














OJD Statewide Aid & Assist Forms Overview

Form No.	Form Caption	When to Use Form	Fill Out and Print Forms Here
AA-1	<i>Order for Community Mental Health Consultation</i>	Order for CMHP consultation is required in three circumstances: <ol style="list-style-type: none"> (1) Prior to initial fitness determination - when judge has reason to doubt a defendant's fitness to proceed (unless charges are on list of statutory exceptions) (2) Following OSH "ready-to-place" notice (3) Following OSH "end of Mosman jurisdiction" notice 	
AA-2	<i>Order for Mental Health Evaluation</i>	Court may order if it determines the assistance of a psychiatrist or psychologist would be helpful in making a fitness or placement determination (evaluation is not required but best practice to have an evaluation on file before ordering placement of an unfit individual)	
AA-3	<i>Order Finding Defendant Fit to Proceed</i>	Use this form if Defendant is found fit in initial fitness determination after judge had reason to doubt defendant's fitness (even if counsel withdraws the issue)	

Form No.	Form Caption	When to Use Form	Fill Out and Print Forms Here
AA-4	<i>Order Finding Defendant Unfit to Proceed</i>	<p>Use this form ONLY when the Court makes a fitness determination without an accompanying order of action (e.g., commitment to OSH, community restoration services). This form includes firearms notice; separate notice is not necessary.</p> <p>NOTE: If the Court orders an action at the same time as it makes a fitness determination, use the form that includes the action (those forms include a finding that defendant is unfit).</p>	
AA-5	<i>Order for Disclosure of Protected Health Information by Community Mental Health Program and Corrections Health</i>	<p>May be used in any proceeding in which CMHP or Corrections Health will be sharing protected health information about the defendant (e.g., status hearings for defendants in custody or in community restoration).</p> <p>NOTE: This order is broader than disclosure of documents for purposes of evaluation or CMHP consultation.</p>	
AA-6	<i>Order to Engage in Community-Based Restoration and Treatment Services</i>	<p>Use this form ONLY when community restoration placement is available. If community restoration placement is NOT available, use <i>Order Finding Services and Treatment Necessary for Defendant to Gain Fitness to Proceed Are Not Present and Available in the Community</i> (AA-7)</p> <p>NOTE: This order requires CMHP to make referrals and coordinate specific placement.</p>	

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AA-7	<i>Order Finding Services and Treatment Necessary for Defendant to Gain Fitness to Proceed Are Not Present and Available in the Community</i>	Use this form when community restoration is the appropriate action, but appropriate services are either not present or available in the community. Court may order Defendant to remain in custody or be released under conditions of release pending availability of services.	
AA-8	<i>Order of Commitment to Oregon State Hospital</i>	Use when statutory criteria for commitment to OSH are satisfied.	
AA-9	<i>Order Following Hearing on "Ready to Place" Notice from Oregon State Hospital</i>	Court is required to hold a hearing following "RTP" notice from OSH that Defendant remains unfit but no longer needs a hospital level of care. Use this order to terminate or continue commitment ONLY. If Court order termination of commitment, complete additional orders as appropriate for next steps.	

Form No.	Form Caption	When to Use Form	Fill Out and Print Forms Here
AA-10	<i>Order Following Oregon State Hospital Notice of End of Commitment Period Pursuant to Federal Court Order</i>	Use this order when the court is terminating commitment to OSH after notice from OSH that Defendant is nearing their maximum commitment time under the Mosman order. Options include ordering return to custody pending further Court action, transport to community restoration, or other action.	
AA-11	<i>Order Finding Defendant Has Gained Fitness to Proceed</i>	Use this form if the Court previously found Defendant unfit and Defendant has since regained fitness. Unlike the Order Finding Defendant Fit (AA-3), this Order includes the firearms prohibition notice and terminates previous orders for commitment or community restoration.	
AA-12	<i>Order Finding Defendant Unfit to Proceed with No Substantial Probability to Gain or Regain Fitness in the Foreseeable Future</i>	This is the “never able” order. May be used as the Court’s initial fitness determination or after the defendant has participated in restoration services. Must be followed by a judgment to dismiss, without prejudice, all charges against defendant, and either an order to discharge defendant or to initiate civil commitment proceedings.	
AA-13	<i>Order Finding Defendant Unfit to Proceed and Committed to Oregon State Hospital on a Committable Case</i>	Use when case is not eligible for commitment to OSH but Defendant has been committed to OSH for restoration services on another case.	

