

## HOUSE AMENDMENTS TO HOUSE BILL 2671

By COMMITTEE ON HUMAN SERVICES AND HOUSING

April 17

1 On page 1 of the printed bill, line 3, after “provisions;” insert “and” and delete “and” and insert  
2 a comma.

3 In line 4, delete “; and appropriating money” and insert “, 441.109 and 441.153”.

4 Delete lines 6 through 25 and delete pages 2 through 10 and insert:  
5

### “THE OREGON PUBLIC GUARDIAN AND CONSERVATOR

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7  
8 “SECTION 1. Sections 2 to 9 of this 2013 Act are added to and made a part of ORS  
9 chapter 125.

10 “SECTION 2. For purposes of sections 2 to 9 of this 2013 Act:

11 “(1) ‘Client’ means a person who receives public guardian and conservator services from  
12 the Oregon Public Guardian and Conservator.

13 “(2) ‘Deputy public guardian and conservator’ means the person who is employed by or  
14 under contract with the Oregon Public Guardian and Conservator, who is certified by the  
15 Oregon Public Guardian and Conservator and who provides services as a fiduciary appointed  
16 by the court to clients under sections 2 to 9 of this 2013 Act.

17 “(3) ‘Public guardian and conservator services’ means services, including but not limited  
18 to information, assistance and services as a court-appointed fiduciary in guardianship or  
19 conservatorship proceedings that are provided by deputy public guardians and conservators,  
20 volunteers and staff under the supervision and control of the Oregon Public Guardian and  
21 Conservator.

22 “SECTION 3. The Governor shall appoint the Oregon Public Guardian and Conservator,  
23 subject to Senate confirmation under ORS 171.562 and 171.565, for a four-year term from a  
24 list of two or three nominees nominated by the Long Term Care Ombudsman. The Oregon  
25 Public Guardian and Conservator serves at the pleasure of the Governor and may be removed  
26 by the Governor for good cause or upon the recommendation of the Oregon Public Guardian  
27 and Conservator Advisory Committee established under section 8 of this 2013 Act. If there  
28 is a vacancy for any cause, the Governor shall make an appointment within 60 days. The  
29 Oregon Public Guardian and Conservator shall receive a salary as fixed by the Governor and  
30 be reimbursed for all reasonable travel and other expenses incurred in the performance of  
31 official duties.

32 “(2) The Oregon Public Guardian and Conservator shall be responsible for carrying out  
33 the duties and function of the Oregon Public Guardian and Conservator pursuant to sections  
34 2 to 9 of this 2013 Act, within the office of the Long Term Care Ombudsman, and subject to  
35 the direction, supervision and control of the Long Term Care Ombudsman.

1           “(3) The Oregon Public Guardian and Conservator may hire or contract with one full-time  
2 deputy public guardian and conservator and one staff person to carry out the powers, duties  
3 and functions of the Oregon Public Guardian and Conservator. The Oregon Public Guardian  
4 and Conservator may prescribe the duties and assignments and fix the compensation of  
5 persons hired by or under contract with the Oregon Public Guardian and Conservator, sub-  
6 ject to the State Personnel Relations Law. Subject to any other applicable laws regulating  
7 expenses, the persons hired by or under contract with the Oregon Public Guardian and  
8 Conservator shall be allowed reasonable travel and other expenses incurred in the perform-  
9 ance of official duties.

10           “(4) The Oregon Public Guardian and Conservator may delegate the exercise or discharge  
11 of any power, duty or function that is vested in or imposed by law upon the Oregon Public  
12 Guardian and Conservator to the deputy public guardian and conservator or staff person  
13 hired by or under contract with the Oregon Public Guardian and Conservator for the purpose  
14 of conducting an official act in the name of the Oregon Public Guardian and Conservator.  
15 The official act of any person acting in the name of the Oregon Public Guardian and  
16 Conservator by the authority of the Oregon Public Guardian and Conservator is an official  
17 act of the Oregon Public Guardian and Conservator.

