

OREGON STATE BAR
Legislative Proposal Summary

RE: Amending Elderly Abuse Civil Action Statute (ORS 124.100) to give Trustees standing to bring an action.

FROM: OSB Elder Law Section

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This bill would amend ORS 124.100.

1. PROBLEM PRESENTED

With the advent of living trust estate planning, trustees of these trusts are often the most knowledgeable and the most intimately involved with an elderly person. As such, they are often the party who uncovers abuse and they would be a logical party to bring an action for abuse committed. However, under the statute as it now stands, they do not have standing to bring the action.

2. SOLUTION

Add Trustees to the class of parties who can bring an action under this statute.

3. PUBLIC POLICY IMPLICATION

The proposed amendment would expand the protection afforded to elderly citizens by adding an additional fiduciary who has standing under the statute to bring an action.