

SLR 9.076: NON-PROFESSIONAL FIDUCIARY EDUCATIONAL PROGRAM

- (1) The following court appointed non-professional fiduciaries are subject to this rule:
 - (a) Any guardian or conservator appointed pursuant to ORS Chapter 125 on or after the effective date of this Rule.
 - (b) Any personal representative appointed pursuant to ORS Chapter 113 on or after the effective date of the Rule.
 - (c) Any trustee appointed pursuant to ORS Chapter 130 on or after the effective date of the Rule.
 - (d) Any non-professional fiduciary cited for a deficiency in the handling of fiduciary duties pursuant to the show cause process.
- (2) All non-professional fiduciaries involved in a case described under subsection (1) above, shall:
 - (a) Successfully complete an education class for non-professional fiduciaries with a curriculum as prescribed by the Presiding Judge of Clackamas County within 90 days of appointment as fiduciary by the Court; and
 - (b) Register for the program no later than fifteen (15) days from appointment as fiduciary by the Court.
- (3) A professional fiduciary, for purposes of this Rule, is defined in ORS 125.240(5). Professional fiduciaries are exempt from this Rule.
- (4) The Court will send notice and instructions of this requirement to the non-professional fiduciary at the time of appointment as guardian, conservator, or personal representative. The attorney representing a trustee shall provide 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 a 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.
- (8) The Court may, in its discretion, require a non-professional fiduciary to retake the class.

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