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Understanding Dementia In Legal Practice Types, Signs, and Shifting Capacity



By Dr. Amy Friday, Licensed Psychologist, OPAL Institute

Attorneys working with older clients are often among the first to observe subtle shifts in memory, communication, or reasoning. These changes may signal the onset of dementia, a condition that can raise questions about a client's ability to understand, decide, and act in their own best interests. Yet recognizing dementia—especially when symptoms fluctuate—can be challenging. This article offers a brief overview of common types of dementia, how they may appear in legal settings, and what attorneys should know about waxing and waning capacity.

What Is Dementia?

Dementia is not a specific disease but an umbrella term describing a decline in cognitive functioning severe enough to interfere with daily life and independence. It is not synonymous with normal aging,

though age is often a significant risk factor. In formal diagnosis, dementia is now referred to as Major Neurocognitive Disorder. This diagnosis requires significant cognitive decline in one or more domains, including complex attention, learning and memory, language, perceptual-motor functions, executive skills, and social cognition. The decline must impact independence in daily activities. A less severe version, in which individuals still maintain some independence despite cognitive impairment, is called Mild Neurocognitive Disorder.

A Brief Overview of Dementia Types

While “dementia” is a general term for conditions that affect memory and thinking, there are several distinct types that highlight the cause of dysfunction. Understanding

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these can help attorneys communicate more effectively with clients, families, and healthcare providers.

Alzheimer’s Disease is the most common form of dementia. It typically involves gradual memory loss, especially for recent events, along with word-finding problems, difficulty with higher-level tasks, and eventual changes in personality or judgment.

Vascular Dementia results from blood flow issues to the brain, often due to strokes or small vessel disease. Symptoms may arise suddenly or progress in a stepwise fashion. Common features include slowed thinking, poor attention, and impaired planning and organization.

Lewy Body Dementia (LBD) is marked by fluctuating cognition, vivid visual hallucinations, movement symptoms similar to Parkinson’s disease, and sometimes REM sleep behavior disorder. Clients may be alert and communicative one day and confused or disengaged the next.

Frontotemporal Dementia (FTD) typically presents with early changes in personality, behavior, or language. Clients may seem socially inappropriate, emotionally blunted, or struggle to express themselves—often before memory becomes an issue.

Mixed Dementia refers to cases in which more than one type of dementia is present, such as Alzheimer’s disease alongside vascular changes. This is increasingly recognized as common in older adults.

Implications for Legal Capacity

Legal capacity is task-specific and depends on the decision being made. For example, the capacity to sign a will is distinct from the capacity to manage finances, marry, or consent to medical treatment.

In Oregon, capacity is a legal determination guided by clinical input. Attorneys should:

- Look for documented diagnoses and recent cognitive assessments.
- Observe the client’s ability to understand and articulate the decision at hand.
- Be aware that some dementias (especially LBD and FTD) disproportionately affect insight.
- Consider fluctuations: a client may appear lucid at one meeting and confused at another.

Recognizing Waxing and Waning Capacity

Legal capacity is not a fixed trait; it can change over time and vary across situations. Certain types of dementia, particularly LBD and some vascular presentations, may cause noticeable fluctuations in a person’s ability to reason, recall, or express themselves. Other conditions—such as depression, anxiety, or delirium—can mimic or exacerbate dementia symptoms, underscoring the importance of comprehensive evaluation.

Attorneys may notice:

- Inconsistent ability to follow the conversation or retell key facts.
- Moments of clarity alternating with confusion, even within the same meeting.

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- Reliance on notes or prompts for basic information.
- Unusual passivity or uncharacteristic agitation.

These symptoms can be influenced by:

- Time of day (e.g., symptoms worsening in the evening, a phenomenon known as sundowning).
- Medical conditions such as urinary tract infections, dehydration, or pain.
- Medication side effects or interactions.
- Fatigue, anxiety, or environmental stress.
-

Importantly, a person with dementia may have the capacity to make some decisions but not others. For example, a client might competently express preferences about living arrangements but struggle to understand the implications of a complex financial trust.

