

Chair Hansen and Vice Chair Simmons,

We the 12 undersigned organizations ask that you to oppose HB 2083. This legislation will harm marginalized communities and needs more analysis. We understand that this legislation was brought forward to address the lack of bed space at hospitals due to COVID-19, and we want to make sure that hospitals are able to maintain space for those who need care. However, we don't believe the backlog is due to healthcare decision making laws, we believe its lack of capacity within community and long term care settings. Disability Rights Washington published a report called [All or Nothing: Ending Washington's Dependence On Involuntary Civil Commitment](#) on one major aspect of this problem, psychiatric boarding, in December. We do not deny there are problems that need to be addressed, but we need to be thoughtful when considering such large changes to guardianship law. We don't believe that this legislation will solve the problem it has set out to and we have many questions about this proposal.

We haven't seen the results of the Uniform Guardianship Act.

In 2019, significant changes were made to Washington State guardianship law in the form of the Uniform Guardianship Act (UGA). These changes just went into effect a few weeks ago on January 1st 2022. We have not had time to see how the legislative changes will impact the guardianship process. It is likely there are already mechanisms in current law to efficiently and carefully move patients out of the hospital into more appropriate settings. Through the UGA there were several additions to guardianship law including the ability to establish an emergency guardian, establish a protective arrangement, and the very important, but not yet all that well understood or used, option of supported decision making as alternatives to guardianship. These three options offer a range of solutions for individuals in need of decision making help when exiting the hospital. The legislature should give the mechanisms they recently created time to be used before making more major changes to guardianship law.

Established Washington law – including the Uniform Guardianship Act – require attention to the least restrictive options for decision-making.

The law in Washington has long disfavored creation of guardianships when less-restrictive options satisfy the goal of protecting the person's rights and preferences. This Legislature reaffirmed this principle with the UGA. RCW 11.130.001. Where possible, guardianship should be temporary or at least time-limited, and should be limited in scope. The UGA mandates that prior to creating a guardianship the option of supported decision-making must be considered. The bill sets forth a path to guardianship at discharge, with no consideration of other options for decision-making and ensuring a stable, acceptable post-discharge placement.

Marginalized Communities Have Not Been Consulted and Will Be Hurt by this Proposal.

People with disabilities are at constant risk of abuse, exploitation, and institutionalization. Guardianship often does more harm than good. This proposal will unnecessarily open up people with disabilities to the direct possibility of forced institutionalization and loss of rights through guardianship, but those directly impacted by this change have not been part of this conversation and were only approached about this proposal last week.

This legislation has not been properly reviewed by the people it will most burden and is being rushed through. There are too many possible negative consequences to push this legislation through without allowing for thorough analysis and evaluation. Patients do not need forced institutionalization and to have their rights removed, they need support in making decisions and true options for community living and long term support that meet their needs. *We, the undersigned organizations, respectfully ask the committee to not schedule HB 2083 for a vote.*

**The Arc of King County
The Arc of Washington State
Allies in Advocacy
Community Employment Alliance
Disability Rights Washington
Health and Justice Recovery Alliance**

**Office of Developmental Disabilities Ombuds
Self Advocates in Leadership (SAIL)
Washington Association of Criminal Defense Lawyers
Washington Civil & Disability Advocate
Washington Defenders Association
Washington Multicultural Services Link**