

HB 4094 -2, -3 STAFF MEASURE SUMMARY

House Committee On Judiciary

Prepared By: Channa Newell, Counsel

Meeting Dates: 2/13

WHAT THE MEASURE DOES:

Changes responsibility of required report by League of Oregon Cities and Association of Oregon Counties on caseload, revenues, and expenditures of municipal courts and justice courts to Oregon Association for Court Administration. Makes affidavits in support of petition for approval of a settlement of a personal injury claim for incapacitated person, minor, or decedent confidential.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-2 Requires the disclosure of a person's removal as fiduciary, or surcharge under ORS 125.025(3)(e), in a petition for protective proceedings in which the person is nominated to serve as fiduciary. Requires statement of the circumstances surrounding the removal or surcharge. Requires immediate notification to the court if a fiduciary is removed or surcharged.

-3 Removes provisions of measure relating to report by League of Oregon Cities and Association of Oregon Counties.

BACKGROUND:

During the 2012 legislative session, Senate Bill 1579 was enacted, which required the League of Oregon Cities (LOC) and the Association of Counties (AOC) to report each biennium, on the municipal and justice court caseloads, revenues, and expenditures. LOC and AOC send a survey to their respective members' courts. Upon completion, the surveys are forwarded to the Legislative Fiscal Office.

Additionally, when a personal injury case is settled on behalf of a minor or incapacitated person, the probate court will review the settlement to determine whether it is reasonable. The parties often submit affidavits in support of the settlement, which may contain sensitive and personal information.

House Bill 4094 changes the reporting requirement from the League of Oregon Cities and Association of Oregon Counties to the Oregon Association for Court Administrators. Additionally, the measure makes confidential the affidavits in support of a petition for approval of a settlement involving a minor or incapacitated person.