When to Seek Medical Consultation

When cognitive concerns arise, a formal evaluation by a professional such as a neuropsychologist, geriatrician, or neurologist specializing in geriatrics can provide critical insight. Attorneys are not medically qualified to diagnose dementia, but they are qualified to determine legal capacity, and should use clinical input and resources to refer clients for further assessment. Confirming legal capacity in the face of cognitive decline protects both the client and the integrity of the legal process.

If a client’s capacity seems inconsistent or if family members express concern, it may be appropriate to:

- Suggest a medical or cognitive evaluation.
- Delay signing important documents until clarity can be confirmed.
- Consult with colleagues or the ethics board in times of uncertainty.

Conclusion

Recognizing dementia in legal settings requires attention, flexibility, and a basic understanding of how different types may present. Attorneys are not expected to diagnose cognitive disorders, but they play a key role in observing when something might be wrong. When capacity seems to fluctuate, or when symptoms raise concern, taking appropriate steps to involve healthcare providers is not only prudent—it is a critical part of ethical, client-centered legal practice for older adults. ♦

About The Author:

Dr. Amy Friday, Ph.D., is a licensed psychologist specializing in aging, cognition, and brain health. She brings over 20 years of experience conducting neuropsychological evaluations for older adults, with a focus on dementia, decision-making capacity, and quality of life. Dr. Friday is the founder of the OPAL Institute (Oregon Passionate Aging and Living), where she works with individuals and families to navigate aging with clarity, purpose, and dignity.

In addition to her clinical work, Dr. Friday is the creator of This Beautiful Brain, an online platform and YouTube channel dedicated to helping people understand the science of brain health and take meaningful steps to age well—specifically through the idea of improving their functional age (functioning younger than their biological age). Through her videos, writing, and educational programs, she translates complex neuroscience into practical, compassionate guidance for everyday life.

DEI Interview: Gabrielle Richards (Gabby)

Martin & Richards, PLLC

Interview completed by Anastasia Yu Meisner, Transcription by Gabe Borquez

Tell us a little bit about yourself and your practice.

“My current practice is a small, two-person firm. I left a big firm, Perkins Coie, around 2015 and joined my law partner, who was a solo practitioner with an existing practice. When I came on board, we expanded the scope of the practice areas a bit. These days, I handle all our guardianship and conservatorship matters and most of the probate and trust administration, while she focuses almost entirely on estate planning. We’ve kind of split things up that way because it plays to our strengths—she prefers estate planning, and I really enjoy the guardianship and conservatorship work.

We’re both licensed in Oregon and Washington. I was licensed in Oregon first and later added Washington, while she did the opposite—she started in Washington and then became licensed in Oregon. Having dual licensure has been helpful.

We don’t have a brick-and-mortar office and never have. When I joined forces with her, the practice was already pretty much virtual, and I didn’t see any reason to change that. Most of my client interactions are by Zoom, phone, or email, and she does the same, though she’ll also meet clients in person if they’re at home or in assisted living facilities. This approach saves a lot on overhead and allows us to focus on client service and keep our rates lower. We really enjoy it—it’s a great little practice and a much better fit than the big firm life. I enjoyed the people I worked with, though very few are still at the firm now. Ultimately, though, I didn’t care for the pace or the demands—the hours were brutal, and I could see it wearing me down over time. I also wasn’t drawn to the practice area itself. I’ve always preferred more



Photo Courtesy of Martin & Richards, PLLC. Website

direct client contact and being in court. Even though I’d been a summer associate and had a taste of the environment, it just didn’t meet my professional needs.”

What was your practice area at Perkins? Were you in the Portland office or primarily out of Seattle?

“Commercial litigation. I did a little bit of product liability work out of the Seattle office because I have a master’s degree in aeronautical science. When I joined, my hope was that I’d get to do more products work with the aviation group up in Seattle. But it’s a tough group to break into for a lot of different reasons, and it just didn’t work out the way I’d hoped. Instead, I ended up doing more commercial litigation and contract matters, which really didn’t meet my professional needs.”

With your litigation skills, do you tend to do quite a bit of contested work in the protective proceeding realm?

