

House Bill 2361

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

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits court from charging or collecting fee for filing of objections or motions by office of Long Term Care Ombudsman or specified system when office or system has been given notice in protective proceeding.

A BILL FOR AN ACT

1
2 Relating to fees charged in protective proceedings; creating new provisions; and amending ORS
3 125.075.

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

5 **SECTION 1.** ORS 125.075 is amended to read:

6 125.075. (1) Any person who is interested in the affairs or welfare of a respondent or protected
7 person may present objections to a petition or to a motion in a protective proceeding, including but
8 not limited to:

9 (a) Any person entitled to receive notice under ORS 125.060.

10 (b) Any stepparent or stepchild of the respondent or protected person.

11 (c) Any other person the court may allow.

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

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

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

27 (b) **If the office of the Long Term Care Ombudsman or the system described in ORS**
28 **192.517 (1) has received notice under ORS 125.060 (7)(b) or (c) or (8)(b) or (c), notwithstanding**
29 **ORS 21.170, the court may not charge or collect any fee from the office or system for the**
30 **filing of objections under the provisions of this section or for the filing of any motion by the**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **office or system.**

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

4 **SECTION 2. The amendments to ORS 125.075 by section 1 of this 2015 Act apply to pro-**
5 **tective proceedings commenced on or after the effective date of this 2015 Act.**

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