

A-Engrossed

Senate Bill 190

Ordered by the Senate April 5
Including Senate Amendments dated April 5

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

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

1 A BILL FOR AN ACT

2 Relating to protected persons; amending ORS 125.082.

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

4 **SECTION 1.** ORS 125.082 is amended to read:

5 125.082. (1)(a) Upon appointment, a guardian shall deliver [*or mail*] **written notice of the order**
6 **of appointment** to the persons described in ORS 125.060 (3) [*a notice of the order of appointment*].

7 (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.**

8 (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.**

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

10 (c) **Notwithstanding paragraph (b) of this subsection, if the guardian determines that personal delivery of the notice to the protected person is unduly burdensome, the guardian may deliver the notice by first class mail and certified, registered or express mail, return receipt requested.**

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

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

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

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

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

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

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 (f) A statement advising the protected person or other interested person of the right of the
2 protected person to seek removal of the guardian or termination of the guardianship; **and**

3 (g) **If the notice is delivered to the protected person as provided in subsection (1)(c) of**
4 **this section, a statement describing why personal delivery of the notice was unduly burden-**
5 **some.**

6 [(3) *Proof of the giving of notice under this section must be filed in the protective proceeding not*
7 *later than 30 days following the date of the guardian's appointment.]*

8 **(3) No later than 30 days following the date of the guardian's appointment, the guardian**
9 **shall file in the proceeding before the court proof of the giving of notice under this section,**
10 **including:**

11 (a) **The date, time and place where written notice was provided;**

12 (b) **A description of the manner the notice was provided, whether notice was provided**
13 **orally and whether any reasonable accommodation was provided;**

14 (c) **If the guardian delivered notice as provided in subsection (1)(c) of this section, a brief**
15 **description of why personal delivery of the notice was unduly burdensome together with re-**
16 **turn of receipt of the mailing; and**

17 (d) **If the protected person is a resident of a mental health treatment facility or a resi-**
18 **dential facility for individuals with developmental disabilities, or if the guardian intends to**
19 **place the protected person in such a facility, the guardian shall provide notice under this**
20 **section to the system described in ORS 192.517 (1):**

21 (A) **If the guardian is represented by counsel, electronically in a manner described by the**
22 **system; or**

23 (B) **If the guardian is not represented by counsel, by mail or electronically in a manner**
24 **described by the system.**

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