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DEI Interview: Gabrielle Richards (Gabby)

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“No, I don’t. I primarily represent professional fiduciaries and occasionally some laypersons in guardianships and conservatorships, but I’ve really steered away from contested matters. I don’t do much petitioning either—just a little bit.

There are a lot of reasons for that. Contested litigation, whether in probate or guardianship and conservatorship, takes up so much time that it limits what other work I can handle. It also tends to tie me to the office more than I’d like. Over time, I’ve found I prefer the flexibility—my partner and I like to travel, go camping, and be away from the office. Even when we’re on the road in the RV, we still do quite a bit of work, but litigation just makes it harder to maintain that lifestyle and adds a lot of stress.

So these days, I only take very selectively contested cases. If I’m vetting a new client and it looks like the matter is likely to become contested, I usually refer it out. And if a case I’ve already taken on turns contested, I’ll typically pass it along as well.”

What’s a typical day for you? And it doesn’t have to be limited to work—we’d just like to get a sense of what practice and life look like for you.

“Sure. As you can probably tell, Christy—who is both my law partner and my partner—and I both work out of our home offices. We don’t commute anywhere beyond our own house. I usually start my day around 9:45 or 10 after having coffee and watching the deer outside.

My schedule really varies. I’m typically in court on Wednesday afternoons in Cowlitz County and Friday afternoons in Clark County for our standard dockets. The rest of the time, most of my work is transactional.

I spend a lot of the day reviewing reports from professional fiduciaries and preparing the related pleadings—petitions, motions, orders, that sort of thing—and handling whatever comes up in those cases.

For example, today I started by talking with a client about an emergency conservatorship involving a woman being scammed. That’s taken up a lot of time recently, brainstorming how to keep her and her finances safe. After that, I spoke with one of my main clients—I have about five or six core clients with dozens of cases—and we caught up on several files. I also reviewed an annual report, prepared some orders, and drafted a motion to set bond.

That’s pretty typical: working through routine matters, answering emails, responding to client calls, and putting out fires as needed. While much of the work is straightforward, there’s always something urgent that pops up—probate issues, emergency filings, or unexpected client questions.

I also make a point of personally answering my phone if an existing client calls and I’m available. I don’t route them to my assistant unless it’s a new inquiry. I usually take a lunch break and then wrap up any remaining tasks in the afternoon.

Outside of work, I’m an amateur radio operator and belong to our local club. I also volunteer with the Deschutes County Sheriff’s Office doing radio communications support. And I serve as president of our bar section, which keeps me busy coordinating with judges, managing dockets, and arranging CLEs—definitely not my favorite part, but necessary.

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DEI Interview: Gabrielle Richards (Gabby)

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When I was at the big firm, all that committee work was basically required, and I didn't enjoy it because it felt obligatory. After I left, I took a long break from any professional involvement because I was so burned out. Eventually, I got back into it on my own terms—like taking on the bar section role because I actually wanted to, which has been much more rewarding.

So overall, it's a pretty relaxed practice. I have the flexibility to integrate my professional work with the other things I care about, and that balance has been a big improvement over my big firm experience."

Describe the DEI issues and challenges you see diverse attorneys in Oregon facing, especially in this new environment.

"Well, I think it definitely has a different dynamic now, given the current political climate. In Oregon, it's a bit unique compared to some other states—overall, Oregon is still a very white state. It's more diverse in the valley, but where I live, there isn't much diversity at all. For example, Bend is a little more progressive than Redmond or Sisters, but still, it's a lot of white folks.

I talk with my brother about DEI issues sometimes—he's not really on the same side of the political spectrum as I am. I've tried to explain that DEI isn't about pushing someone to the front of the line because they're Black, Asian, disabled, or whatever—it's about leveling the playing field so everyone has a fair chance. He doesn't really see it that way, which is fine—we can disagree—but I think it's important to remember that the goal is equity, not favoritism.

Even though we've made progress in hiring practices, law remains a very white, male profession. When I worked at Perkins Coie, there were a lot of diversity

programs—roundtables, discussions, trainings. I remember watching a film on diversity there that really stuck with me. Someone in the film said, "I don't want you to pretend you don't see my race or my disability. I want you to recognize it because it's part of who I am." That perspective has stayed with me—these aspects of our identity shape how we see the world, how we approach clients, and how we practice.

