

**SB 528 STAFF MEASURE SUMMARY**

**Senate Committee On Judiciary**

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**Prepared By:** Amie Fender-Sosa, LPRO Analyst

**Sub-Referral To:** Joint Committee On Ways and Means

**Meeting Dates:** 1/26

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**WHAT THE MEASURE DOES:**

Declares that it is the policy of the State of Oregon that the least restrictive alternatives appropriate for meeting a person's needs be explored prior to the appointment of a fiduciary in a protective proceeding. Provides examples of less restrictive alternatives. Requires a fiduciary in a protective proceeding to file a motion to continue either the protective proceeding or a motion to terminate the protective proceeding every five years. Specifies what information must be in the motion and provides requirements for notice. States the fiduciary has the burden of proving by clear and convincing evidence that a protected person is or continues to be incapacitated or financially incapable. Defines "supported decision making." Requires a petition to include information regarding how less restrictive alternatives were explored and why the appointment of a fiduciary is still necessary. Provides the right for the respondent to have an attorney appointed by the court and requires this information to be include in the notice. Requires less restrictive alternatives to guardianship be considered. Expands the limitations on a guardian's actions and legal decision-making authority. Provides that a conservator who sells a protected person's principal residence must consult with the protected person regarding the sale. Modifies statutory forms to conform with revisions. Clarifies language.

**ISSUES DISCUSSED:**

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**