

Elizabeth Welch
Senior Judge
18387 SE Willamette Drive
Milwaukie, Oregon 97267
March 15, 2013

In Re HB 3129:

Chair Tomei and Committee Members:

When I became the Probate Judge in Portland in 1994 . I was genuinely shocked to learn that any person can declare themselves to be a professional fiduciary and as long as someone will hire them, they can have absolute authority over the person and resources of another human being.

There is nothing in the law of this state that controls the matter of qualifications to perform these functions. A professional fiduciary is defined by statute to be serving 5 persons for pay.

The GCA and national organizations concerned with this problem throughout the country have done a great deal to address this issue by creating tests to assess basic skills and knowledge relevant to the tasks of serving as a Guardian or Conservator.

As with many of my fellow judges, I don't consider the test enough oversight.

There is no requirement in Oregon that professional fiduciaries pass such tests!!!

When I first retired, I served as Co Chair of a Supreme Court Task Force on Protective Proceedings. We produced a Report to the Chief Justice which included, inter alia, a strong recommendation for the certification of professional fiduciaries as a condition of court appointment. Unfortunately, nothing has yet come of the recommendations.

There are many wonderful and highly skilled professional fiduciaries in this state.

The extensive authority and control that such persons can exercise demands that there be standards for and a means to discipline or "decertify" professional fiduciaries.

Thank you for your consideration.