDC notes Maine recipients of developmental services are significantly more likely than their counterparts across the country to have guardians. Since it is not clear to us why that is the case, we are particularly interested in legislation that has the potential to impact guardianships.



Source: <https://www.nationalcoreindicators.org/charts/?i=137&st=ME>

LD 531 would require an attorney be appointed for the respondent in every guardianship case. Current law allows for a respondent to ask for an attorney if he or she so desires. It is not clear to us that individuals involved in guardianship proceedings are affirmatively aware of that right. Over the years I have had dozens of conversations about guardianship with individuals and families and cannot remember that option ever coming up, nor can I recall lack of individual representation being identified as a concern. I can think of examples in which representation might have helped individuals in challenging circumstances retain their agency and others in which representation would likely have been an unnecessary expense. Regardless of its decision in this bill, MDDC asks the committee to address the question of whether subjects of guardianship proceedings clearly understand their right to representation.

Thank you for this opportunity to testify.

A handwritten signature in black ink, appearing to read "Reed Q.", with a long horizontal flourish extending to the right.