

Information Memorandum Transmittal Vocational Rehabilitation



Matthew Baldwin, Policy and Training Manager

Authorized signature

Number: VR-IM 17-07

Issue date: 12/14/2017

Topic: Other

Due date: 12/14/2017

Subject: : Letter of Guardianship and Limited Judgment Order

Applies to (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> All DHS employees | <input type="checkbox"/> County Mental Health Directors |
| <input type="checkbox"/> Area Agencies on Aging: {Select type} | <input type="checkbox"/> Health Services |
| <input type="checkbox"/> Aging and People with Disabilities | <input type="checkbox"/> Office of Developmental Disabilities Services (ODDS) |
| <input type="checkbox"/> Self Sufficiency Programs | <input type="checkbox"/> ODDS Children's Intensive In Home Services |
| <input type="checkbox"/> County DD program managers | <input type="checkbox"/> Stabilization and Crisis Unit (SACU) |
| <input type="checkbox"/> ODDS Children's Residential Services | <input checked="" type="checkbox"/> Other (<i>please specify</i>): Vocational Rehabilitation - All Staff |
| <input type="checkbox"/> Child Welfare Programs | |

Message: Adult Participants under Guardianship

Definition: "Adult" means a person 18 years or older.

The adult participant (i.e., the 'protected person') under guardianship retains legal and civil rights, including the right to sign VR documents unless the limited judgment order specifically assigns that right to the guardian. **The adult participant must sign all required VR documents. The guardian's signature is not required unless specifically authorized by the limited judgment order.**

The adult participant or the guardian will provide copies of both the Letter of Guardianship and Limited Judgment Order to VR. These documents are public record. If copies are not available at application, VR will assume the adult participant retains the right to sign all VR documents necessary to initiate the eligibility process. The adult participant retains all rights throughout the VR process unless and until the letter of guardianship and limited judgment order are provided to VR.

The VR Counselor will review the Letter of Guardianship and Limited Judgment Order to determine the scope of guardianship.

The guardian typically has power and duties in three primary areas: residential placement, health care, and general care and comfort.

Specific VR services may fall within the powers and duties of the guardian's authority. The guardian must authorize those specific services, e.g., approval for mental health or medical assessments for the comprehensive needs assessment. The guardian must also sign the required VR document(s) for those specific services, e.g., signature on IPE if plan includes Mental/Physical Restoration services.

Disability Rights Oregon (DRO) is a resource available to support the adult participant (i.e., the 'protected person') if they are having a dispute with an appointed guardian who appears to be over-stepping their authority. Contact information for DRO is to be made available to adult participants in all VR field offices.

Requirement: All Field Staff will review this Information Memorandum Transmittal and each Oregon Revised Statutes (ORS) reference provided below. Upon completion of the review, field staff may request clarification on the content of this transmittal.

References: Definitions <https://www.oregonlaws.org/ors/125.005>, In General, <https://www.oregonlaws.org/ors/125.300>, Letter <https://www.oregonlaws.org/ors/125.310>, General powers and duties of guardian <https://www.oregonlaws.org/ors/125.315>

Reviewed by: SRC Policy Committee, Disability Rights Oregon and the Employment First Policy & Innovation Committee.

If you have any questions about this information, contact:

Contact(s): Maile Kuenzli and Chris Selz, Operations and Policy Analysts	
Phone:	Fax:
Email: VR.Policy@dhsosha.state.or.us	

Example: Limited judgement order

Verified Correct Copy of Original 12/30/2015

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

RECEIVED

SEP 14 2017

[REDACTED]

FILED
[REDACTED] COUNTY

2017 NOV 30 A 10:30

TRIAL COURT ADMIN

BY [Signature]

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF [REDACTED]

Probate Department

[REDACTED]

Petitioner,

Case No. [REDACTED]

v.

LIMITED JUDGMENT APPOINTING
GUARDIAN [REDACTED]

[REDACTED]

Respondent.

This matter came before the court upon the petition of [REDACTED] for the appointment of a guardian for [REDACTED]. It appears to the court from the records and files herein that:

1.

Venue for this protective proceeding is properly in this county, and no other court in this state has acquired jurisdiction over this proceeding;

2.

Notice of this protective proceeding has been given to the persons entitled to such notice under Oregon law; and

3.

The time for filing objections has expired and no objections have been filed.

4.

There is clear and convincing evidence that:

A. [REDACTED] Respondent, is incapacitated;

B. The appointment of a guardian is necessary to provide continuing care and supervision for Respondent;

C. Respondent is financially incapable;

1 - LIMITED JUDGMENT APPOINTING [REDACTED] GUARDIAN [REDACTED]

Example
COPY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

D. [redacted] and [redacted] are the most suitable persons to serve as guardian for [redacted] and [redacted] are qualified and have consented to act as Respondent's guardian.

NOW, THEREFORE, IT IS ORDERED THAT:

a. [redacted] are appointed as guardian for [redacted], to serve without bond. The protected person retains his legal and civil rights, except for those granted to the guardian by the court. To promote and protect the well-being of the protected person, the guardian shall have the following powers:

1. Medical and Health Care. The guardian may consent, refuse consent, withhold or withdraw consent to health care and to services for the protected person. The guardian will make health care decisions that are consistent with the protected person's desires and values to the extent reasonable and possible.

2. Residence and Placement. The guardian may establish the protected person's place of abode.

3. Finances. Pursuant to ORS 125.315(f) and 125.320(2), the guardian may receive money and personal property deliverable to the protected person and apply the money and property for support, care and education of the protected person. The guardian shall exercise care to conserve any excess for the protected person.

4. General Duties. The guardian shall arrange for the care, comfort, and maintenance of the protected person with each having full power and authority to act as guardian [redacted].

b. Letters of Guardianship, to which a copy of this limited judgment shall be attached, shall be issued to [redacted].

11/28/2011
Date

[Signature]
Circuit Court Judge

GUARDIAN:
[redacted]
[redacted]
OR 97
Phone [redacted]

RECEIVED
SEP 14 2017

SUBMITTED BY ATTORNEY FOR GUARDIAN:
[redacted]
[redacted]
I [redacted]
[redacted]
Phone [redacted]
Fax [redacted]
E-mail [redacted]

CERTIFIED TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL DOCUMENT
TRIAL COURT ADMINISTRATOR
[redacted] COUNTY, OREGON
BY *G. Gephone*
DATED *9.14.17*

Example
COPY

Letter of guardianship

The court shall issue letters of guardianship to the guardian after the filing of any acceptance of the appointment and bond that may be required. A copy of the order appointing the guardian must be attached to the letters of guardianship. Letters of guardianship must be in substantially the following form:

State of Oregon,)

) LETTERS OF

County of ___) GUARDIANSHIP

BY THESE LETTERS OF GUARDIANSHIP be informed:

That on ___ (month) ___(day), 2___, the _____ Court, ___ County, State of Oregon, appointed _____ (name of guardian) guardian for _____ (name of protected person) and that the named guardian has qualified and has the authority and duties of guardian for the named protected person as provided in the order appointing the guardian, a copy of which is attached to these letters.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed the seal of the court at my office on ___ (month) ___(day), 2___.

(Seal)

_____, Clerk of the Court

By _____, Deputy
