

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, all non-professional fiduciaries are required to attend a training course. You must register for this training by _____, no later than 15 days following your appointment as a guardian. You can register for the class online at www.guardian-partners.org, or by telephone at (971) 409-1358. The training must be completed by _____, no later than 60 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. 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.
2. Provide for the safety, care, comfort, maintenance, and, if necessary, the training and education of the protected person.
3. Take reasonable care of the protected person's clothing, furniture, and personal effects.
4. 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.
5. Make funeral and burial arrangements in advance, and control disposition of the remains of the protected person, if the protected person dies. (Advance payment of funeral expenses is very important if the protected person's long-term health care costs may be paid for by the Medicaid program. Alternatively, establish a savings account for an appropriate amount in the protected person's name, and mark on the face of the account book "Dedicated to funeral services" or the like.) Determine whether the protected person is a registered organ donor.
6. 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.
7. Make 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.
8. Court approval is required before payment can be made to you as guardian, or your attorney. See ORS 125.095 and ORS 125.098.
9. Court approval is required before payment can be made from the protected person's funds for any room and board provided by the guardian, guardian's spouse, parent, or child.

10. Effective January 1, 2018, a guardian must file a statement with the court before changing a protected person's placement. Notice must be provided 15 days in advance of the placement change. If advance 15-day notice is not provided, the notice must state why advance notice was not possible. If placement 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.
11. Contact an attorney if a conflict arises between you and a health care representative under an Oregon medical advance directive about health care decisions, 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.

[Guardian]

[Date]

IMPORTANT NOTICES

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