

## SENATE AMENDMENTS TO SENATE BILL 190

By COMMITTEE ON JUDICIARY AND BALLOT MEASURE 110 IMPLEMENTATION

April 5

1 On page 1 of the printed bill, delete lines 4 through 30 and delete page 2 and insert:

2 **“SECTION 1.** ORS 125.082 is amended to read:

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

6 **“(b)(A) The notice provided to the protected person under this subsection must be deliv-**  
7 **ered 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**  
9 **guardian shall offer to also provide the notice to the protected person orally. If the protected**  
10 **person requests oral notice in response to the offer or otherwise, the guardian shall provide**  
11 **oral notice.**

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

14 **“(c) Notwithstanding paragraph (b) of this subsection, if the guardian determines that**  
15 **personal delivery of the notice to the protected person is unduly burdensome, the guardian**  
16 **may deliver the notice by first class mail and certified, registered or express mail, return**  
17 **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,  
22 if 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  
26 on 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 is delivered to the protected person as provided in subsection (1)(c) of**  
30 **this section, a statement describing why personal delivery of the notice was unduly burden-**  
31 **some.**

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

34 **“(3) No later than 30 days following the date of the guardian’s appointment, the guardian**  
35 **shall file in the proceeding before the court proof of the giving of notice under this section,**

1 **including:**

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

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

5 **“(c) If the guardian delivered notice as provided in subsection (1)(c) of this section, a**  
6 **brief description of why personal delivery of the notice was unduly burdensome together with**  
7 **return of receipt of the mailing; and**

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

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

14 **“(B) If the guardian is not represented by counsel, by mail or electronically in a manner**  
15 **described by the system.”.**

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