

## DUTIES OF A GUARDIAN

A guardian is appointed to be responsible for, and to promote and protect the well-being of, a protected person. Oregon law imposes civil and criminal penalties for financial or physical abuse of a protected person. This document summarizes your duties as a guardian for a person for whom a protective order has been issued.

In certain counties, non-professional guardians are required to attend a training course. You must register for this training by \_\_\_\_\_, no later than 15 days (some counties allow 20 days) following your appointment as a guardian. You can register for the class online at [www.guardian-partners.org](http://www.guardian-partners.org), or by telephone at (971) 409-1358. The training must be completed by \_\_\_\_\_, no later than 60 days (some counties allow 90 days) following your appointment as a guardian. If you have any questions about specific rights or duties involved in the guardianship, please ask an attorney.

The following list describes the general duties and responsibilities of a guardian after appointment by the court:

1. Review the Limited Judgment appointing you for specifics on your authority and limitations as guardian.
2. As of January 1, 2020, you must send notice of your appointment as guardian to the protected person and the required notice parties. This notice must include your date of appointment, a description of your authority and limitations as well as a statement advising recipients that the protected person has the right to seek removal of the guardian and/or termination of the guardianship. Within 30 days of your appointment you must file a proof of service of this notice with the court.
  - a. The notice provided to the protected person under this subsection must be delivered in person in a manner reasonably calculated to be understood by the protected person.
  - b. When delivering the notice to the protected person under this subsection, the guardian shall offer to also provide the notice to the protected person orally. If the protected person requests oral notice in response to the offer or otherwise, the guardian shall provide oral notice.
  - c. In providing notice to the protected person under this paragraph, the guardian shall provide reasonable accommodations for effective communication as necessary.
3. Take custody of the protected person, which entails an element of control over the activities of that person, including, for instance, determining where the person lives.
4. Provide for the safety, care, comfort, maintenance, and, if necessary, the training and education of the protected person.
5. Take reasonable care of the protected person's clothing, furniture, and personal effects.
6. When appropriate, make health care decisions on behalf of the protected person, always seeking to carry out the known wishes of the protected person. If those wishes are not known, then seek to act in the best interests of the protected person.
7. When appropriate, make funeral and burial arrangements in advance, and control disposition of the remains of the protected person, if the protected person dies and has not nominated someone else to do this. (Advance payment of funeral expenses is very important if the protected person's long-term health care costs are paid for by the Medicaid program.) Alternatively, speak to your attorney about whether to establish a

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savings account for an appropriate amount for payment of these expenses. Determine whether the protected person is a registered organ donor.

8. If a conservator has been appointed for the protected person, work with the appointed conservator to see that the protected person has adequate funds to provide for the protected person's support, care, and education.
9. File an annual report to the court, due each year 30 days after the anniversary of your appointment as guardian. The first report is due \_\_\_\_\_. Mark your calendar for each anniversary. Send a copy of the report to the protected person. Be aware that the form for the Guardian's Report changed as of January 1, 2020, so it is important that you use a current form.
10. Court approval is required before payment can be made from the protected person's funds to you as guardian, or your attorney. See ORS 125.095 and ORS 125.098.
11. Court approval is required before payment can be made from the protected person's funds for any room and board provided to the protected person by you, your spouse, your parent, or your child.
12. You must file a statement with the court before changing a protected person's abode. Notice must be provided 15 days in advance of the change. If 15-day notice is not provided, the notice must state why advance notice was not possible. If the move must occur in less than 15 days to protect the immediate health, welfare, or safety of the protected person or others, notice must be filed or served no later than two judicial days after the move. If the protected person is to be placed in a mental health treatment facility, [Disability Rights Oregon](#) (DRO) must be notified. If the protected person is to be placed in a long-term care facility, the [Office of the Long-Term Care Ombudsman](#) (LTCO) must be notified.
13. Beginning January 1, 2020, a guardian is not allowed to limit a protected person's contact with their preferred associations unless specifically allowed by a court or if necessary to avoid unreasonable harm to the protected person's health, safety or well-being.
14. Contact an attorney if the protected person has previously signed an Advance Directive and a conflict arises between you and a health care representative, or if a conflict arises between you and (other) family members about funeral arrangements, or disposition of the protected person's remains or anatomical gifts.

I HAVE READ THIS DOCUMENT PROVIDED BY MY ATTORNEY, AND I UNDERSTAND THAT I MUST FULFILL THESE DUTIES AS GUARDIAN.

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[Guardian]

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[Date]

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### **IMPORTANT NOTICES**

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