

Seventy-Eighth Oregon Legislative Assembly - 2015 Regular Session
STAFF MEASURE SUMMARY
House Committee On Judiciary

MEASURE: HB 2361 A

Fiscal: No Fiscal Impact

Revenue: No Revenue Impact

Action Date: 03/02/15

Action: Do Pass With Amendments, Be Printed Engrossed And Be Referred To Revenue By Prior Reference.

Meeting Dates: 02/09, 03/02

Vote:

Yeas: 9 - Barker, Barton, Greenlick, Krieger, Lininger, Olson, Post, Sprenger, Williamson

Prepared By: Channa Newell, Counsel

WHAT THE MEASURE DOES:

Prohibits court from charging Long-Term Care Ombudsman (LTCO) or Disability Rights Oregon (DRO) fee for filing objection to petition or motion in protective proceeding. Applies to protective proceedings commenced on or after the effective date.

ISSUES DISCUSSED:

- Process of guardianship proceeding
- History and function of Disability Rights Oregon (DRO) and Long-Term Care Ombudsman (LTCO)
- Third party oversight of guardianship
- LTCO housing Office of Public Guardian
- Notice of filings given to DRO, who may then intercede on behalf of protected person
- Some courts charge fee for participation; some do not

EFFECT OF COMMITTEE AMENDMENT:

Clarifies that court may not charge or collect any fee regardless of whether notice was properly received by DRO or LTCO.

BACKGROUND:

The Long-Term Care Ombudsman (LTCO) provides free services to residents of long term care facilities. The services include complaint investigation, advocacy, and consultations. Additionally, the LTCO is responsible for oversight of the newly created Office of Public Guardian, which will provide guardianship services to those who have no suitable guardian or conservator amongst friends or relatives and cannot afford a professional guardian. Disability Rights Oregon (DRO) is a non-profit law office that provides advocacy and legal services to people with disabilities. Under current law, a court may not charge a respondent or a protected person a fee for filing an objection to a guardianship petition or any other motion in the protective proceeding.

House Bill 2361A prohibits courts from charging the LTCO and DRO a fee for filing a motion or objection to a petition in a protective proceeding.