

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass with Amendments to the A-Engrossed Measure. (Printed B-Engrossed)

Vote: 5 - 0 - 0

Yeas: Close, Dembrow, Kruse, Roblan, Prozanski

Nays: 0

Exc.: 0

Prepared By: Channa Newell, Counsel

Meeting Dates: 2/18, 2/20

WHAT THE MEASURE DOES: Authorizes courts to appoint volunteers to serve as protected person special advocates. Directs court to establish qualifications of persons serving as advocates, as well as standards and procedures to be used by advocates, prior to appointing volunteers. Specifies duties, responsibilities, and functions of volunteer advocates. Excludes financial institutions and trust companies who act as fiduciaries from oversight of advocate. Declares emergency; effective on passage.

ISSUES DISCUSSED:

- Current Multnomah County District Court Program
- Efforts of organizations to combat elder abuse
- Parallels to Court Appointed Special Advocates for children
- Use of volunteers
- Effects of amendment

EFFECT OF COMMITTEE AMENDMENT: Excludes financial institutions and trust companies who act as fiduciaries from oversight of advocate.

BACKGROUND: A fiduciary relationship is a legal relationship in which a court gives a person or entity the duty and power to make decisions for another. A fiduciary may be a guardian, who makes personal decisions for another, or a conservator, who makes financial decisions for another, or both. Prior to the appointment of a guardian or conservator for an adult, the court must appoint a visitor to interview, investigate, and report on the need for the protection and the fitness of the potential fiduciary. After the appointment of a guardian or conservator, the only follow-up contact a court may have with a protected person or fiduciary is in the filing of the required annual guardianship report.

Multnomah County District Court has initiated a volunteer protected person special advocate program. The program allows the probate court to appoint a volunteer to provide the court with monitoring of a guardianship or conservatorship. House Bill 4114-A provides statutory language authorizing courts to develop such programs and appoint volunteer advocates.