18           “(5) The Oregon Public Guardian and Conservator may solicit and accept gifts, grants and  
19 donations from public and private sources for the purpose of carrying out the provisions of  
20 sections 2 to 9 of this 2013 Act, which moneys shall be deposited in the Long Term Care  
21 Ombudsman Account established under ORS 441.153.

22           “(6) In accordance with applicable provisions of ORS chapter 183, the Oregon Public  
23 Guardian and Conservator, in consultation with the Long Term Care Ombudsman and the  
24 Oregon Public Guardian and Conservator Advisory Committee, may adopt rules to carry out  
25 the provisions of sections 2 to 9 of this 2013 Act.

26           “SECTION 4. The Oregon Public Guardian and Conservator shall:

27           “(1) Educate the public about the role and function of the Oregon Public Guardian and  
28 Conservator and about public guardian and conservator services.

29           “(2) Provide public guardian and conservator services for persons who do not have rela-  
30 tives or friends willing or able to assume the duties of guardianship or conservatorship and  
31 for persons who lack the financial resources to obtain a private guardian or conservator.

32           “(3) Certify the deputy public guardian and conservator.

33           “(4) Develop model standards of eligibility and professional conduct for the deputy public  
34 guardian and conservator and of practice and procedure in public guardianship and conser-  
35 vatorship proceedings.

36           “(5) Develop and implement training and educational materials for the deputy public  
37 guardian and conservator.

38           “(6) Establish and operate a program to recruit, train and supervise volunteers to provide  
39 assistance to the Oregon Public Guardian and Conservator, the deputy public guardian and  
40 conservator and clients.

41           “(7) Establish a process, including criteria and standards, to determine the eligibility of  
42 persons to receive public guardian and conservator services and for the needs assessment  
43 required under section 5 of this 2013 Act.

44           “(8) Cooperate with county offices of public guardian and conservator operating under  
45 ORS 125.700.

1       “(9) Work with existing local and county programs and with other organizations and en-  
2       tities to develop and expand public guardian and conservator services in this state.

3       “(10) Make recommendations to the Legislative Assembly for policy and legislation re-  
4       garding implementation, improvement and expansion of public guardian and conservator  
5       services in this state.

6       “**SECTION 5.** (1) In providing public guardian and conservator services, the Oregon Public  
7       Guardian and Conservator shall conduct a needs assessment for a person who is claimed to  
8       not have relatives or friends willing or able to assume the duties of guardianship or conser-  
9       vatorship or who lacks the financial resources to obtain a private guardian or conservator.  
10      The purpose of the needs assessment is to determine the person’s eligibility to receive public  
11      guardian and conservator services and to determine the appropriateness of filing a petition  
12      for the appointment of a fiduciary or other pleading on behalf of the person in a court having  
13      probate jurisdiction. The assessment shall, at a minimum:

14      “(a) Assess the person’s capacity to:

15      “(A) Care for the person’s own safety;

16      “(B) Manage the person’s own financial affairs; and

17      “(C) Attend to and provide for necessities such as food, shelter, clothing and medical  
18      care;

19      “(b) Assess the person’s financial resources, based on information available or supplied  
20      to the Oregon Public Guardian and Conservator at the time of the assessment;

21      “(c) Determine whether the available information about the person is sufficient to sup-  
22      port a finding that the person is incapacitated or financially incapable, and the entry of a  
23      court order for the appointment of a fiduciary under ORS 125.010;

24      “(d) Inquire whether any other person may be willing and able to serve as the person’s  
25      guardian or conservator and, if appropriate, locate and contact that other person;

26      “(e) Determine the type of fiduciary, if any, to request in a petition filed under ORS  
27      125.055, giving preference to the least intrusive form of fiduciary relationship consistent with  
28      the best interests of the person; and

29      “(f) Determine how best to provide public guardian and conservator services to the per-  
30      son that are least restrictive to the person’s liberty, that are least intrusive to the person  
31      and that provide for the greatest degree of independence that the person is capable of exer-  
32      cising.