Personally, living with a disability has affected how I relate to clients and handle cases. I've been paralyzed for 36 years—since I broke my neck in a car accident at 18. That experience has shaped my work, especially in conservatorship cases, and in how I relate to clients with dementia or Alzheimer's—my mom passed away from Alzheimer's, so I have a deeper understanding of what families are going through.

Sometimes when I tell people I'm an attorney, they react with surprise—like, 'Oh, wow.' And I always wonder, 'Would they say that to anyone, or is it because I'm in a wheelchair?' Part of me feels like I've had to overachieve to prove to myself I'm just as capable as anyone else. And while I don't have the lived experience of being a person of color, I can relate to that feeling of being underestimated or judged before people know you."

What challenges do you see diverse clients facing from a DEI perspective?

"I think a lot of the same issues come up. For example, my first contact with a client is usually over the phone, so they don't necessarily know anything about me or that I have a disability—unless they've looked at the website. At the same time, clients who

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DEI Interview: Gabrielle Richards (Gabby)

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are people of color or have other marginalized identities sometimes come into that first conversation already feeling like they need to justify themselves or explain why they're seeking legal help.

Earlier in my career, I did a lot of landlord-tenant work—though I don't anymore because it got a little too hectic trying to handle that in two states on top of everything else. Back then, I'd hear clients almost apologizing or over-explaining why they needed representation, and I always hated that for them. It shouldn't be necessary to feel you have to defend why you deserve help or fair treatment. I saw it especially with clients who had disabilities or were African American and felt they were being discriminated against.

Before COVID, my partner and I used to run what we called the Cascadia Mobile Legal Clinic. We'd take our RV and travel all over rural Oregon—basically everywhere east of the Cascades, the coast, and south of Roseburg—to provide free 30-minute consultations on anything except criminal matters.

Those clinics really showed us a broader cross-section of clients. We met a lot of people who couldn't afford an attorney and were grateful for any free legal advice, as well as folks who just lived in remote areas and rarely had the chance to sit down with a lawyer. We worked with Native American clients, Hispanic clients, and many people who weren't legally present in the country.

One example that stands out is a woman who was a housekeeper at a hotel. She was being harassed at work and felt she couldn't speak up because of her immigration status. She was worried that if she reported it, she'd be deported and her family—especially her son—would be at risk.

We were able to give her some limited help, but situations like that really highlight how much harder it is for people in marginalized communities to access justice and feel safe asserting their rights.

Overall, I think diverse clients often carry the extra burden of feeling they have to prove their experiences are valid or that they deserve representation, and that's something I've seen again and again in practice. I remember that cartoon about equity—it shows people of different heights trying to watch a baseball game over a fence, and they're each given boxes to stand on so they can see. That's a great illustration of DEI—giving people what they need so they can participate fully. But I also saw another version where the fence itself was removed entirely, which resonated with me even more—just eliminating the barrier altogether.

These experiences remind me that while progress has been made, there's still a long way to go to create a profession—and a society—where people are truly seen and valued for all of who they are, without assumptions or barriers.”

What tips or best practices would you share to help fellow practitioners better serve diverse clients? And are there any programs in Oregon you think are especially helpful for learning about or getting involved in diversity work?

“I think volunteering is incredibly important for expanding access to legal services to a much broader spectrum of people. Depending on your practice area, volunteering often takes you outside your usual subject matter, but that isn't necessarily a bad thing. In fact, it usually means you end up serving a more diverse range of clients.

DEI Interview: Gabrielle Richards (Gabby)*Continued from previous page*

When I graduated from law school, my start date was deferred, so I spent that time volunteering with Legal Aid Services of Oregon. I worked on restraining orders and helped with intake. You really see just how many people urgently need legal help. No matter how busy we are, I think it's critical that we make time to provide those services.

Here in Deschutes County, there's a program called Lawyers in the Library, which we don't personally participate in, but it's a lot like what we did with our mobile legal clinic. It offers free 30-minute consultations on almost any area of law except criminal. Programs like that give you exposure to tremendous diversity—older clients, immigrants, people of color—and the range of issues is huge.

