

Senate Bill 190

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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 **as introduced**.

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

A BILL FOR AN ACT

1
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 deliv-**
8 **ered in person in a manner reasonably calculated to be understood by the protected person.**

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

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

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

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

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

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

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

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

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

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

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

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