

HOUSE AMENDMENTS TO HOUSE BILL 2630

By COMMITTEE ON JUDICIARY

April 24

1 On page 1 of the printed bill, line 2, after the semicolon insert “creating new provisions; and”
2 and delete “125.315” and insert “125.320”.

3 On page 2, line 3, after the comma insert “less restrictive”.

4 After line 13, insert:

5 “(k) A statement that indicates whether the petitioner is petitioning for plenary authority or
6 specified limited authority for the person nominated as fiduciary.”.

7 On page 4, line 24, delete “or” and insert “and”.

8 On page 5, line 30, after “the guardian” insert “changes the abode of the adult protected person
9 or”.

10 On page 6, delete lines 2 through 42 and insert:

11 “**SECTION 5.** ORS 125.320 is amended to read:

12 “125.320. (1) A guardian may not authorize the sterilization of the protected person.

13 “(2) A guardian may not use funds from the protected person’s estate for room and board that
14 the guardian or guardian’s spouse, parent or child have furnished the protected person unless the
15 charge for the service is approved by order of the court before the payment is made.

16 “(3)(a) Before a guardian may **change the abode of an adult protected person** or place an
17 adult protected person in a mental health treatment facility, a nursing home or other residential
18 facility, the guardian must file **with the court and serve** a statement [*with the court informing the*
19 *court*] **declaring** that the guardian intends to make the **change of abode or placement in the**
20 **manner set forth in paragraph (b) of this subsection.**

21 “(b)(A) [*Notice of*] The statement [*of intent*] must be [*given*] **filed and served** in the manner
22 provided [*by*] **for serving a motion under** ORS 125.065 to the persons specified in ORS 125.060
23 (3)[.] **and (8) at least 30 days prior to each change or placement of the protected person.**

24 “(B) **When the guardian determines that the change or placement must occur in less**
25 **than 30 days to protect the immediate health, welfare or safety of the protected person or**
26 **others, the statement shall declare that the change or placement must occur in less than**
27 **30 days to protect the immediate health, welfare or safety of the protected person or others.**
28 **The statement must be filed and served with as much advance notice as possible, in no event**
29 **later than two judicial days after the change or placement occurs. The guardian may make**
30 **the change of abode or placement prior to a hearing on any objection.**

31 “[*c*] *In addition to the requirements of paragraph (b) of this subsection, notice of the statement of*
32 *intent must be given in the manner provided by ORS 125.065 by the guardian to the following*
33 *persons:*]

34 “[*A*] *Any attorney who represented the protected person at any time during the protective pro-*
35 *ceeding.*]

1 “(B) If the protected person is a resident of a nursing home or residential facility, or if the notice
2 states the intention to place the protected person in a nursing home or residential facility, the office of
3 the Long Term Care Ombudsman.]

4 “(C) If the protected person is a resident of a mental health treatment facility or a residential fa-
5 cility for individuals with developmental disabilities, or if the notice states the intention to place the
6 protected person in such a facility, the system described in ORS 192.517 (1).]

7 “[(d)] (c) In addition to the requirements of ORS 125.070 (1), the notice given to the protected
8 person must clearly indicate the manner in which the protected person may object to the proposed
9 placement.

10 “(d) **The court shall schedule a hearing on any objection to a statement filed under this**
11 **subsection made in the manner provided by ORS 125.075 for presenting objections to a peti-**
12 **tion or motion in a protective proceeding. If no objection is made, the guardian may change**
13 **the abode of the adult protected person or place the adult protected person in a mental**
14 **health treatment facility, a nursing home or other residential facility without further court**
15 **order.**

16 “[(e) The guardian may thereafter place the adult protected person in a mental health treatment
17 facility, a nursing home or other residential facility without further court order. If an objection is made
18 in the manner provided by ORS 125.075, the court shall schedule a hearing on the objection as soon
19 as practicable.]

20 “[(f)] (e) The requirement that notice be served on an attorney for a protected person under
21 [paragraph (c)(A) of this subsection] **ORS 125.060 (8)** does not impose any responsibility on the at-
22 torney receiving the notice to represent the protected person in the protective proceeding.”.

23 On page 8, line 4, delete “incapable” and insert “incapacitated”.

24 On page 9, after line 4, insert:

25 “**SECTION 7. The amendments to ORS 125.055, 125.060, 125.075, 125.225, 125.320 and 125.325**
26 **by sections 1 to 6 of this 2017 Act apply to protective proceedings occurring on or after the**
27 **effective date of this 2017 Act.**”.

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