

Written Testimony of

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Before the

**House Committee on Judiciary**

**HB 2964: Amendments to ORS 31.700**

Mr. Chairman and honorable members of the committee, thank you for this opportunity to testify before you. My name is Shannon Conley. I am an attorney at the Law Offices of Nay and Friedenber, a firm that works with minors and incapacitated individuals who are receiving personal injury or wrongful death proceeds.

I take this opportunity to respectfully share my support of HB 2964. Said bill will clarify that a conservator or guardian ad litem may request recovery on injury related medical expenses in claims brought on behalf of a minor. Currently, ORS 31.700 states only a court appointed guardian ad litem may do so.

To provide context, a guardian, conservator or guardian ad litem may appear as a party to an action on behalf of a minor child.<sup>1</sup> A conservator is often the preferred fiduciary as this position also includes the power to structure and deposit the proceeds of the settlement or award and manage the funds during the minor's childhood following resolution of the claim. In Multnomah County, for example, a conservator is generally required for all claims involving personal injury or wrongful death settlements in excess of \$25,000.<sup>2</sup> To clarify, a conservator is as effective in meeting the needs of the minor during the suit and the only fiduciary able to manage the money after resolution of the claim. If a conservator appointed, it would be helpful if this fiduciary had the authority to bring damages for injury related medical expenses.

In summary, it is often preferable or required to have a conservator appointed when a minor is party to a claim. However, the current language of ORS 31.700 does not permit a conservator to request damages for injury related medical expenses. Due to this discrepancy, the minor will have to incur the cost and delay of appointing a guardian ad litem to properly present his or her loss to the court. To avoid this result, it is my opinion both a conservator and guardian ad litem should be permitted to request injury related medicals on behalf of a minor child, as enumerated in HB 2964.

Thank you once again for the opportunity to speak before this committee.

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<sup>1</sup> ORCP 27 A

<sup>2</sup> SLR 9.055(3); ORS § 126.725(1)