33      “(2) For each person determined to be eligible for public guardian and conservator ser-  
34      vices under this section, the Oregon Public Guardian and Conservator shall develop a written  
35      plan setting forth the type and duration of services to be provided by the Oregon Public  
36      Guardian and Conservator. The plan shall be included in any nonemergency petition or  
37      pleading filed with the court.

38      “**SECTION 6.** (1) The deputy public guardian and conservator providing public guardian  
39      and conservator services under sections 2 to 9 of this 2013 Act:

40      “(a) Must be certified as the deputy public guardian and conservator by the Oregon  
41      Public Guardian and Conservator; and

42      “(b) If appointed by the court as public guardian and conservator for a client, shall serve  
43      as provided in this chapter and ORS 127.005 and 127.015, except as expressly stated otherwise  
44      in sections 2 to 9 of this 2013 Act.

45      “(2) A volunteer who, in the course of providing authorized public guardian and

1 conservator services, has personal contact with a client must provide, in writing, the  
2 volunteer's criminal history and must submit or consent to a criminal records check, in-  
3 cluding fingerprint identification.

4 **“(3) Volunteers of the Oregon Public Guardian and Conservator:**

5 **“(a) May not conduct the needs assessments required under section 5 of this 2013 Act;**

6 **“(b) May not engage in conduct that constitutes the unlicensed practice of law;**

7 **“(c) Shall be under the supervision and control of the Oregon Public Guardian and**  
8 **Conservator or of the deputy public guardian and conservator;**

9 **“(d) Shall be instructed in confidentiality and shall maintain the confidentiality of clients**  
10 **and of written information and materials relating to clients;**

11 **“(e) May not receive compensation or any other benefit but may be reimbursed for rea-**  
12 **sonable travel and other expenses incurred in the performance of their duties on behalf of**  
13 **the Oregon Public Guardian and Conservator; and**

14 **“(f) Are immune from civil liability for any acts or omissions occurring, or errors in**  
15 **judgment made in good faith, in the course of providing authorized public guardian and**  
16 **conservator services.**

17 **“SECTION 7. (1) A court may not appoint the Oregon Public Guardian and Conservator**  
18 **or deputy public guardian and conservator as a fiduciary for a person unless the Oregon**  
19 **Public Guardian and Conservator or deputy public guardian and conservator has petitioned**  
20 **for or consented to the appointment.**

21 **“(2) The Oregon Public Guardian and Conservator shall file an official bond in such**  
22 **amount as may be fixed from time to time by the Long Term Care Ombudsman, in consul-**  
23 **tation with the Oregon Public Guardian and Conservator Advisory Committee, or the court**  
24 **having probate jurisdiction. The bond shall inure to the joint benefit of the several public**  
25 **guardianship and conservatorship estates in which the Oregon Public Guardian and**  
26 **Conservator is providing services but a bond is not required to be filed in individual estates.**

27 **“(3) The court may not charge a fee for the filing of a petition or any other pleading**  
28 **under this chapter by the Oregon Public Guardian and Conservator or deputy public guardian**  
29 **and conservator when the filing is made in connection with the provision of public guardian**  
30 **and conservator services under sections 2 to 9 of this 2013 Act.**

31 **“(4)(a) The court shall order the client or the client's estate to pay for reasonable ex-**  
32 **penditures incurred, including compensation for services rendered, in the provision of public**  
33 **guardian and conservator services to the client, including but not limited to court costs and**  
34 **attorney fees.**

35 **“(b) If a client is indigent, the Oregon Public Guardian and Conservator and the office**  
36 **of the Long Term Care Ombudsman shall have a claim against the client or the client's es-**  
37 **tate for the portion of any payment ordered under paragraph (a) of this subsection that re-**  
38 **mains unpaid.**

39 **“(5) The court may not order the Oregon Public Guardian and Conservator, the deputy**  
40 **public guardian and conservator or the office of the Long Term Care Ombudsman to pay**  
41 **court costs or attorney fees in a proceeding brought on behalf of a client under sections 2**  
42 **to 9 of this 2013 Act.**

