

## SB 1188 -1 STAFF MEASURE SUMMARY

### Senate Committee On Health Care

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**Prepared By:** Daniel Dietz, LPRO Analyst

**Meeting Dates:** 4/1, 4/3

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#### WHAT THE MEASURE DOES:

Directs the Oregon Public Guardian and Conservator (“OPG”) to establish a grant program for community-based and county public guardian programs to serve people with complex care needs who are being discharged from hospitals. Provides additional grant funding for friends or relatives who are willing to serve as guardian but lack resources to initiate proceedings.

#### Detailed Summary:

##### Community-based programs

- Requires grant recipients to be certified for the Center for Guardianship Certification.
- Requires the program to follow standards and ethical principles established by OPG.

##### Friends or relatives

- Allows OPG to contract with local attorneys to provide legal assistance with initiating a protective proceeding.
- Requires a person nominated to serve as guardian complete a lay guardian glass and to agree to OPG standards

##### Funding and Effective Date

- Establishes the Community Guardianship Grant Fund in the State Treasury and appropriates funds to carry out the measure.
- Declares emergency, effective on passage.

*Fiscal impact: May have fiscal impact but no statement yet issued.*

*Revenue impact: May have revenue impact but no statement yet issued.*

#### ISSUES DISCUSSED:

#### EFFECT OF AMENDMENT:

-1 Specifies that the Oregon Public Guardian and Conservator may use grant funds to pay reasonable attorney fees for legal assistance with initiating a protective proceeding.

#### BACKGROUND:

Guardianship is a legal process by which a court appoints a friend, family member, or professional who is willing to serve as guardian, to make decisions on behalf of individuals who lack capacity. The process of becoming a legal guardian includes filing fees and court appearances. Even when a friend or family member is available to serve as a guardian, they may need training and financial support for legal costs.

The Joint Task force on Hospital Discharge Challenges, in its [final report](#), identified lack of available guardians as a barrier to placement in an appropriate setting for people with complex care needs. The Task Force recommended that OPG, in consultation with community partners, develop a proposed approach to provide grants to community-based organizations to deliver guardianship services following established guardianship standards, with the additional resources needed to perform audits. Specifically, the Task force recommended that OPG seek resources and authority from the Legislative Assembly to administer grants for community-based guardianship services for legal costs (attorney fees, filing costs) and training for friends and family to serve as guardians.

Senate Bill 1188 directs the Oregon Public Guardian to administer grants to community-based and for resources for friends or relatives who are willing to serve as guardians.

PRELIMINARY