

Seventy-Eighth Oregon Legislative Assembly - 2015 Regular Session
STAFF MEASURE SUMMARY
Senate Committee On Judiciary

MEASURE: SB 590
CARRIER: Sen. Gelser

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 03/02/15

Action: Do Pass.

Meeting Dates: 03/02

Vote:

Yeas: 5 - Burdick, Gelser, Kruse, Prozanski, Thatcher

Prepared By: Channa Newell, Counsel

WHAT THE MEASURE DOES:

Requires court to appoint court visitor in guardianship proceeding for minor respondent who is more than 16 years of age and for whom guardianship petition is likely to be filed as respondent reaches age of majority.

ISSUES DISCUSSED:

- Court visitor required when placing adult under protective proceeding
- Court visitor not required if proposed protected person is minor
- New system for establishing guardianship prior to developmentally disabled child becoming adult
- Need for protection of rights of person to be placed under guardianship
- Protection of rights through investigation and report to court from court visitor

EFFECT OF COMMITTEE AMENDMENT:

No amendment.

BACKGROUND:

Guardianship is a protective proceeding created by state law in which a court gives a person or entity the duty and power to make decisions for another. The appointment of a guardian occurs after a petition is filed and a court finds that the person who is the subject of the proceedings lacks capacity to make decisions on his or her own behalf. Guardians are often family or friends, but may also be professionals. Appointment of a guardian may be appropriate or necessary in circumstances where an adult has significant development delays or illness. Guardianship may be limited, but frequently removes significant decision-making authority from the person and gives it to the guardian. The guardian may be making determinations on housing, daily activity, health care treatment, and finances. Under current Oregon law, a court must appoint a court visitor to interview the proposed protected person and the proposed guardian and report back to the court, but no such appointment is required for guardianships filed for minors who are likely to be under a guardianship when they reach adulthood.

Senate Bill 590 requires courts to appoint court visitors in cases where a respondent is more than 16 years of age and the court determines that the respondent is likely to have a guardian when the respondent reaches adulthood.