

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

MEASURE: HB 2964 A
CARRIER: Rep. Barton

Fiscal: No Fiscal Impact
Revenue: No Revenue Impact

Action Date: 04/13/15

Action: Do Pass As Amended And Be Printed Engrossed.

Meeting Dates: 04/13

Vote:

Yeas: 9 - Barker, Barton, Greenlick, Krieger, Lininger, Olson, Post, Sprenger, Williamson

Prepared By: Channa Newell, Counsel

WHAT THE MEASURE DOES:

Includes conservator as person who may file consent form in action for recovery of damages to child by wrongful act.

ISSUES DISCUSSED:

- Difference between conservator and guardian ad litem
- Guardian ad litem appointed for only limited duration of action
- Conservator may manage all financial affairs of child, even after resolution of action
- Conservator should be able to file consent as authority is broader than that of guardian ad litem

EFFECT OF COMMITTEE AMENDMENT:

Replaces measure.

BACKGROUND:

A conservator is a person or entity appointed by a court to manage the property and affairs of another. This may be an adult who is found incapable or a minor child. The conservator acts on behalf of the protected person on financial matters, such as disposition of property, budgeting, and business management. A guardian ad litem is appointed by a court to represent the best interests of a child within a court proceeding. Both a guardian ad litem and a conservator may appear on behalf of a child in an action, but only the guardian ad litem may bring a request for injury-related medical expenses within a larger claim. This may cause additional expenses and unnecessary delays when a conservator has already been appointed, but a guardian ad litem must be appointed as well.

House Bill 2964 A allows a conservator to file the request for injury-related medical expenses on behalf of a child.