

REVENUE: No revenue impact

FISCAL: No fiscal impact

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed
<b>Vote:</b>	10 - 0 - 0
<b>Yeas:</b>	Garrett, Hicks, Nolan, Olson, Schaufler, Tomei, Wand, Whisnant, Barker, Krieger
<b>Nays:</b>	0
<b>Exc.:</b>	0
<b>Prepared By:</b>	Aaron Knott, Counsel
<b>Meeting Dates:</b>	2/10, 3/24

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**WHAT THE MEASURE DOES:** Disqualifies an individual from serving as a fiduciary, health care representative, attorney-in-fact or surrogate if a prior court order terminated the parental rights of that individual or determined it unsafe for a protected individual, while ward of the court, to return to the home of that individual. Declares an emergency, effective on passage.

**ISSUES DISCUSSED:**

- How best to address those individuals who wish to voluntarily reconnect with their parent or former guardian after leaving the period of dependency
- Department of Human Services involvement in the decision to remove children from their parents
- The psychological damage of separating children from their parents

**EFFECT OF COMMITTEE AMENDMENT:** Allows a protected person, if no longer incapacitated, to petition the court to allow the reinstatement of fiduciary rights.

**BACKGROUND:** Presently, an individual is barred from acting as a fiduciary under ORS 125.205 only if the person is incapacitated, financially incapable, a minor, or is acting as a health care provider for the protected person. This allows individuals who have lost their parental rights or right to custodianship of a protected person to continue to act as a fiduciary, health care representative, attorney-in-fact or surrogate for the protected person despite the prior adjudication. House Bill 2652 A would modify ORS 125.205 to forbid a parent or guardian against whom a protective custody order has been issued from serving in any of the aforementioned categories.