

Guardianship

- Court order
- Manage personal affairs – health and wellbeing
- Initiated after incapacity by an interested person

Downsides to Guardianship

- Expensive and Time Consuming
- Monitored by the court – required reporting each year
- Public information
- Limited duties as outlined in the court documents. Need to get permission to place.

Guardianship Necessary When

- They have advanced dementia and decisions need to be made
- Drug or alcohol abuse
- Living in an unsafe environment and is refusing necessary care
 - Abusive
 - Self neglect
 - Unable to manage medications

Alternatives to Guardianship

- Paying close attention in a person's day to day.
- Hiring a care manager or social worker to help with day to day.
- Agreement by the person to hire help in their day-to-day decisions and care.
- Declaration of Mental Health
- Advance Directive for health care decisions.

Conservatorship

- Appoints a person to make financial decisions on behalf of an incapacitated person.
- May be limited or expanded depending on incapacitated person's needs.

Downsides to Conservatorship

- Expensive
- Public information

Alternative to Conservatorship

- Power of Attorney
- Revocable living trust
- Special Needs Trust
- Joint bank accounts
- Hiring a bookkeeper, accountant
- Daily Money Manager (private or public)

Conservatorship Necessary If

- Incapacitated and wasting assets or incapable of handling finances.
- A person is overdrawing bank accounts, failing to pay bills, or misplacing or losing money or property.
- Real property needs to be sold or financed to pay for care.

Cost for Guardianship and Conservatorship

Expensive

\$2000+

Ongoing annual reporting

Bond (conservatorship)

Emergency Order

3-4 day

Immediate and serious danger to life or health of person

Timeline:

- File petition with the court
- Provide notice to person and interested parties
- Two days to object
- Court appearance
- Bond
- Appointment for 30 days

Standard Order (1-2 months)

- Determine who will act as conservator/guardian
 - Family member
 - Can that person be bonded
 - Do they understand the roles
 - Will there be a lot of conflict over one person doing it
 - Professional
 - Interview a few people and find one that fits your family well
- File petition with the court
- Personally serve the person to be protected
- Send notices to interested people
 - Adult Children
 - Spouse / cohabitating person
 - parent
 - State of Oregon
 - Representative payee
- Wait 15 days for objection
 - Guardianship – a court visitor makes a report
 - Conservatorship – secure a bond
- If there is an objection, a hearing or mediation will be scheduled
- If no objection, apply for a judgment