43 **“SECTION 8. (1) There is established the Oregon Public Guardian and Conservator Ad-**  
44 **visory Committee consisting of the Long Term Care Ombudsman, or the Long Term Care**  
45 **Ombudsman's designee and six members to be appointed in the following manner:**

1       “(a) One person appointed by the Speaker of the House of Representatives;  
2       “(b) One person appointed by the President of the Senate;  
3       “(c) One person appointed by the House Minority Leader;  
4       “(d) One person appointed by the Senate Minority Leader;  
5       “(e) Two persons, to be appointed by the Governor, from a list of four names submitted  
6 by individuals and organizations that provide guardianship and conservatorship services in  
7 this state.

8       “(2) Members described in subsection (1)(e) of this section are subject to confirmation  
9 by the Senate under ORS 171.562 and 171.565.

10       “(3) The term of office of each member is four years. Before the expiration of the term  
11 of a member, the appointing authority shall appoint a successor whose term begins on July  
12 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause,  
13 the appointing authority shall make an appointment to become immediately effective for the  
14 unexpired term.

15       “(4) The members of the committee must be residents of this state who are broadly  
16 representative, to the extent possible, of persons who provide guardianship and conserva-  
17 torship and other fiduciary services to persons in this state, who have knowledge and inter-  
18 est in the problems of persons who have inadequate resources to obtain their own fiduciary  
19 services and who are representative of all areas of this state.

20       “(5) The committee shall select one of its members as chairperson and another as vice  
21 chairperson, for such terms and with duties and powers necessary for the performance of  
22 the functions and duties of these offices as the committee determines.

23       “(6) A majority of the members of the committee constitutes a quorum for the trans-  
24 action of business. Decisions may be made by a majority of the quorum.

25       “(7) The committee shall meet at least once each month at a place, day and hour deter-  
26 mined by the committee. The committee also shall meet at other times and places specified  
27 by the call of the chairperson or of a majority of the members of the committee. The com-  
28 mittee shall confer each month with the Public Guardian and Conservator.

29       “(8) A member of the committee is entitled to compensation and expenses as provided in  
30 ORS 292.495.

31       “(9) The office of the Long Term Care Ombudsman shall provide staff support to the  
32 committee.

33       “SECTION 9. The Oregon Public Guardian and Conservator Advisory Committee shall:

34       “(1) Monitor the Oregon Public Guardian and Conservator.

35       “(2) Advise the Governor and the Legislative Assembly on the Oregon Public Guardian  
36 and Conservator.

37       “(3) Advise the Long Term Care Ombudsman regarding persons to be nominated to be-  
38 come the Oregon Public Guardian and Conservator, according to prescribed criteria.

39       “(4) Make recommendations to the Governor for removal of the Oregon Public Guardian  
40 and Conservator when appropriate.

41       “(5) Consult with the Oregon Public Guardian and Conservator in the adoption of rules  
42 to implement the provisions of sections 2 to 9 of this 2013 Act.

43  
44                   “COUNTY OFFICES OF PUBLIC GUARDIAN AND CONSERVATOR  
45

1       “**SECTION 10.** ORS 125.700 is amended to read:

2       “125.700. The county court or board of county commissioners of any county:

3       “(1) After making a determination that there exists a need within the county for a guardian or  
4 conservator for persons who do not have relatives or friends willing to serve as a guardian or  
5 conservator and capable of assuming the duties of guardianship or conservatorship, may create  
6 [*within the county*] the **county** office of public guardian and conservator and such subordinate posi-  
7 tions as may be necessary to operate effectively the **county** office of public guardian and  
8 conservator [*within the county*].

9       “(2) May expend county funds for the purpose of operating the **county** office of public guardian  
10 and conservator.

11       “(3) After establishment of the **county** office of public guardian and conservator [*within a*  
12 *county*], upon the finding that the county does not need the service of a public guardian and  
13 conservator, may terminate the office.

