

Senate Bill 779

Sponsored by Senator DEMBROW; Representative WILDE

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes Task Force on Guardianship and Conservatorship Reform.
Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to reform of protective proceedings; and prescribing an effective date.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) The Task Force on Guardianship and Conservatorship Reform is estab-**
5 **lished.**

6 **(2) The task force consists of 21 members appointed as follows:**

7 **(a) The President of the Senate shall appoint one member from the majority party of the**
8 **Senate and one member from the minority party of the Senate.**

9 **(b) The Speaker of the House of Representatives shall appoint one member from the**
10 **majority party of the House of Representatives and one member from the minority party of**
11 **the House of Representatives.**

12 **(c) The Governor shall appoint:**

13 **(A) One member representing the Long Term Care Ombudsman;**

14 **(B) One member representing a disability rights organization;**

15 **(C) One member representing the Department of Human Services with expertise in ser-**
16 **vices provided to seniors and persons with physical disabilities, persons with intellectual**
17 **disabilities and persons with developmental disabilities;**

18 **(D) One member who is a member of a racial justice advisory group established by the**
19 **Governor;**

20 **(E) One member with experience serving as a guardian or conservator in a non-**
21 **professional capacity;**

22 **(F) One member representing professional guardians or conservators;**

23 **(G) Two members who are or previously were respondents or protected persons, as those**
24 **terms are defined in ORS 125.005;**

25 **(H) One member representing the Department of Veterans' Affairs; and**

26 **(I) Two members from attorneys recommended by the Oregon State Bar with experience**
27 **in guardianship and conservatorship matters.**

28 **(d) The Chief Justice shall appoint:**

29 **(A) Two circuit court judges with experience in protective proceedings;**

30 **(B) One member who is a representative of the State Court Administrator with knowl-**
31 **edge of protective proceedings;**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 (C) One member who is a member of a guardianship advisory group administered by the
2 Judicial Department; and

3 (D) Two probate court coordinators.

4 (3) The task force shall study:

5 (a) The current status of protective proceedings in Oregon, including challenges and ob-
6 stacles in obtaining adequate supports for less restrictive alternatives to guardianship or
7 conservatorship, equity and racial justice issues surrounding protective proceedings and the
8 collection of data on protective proceedings, including the use of less restrictive alternatives;

9 (b) Issues of equity, discrimination and racism in protective proceedings processes that
10 have resulted in disproportionate impacts on communities and groups;

11 (c) Challenges and opportunities with obtaining and compensating court-appointed coun-
12 sel for proposed protected persons, including issues of equity for providing court-appointed
13 counsel for historically underserved communities;

14 (d) Current statutory and case law on protective proceedings and modifications to exist-
15 ing law; and

16 (e) The Uniform Guardianship, Conservatorship and Other Protective Arrangements Act
17 and whether it should be adopted in Oregon in whole or in part.

18 (4) A majority of the voting members of the task force constitutes a quorum for the
19 transaction of business.

20 (5) Official action by the task force requires the approval of a majority of the voting
21 members of the task force.

22 (6) The task force shall elect one of its members to serve as chairperson.

23 (7) If there is a vacancy for any cause, the appointing authority shall make an appoint-
24 ment to become immediately effective.

25 (8) The task force shall meet at times and places specified by the call of the chairperson
26 or of a majority of the voting members of the task force.

27 (9) The task force may adopt rules necessary for the operation of the task force.

28 (10) The task force shall submit reports in the manner provided by ORS 192.245, and may
29 include recommendations for legislation, to a committee or an interim committee of the
30 Legislative Assembly related to the judiciary. The task force shall submit an interim report
31 no later than September 15, 2022, and a final report no later than September 15, 2024.

32 (11) The Legislative Policy and Research Director shall provide staff support to the task
33 force.

34 (12) Members of the Legislative Assembly appointed to the task force are nonvoting
35 members of the task force and may act in an advisory capacity only.

36 (13) Members of the task force who are not members of the Legislative Assembly are not
37 entitled to compensation but may receive reimbursement for expenses incurred to attend
38 task force meetings, including mileage reimbursement.

39 (14) All agencies of state government, as defined in ORS 174.111, are directed to assist
40 the task force in the performance of the duties of the task force and, to the extent permitted
41 by laws relating to confidentiality, to furnish information and advice the members of the task
42 force consider necessary to perform their duties.

43 **SECTION 2.** Section 1 of this 2021 Act is repealed on December 31, 2024.

44 **SECTION 3.** This 2021 Act takes effect on the 91st day after the date on which the 2021
45 regular session of the Eighty-first Legislative Assembly adjourns sine die.