Frequently Asked Questions

1. Which aid & assist forms should go to OSH?

The only aid & assist orders that the court should be sending to OSH are as follows:

- Order for OSH to conduct the initial fitness evaluation
- Order committing defendant to OSH
- Order requiring OSH to conduct followup evaluations for defendant on community restoration
- *Sell* order (forced medication) or modification to a *Sell* order
- Order following hearing on RTP notice (to continue or terminate commitment)
- Order that that changes a prior order requiring OSH to conduct followup evaluations (may include the following orders):
 - Order finding defendant fit
 - Order finding defendant never able
 - Order dismissing the case
- Order to discharge a Defendant from OSH and terminate commitment (may include the following orders for defendants who are currently committed to OSH):
 - Order finding defendant fit
 - Order for community restoration
 - Order finding defendant never able
 - Order dismissing case

Do NOT send OSH orders that do not require action by OSH, such as a stand-alone order finding defendant unfit or an order from community restoration when the defendant is not currently at OSH.

Note: This list does not include other orders that should be sent to OSH related to civil commitment, commitment of an extremely dangerous person, or GEI.

2. What charges are included in OAR 213-003-0001(15) for purposes of determining which defendants are eligible for commitment to OSH under a “person misdemeanor”?

- ORS 162.315 Resisting Arrest;
- ORS 163.160 Assault IV;

- ORS 163.187 Strangulation;
- ORS 163.190 Menacing;
- ORS 163.195 Recklessly Endanger Another;
- ORS 163.200 Criminal Mistreatment II;
- ORS 163.212 Use of Stun Gun, Tear Gas, Mace II;
- ORS 163.415 Sexual Abuse III;
- ORS 163.454 Custodial Sexual Misconduct in the Second Degree;
- ORS 163.465 Public Indecency;
- ORS 163.467 Private Indecency;
- ORS 163.472 Unlawful Dissemination of Intimate Image;
- ORS 163.476 Unlawfully Being in a Location Where Children Regularly Congregate;
- ORS 163.545 Child Neglect II;
- ORS 163.575 Endanger Welfare of Minor;
- ORS 163.687 Encouraging Child Sex Abuse III;
- ORS 163.700 Invasion of Personal Privacy II;
- ORS 163.709 Unlawfully Directing a Laser Pointer;
- ORS 163.732(1) Stalking;
- ORS 163.750(1) Violating Court's Stalking Order;
- ORS 165.572 Interfering with Making a Police Report;
- ORS 165.815 Criminal Impersonation;
- ORS 166.065(4) Harassment/Offensive Sexual Contact;
- ORS 166.155 Bias Crime II;
- ORS 166.385(2) Misdemeanor Possession of a Hoax Destructive Device;
- ORS 167.054 Furnishing Sexually Explicit Material to a Child;
- ORS 475.910(4) Unlawful Administration of a Controlled Substance;
- ORS 609.990(3)(a) Maintaining Dangerous Dog;
- ORS 811.060 Vehicular Assault;
- ORS 813.010, Driving Under the Influence of Intoxicants (as provided in OAR 213-004-0009);
- ORS 837.374(2) and (3) Unlawful Interference with Aircraft (if aircraft manned at time of offense); and
- attempts or solicitations to commit any Class C person felonies as defined in section (14) of this rule