14       “**SECTION 11.** ORS 125.705 is amended to read:

15       “125.705. (1) The person appointed to the office of **county** public guardian and conservator shall  
16 serve in the office at the pleasure of the appointing authority. If the person holding the office of  
17 **county** public guardian and conservator [*in a county*] is removed from office, dies, becomes inca-  
18 pacitated or resigns, the removal, death, incapacity or resignation shall operate to remove [*such*]  
19 **the county** public guardian and conservator as guardian and conservator of all estates then under  
20 the guardianship and conservatorship of the person.

21       “(2) **As used in ORS 125.700 to 125.730, ‘county public guardian and conservator’ means**  
22 **the person appointed to the county office of public guardian and conservator created under**  
23 **ORS 125.700.**

24       “**SECTION 12.** ORS 125.710 is amended to read:

25       “125.710. (1) The **county** public guardian and conservator may serve as the guardian or  
26 conservator, or both, of any person of whom the court having probate jurisdiction in the county may  
27 have jurisdiction. The **county** public guardian and conservator may serve as guardian or  
28 conservator upon the petition of any person or upon the [*own*] petition of the **county** public guard-  
29 ian and conservator.

30       “(2) When appointed as guardian or conservator by the court having probate jurisdiction, the  
31 **county** public guardian and conservator shall serve as provided in ORS chapter 125, ORS 127.005  
32 and 127.015, except as specifically stated to the contrary in ORS 125.700 to 125.730.

33       “(3) The **county** public guardian and conservator in the discretion of the **county** public guard-  
34 ian and conservator may employ private attorneys if the fees for the attorneys can be defrayed out  
35 of funds of the guardianship or conservatorship estate.

36       “**SECTION 13.** ORS 125.715 is amended to read:

37       “125.715. (1) Before entering into office as **county** public guardian and conservator, the person  
38 appointed to the office shall file an official bond in such amount as may be fixed from time to time  
39 by the board of county commissioners or the court having probate jurisdiction, which bond shall  
40 inure to the joint benefit of the several guardianship [*or*] **and** conservatorship estates in which the  
41 person is acting as guardian or conservator and the county. The **county** public guardian and  
42 conservator shall not be required to file bonds in individual estates.

43       “(2) Upon removal of the **county** public guardian and conservator in accordance with the pro-  
44 visions of ORS 125.705, the surety on the **county** public guardian and conservator bond shall be  
45 exonerated upon order to that effect of the court having probate jurisdiction in the county.



1 the Legislative Assembly.

2 “(12) Prepare necessary reports with the assistance of the department.

3 “(13) **Supervise, monitor, advise and support the Oregon Public Guardian and Conservator**  
4 **appointed under section 3 of this 2013 Act.**

5 “**SECTION 18.** ORS 441.153 is amended to read:

6 “441.153. The Long Term Care Ombudsman Account is established separate and distinct from  
7 the General Fund. All miscellaneous receipts, gifts and federal and other grants received by the  
8 Long Term Care Ombudsman shall be deposited into the Long Term Care Ombudsman Account and  
9 are continuously appropriated to the Long Term Care Ombudsman for carrying out the responsibil-  
10 ities of the Long Term Care Ombudsman **and the Oregon Public Guardian and Conservator.**

11 “**SECTION 19.** ORS 125.240 is amended to read:

12 “125.240. (1) If a petition seeks the appointment of a professional fiduciary as described in sub-  
13 section (5) of this section, the petition must contain the following information in addition to that  
14 information required under ORS 125.055:

15 “(a) A description of the events that led to the involvement of the professional fiduciary in the  
16 case.

17 “(b) The professional fiduciary’s educational background and professional experience.

18 “(c) The fees charged by the professional fiduciary and whether the fees are on an hourly basis  
19 or are based on charges for individual services rendered.

20 “(d) The names of providers of direct services to protected persons that are repeatedly used by  
21 the professional fiduciary under contract.

22 “(e) The disclosures required under ORS 125.221 if the person nominated to act as fiduciary will  
23 employ a person in which the nominated person has a pecuniary or financial interest.

