

Enrolled
Senate Bill 376

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CHAPTER

AN ACT

Relating to guardianship proceedings; creating new provisions; and amending ORS 125.325.

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

SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS chapter 125.

SECTION 2. (1) Upon appointment, a guardian shall deliver or mail to the persons described in ORS 125.060 (3) a notice of the order of appointment.

(2) A notice under this section must include:

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

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

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

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

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

(f) A statement advising the protected person or other interested person of the right of the protected person to seek removal of the guardian or termination of the guardianship.

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

SECTION 3. ORS 125.325 is amended to read:

125.325. (1) [Within] **Not later than 30 days [after] following** each anniversary of appointment, a guardian for an adult protected person shall file with the court a written report. The report must include a declaration under penalty of perjury in the form required by ORCP 1 E, or an unsworn declaration under ORS 194.800 to 194.835, if the declarant is physically outside the boundaries of the United States. Copies of the guardian's report must be given to those persons specified in ORS 125.060 (3). The report shall be in substantially the following form:

IN THE _____ COURT _____ COUNTY,
STATE OF OREGON
DEPARTMENT OF PROBATE

In the Matter of the _____) No. _____

Guardianship of _____)
(Name of protected person))
A Protected Person.)

GUARDIAN'S REPORT

I am the guardian for the person named above, and I make the following report to the court as required by law:

- 1. My name is _____.
- 2. My address and telephone number are:

Phone _____

- 3. The name, if applicable, and address of the place where the person now resides are:

- 4. The person is currently residing at the following type of facility or residence:

- 5. The person is currently engaged in the following programs and activities and receiving the following services (brief description):

- 6. I was paid for providing the following items of lodging, food or other services to the person:

- 7. The name of the person primarily responsible for the care of the person at the person's place of residence is:

- 8. The name and address of any hospital or other institution where the person is now admitted on a temporary or permanent basis are:

- 9. The person's physical condition is as follows (brief description):

- 10. The person's mental condition is as follows (brief description):

- 11. Facts that support the conclusion that the person is incapacitated include the following:

- 12. I made the following contacts with the person during the past year (brief description):

- 13. I made the following major decisions on behalf of the person during the past year (brief description):

- 14. I believe the guardianship should or should not continue because:

- 15. At the time of my last report, I held the following amount of money on behalf of the person: \$_____. Since my last report, I received the following amount of money on behalf of the person: \$_____. I spent the following amount of money on behalf of the person: \$_____. I now hold the following amount of money on behalf of the person: \$_____.

16. A true copy of this report will be given to the person, any conservator for the person and any other person who has requested notice.

17. Since my last report:

(a) I have been convicted of the following crimes (not including traffic violations):

(b) I have filed for or received protection from creditors under the Federal Bankruptcy Code (yes or no): _____.

(c) I have had a professional or occupational license revoked or suspended (yes or no):
_____.

(d) I have had my driver license revoked or suspended (yes or no): _____.

18. Since my last report, I have delegated the following powers over the protected person for the following periods of time (provide name of person powers delegated to):

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

Dated this ____ day of _____, 2____.

Guardian

NOTICE: ANY PERSON INTERESTED IN THE AFFAIRS OR WELFARE OF THE PROTECTED PERSON WHO IS THE SUBJECT OF THIS REPORT WHO HAS CONCERNS ABOUT THIS REPORT OR THE GUARDIAN'S PERFORMANCE MAY CONTACT THE COURT AS FOLLOWS:

(2) If the guardian indicates in the report under subsection (1) of this section that the guardianship should not continue or fails to provide adequate information in the report supporting the continuing need for the guardianship, the court shall order the guardian to supplement the report or file a motion to terminate the protective proceeding under ORS 125.090.

(3) Failure of the guardian to comply with an order under subsection (2) of this section before the 30th day following the date of the order is grounds for removal under ORS 125.225 (1).

(4) If the guardian fails to comply with an order issued under subsection (2) of this section, the court, on its own motion or on the petition of any other person, shall order the guardian to appear and show cause why the guardian should not be removed.

(5) The court shall serve a copy of any order issued under subsection (2) or (4) of this section and a copy of the report filed under subsection (1) of this section and supplemental materials, if any, upon those persons entitled to notice under ORS 125.060 (3).

Passed by Senate April 2, 2019

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House April 25, 2019

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Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2019

Approved:

.....M,....., 2019

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2019

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Bev Clarno, Secretary of State