

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

In the Matter of: )  
 )  
**Visitor Qualifications, Standards,** ) **PRESIDING JUDGE ORDER**  
**And Compensation** ) **2021-12**  
 )  
\_\_\_\_\_ )

Pursuant to the provisions of ORS 125.165 and ORS 125.170(2) and the Court finding that for the efficient disposition of court business and the convenience of parties in protective proceedings,

IT IS HEREBY ORDERED that anyone approved as a visitor in Clackamas County shall:

- 1) Have at least one of the following licenses in good standing required for employment in the following fields: a Licensed Professional Counselor, a Licensed Clinical Social Worker, or a Registered Nurse; and/or a postgraduate degree in social work, mental health, or medical fields; and/or a Juris Doctor degree accompanied by extensive experience working with protective proceedings. While on the approved visitor list, visitors shall maintain any professional licenses or certifications in good standing and shall immediately notify the Court of any change in status, including investigations by the authority issuing the license/certification.
- 2) Have at least two years of relevant experience in the range of case types which arise under ORS Chapter 125, which may include experience in mental health, developmental disabilities, and/or geriatrics.
- 3) Complete the Fiduciary Training required for non-professional fiduciaries by SLR 9.076 and a training regarding identification and reporting of abuse of elders, vulnerable adults, and children.
- 4) Demonstrate a working knowledge and proficiency with the Oregon statutory criteria for Protective Proceedings as outlined in ORS Chapter 125 as well as the Uniform Trial Court Rules and Clackamas County Supplemental Local Rules governing Protective Proceedings.
- 5) Conduct interviews of all persons deemed by the visitor to have relevant information; review all records relevant to the respondent to the extent such records are available; comply with ORS 125.150; provide, within the statutory timeline, a report to the Court in compliance with ORS 125.155(2) in the form prescribed by the Court, and be present at any hearing on objections to the appointment of a fiduciary as required by ORS 125.155(5).

IT IS FURTHER ORDERED that the Court shall retain authority as follows:

- 1) The Presiding Judge or designee shall have the sole and absolute authority to appoint or remove a person from the court approved visitor list.
- 2) The Presiding Judge or designee shall determine whether or not a proposed visitor's qualifications are sufficient.
- 3) This Court shall have authority to limit the number of persons placed upon the approved visitor list. However, upon petition or motion of a party, a qualified person may be appointed by the Court to act as a Court visitor in a specific proceeding. If circumstances warrant appointment of a special visitor, such determination will be made at the sole discretion of the Presiding Judge or designee.
- 4) Court visitors shall be subject to periodic review by the Presiding Judge or designee, but the said review shall be no less than once per year.
- 5) Pursuant to ORS 125.170 for cases filed on or after July 1, 2019, the visitor fees, tendered by the petitioners or the protected person at the time of filing, shall be set per case as follows:
  - a. \$400 for a Temporary Guardianship
  - b. \$550 for an Indefinite Guardianship
  - c. \$150 for an Indefinite Guardianship when a Temporary Guardianship is already filed (within one calendar year for a total fee of \$550)
  - d. \$550 for a Temporary and Indefinite Guardianship (when filed contemporaneously)
- 6) Unless a specific superseding order provides otherwise, the flat visitor fee shall increase at five-year intervals, with the first year counted being the year the flat fee was last increased, and the next increase occurring automatically on January 1st of the fifth year that follows. The increase is based on the average cost-of-living increases and average corresponding visitor fee increases in past years. The increase increments shall be:
  - a. \$50 additional for a Temporary Guardianship
  - b. \$70 additional for an Indefinite Guardianship
  - c. \$20 additional for an Indefinite Guardianship when a Temporary Guardianship is already filed (within one calendar year)
  - d. \$70 additional for a Temporary and Indefinite Guardianship (when filed contemporaneously)
- 7) In the event funds are available under ORS 125.170(3), indigent parties may seek deferral or waiver of visitor fees by applying at the time of filing the petition. The fee deferral/waiver application, declaration, and order must be submitted to the Clackamas County Circuit Court in accordance with SLR 2.025.

- a. A petitioner who obtained a deferral or waiver of visitor fees must immediately provide a copy of the court order granting the waiver or deferral to the visitor.
  - b. In the event funds are available under ORS 125.170(3) and a fee deferral or waiver has been granted by the court, the visitor shall be reimbursed after completion of the visitor report, after appearance at an objection hearing if required, and submission of a request for payment to the Trial Court Administrator for Clackamas County Circuit Court.
- 8) Upon petition to the Court by the visitor, further compensation as is just and reasonable may be allowed by the Court for any extraordinary investigation and/or atypical amount of time required of the visitor upon completion of duties. Requests for excess fees are relatively rare, and evidence of visitors serving unexpectedly long hours without pay in the pursuit of justice for parties in protective proceedings is manifold. When requesting extraordinary compensation, a visitor shall file a motion, affidavit, and order to be approved by a probate judge.
- a. As part of extraordinary expenses, an additional request for a visitor as ordered by the court, may be compensated at a rate of \$65 per hour.
- 9) General Order 2019-(3) is hereby vacated by this order.

IT IS SO ORDERED this 30 day of June, 2021.



Kathie F. Steele  
Clackamas County Circuit Court  
Presiding Judge