

What is a conservator?

In Oregon, a conservator is appointed by a judge to manage the financial affairs and property of someone who is not able to do so alone. A conservator can be an individual, a public official, or an institution. The person for whom a conservator is appointed is called a "protected person."

What does a conservator do?

Administers the financial estate of a protected person according to provisions of Oregon Revised Statutes, Title 13, Chapter 125 as follows:

- ⇒ Gains possession of income and certain assets and has control over the property.
- ⇒ Establishes a personal budget and pays for care, personal needs, dependent support, property maintenance, etc., according to that budget.
- ⇒ Applies for all benefits for which the protected person may be eligible.
- ⇒ Invests or otherwise conserves unused funds.
- ⇒ Submits an accounting of financial activities to the court, U.S. Department of Veterans Affairs (*USDVA*), protected person, and others as required by law.

When is a conservator needed?

When an individual has a substantial amount of income, assets or property, and one or more of the following circumstances exists:

- ⇒ An individual is unable to manage his or her finances well enough to provide for adequate care for herself or himself. (*Causes for this inability may include: mental illness or deficiency, physical illness or disability, chronic use of drugs or controlled substances, disappearance or confinement, chronic intoxication, and minority.*)
- ⇒ An individual is using income and assets to his or her own detriment.
- ⇒ An individual is being taken advantage of financially by another person.

How is a conservatorship started?

A petition asking for the appointment of a conservator may be submitted to a court by anyone interested in the estate, affairs, or welfare of the person.

- ⇒ This includes parents, guardian, custodian, or any person who would be adversely affected by lack of effective management of the property or affairs.

The court appoints a conservator and the order remains in effect until the person's condition improves, majority is reached, or until death.

What is the ODVA conservatorship program?

Oregon law (*ORS 406.050*) gives the Director of the Oregon Department of Veterans' Affairs (*ODVA*) the authority to act, without bond, as conservator of the estate of a person who qualifies for benefits from the *USDVA*.

This program serves veterans, their immediate family members, surviving spouses of veterans, minor children and helpless adult children of veterans, and dependent parents.

Who is eligible?

A person is eligible for consideration for the *ODVA* conservatorship program if he or she is eligible for benefits from the *USDVA*, or is a dependent or survivor of an eligible person.

- ⇒ These benefits may include such items as: pension, compensation, government insurance, medical care, educational assistance, and any other veterans' or dependents' benefits.

What fees are charged?

A fee of 5% of the income may be charged for ordinary conservatorship services.

- ⇒ Additional fees may be charged for any unusual services provided.
- ⇒ Fees may also be waived in individual cases, if the circumstances warrant such action.

Why is the ODVA program good for veterans?

ODVA employees have a thorough knowledge of *USDVA* laws and regulations and are well informed about Social Security and any other benefits available to disabled persons and their dependents.

ODVA has developed an extensive reference and resource network of materials and contact persons with information about *USDVA* benefits, Social Security, Medicare, public assistance, special senior citizen, disabled and low income programs, etc.

- ⇒ All possible income sources, for which the protected person may be eligible, are investigated.

⇒ *ODVA* works closely with interested family members when planning for the welfare and best interest of the protected person.

- ⇒ Volunteer and public service agencies are used as local resources whenever possible.

The Director is willing to serve as conservator where an estate is small or where there may be social difficulties involved. (*Often banks and other professional conservators decline to serve in these instances.*)

How much control over the person's life does the conservator have?

A conservator has the responsibility for the financial affairs of the protected person's estate in meeting today's needs, as well as planning for and anticipating future financial needs.

A conservator is not directly responsible for the personal affairs of the protected person, although the income and assets available may limit the individual's lifestyle.

How can I find out about the program?

Questions and information regarding persons presently under conservatorship should be addressed to:

DIRECTOR OF ODVA
CONSERVATORSHIP SECTION
700 SUMMER STREET NE
SALEM OR 97301-1289

Telephone — 503-373-2085
Toll Free — 1-800-692-9666
TDD — 503-373-2217

MANAGER
Kathy Andreas

Who do I contact if I think someone needs a conservator?

Inquiries about pending conservatorship cases, or reports about a USDVA beneficiary who is unable to properly manage his or her own financial affairs, should be made to:

FIDUCIARY UNIT
USDVA REGIONAL OFFICE
FEDERAL BUILDING
1220 SOUTHWEST THIRD AVENUE
PORTLAND, OR 97204-2820

Telephone — 503-412-4601

IMPORTANT NOTICE

This information is based on applicable federal and state laws, administrative rules, and policies and procedures of ODVA. The conditions and requirements described are current at the time of printing, but subject to change. If such change should take place after the pamphlet is printed the statements in the pamphlet are not binding on ODVA.

The Oregon Department of Veterans' Affairs (ODVA) intends to comply with the Americans with Disabilities Act (*The ADA*), PL101-336. The ADA provides that no qualified person with a disability shall be kept from participation in (*or be denied a benefit of*) the services, programs, or activities of ODVA because of that disability. For additional information or how to file a complaint, please contact ODVA's ADA coordinator.

ADA Coordinator503-373-2380



This information is also available in alternate formats, upon request.

CONSERVATORSHIP

FOR

VETERANS

AND

DEPENDENTS

Administered By



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