

## SB 503 A STAFF MEASURE SUMMARY

### Senate Committee On Judiciary

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**Action Date:** 04/18/17

**Action:** Do pass with amendments. Refer to Ways and Means by prior reference. (Printed A-Eng).

**Vote:** 5-0-0-0

**Yeas:** 5 - Dembrow, Linthicum, Manning Jr, Prozanski, Thatcher

**Fiscal:** Fiscal impact issued

**Revenue:** No revenue impact

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#### WHAT THE MEASURE DOES:

Directs Chief Justice of Oregon Supreme Court to adopt rules establishing court visitor policies and qualifications, including rules that address standards for performing their duties, mandatory training and required professional licenses and certifications. Authorizes presiding judge to establish supplemental policies. Requires court to ensure that visitor undergoes a criminal records check and notifies court of change in status of professional licenses and certifications. Requires court to appoint a visitor in conservatorship proceedings. Authorizes petitioner to recommend visitor to court.

#### ISSUES DISCUSSED:

- Uniform policies
- Independence of visitors
- Costs of measure
- Absence of qualified visitors in parts of state

#### EFFECT OF AMENDMENT:

Replaces the measure.

#### BACKGROUND:

Protective proceedings initiated under ORS chapter 125 authorize the court to appoint a fiduciary to make decisions on behalf of a person who is incapable of making decisions. Broadly speaking, these proceedings fall into one of two classes; the court may appoint a conservator to make financial decisions on behalf of the protected person and the court may appoint a guardian to provide for the care of the person, including the authority to make medical decisions on behalf of the person. In some cases, an incapable person is subject to both a guardianship and a conservatorship. Under current law, the court is required to appoint a court visitor in guardianship proceedings and is authorized to do so in any other protective proceeding. The court visitor is required to interview the prospective protected person and fiduciary and is authorized to interview health care providers and other individuals. The visitor is tasked with submitting a report to the court that assesses the appropriateness of a guardianship or conservatorship, as well as the prospective fiduciary. Currently, the presiding judge is required to establish by court order qualifications, standards and procedures to be used by visitors in the performance of their duties.

Senate Bill 503-A requires the Chief Justice of the Oregon Supreme Court to establish by rule court visitor policies and qualifications, including rules that address mandatory training and required professional licenses and certifications. A presiding judge is authorized to supplement these rules by court order. The bill authorizes the court to conduct criminal background checks on court visitors and requires the court to ensure that visitors notify the court of any change in the status of a professional license or certificate. Finally, Senate Bill 503-A requires the court to appoint a visitor in all conservatorship proceedings and clarifies the court's authority to appoint a visitor at any other time.