Early on, I also worked in the senior law clinics with Legal Aid Services, and that experience was really the model for our mobile clinic. Even if I wasn't familiar with an area like family law, I could still point clients in the right direction or connect them to resources. In the senior clinic, we usually knew what issues would come up ahead of time, so I'd research them a bit—like consumer protection questions or debt issues—so I could be as helpful as possible. And if I didn't have the answer, I'd make sure to direct people to another service, like bankruptcy clinics in the Portland area, which many clients didn't know existed.

Overall, I think volunteering keeps you grounded and reminds you of the wide spectrum of people in our communities who need help. It broadens your perspective and helps you understand the real-life challenges diverse clients face. I'd really encourage all practitioners to make volunteerism part of their professional lives." ♦

LOOKING FOR A PRO BONO OPPORTUNITY?**THE SENIOR LAW PROJECT**

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ABOUT THE SENIOR LAW PROJECT (SLP):

SLP has been increasing access to legal services to Multnomah County seniors, 60 and over, since 1978.

- *Clients receive a free 30-minute consultations on common civil legal issues.*
- *Clinics are hosted at Multnomah County senior centers with both In-Person and Remote volunteer opportunities.*
- *Trainings available at Pro Bono Oregon (www.probonooregon.org).*
- *PLF coverage offered.*



For More Information,
please contact Marc Beck
marc.beck@lasoregon.org or
503.471.1148



ORS 125.060 Overview

By Emily Goodwin, Attorney & Professional Fiduciary, Parker & Griffith, P.C. (pictured left)

Nathan Parker, Attorney & Professional Fiduciary, Parker & Griffith, P.C. (pictured right)



Editor's Note: The following information was originally presented by co-authors Emily Goodwin and Nate Parker in the form of a CLE during the 2024 Fall Marion County Brown Bag luncheon. They were kind enough to share the information from that presentation in article format for the newsletter. This article first appeared in the Winter 2025 OSB Estate Planning & Administration Section Newsletter and is re-printed with permission.

When representing clients in protective proceedings, a common question from support staff in an elder law practice is, "To whom do we give notice?" It is common to simply over-notice; the idea being that giving more notice is better than forgetting someone. It is also common that when a person or entity has received notice in the initial petition, they continue to receive notices until the end of the protective proceeding. ORS 125.060 explains exactly who must be given notice.

ORS 125.060(2) details who must be given notice in a petition for the appointment of a fiduciary or the entry of other protective orders.

ORS 125.060(7) describes additional notice requirements when filing a petition for the appointment of a guardian.

ORS 125.060(3) details who must be given notice in a motion for termination of a protective proceeding, for removal of a fiduciary, for modification of powers or authority of a fiduciary, for approval of a fiduciary's actions, or for protective orders in addition to those sought in the petition.

ORS 125.060(8) describes additional notice requirements when filing the motions described in ORS 125.060(3), but only if a guardian has been appointed.

This article does not go in depth on subparts (4) and (5) of ORS 125.060; simply put, it is always necessary to notice anyone who files a request for notice.

When filing a petition for the appointment of any type of fiduciary, under ORS 125.060(2), the petitioner is required to provide notice to the following recipients:

- The respondent.
- The spouse, parents, and adult children of the respondent.

- If the respondent does not have a spouse, parent, or adult child, the person or persons most closely related to the respondent.
- Any person who is cohabitating with the respondent and is interested in the respondent's welfare.
- Anyone who has been nominated to serve as the fiduciary, trustee, health care representative or any person acting as attorney-in-fact for the respondent under a power of attorney.
- *If the respondent is a minor, the person who has exercised principal responsibility for the care and custody of the respondent during the 60-day period before the filing of the petition.
- If the respondent is a minor and has no living parents, any person nominated to act as fiduciary either by will or other instrument prepared by a parent of the minor.
- If the respondent is receiving benefits from the Department of Veteran's Affairs (VA), a representative of the VA.
- If respondent is a recipient of public benefits provided by Oregon Department of Human Services, a representative of the department.
- If respondent is a recipient of benefits provided by Oregon Health Authority (OHA), a representative of OHA.
- If the respondent is committed to the legal and physical custody of the Department of Corrections, the Attorney General and the superintendent or other officer in charge of the facility in which the respondent is confined.
- If the respondent is a foreign national, the consulate for the respondent's country.
- Any other person the court requires.

