

SB 190 A STAFF MEASURE SUMMARY**Carrier:** Sen. Gelser**Senate Committee On Judiciary and Ballot Measure 110
Implementation****Action Date:** 03/23/21**Action:** Do pass with amendments. (Printed A-Eng.)**Vote:** 4-3-0-0**Yeas:** 4 - Dembrow, Gelser, Manning Jr, Prozanski**Nays:** 3 - Heard, Linthicum, Thatcher**Fiscal:** No fiscal impact**Revenue:** No revenue impact**Prepared By:** Channa Newell, Counsel**Meeting Dates:** 2/23, 3/23**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. Provides 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. Specifies details of notice must include date, time and place of written notice, description of manner of the notice and whether reasonable accommodations were provided, and a description of why personal delivery was unduly burdensome if notice was by mail. Requires notice be given electronically to disability organization if the guardian is represented by counsel and the protected person is a resident of a mental health or residential treatment facility. Allows required notice to disability organization to be by mail or electronically if guardian is not represented by counsel.

ISSUES DISCUSSED:

- Encouraging relationship and communication by guardian
- Oversight of court on protective proceedings
- Role of Disability Rights Oregon and process for receipt of notices
- Methods for providing meaningful notice

EFFECT OF AMENDMENT:

Specifies details of notice to be given to court within 30 days of appointment of guardian, including date, time and place of written notice, description of manner of the notice and whether reasonable accommodations were provided, and a description of why personal delivery was unduly burdensome if notice was by mail. Requires notice be given electronically to disability organization if the guardian is represented by counsel and the protected person is a resident of a mental health or residential treatment facility. Allows required notice to disability organization to be by mail or electronically if guardian is not represented by counsel.

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 A 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

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accommodations for effective communication. If delivery 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. The guardian must then report back to the court, within 30 days, on the date, time, and method of giving notice to the protected person.