

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY

1401-00000

In the Matter of :

Mandatory Training for Non-
professional Fiduciaries appointed
under ORS Chapter 125

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Order No:
Presiding Judge's Order

The Court finds that ORS 125.025 provides the Court with authority to confirm the proper performance of duties by fiduciaries appointed under ORS Chapter 125.

The Court finds further that while there are now certification and training requirements for Professional Fiduciaries, there are is no systematic, uniform method of conveying the extent and import of fiduciary duties to non-professional fiduciaries. Non-professional fiduciaries frequently are before the Court for deficiencies in their performance.

The Court finds further that due to the changing demographics it is anticipated that the number of cases filed within the Probate Department will increase dramatically in the coming years. It is incumbent upon this Court to develop programs which can utilize all available resources to meet the needs of that increase as well as to ensure that persons depending upon fiduciaries for their care, welfare and asset management have fiduciaries who are well informed regarding their role as fiduciaries and the requirement of Oregon law.

NOW THEREFORE IT IS ORDERED that Non-Professional Fiduciary Education And Training Program set out in the attached Exhibit to this order shall apply to any guardianship and or conservatorship case filed on or after July 15, 2014 and to any such cases filed prior to that date if the cases is deficient either by audit or by citation.

IT IS FURTHER ORDERED that the Non-professional Fiduciary Education and Training Program shall include as a part of its curriculum the following:

1. A guide to the applicable Oregon statutes including definitions explaining the role of fiduciaries and their responsibilities to the protected person and to the Court;
2. An overview of guardian and conservator decision-making and ethics;
3. A general guide to what actions guardians and conservators can or cannot take without court approval which shall include specific resources in the community;
4. Checklists for specific duties, timelines, how to make medical and care decisions within client values and desires, how to marshal and protect assets, manage income, and property, use of attorneys, court expectations and working with advocates and care team members to maximize the care of the protected person.

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NON-PROFESSIONAL FIDUCIARY EDUCATION AND TRAINING PROGRAM
Effective as of July 15, 2014 by Presiding Judge Order

- (1) The following court appointed non-professional fiduciaries are subject to this training requirement:
 - (a) Any guardian or conservator appointed pursuant to ORS Chapter 125 on or after the effective date of the Rule.
 - (b) Any non-professional fiduciary cited for a deficiency in the handling of fiduciary duties pursuant to the show cause process.

- (2) All non-professional fiduciaries involved in a case described under (1) above, shall:
 - (a) Successfully complete an education class for non-professional fiduciaries with a curriculum as prescribed by the Presiding Judge of Multnomah County within 60 days of appointment as a fiduciary by the Court; and,
 - (b) Register for the program no later than fifteen (15) days of appointment as a fiduciary by the Court.

- (3) A professional fiduciary, for purposes of this Rule, is defined in ORS 125.240(5). Professional fiduciaries are exempt from this Order.

- (4) The Court will send notice and instructions of this training requirement to the non-professional fiduciary at the time of appointment as guardian or conservator.

- (5) Fees for the court-required class shall be considered a cost of administration of the protective proceeding, estate or trust. The fee for the court-required class may be waived or deferred in the Court's discretion, in keeping with the Court's policy on fee waiver and deferrals.

- (6) Upon successful completion of the court-required class, the non-professional fiduciary shall file a certificate of completion with the Probate Department stating the date and time the class was taken as well as the provider of the class.

- (7) Upon a showing of good cause, a non-professional fiduciary may request a waiver of this training requirement. The request must be made by motion, supported by affidavit, and filed within fifteen (15) days of receipt of notice of the training requirement.

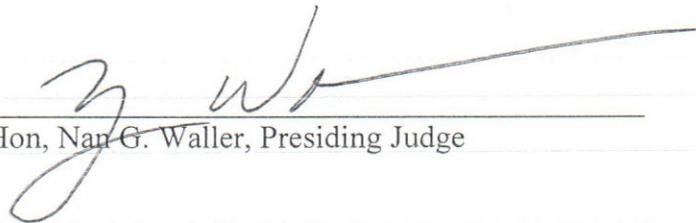
- (8) The Court may, in its discretion, require a non-professional fiduciary to retake the class.

- (9) Failure to timely comply with this training requirement may result in removal of the non-professional fiduciary by the Court.

The Non-professional Fiduciary Education and Training Program requirement shall be specific to Oregon Law and may be completed in person or in a Webinar format from a provider approved by the Court.

IT IS FURTHER ORDERED this order is supplanted and rescinded upon the effective date of the draft Fourth Judicial District Supplementary Local Rule 9.076, which implements by rule an education program for all non- professional fiduciaries in any proceeding before the Probate Court.

Signed this 17th day of July, 2014,



Hon. Nan G. Waller, Presiding Judge

Attachment: Non-Professional Fiduciary Education And Training Program Requirement



CERTIFIED TO BE A TRUE COPY
OF THE ORIGINAL.

DATED: 7/18/14

[Signature]
CLERK OF THE COURT

ORDER Implementing Mandatory Training for Non-professional Fiduciaries appointed under
ORS Chapter 125