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In addition to these requirements, and ONLY IF the petition is seeking the appointment of a guardian, ORS 125.060(7) also requires notice be given to the following recipients:

- any attorney representing the respondent,
- the Long Term Care Ombudsman (LTCO) IF the respondent is a resident of a nursing home or residential facility, or if the nominated fiduciary intends to place the respondent in either, and
- to Disability Rights Oregon (DRO) if the respondent is a resident of a mental health treatment facility or residential facility for individuals with developmental disabilities, or if the nominated fiduciary intends to place the respondent in either.

Note that the LTCO and DRO do not receive notice if the petition is seeking only the appointment of a conservator.

When filing a motion to terminate a protective proceeding, remove a fiduciary, modify a fiduciary's powers and authority, or seek approval of a fiduciary's actions, ORS 125.060(3) requires notice be given to the following recipients:

- The protected person (if 14 years or older).
- Any person who has filed a request for notice in the proceeding.
- Any fiduciary (other than the one making the motion) who has been appointed.
- The VA, if the protected person receives VA benefits.
- The Attorney General and prison superintendent if the protected person is in legal and physical custody of the Department of Corrections.
- The consulate of the country of nationality or, if unknown, the consulate of the protected person's last country of residence prior to the United States if the protected person is a vulnerable youth.

In addition to those requirements, and ONLY IF a guardian has been appointed, ORS 125.060(8) also requires notice be given to the following recipients:

- any attorney representing the protected person. The LTCO IF the protected person is a resident of a nursing home or residential facility, or if the nominated fiduciary intends to place the respondent in either, and
- to DRO if the protected is a resident of a mental health treatment facility or a residential facility for individuals with developmental disabilities, or if the nominated fiduciary intends to place the respondent in either.

Again, the LTCO and DRO do not receive notices under this section unless a guardian has been appointed.

- Several other sections of ORS chapter 125 refer back to ORS 125.060 when notices are required by that section.
- Objections under ORS 125.075 shall be given to anyone required to receive notice under ORS 125.060, any stepparent or stepchild of the respondent or protected person, and any other person the court requires.
- Under ORS 125.155, a [court visitor] report shall be filed with the court under the provisions of this section; as soon as possible thereafter, the clerk of the court shall mail copies of the report to any person who has filed with the court a specific request for a copy of the report. A request made under ORS 125.060(3)(b) does not meet the requirements of this subsection unless the request specifically requests a copy of the visitor's report.
- ORS 125.210 requires that a notice of change in circumstances be given to those persons entitled to notice under ORS 125.060(3).
- ORS 125.240 requires that professional fiduciary disclosures be given to those persons entitled to notice under ORS 125.060(3).

“ORS 125.060 Overview”*Continued from previous page*

ORS 125.323 requires that notice of a motion to limit association be given to those persons entitled to notice under ORS 125.060(3).

- ORS 125.325 requires that copies of the guardian’s reports be given to those persons entitled to notice under ORS 125.060(3).
- ORS 125.430 requires that notice of a motion seeking the sale of the protected person’s primary residence be given to those persons entitled to notice under ORS 125.060(3).
- ORS 125.475 requires that copies of accountings be given to those persons entitled to notice under ORS 125.060(3).

ORS chapter 125 statutes that specifically mention ORS 125.060(8) or require notice to the LTCO or DRO include the following:

- ORS 125.082: Upon appointment, a guardian shall deliver written notice of the order of appointment to the persons described in ORS 125.060(3).
- a. ORS 125.082(3)(d): If the protected person is in a mental health treatment facility or facility for persons with developmental disabilities, or the guardian plans placement in either, notice must be given to DRO.
- ORS 125.320(3)(a): Before a guardian may change the abode of an adult protected person or place an adult protected person in a mental health treatment facility, a nursing home, or other residential facility, the guardian must file with the court and serve a statement declaring that the guardian intends to make the change of abode or placement in the manner set forth in paragraph (b) of this subsection.
- a. ORS 125.320(3)(b)(A): The statement must be filed and served in the manner provided for serving a motion under ORS 125.065 to the persons specified

in ORS 125.060(3) and (8) at least 15 days prior to each change of abode or placement of the protected person. (Emphasis added.)

