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Dear Oregon Senate Committee:

I recently received information regarding the proposed SB528. From what I have read this bill appears to change the protected proceeding process significantly, which will raise costs for people whose loved ones have become ill. Yet, the proposed changes do not seem to create much in the way of new substantive protections. I am unclear what problem you are trying to solve.

As an Elder Law attorney for the last 24+ years, I am well familiar with protected proceedings. Often they are not instituted until a loved one becomes desperately ill and the cost of hiring an attorney, paying court fees, service of process fees, court visitor fees, and class fees will often fall on the Good Samaritan who has also volunteered to take care of the potential protected person. We already have a number of legal protections in effect to guard against abuse. Although abuses were alleged in the Brittany Spears case which brought guardian and conservatorships to the attention of the public, this is Oregon not California and we have an entirely different process and thankfully much more accessible court system here.

It has been my experience that any concerned party may send a letter to the Oregon Court involved in the protected proceeding which will result in a court review and often a prompt hearing to address potential abuse. We do not need additional costly paperwork and reporting requirements for people who can barely afford this process now.

At one time, I had a contract with the state of Oregon to establish guardianships for certain indigent parties. That program lost funding years ago. Should there be extra funds, Oregonians desperately need financial assistance to establish guardianships and they need paid qualified individuals who can serve as guardians and help them. They do not need for guardianships to be priced out of reach. Please feel free to contact me if you would like to discuss this further.

Sincerely,

Kara H. Daley
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