

HB 2776 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 3/14

WHAT THE MEASURE DOES:

Allows appointment of guardian for person with a disability in need of guardian. Requires guardian to enforce right of protected person who is a person with a disability to receive communications. Requires notice be given to court and family of death of protected person who is person with disability. Requires notice be given to individuals and entities upon hospitalization of protected person. Requires notice be given to protected person clearly indicating process for objection to placement. Defines person with a disability.

ISSUES DISCUSSED:

EFFECT OF 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 developmental delays or illness, including dementia. 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, finances, and communications.

House Bill 2776 allows the appointment of a guardian for a person with a disability in need of a guardian. A person with a disability is defined as any person who has a physical or mental impairment which substantially limits one or more major life activities, has a record of such an impairment. or, is regarded as having such an impairment. See ORS 174.107. The measure specifies that the guardian will enforce the rights of the protected person to receive communications and will provide notice to the appropriate persons and entities of the death or hospitalization of the protected person who is a person with a disability.