In general, the LTCO and DRO receive notice of the following events:

- The filing of a petition, but only if the petition seeks the appointment of a guardian;
- The appointment of a guardian (DRO), but only if the protected person is in a mental health treatment facility or a facility for developmental disabilities, or the guardian plans to place the protected person in such a facility; and
- The placement, but only if the protected person is in a long-term care facility (LTCO) or a mental health treatment facility or a facility for developmental disabilities (DRO).

In providing notices, strict compliance with ORS 125.060 dictates that the LTCO and DRO only be notified of filings in a very narrow set of circumstances. Nothing prohibits the practice of over-noticing, of course, but the rules do not require that if a person/entity receives notice in the initial petition, that notice to that person/entity be given in every subsequent filing. ♦

About The Writers: Emily Goodwin is an Oregon native, born in McMinnville and a graduate of the University of Oregon. Emily graduated from the Willamette University College of Law in 2023. During her time at Willamette, Emily worked for Nate as a case manager and legal assistant. After graduation, she joined the firm full time as an attorney and professional fiduciary. Emily is licensed to practice law in Oregon and has an inactive license in Utah. Emily is a Certified National Guardian.

Nate was raised in Bountiful, Utah. After high school, Nate served a two-year church mission in Southern Argentina where he became fluent in Spanish. After graduating from Weber State University, Nate and his wife, Raegan, moved their family to Oregon for law school. Nate graduated from the Willamette University College of Law in 2013. He became a Certified National Guardian in 2015. Nate purchased his practice from Allan Griffith in 2016, creating what is now Parker & Griffith P.C. Nate is licensed to practice law in both Oregon and Utah.

Important Elder Law Numbers

Updated for January 1st, 2025

Supplemental Security Income (SSI) Benefit Standards	Eligible Individual	\$967.00/month
	Eligible Couple	\$1,415.00/month
Medicaid (Oregon)	Asset limit for Medicaid recipient	\$2,000
	Burial account limit	\$1,500
	Personal needs allowance in nursing home	\$79.09/month – VA \$90/month
	Personal needs allowance in community based care	\$213/month
	Room & board rate for waived community based care facility	\$752
	OSIP Maintenance Standard for person receiving in-home services	\$1,443.00
	SSI only: \$965.00	
	Long Term Care Income Cap	\$2,901.00/month
	Community Spouse Minimum Resource Standard	\$31,584
	Community Spouse Maximum Resource Standard	\$157,920
	Community Spouse Minimum Monthly Allowance Standard	\$2,555.00/month
	Maximum Community Spouse Monthly Allowance	\$3,948.00/month
	Excess Shelter Allowance Amount Above	\$766.50/month
	SNAP Utility Allowance Used to Figure Excess Shelter Allowance	\$502/month
Average Private Pay Rate for Calculating Ineligibility for Transfer of Assets at less than Fair Market Value after October 1, 2022	\$14,585/month	
Medicare	Hospital Part A deductible per illness spell	\$1,676
	Skilled nursing facility co-insurance for days 21-100	\$209.50/day
	Part B premium (up to \$103,000 single and \$206,000 joint return):	\$185.00/month
	<small>(plus Income Related Monthly Adjustment Amount if modified adjusted gross income above threshold)</small>	
	Part B deductible	\$257/year
	Part D Premium	Varies by plan

*The need standard for an individual who receives in-home services is the OSIPM maintenance standard (\$967 per month in 2025) plus \$500, or \$1,467 per month for 2025. OAR 461-160-0620

**Home equity limit for an individual: \$730,000

***ABLE account contributions for 2025 are capped at \$19,000. The beneficiary can also contribute an additional amount that is the lesser of the beneficiary’s compensation for the tax year OR \$14,580 (continental US).



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