

## SENATE AMENDMENTS TO SENATE BILL 681

By COMMITTEE ON JUDICIARY

April 26

- 1 On page 2 of the printed bill, line 12, delete “execute”.
- 2 In line 13, delete the first “a” and insert “make an oral or”.
- 3 Delete lines 25 through 29 and insert:
- 4 “(2)(a) A supporter may not:
- 5 “(A) Act as a surrogate decision maker for the supported person at any time, including after the
- 6 supported person becomes incapacitated or financially incapable, as those terms are defined in ORS
- 7 125.005.
- 8 “(B) Sign legal documents on behalf of the supported person.
- 9 “(C) Take possession of the supported person’s property.
- 10 “(D) Bind the supported person to a legal agreement.
- 11 “(E) Enter into a supported decision-making agreement, or provide support under a supported
- 12 decision-making agreement, relating to any decisions from which the supporter may directly benefit
- 13 financially.
- 14 “(F) Exert undue influence over the supported person.
- 15 “(b) As used in this subsection, ‘undue influence’ means that a supporter, with or without the
- 16 willful allowance of the supported person, assumed or attempted to assume control of a supported
- 17 person’s decision-making, finances, home, property, medication, social interaction or ability to com-
- 18 municate.”
- 19 In line 36, delete “Request and”.
- 20 On page 3, delete lines 11 through 13 and insert:
- 21 **“SECTION 6. Requirements. A supported decision-making agreement may be an oral or**
- 22 **written agreement and is valid if it is entered into voluntarily and without coercion. If the**
- 23 **supported decision-making agreement is in writing, it may be in any form, including the form**
- 24 **set forth in section 7 of this 2019 Act.”.**
- 25 In line 15, after “agreement” insert “under this section”.
- 26 In line 16, after “described” delete the rest of the line and insert “in subsection (2) of this sec-
- 27 tion.
- 28 “(2) A supported person and the person’s supporter entering into a supported decision-making
- 29 agreement under this section must sign and date the agreement before a notary public or in the
- 30 presence of two witnesses who are at least 18 years of age.”.
- 31 In line 17, delete “(2)” and insert “(3)”.
- 32 On page 6, line 20, delete “(3)” and insert “(4)”.
- 33 In line 21, after “instrument” insert “in substantially the form described in subsection (3) of this
- 34 section”.
- 35 On page 7, line 12, after “agreement” insert “in substantially the form described in section 7 (3)

1 of this 2019 Act”.

2 In line 33, delete “valid” and insert “written” and after “agreement” insert “, including a writ-  
3 ten agreement in substantially the form described in section 7 (3) of this 2019 Act,”.

4 Delete lines 38 and 39.

5 On page 15, delete lines 14 through 23 and insert:

6 “**SECTION 17.** ORS 343.181 is amended to read:

7 “343.181. (1) When a child with a disability reaches the age of majority as described in ORS  
8 109.510 or 109.520 or is emancipated pursuant to ORS 419B.550 to 419B.558:

9 “[1] (a) The rights accorded to the child’s parents under this chapter transfer to the child[;].

10 “(b) **The school district shall provide the child and the child’s parents with information**  
11 **regarding supported decision-making under sections 1 to 10 of this 2019 Act, other alterna-**  
12 **tives to guardianship and strategies to remain engaged in the child’s secondary education.**

13 “[2] (c) The school district shall provide any written notice required to both the child and the  
14 parents[; *and*].

15 “[3] (d) The school district shall notify the child and the parents of the transfer of rights.

16 “(2) **The school district shall provide the information described in subsection (1)(b) of this**  
17 **section at each individualized education program meeting that includes discussion of post-**  
18 **secondary goals and transition services, beginning at least 36 months prior to a child with a**  
19 **disability attaining 18 years of age.”.**

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