24 “(f) The number of protected persons for whom the person performs fiduciary services at the  
25 time of the petition.

26 “(g) Whether the professional fiduciary has ever had a claim against the bond of the fiduciary  
27 and a description of the circumstances causing the claim.

28 “(h) Whether the professional fiduciary or any staff with responsibility for making decisions for  
29 clients or for management of client assets has ever filed for bankruptcy and the date of filing.

30 “(i) Whether the professional fiduciary or any staff with responsibility for making decisions for  
31 clients or for management of client assets has ever been denied a professional license that is directly  
32 related to responsibilities of the professional fiduciary, or has ever held a professional license that  
33 is directly related to responsibilities of the professional fiduciary that was revoked or canceled. If  
34 such a license has been denied, revoked or canceled, the petition must reflect the date of the denial,  
35 revocation or cancellation and the name of the regulatory body that denied, revoked or canceled the  
36 license.

37 “(j) A statement that the criminal records check required under subsection (2) of this section  
38 does not disqualify the person from acting as a fiduciary.

39 “(k) Whether the professional fiduciary and any staff responsible for making decisions for clients  
40 or for management of client assets is or has been certified by a national or state association of  
41 professional fiduciaries, the name of any such association and whether the professional fiduciary or  
42 other staff person has ever been disciplined by any such association and the result of the discipli-  
43 nary action.

44 “(L) The name, address and telephone number of the individual who is to act as primary decision  
45 maker for the protected person and the name of the person with whom the protected person will



1 have personal contact if that person is not the person who will act as primary decision maker for  
2 the protected person.

3 “(2)(a) If a petition seeks the appointment of a professional fiduciary as described in subsection  
4 (5) of this section, the professional fiduciary and all staff with responsibility for making decisions for  
5 clients or for management of client assets must undergo a criminal records check before the court  
6 may appoint the professional fiduciary. The results of the criminal records check shall be provided  
7 by the petitioner to the court. Results of criminal records checks submitted to the court are confi-  
8 dential, shall be subject to inspection only by the parties to the proceedings and their attorneys, and  
9 shall not be subject to inspection by members of the public except pursuant to a court order entered  
10 after a showing of good cause. A professional fiduciary must disclose to the court any criminal  
11 conviction of the professional fiduciary that occurs after the criminal records check was performed.  
12 The criminal records check under this subsection shall consist of a check for a criminal record in  
13 the State of Oregon and a national criminal records check if:

14 “(A) The person has resided in another state within five years before the date that the criminal  
15 records check is performed;

16 “(B) The person has disclosed the existence of a criminal conviction; or

17 “(C) A criminal records check in Oregon discloses the existence of a criminal record in another  
18 jurisdiction.

19 “(b) The requirements of this subsection do not apply to any person who serves as a **county**  
20 public guardian *[or]* **and** conservator, or any staff of a **county** public guardian *[or]* **and** conservator,  
21 *[who is]* operating under ORS 125.700 to 125.730 or 406.050 *[and who is otherwise required to acquire*  
22 *a criminal records check for other purposes]*, **or to the Oregon Public Guardian and Conservator,**  
23 **the deputy public guardian and conservator or the staff or volunteers of the Oregon Public**  
24 **Guardian and Conservator, operating under sections 2 to 9 of this 2013 Act, unless the person**  
25 **is otherwise required to submit to a criminal records check under ORS 125.700 to 125.730 or**  
26 **sections 2 to 9 of this 2013 Act.**

27 “(3)(a) If a petition seeks the appointment of a **county** public guardian and conservator operat-  
28 ing under the provisions of ORS 125.700 to 125.730, **the appointment of the Oregon Public**  
29 **Guardian and Conservator or the deputy public guardian and conservator, operating under**  
30 **the provisions of sections 2 to 9 of this 2013 Act,** or the appointment of a conservator under ORS  
31 406.050 (8), the petition need not contain the information described in subsection (1)(d) or (L) of this  
32 section.

