

STAFF MEASURE SUMMARY

Senate Committee On Judiciary

**Fiscal:** No Fiscal Impact

**Revenue:** No Revenue Impact

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**Action Date:** 05/26/15

**Action:** Do Pass The A-Eng Bill.

**Meeting Dates:** 05/26

**Vote:**

Yeas: 4 - Burdick, Gelser, Kruse, Prozanski

Exc: 1 - Thatcher

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**WHAT THE MEASURE DOES:**

Prohibits court from charging Long-Term Care Ombudsman (LTCO) or Disability Rights Oregon (DRO) fee for filing objection to petition or motion in protective proceeding. Applies to protective proceedings commenced on or after the effective date.

**ISSUES DISCUSSED:**

- Disability Rights Oregon and Long Term Care Ombudsman receive notice of protective proceedings
- At times, Disability Rights Oregon may intercede on behalf of protected person
- Services provided on a volunteer basis, but sometimes charged fee for appearing
- Protected person not subject to filing fees on protective proceedings

**EFFECT OF COMMITTEE AMENDMENT:**

No amendment.

**BACKGROUND:**

The Long-Term Care Ombudsman (LTCO) provides free services to residents of long term care facilities. The services include complaint investigation, advocacy and consultations. Additionally, the LTCO is responsible for oversight of the newly created Office of Public Guardian, which will provide guardianship services to those who have no suitable guardian or conservator amongst friends or relatives and cannot afford a professional guardian. Disability Rights Oregon (DRO) is a non-profit law office that provides advocacy and legal services to people with disabilities. Both DRO and the LTCO may intercede in a protective proceeding on behalf of the protected person. These services are often provided without charge. Under current law, a court may not charge a respondent or a protected person a fee for filing an objection to a guardianship petition or any other motion in the protective proceeding.

House Bill 2361-A prohibits courts from charging the LTCO and DRO a fee for filing a motion or objection to a petition in a protective proceeding.