

Enrolled
House Bill 2361

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary)

CHAPTER

AN ACT

Relating to fees charged in protective proceedings; creating new provisions; and amending ORS 125.075.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 125.075 is amended to read:

125.075. (1) Any person who is interested in the affairs or welfare of a respondent or protected person may present objections to a petition or to a motion in a protective proceeding, including but not limited to:

- (a) Any person entitled to receive notice under ORS 125.060.
- (b) Any stepparent or stepchild of the respondent or protected person.
- (c) Any other person the court may allow.

(2) Objections to a petition may be either written or oral. Objections to a motion must be in writing. Objections to a petition or to a motion must be made or filed with the court within 15 days after notice of the petition or motion is served or mailed in the manner prescribed by ORS 125.065. The court shall designate a place where oral objections may be made. If a person appears within the time allowed at the place designated by the court for the purpose of making oral objections, the clerk of the court shall provide a means of reducing the oral objections to a signed writing for the purpose of filing the objection.

(3) If objections are presented by any of the persons listed in subsection (1) of this section, the court shall schedule a hearing on the objections. The petitioner or person making the motion shall give notice to all persons entitled to notice under ORS 125.060 (3) of the date, time and place of the scheduled hearing at least 15 days before the date set for hearing. Notice shall be given in the manner prescribed by ORS 125.065.

(4) Notwithstanding ORS 21.170, the court *[shall]* **may** not charge or collect any fee *[from a respondent or protected person]* for the filing of objections under the provisions of this section or for the filing of any motion *[by a respondent or protected person]* **from any of the following:**

- (a) **The respondent or the protected person;**
- (b) **The office of the Long Term Care Ombudsman; or**
- (c) **The system described in ORS 192.517 (1).**

(5) The court for good cause shown may provide for a different method or time of giving notice under subsection (3) of this section.

SECTION 2. The amendments to ORS 125.075 by section 1 of this 2015 Act apply to protective proceedings commenced on or after the effective date of this 2015 Act.

Passed by House April 30, 2015

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate June 2, 2015

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2015

Approved:

.....M,....., 2015

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2015

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Jeanne P. Atkins, Secretary of State