

SB 190-4
(LC 959)
3/11/21 (LAS/ps)

Requested by SENATE COMMITTEE ON JUDICIARY AND BALLOT MEASURE 110 IMPLEMENTATION (at the request of Disability Rights Oregon)

**PROPOSED AMENDMENTS TO
SENATE BILL 190**

1 On page 1 of the printed bill, delete lines 4 through 30 and delete page
2 2 and insert:

3 **“SECTION 1.** ORS 125.082 is amended to read:

4 “125.082. (1)(a) Upon appointment, a guardian shall deliver [*or mail*]
5 **written notice of the order of appointment** to the persons described in
6 ORS 125.060 (3) [*a notice of the order of appointment*].

7 **“(b)(A) The notice provided to the protected person under this sub-**
8 **section must be delivered in person in a manner reasonably calculated**
9 **to be understood by the protected person.**

10 **“(B) When delivering the notice to the protected person under this**
11 **subsection, the guardian shall offer to also provide the notice to the**
12 **protected person orally. If the protected person requests oral notice in**
13 **response to the offer or otherwise, the guardian shall provide oral**
14 **notice.**

15 **“(C) In providing notice to the protected person under this para-**
16 **graph, the guardian shall provide reasonable accommodations for ef-**
17 **fective communication as necessary.**

18 **“(c) Notwithstanding paragraph (b) of this subsection, if the**
19 **guardian determines that personal delivery of the notice to the pro-**
20 **ected person is unduly burdensome, the guardian may deliver the**
21 **notice by first class mail and certified, registered or express mail, re-**

1 **turn receipt requested.**

2 “(2) A notice under this section must include:

3 “(a) The title of the court in which the protective proceeding is pending
4 and the clerk’s file number;

5 “(b) The name and address of the protected person and the attorney for
6 the protected person, if any;

7 “(c) The name and address of the guardian and the attorney for the
8 guardian, if any;

9 “(d) The date of the appointment of the guardian;

10 “(e) A statement describing the authority awarded to the guardian and
11 any limitations placed on the guardian’s authority; *[and]*

12 “(f) A statement advising the protected person or other interested person
13 of the right of the protected person to seek removal of the guardian or ter-
14 mination of the guardianship; **and**

15 **“(g) If the notice is delivered to the protected person as provided in**
16 **subsection (1)(c) of this section, a statement describing why personal**
17 **delivery of the notice was unduly burdensome.**

18 *“[(3) Proof of the giving of notice under this section must be filed in the*
19 *protective proceeding not later than 30 days following the date of the*
20 *guardian’s appointment.]*

21 **“(3) No later than 30 days following the date of the guardian’s ap-**
22 **pointment, the guardian shall file in the proceeding before the court**
23 **proof of the giving of notice under this section, including:**

24 **“(a) The date, time and place where written notice was provided;**

25 **“(b) A description of the manner the notice was provided, whether**
26 **notice was provided orally and whether any reasonable accommodation**
27 **was provided; and**

28 **“(c) If the guardian delivered notice as provided in subsection (1)(c)**
29 **of this section, a brief description of why personal delivery of the no-**
30 **tice was unduly burdensome together with return of receipt of the**

1 **mailing.**

2 **“(d) If the protected person is a resident of a mental health treat-**
3 **ment facility or a residential facility for individuals with develop-**
4 **mental disabilities, or if the guardian intends to place the protected**
5 **person in such a facility, the guardian shall provide notice under this**
6 **section to the system described in ORS 192.517 (1):**

7 **“(A) If the guardian is represented by counsel, electronically in a**
8 **manner described by the system; or**

9 **“(B) If the guardian is not represented by counsel, by mail or elec-**
10 **tronically in a manner described by the system.”.**

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