

**Testimony before the Senate Judiciary Committee
in support of HB 2329
On behalf of the
Oregon State Bar Elder Law Section
February 21, 2023**

Chair Prozanski and Members of the Committee:

My name is Chris Hamilton. I am an attorney here in Salem. I am here today as a representative of the Oregon State Bar's Elder Law Section. The Elder Law Section is made up of over 500 attorneys from all parts of Oregon, who represent clients in all types of elder law matters.

The Oregon State Bar (OSB) is a public corporation and an instrumentality of the court with over 15,000 active members. The Oregon State Bar serves the public interest by: regulating the legal profession and improving the quality of legal services; supporting the judiciary and improving the administration of justice; and advancing a fair, inclusive and accessible justice system.

House Bill 2329

House Bill 2329 updates two statutory forms – the *Declaration for Mental Health Treatment* in Oregon Revised Statute (ORS) 127 and the *Appointment of Person to Make Decisions Concerning Dispossession of Remains* in ORS 97. In both cases, the statutes currently require the form to be signed by two qualified witnesses, providing no alternative for authentication. HB 2329 would update the statutes to allow the principal the option of having the forms notarized, in addition to retaining the option for having them signed by two qualified witnesses.

The primary reason for that change is that in many cases these forms are put off until their execution is urgent and many of the available possible witnesses an individual may interact with at that time have various health care roles and are not permitted to witness these forms. In some cases that can make it difficult for someone to execute documents in a timely manner. It can be much easier to arrange a notary than two qualified witnesses in these circumstances.

Because many individuals may have similar difficulties with the *Declaration for Mental Health Treatment* and the *Appointment of Person to Make Decisions Concerning Dispossession of Remains*, and because many of these forms may be planned and executed together with the *Advance Directive for Health Care*, there is value in having consistent witnessing and notarization requirements.

Thank you for your consideration of HB 2329. I am happy to answer any questions.