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## MARION COUNTY CIRCUIT COURT

### POLICIES AND PROCEDURES FOR IMPLEMENTATION OF THE UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT SB 238 (ORS 125.800 et seq.)

April 2, 2010

This document describes the policies and procedures that will be used by the Marion County Circuit Court in implementing this new act.

- In order to ensure that a transfer or registration out of state does not occur without this court's knowledge, new limited judgments appointing guardians or conservators shall contain the following provisions:
  - In a conservatorship: "This court's judgment shall not be registered in any other state or transferred to any other state without an order of this court approving such registration or transfer."
  - In a guardianship or combined proceeding: "The guardian may not cause or permit the protected person to reside outside of the state of Oregon without further order of this court. This provision does not prohibit travel for vacation or visits to family and friends. This court's judgment shall not be registered in any other state or transferred to any other state without an order of this court approving such registration or transfer"
- If the court receives notice of intent to register an existing Marion County Circuit Court judgment in another state, the file will be routed to a judge for review. If a judge has been previously assigned on the case, it will go to that judge. If it has not been previously assigned it will go to Judge Burton, and she may assign it to another judge.
- If a court in another jurisdiction requests to confer with the Marion County Circuit Court, the request will be directed to the assigned judge if it involves a case that has previously been assigned. Otherwise, it will be directed to Judge Burton and she may assign it to another judge.
- This court will not accept any registrations of foreign protective proceeding judgments without proof that the registrant gave the foreign court notice of his/her intent to do so, as required by ORS 125.842 and ORS 125.845. This should be by affidavit or proof of service. The usual \$41 fee for registration of a foreign judgment will apply.
- Once a foreign judgment is registered here, if the registrant seeks further orders of this court pursuant to ORS 125.847(2), further filing fees will

apply. The usual filing fee for whatever petition or motion is filed seeking further relief will be charged.

- Requests to transfer a Marion County protective proceeding to another state or to transfer an out-of-state protective proceeding here pursuant to ORS 125.837 and 125.840 shall be reviewed by Judge Burton or she may assign the case to another judge for review. The judge will make the determination what, if any additional information to request from petitioner; whether to request a conference with the court in the other state, and whether to schedule a hearing. If it is a transfer out pursuant to ORS 125.837, the petition for authorization would be filed in our existing case. If it is a transfer in pursuant to ORS 125.840, the petition for us to accept the transfer would start a new case. If the transfer is granted and we accept the case, that file would then become a Marion County guardianship or conservatorship, with the usual accountings, reports etc.