

SB 190 STAFF MEASURE SUMMARY

Senate Committee On Judiciary and Ballot Measure 110 Implementation

Prepared By: Channa Newell, Counsel

Meeting Dates: 2/23

WHAT THE MEASURE DOES:

Provides details on notice of appointment of guardian. Requires notice to be delivered in a manner reasonably calculated to be understood by the protected person. Specifies notice must be in writing, but that guardian shall also offer to provide notice orally and offer reasonable accommodations for effective communication. Specifies that if personal delivery of notice is unduly burdensome, the guardian may deliver notice by first class mail and certified, registered, or express mail, return receipt requested, with a statement describing why personal delivery of the notice was unduly burdensome.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

In 2019, Senate Bill 376 required notice of the appointment of the guardian to be sent by the newly appointed guardian to a list of interested persons, including the protected person themselves. The measure specified the content of the notice but not the manner of delivery.

Senate Bill 190 requires the notice to be delivered in a manner reasonably calculated to be understood by the protected person. The notice must be in writing, but if the protected person requests oral notice, the guardian must also provide it in that manner. In any instance, the guardian must offer oral notice and any reasonable accommodations for effective communication. If deliver of the notice in person is unduly burdensome, the guardian may deliver it through certified or registered mail with a statement on the notice describing why personal delivery was unduly burdensome.