

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO
SENATE BILL 681**

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
6 time, including after the supported person becomes incapacitated or finan-
7 cially incapable, as those terms are defined in ORS 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 sup-
12 port under a supported decision-making agreement, relating to any decisions
13 from which the supporter may directly benefit financially.”.

14 “(F) Exert undue influence over the supported person.

15 “(b) As used in this subsection, ‘undue influence’ means that a supporter,
16 with or without the willful allowance of the supported person, assumed or
17 attempted to assume control of a supported person’s decision-making, fi-
18 nances, home, property, medication, social interaction or ability to commu-
19 nicate.”.

20 In line 36, delete “Request and”.

21 On page 3, delete lines 11 through 13 and insert:

1 **“SECTION 6. Requirements. A supported decision-making agree-**
2 **ment may be an oral or written agreement and is valid if it is entered**
3 **into voluntarily and without coercion. If the supported decision-**
4 **making agreement is in writing, it may be in any form, including the**
5 **form set forth in section 7 of this 2019 Act.”.**

6 In line 15, after “agreement” insert “under this section”.

7 In line 16, after “described” delete the rest of the line and insert “in
8 subsection (2) of this section.

9 “(2) A supported person and the person’s supporter entering into a sup-
10 ported decision-making agreement under this section must sign and date the
11 agreement before a notary public or in the presence of two witnesses who
12 are at least 18 years of age.”.

13 In line 17, delete “(2)” and insert “(3)”.

14 On page 6, line 20, delete “(3)” and insert “(4)”.

15 In line 21, after “instrument” insert “in substantially the form described
16 in subsection (3) of this section”.

17 On page 7, line 12, after “agreement” insert “in substantially the form
18 described in section 7 (3) of this 2019 Act”.

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

22 Delete lines 38 and 39.

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

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

25 **“343.181. (1) When a child with a disability reaches the age of majority**
26 **as described in ORS 109.510 or 109.520 or is emancipated pursuant to ORS**
27 **419B.550 to 419B.558:**

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

30 **“(b) The school district shall provide the child and the child’s par-**

1 **ents with information regarding supported decision-making under**
2 **sections 1 to 10 of this 2019 Act, other alternatives to guardianship and**
3 **strategies to remain engaged in the child’s secondary education.**

4 “[2] (c) The school district shall provide any written notice required to
5 both the child and the parents[; *and*].

6 “[3] (d) The school district shall notify the child and the parents of the
7 transfer of rights.”.

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

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