

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass the A-Engrossed Measure
Vote:	4 - 0 - 1
Yeas:	Close, Kruse, Roblan, Prozanski
Nays:	0
Exc.:	Dingfelder
Prepared By:	Anna Braun, Counsel
Meeting Dates:	4/25

WHAT THE MEASURE DOES: Designates when court approval is required or not required before payment to persons in a protective proceeding. Provides criteria for court to consider for determining attorney fees. States Oregon Rule of Civil Procedure 68 does not apply to protective proceedings. Prohibits reviewing court from overturning attorney fee except on a finding of abuse of discretion.

ISSUES DISCUSSED:

- Provisions of the measure

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Protective proceedings, such as guardianships and conservatorships are open-ended proceedings in which a person is appointed by the court to manage a person's property when that person is unable to do so. The usual model for attorney fees under Oregon Rule of Civil Procedure (ORCP) 68 does not fit well under a protective person proceeding. House Bill 2570 A was proposed by the Oregon State Bar Elder Law Section.