

Senate Bill 260

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies power of guardian to withhold or withdraw artificially administered nutrition and hydration for protected person.

A BILL FOR AN ACT

1
2 Relating to protective proceedings; creating new provisions; and amending ORS 125.315.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 125.315 is amended to read:

5 125.315. (1) A guardian has the following powers and duties:

6 (a) Except to the extent of any limitation under the order of appointment, the guardian has
7 custody of the protected person and may establish the protected person's place of abode within or
8 without this state.

9 (b) The guardian shall provide for the care, comfort and maintenance of the protected person
10 and, whenever appropriate, shall arrange for training and education of the protected person.
11 Without regard to custodial rights of the protected person, the guardian shall take reasonable care
12 of the person's clothing, furniture and other personal effects unless a conservator has been ap-
13 pointed for the protected person.

14 (c) Subject to the provisions of ORS 127.505 to 127.660 **and subsection (3) of this section**, the
15 guardian may consent, refuse consent or withhold or withdraw consent to health care, as defined in
16 ORS 127.505, for the protected person. A guardian is not liable solely by reason of consent under
17 this paragraph for any injury to the protected person resulting from the negligence or acts of third
18 persons.

19 (d) The guardian may:

20 (A) Make advance funeral and burial arrangements;

21 (B) Subject to the provisions of ORS 97.130, control the disposition of the remains of the pro-
22 tected person; and

23 (C) Subject to the provisions of ORS 97.954 (1), make an anatomical gift of all or any part of the
24 body of the protected person.

25 (e) The guardian of a minor has the powers and responsibilities of a parent who has legal cus-
26 tody of a child, except that the guardian has no obligation to support the minor beyond the support
27 that can be provided from the estate of the minor, and the guardian is not liable for the torts of the
28 minor. The guardian may consent to the marriage or adoption of a protected person who is a minor.

29 (f) Subject to the provisions of ORS 125.320 (2), the guardian may receive money and personal
30 property deliverable to the protected person and apply the money and property for support, care and

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 education of the protected person. The guardian shall exercise care to conserve any excess for the
2 protected person's needs.

3 (2) If a conservator has been appointed for the protected person, the guardian may file a motion
4 with the court seeking an order of the court on the duties of the conservator relating to payment
5 of support for the protected person.

6 (3) **A guardian may consent to the withholding or withdrawing of artificially administered**
7 **nutrition and hydration for a protected person only under the circumstances described in**
8 **ORS 127.580 (1)(a), (b), (d), (e) or (f) and, if the protected person has a medical condition**
9 **specified in ORS 127.580 (1)(b), (d), (e) or (f), the condition has been medically confirmed.**

10 **SECTION 2. The amendments to ORS 125.315 by section 1 of this 2007 Act apply to**
11 **guardianships commenced by the filing of a petition before, on or after the effective date of**
12 **this 2007 Act.**

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