33 “(b) If a **county** public guardian and conservator operating under the provisions of ORS 125.700  
34 to 125.730, **or the Oregon Public Guardian and Conservator or the deputy public guardian and**  
35 **conservator, operating under the provisions of sections 2 to 9 of this 2013 Act,** is appointed  
36 to act as a fiduciary, or a conservator operating under the authority of ORS 406.050 (8) is appointed,  
37 the **county** public guardian *[or]* **and** conservator, **the Oregon Public Guardian and Conservator**  
38 **or the deputy public guardian and conservator** must file with the court within three days after  
39 receipt of written notice of the appointment a statement containing the name, address and telephone  
40 number of the individual who will act as primary decision maker for the protected person and the  
41 name of the person with whom the protected person will have personal contact if the person named  
42 as primary decision maker will not have personal contact with the protected person.

43 “(4) If the court appoints a professional fiduciary as described in subsection (5) of this section,  
44 the professional fiduciary must update all information required to be disclosed by subsection (1) of  
45 this section and provide a copy of the updated statement upon the request of the protected person

1 or upon the request of any person entitled to notice under ORS 125.060 (3). The professional  
2 fiduciary must provide an updated statement without demand to the court, the protected person and  
3 persons entitled to notice under ORS 125.060 (3) at any time that there is a change in the informa-  
4 tion provided under subsection (1)(L) or (3)(b) of this section.

5 “(5) The provisions of this section apply to any person nominated as a fiduciary or serving as  
6 a fiduciary who is acting at the same time as a fiduciary for three or more protected persons who  
7 are not related to the fiduciary.

8 “**SECTION 20.** ORS 125.410 is amended to read:

9 “125.410. (1) Except as provided in subsection (2) of this section, the court shall require a  
10 conservator to furnish a bond conditioned upon faithful discharge of all duties of the conservator  
11 according to law, with sureties as specified by the court. Unless otherwise directed, the bond must  
12 be in the amount of the aggregate capital value of the property of the estate in the control of the  
13 conservator plus one year’s estimated income minus the value of securities and money deposited  
14 under arrangements requiring an order of the court for their removal and the value of any real  
15 property that the conservator, by express limitation of power, lacks power to sell or convey without  
16 court authorization.

17 “(2)(a) The court may waive a bond for good cause shown.

18 “(b) Subsection (1) of this section does not affect the provisions of ORS 709.240, relating to a  
19 trust company acting as fiduciary, ORS 125.715, relating to a **county** public guardian **and**  
20 **conservator** acting as fiduciary, **section 7 of this 2013 Act, relating to the Oregon Public**  
21 **Guardian and Conservator or the deputy public guardian and conservator acting as fiduciary**  
22 **under sections 2 to 9 of this 2013 Act**, or ORS 406.050 (8), relating to the Department of Veterans’  
23 Affairs acting as fiduciary.

24 “(3) Sureties for a bond required under this section are jointly and severally liable with the  
25 conservator and with each other.

26 “(4) Letters of conservatorship may not be issued until the bond required by this section is ap-  
27 proved by the court.

28 “(5) The bond of the conservator continues in effect until the sureties on the bond are released  
29 by order of the court.

30 “(6) The court may at any time increase or reduce the amount of the bond required of a  
31 conservator for the protection of the protected person and the estate of the protected person.

32 “(7) If a surety on a bond required by this section gives notice of intent to cancel the bond, the  
33 conservator shall execute and file in the protective proceeding a new bond before the cancellation  
34 date specified by the surety. The new bond shall be in the amount and subject to those conditions  
35 that may be required by the court. If the conservator fails to file a new bond, the authority of the  
36 conservator ends on the date specified by the surety for cancellation of the bond. The letters of  
37 conservatorship issued to the conservator are void from that date, and the conservator must make  
38 and file the final accounting of the conservator.

39  
40 “UNIT CAPTIONS

41  
42 “**SECTION 21.** **The unit captions used in this 2013 Act are provided only for the conven-**  
43 **ience of the reader and do not become part of the statutory law of this state or express any**  
44 **legislative intent in the enactment of this 2013 Act.**

