

Please consider this testimony in your review of House Bill 2349.

I am an elder law attorney in Portland, and a significant portion of my practice is devoted to representing professional guardians and conservators. I am also a board member of the Guardian and Conservators Association of Oregon (GCA).

House Bill 2349 affects all professional guardians and conservators. However, it appears that proponents of the legislation did not involve a primary stakeholder -- GCA -- in the development of the bill.

Professional guardians and conservators serve a crucial role in the protection of the elderly and vulnerable. While banks and trust companies will act primarily as fiduciaries for high wealth individuals, professional guardians and conservators will serve in cases in which an incapacitated individual owns only a home and/or limited savings. Adult protective services investigators reach out directly to professional guardians and conservators to protect vulnerable people who often are isolated, exploited, and lacking family or community support. Professional guardians and conservators serve a vital role in Oregon communities. They deserve a seat at the table when legislation is proposed that would affect their work.

Because they have not participated in the development of HB 2349, professional guardians and conservators are left wondering what problem it solves. Oregon law already requires substantial disclosures of professional fiduciaries prior to their appointment. In addition, conservators provide comprehensive annual accountings directed by Uniform Trial Court Rules and by the probate court. Professional conservators are bonded. Claims against the bonds of professional conservators rarely occur. Courts often trust professional conservators to serve in the most complex cases.

Given the unique and important role that professional guardians and conservators play in the protection of the elderly and vulnerable, the fact that the GCA was not included in the development of a bill that would affect professional guardians and conservators, and the fact that professional guardians and conservators already comply with strict accounting and disclosure laws, the House Judiciary Committee should consider tabling this bill until all interests are heard.

Thank you for your consideration.

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