

Oregon Rules of Civil Procedure Legislative Amendments 1979-2023

ORCP 27

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Lewis & Clark Law School | Oregon Council on Court Procedures

Rule 27 – Unemancipated Minors or Incapacitated Parties

| § | Latest Amendment |
|---|--------------------------|
| A | Or. Laws 1979 c.284 § 19 |
| B | Or. Laws 1995 c.64 § 100 |

Or. Laws 1979 c.284 § 19

Amends Rule 24(A) & (B)

A. Appearance of minor parties by guardian or conservator.

1. [Unamended]
2. When the minor is defendant, upon application of the minor, if the minor is 14 years of age or older, filed within the period of time specified by **law these rules or other rule or statute** for appearance and answer after service of summons, or if the minor fails so to apply or is under 14 years of age, upon application of any other party or of a relative or friend of the minor.

B. Appearance of incapacitated person by conservator or guardian.

1. [Unamended]
2. When the incapacitated person is defendant, upon application of a relative or friend of the incapacitated person filed within the period of time specified by **law these rules or other rule or statute** for appearance and answer after service of summons, or if the application is not so filed, upon application of any party other than the incapacitated person.

H.B. 3131

Or. Laws 1979 c.284 § 19

House Introduction

5/11/79

A-Engrossed Bill

5/25/79 – Passed unamended in House

6/6/79 – Passed with amendments in Senate (per Justice Committee recommendation)

6/8/79 – House concurred with Senate amendments and repassed bill

Governor signed Enrolled Bill

6/26/79

Or. Laws 1995 c.79 § 403
Amends Rule 24(B)

- A. [Unamended]
- B. **Appearance of incapacitated person by conservator or guardian.** When an incapacitated person as defined by ORS 126.003 (↔), who has a conservator of such person's estate or a guardian, is a party to any action, the incapacitated person shall appear by the conservator or guardian as may be appropriate or, if the court so orders, by a guardian ad litem appointed by the court in which the action is brought. If the incapacitated person does not have a conservator of such person's estate or a guardian, the incapacitated person shall appear by a guardian ad litem appointed by the court. The court shall appoint some suitable person to act as guardian ad litem:
 - 1. [Unamended]
 - 2. [Unamended]

S.B. 851 [Passed Unamended]
Or. Laws 1995 c.79 § 401

Or. Laws 1995 c.664 § 100
Amends Rule 24(B)

- A. [Unamended]
- B. **Appearance of incapacitated person by conservator or guardian.** When ~~an incapacitated person as defined by ORS 126.003 (4)~~, a person who is incapacitated or financially incapable, as defined in section 1 of this 1995 Act, who has a conservator of such person's estate or a guardian, is a party to any action, the ~~incapacitated~~ person shall appear by the conservator or guardian as may be appropriate or, if the court so orders by a guardian ad litem appointed by the court in which the action is brought. If the ~~incapacitated~~ person does not have a conservator of such person's estate or a guardian, the ~~incapacitated~~ person shall appear by a guardian ad litem appointed by the court. The court shall appoint some suitable person to act as guardian ad litem.
1. When the ~~incapacitated~~ person who is incapacitated or financially incapable, as defined in section 1 of this 1995 Act, is plaintiff, upon application of a relative or friend of the [incapacitated] person.
 2. When the ~~incapacitated~~ person is defendant, upon application of a relative or friend of the ~~incapacitated~~ person filed within the period of time specified by these rules or other rule or statute for appearance and answer after service of summons, or if the application is not so filed, upon application of any party other than the ~~incapacitated~~ person.

S.B. 61

Or. Laws 1995 c.664 § 100

Senate Introduction

1/9/95

A-Engrossed Bill

4/14/95 – Passed with amendments in Senate (per Judiciary Committee recommendation)

5/29/95 – Passed with amendments in House (per Judiciary Committee and Civil Law and Judicial Administration Subcommittee recommendation)

B-Engrossed Bill

6/1/95 – Senate concurred with House amendments and repassed bill

Governor signed Enrolled Bill

7/18/95