



IN THE SIXTH JUDICIAL DISTRICT OF THE STATE OF OREGON
CIRCUIT COURTS OF
UMATILLA AND MORROW COUNTIES

In the Matter of Mandatory Training for
Non-Professional Fiduciaries Appointed
Under ORS Chapters 125 and 113

No. 24-007 (Amendment 1)

PRESIDING JUDGE ORDER RE:

MANDATORY TRAINING FOR NON-
PROFESSIONAL FIDUCIARIES

The Court finds that ORS 125.025 provides the Court with the authority to determine conditions or requirements to ensure the proper performance of the duties of a fiduciary appointed under the provisions of Chapter 125 and 113.

The Court finds that ORS 113.085 provides the Court with the authority to appoint a qualified person to act as a personal representative and to determine the requirements to ensure the proper performance of duties to the appointed personal representative under petitions filed pursuant to ORS 113.035.

The Court further finds that while professional fiduciaries, as described by ORS 125.240, are subject to certification and training requirements, there is no systematic, uniform method of conveying the extent and importance of fiduciary duty to non-professional fiduciaries. Non-professional fiduciaries are frequently called before the Court for deficiency in the performance of their appointed duties.

The Court further finds that it is incumbent upon this Court to develop programs utilizing available resources to ensure that persons dependent on others for their care, welfare, and asset management have appointed fiduciaries who are well-prepared as to their duties under Oregon Law.

1 NOW THEREFORE IT IS SO ORDERED that the Non-Professional Fiduciary
2 Education and Training Program set out in the 6th Judicial District (Umatilla County and
Morrow County) is as follows:

- 3 1) The following court appointed non-professional fiduciaries are subject to this
4 rule:
 - 5 a) Any guardian or conservator appointed pursuant to ORS Chapter 125 on or
6 after the effective date of this Presiding Judge Order.
 - 7 b) Any personal representative appointed pursuant to ORS Chapter 113 on or
8 after the effective date of this Presiding Judge Order.
 - 9 c) Any trustee appointed pursuant to ORS Chapter 130 on or after the effective
10 date of this Presiding Judge Order
 - 11 d) Any non-professional fiduciary cited for a deficiency in the handling of
12 fiduciary duties pursuant to the show cause process.
- 13 2) All non-professional fiduciaries involved in a case described under subsection (1)
14 above, shall:
 - 15 a) Successfully complete an education class for non-professional fiduciaries with
16 a curriculum prescribed by the Presiding Judge of the Sixth Judicial District
17 (Umatilla and Morrow County) within 90 days of appointment as fiduciary by
18 the Court; and
 - 19 b) Register for the program no later than fifteen (15) days from appointment as
20 fiduciary by the Court.
- 21 3) A professional fiduciary, for purposes of this Rule is defined in ORS 125.240(5).
22 Professional fiduciaries are exempt from this Rule.
- 23 4) The Court will send notice and instructions of this requirement to the non-
24 professional fiduciary at the time of appointment as guardian, conservator, or
25 personal representative. The attorney representing the trustee shall provide
26 notice and instruction to the trustee of this requirement.
- 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 of 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 showing of good cause, a non-professional fiduciary may request a waiver
of the requirements of this Rule. The request must be made by motion, supported
by affidavit, and filed within fifteen (15) days of receipt of notice.

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

3 9) Failure to timely comply with this Rule may result in removal of the non-
4 professional fiduciary by the court.

5 IT IS FURTHER ORDERED that the Non-Professional Fiduciary Education and Training
6 Program shall include, as part of its curriculum, the following:

7 1) A guide to applicable Oregon Statutes, including the definitions explaining the
8 role of the fiduciary and the fiduciary's responsibilities to the protected person
9 and to the Court.

10 2) An overview of guardian and conservator decision-making ethics.

11 3) A general guide to what actions guardians and conservators can or cannot take
12 without court approval, which shall include specific resources in the community.

13 4) Checklists for specific duties and timelines.

14 5) Guidance and information on how to make medical care decisions within the
15 protected person's values and desires, how to marshal and protect assets, manage
16 income and property, the use of attorneys in protective proceedings, court
17 expectations, and working with advocates and care team members to maximize
18 the care of the protected person.

19 The Non-Professional Fiduciary Education and Training Program requirement shall be
20 specific to Oregon Law and may be completed in person or in a remote access/webinar
21 format from a provider approved by the court.

22 DATED this 1 day of August, 2024.

23 
24 Daniel J. Hill, Circuit Court Judge

25 DANIEL J. HILL

26 Presiding Judge