

DRAFT

SUMMARY

Modifies permissible methods of providing notice of appointment of guardian to protected person.

A BILL FOR AN ACT

Relating to protected persons; amending ORS 125.082.

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

SECTION 1. ORS 125.082 is amended to read:

125.082. (1)(a) Upon appointment, a guardian shall deliver [*or mail*]
written notice of the order of appointment to the persons described in
ORS 125.060 (3) [*a notice of the order of appointment*].

(b)(A) **The notice provided to the protected person under this subsection must be delivered in person in a manner reasonably calculated to be understood by the protected person.**

(B) **When delivering the notice to the protected person under this subsection, the guardian shall offer to also provide the notice to the protected person orally. If the protected person requests oral notice in response to the offer or otherwise, the guardian shall provide oral notice.**

(C) **In providing notice to the protected person under this paragraph, the guardian shall provide reasonable accommodations for effective communication as necessary.**

(c) **Notwithstanding paragraph (b) of this subsection, if the guardian determines that personal delivery of the notice is unduly burdensome, the guardian may deliver the notice by first class mail and**

1 **certified, registered or express mail, return receipt requested.**

2 (2) A notice under this section must include:

3 (a) The title of the court in which the protective proceeding is pending
4 and the clerk's file number;

5 (b) The name and address of the protected person and the attorney for the
6 protected person, if any;

7 (c) The name and address of the guardian and the attorney for the
8 guardian, if any;

9 (d) The date of the appointment of the guardian;

10 (e) A statement describing the authority awarded to the guardian and any
11 limitations placed on the guardian's authority; *[and]*

12 (f) A statement advising the protected person or other interested person
13 of the right of the protected person to seek removal of the guardian or ter-
14 mination of the guardianship; **and**

15 **(g) If the notice was delivered as provided in subsection (1)(c) of this**
16 **section, a statement describing why personal delivery of the notice**
17 **was unduly burdensome.**

18 (3) Proof of the giving of notice under this section must be filed in the
19 protective proceeding not later than 30 days following the date of the
20 guardian's appointment.