

# House Bill 2443

Sponsored by Representative GELSER

## 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**.

Creates Task Force on Public Guardianships for Vulnerable Adults. Requires report and recommendations by October 1, 2010.

Sunsets task force on commencement of next regular biennial legislative session.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to Task Force on Public Guardianships for Vulnerable Adults; and declaring an emergency.

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

4 **SECTION 1. (1) There is created the Task Force on Public Guardianships for Vulnerable**  
5 **Adults, consisting of 12 members appointed as follows:**

6 (a) **The President of the Senate shall appoint one member from among members of the**  
7 **Senate to serve in a nonvoting, advisory capacity.**

8 (b) **The Speaker of the House of Representatives shall appoint one member from among**  
9 **members of the House of Representatives to serve in a nonvoting, advisory capacity.**

10 (c) **The Governor shall appoint one member to represent each of the following, and in**  
11 **making the appointments under this paragraph, shall give consideration to recommendations**  
12 **made by the entity or population the member is to represent:**

13 (A) **Disability Rights Oregon;**

14 (B) **Oregon State Bar;**

15 (C) **Oregon Developmental Disabilities Council;**

16 (D) **Nonprofit advocacy organizations supporting individuals with developmental disabili-**  
17 **ties;**

18 (E) **Nonprofit advocacy organizations supporting individuals with mental illness;**

19 (F) **Persons who currently have a developmental disability; and**

20 (G) **Persons who currently have a mental illness.**

21 (d) **The Attorney General shall appoint one member from the Department of Justice.**

22 (e) **The Director of Human Services shall appoint two members from the Department of**  
23 **Human Services with expertise in the areas of vulnerable adults and persons with mental**  
24 **illness or developmental disabilities.**

25 (2) **The task force shall study and make recommendations about publicly funded**  
26 **guardianship programs for vulnerable adults, including, but not limited to, the following:**

27 (a) **Establishing criteria for appointment of a public guardian and conservator under ORS**  
28 **125.710 or eligibility for participation in a public guardianship program;**

29 (b) **Determining characteristics of public guardianship programs for vulnerable adults so**  
30 **as to maximize cost effectiveness and best meet the goals of protecting and supporting vul-**

**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 **nerable adults;**

2 **(c) Reviewing available funding sources to determine the amount of moneys that should**  
 3 **be appropriated to adequately fund public guardianship programs for vulnerable adults;**

4 **(d) Surveying the need for public guardianship programs for vulnerable adults, including**  
 5 **the availability of existing programs and the use of public funds to support them;**

6 **(e) Determining how the public guardianship program for vulnerable adults may best**  
 7 **support young adults with mental illness or developmental disabilities who have experienced**  
 8 **one or more of the following:**

9 **(A) Removal from the custody of their parents or guardians as children due to abuse or**  
 10 **neglect;**

11 **(B) Provisional eligibility for mental health or developmental disability services and who**  
 12 **may or may not still meet those criteria at age 18 or older; and**

13 **(C) Ineligibility for child welfare services from the Department of Human Services be-**  
 14 **cause of reaching the age of majority, and who lack other housing and support options; and**

15 **(f) Proposing a structure for how public guardianship programs for vulnerable adults can**  
 16 **meet the needs of parents or guardians who need protection or support due to their own**  
 17 **developmental disabilities or mental illness.**

18 **(3) The task force shall ensure that all recommendations are consistent with upholding**  
 19 **the rights, privacy and self-determination of elderly persons, persons with disabilities and**  
 20 **persons with mental illness.**

21 **(4) A majority of the voting members of the task force constitutes a quorum for the**  
 22 **transaction of business.**

23 **(5) Official action by the task force requires the approval of a majority of the voting**  
 24 **members of the task force.**

25 **(6) The task force shall elect one of its members to serve as chairperson.**

26 **(7) If there is a vacancy for any cause, the appointing authority shall make an appoint-**  
 27 **ment to become immediately effective.**

28 **(8) The task force shall meet at times and places specified by the call of the chairperson**  
 29 **or of a majority of the members of the task force.**

30 **(9) The task force may adopt rules necessary for the operation of the task force.**

31 **(10) The task force shall submit a report, and shall include recommendations for legis-**  
 32 **lation, to the interim committee of the Legislative Assembly related to public guardianships**  
 33 **and conservatorships and the protection and provision of services to vulnerable adults no**  
 34 **later than October 1, 2010.**

35 **(11) Notwithstanding ORS 171.072, members of the task force who are members of the**  
 36 **Legislative Assembly are not entitled to mileage expenses or a per diem and serve as volun-**  
 37 **teers on the task force. Other members of the task force are not entitled to compensation**  
 38 **or reimbursement for expenses and serve as volunteers on the task force.**

39 **(12) All agencies of state government, as defined in ORS 174.111, are directed to assist**  
 40 **the task force in the performance of its duties and, to the extent permitted by laws relating**  
 41 **to confidentiality, to furnish such information and advice as the members of the task force**  
 42 **consider necessary to perform their duties.**

43 **(13) The Department of Human Services shall provide staff support to the task force.**

44 **(14) The department may accept contributions of moneys and assistance from the United**  
 45 **States Government or its agencies or from any other source, public or private, and agree to**

1 conditions placed on the moneys not inconsistent with the duties of the task force.

2 (15) All moneys received by the department under subsection (14) of this section shall be  
3 paid into the Department of Human Services Account established under ORS 409.060. The  
4 department shall use the moneys for the purposes of carrying out the duties of the task  
5 force.

6 (16) The task force shall have its first meeting on or before the later of 90 days after  
7 adjournment sine die of the regular session of the Seventy-fifth Legislative Assembly or De-  
8 cember 1, 2009.

9 SECTION 2. Section 2 of this 2009 Act is repealed on the date of the convening of the next  
10 regular biennial legislative session.

11 SECTION 3. This 2009 Act being necessary for the immediate preservation of the public  
12 peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect  
13 on its passage.

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