

COMMITMENT TO CHANGE WORKGROUP

MEETING BRIEF: April 2023

Overarching Questions: How can Oregon’s current civil commitment hearing and adjudication procedures improve? How, if at all, should Oregon’s statutory civil commitment criteria change?

TOPICS

- Civil commitment hearing
- Civil commitment adjudication
- Criteria for civil commitment

CIVIL COMMITMENT HEARING & AJUDICATION

Overview Readings

The civil commitment hearing: Applying the law therapeutically (Winick, 2001).

- What, if anything, needs to change in current hearing practices to improve outcomes for all interested parties?

The Oregon Court of Appeals and the state civil commitment statute (Bloom et al., 2017).

- How have trends in Oregon Court of Appeals decisions affected the judicial interpretation of civil commitment?

Statute Readings

[ORS 426.095](#). Commitment hearing; postponement; right to cross-examine; admissibility of investigation report.

[ORS 426.100](#). Advice of court; appointment of legal counsel; costs; representation of state’s interest.

[ORS 426.130](#). Court determination of mental illness.

[ORS 426.135](#). Counsel on appeal; costs of appeal.

CIVIL COMMITMENT CRITERIA

Criteria Overview Readings

Civil commitment state comparison (Oregon Judicial Department, 2023).

- Should statute define “dangerous to self or others” or “unable to care for basic needs”?

SKIM: Criteria, procedures, and future prospects of involuntary treatment in psychiatry around the world:

A narrative review (Saya et al., 2019)

- How do other states and regions determine the criteria for involuntary mental health treatment?

Substance Use Disorder Overview Readings

Laws authorizing involuntary commitment for substance use (Health in Justice Action Lab, 2018)

- How do other states approach civil commitment for SUDs?

Civil commitment for substance use disorders: Does it work? (Jain et al., 2018)

- Is civil commitment for SUD effective?

Relevant Statute and Rule Readings

[ORS 426.005\(1\)\(f\)](#). (*Definition of “Person with mental illness”*)

[ORS 426.125](#). Qualifications and requirements for conditional release.

[ORS 426.127](#). Outpatient commitment.

[ORS 426.130](#). Court determination of mental illness.

[ORS 426.701](#). Commitment of “extremely dangerous” person with qualifying mental disorder.

[ORS 427.215](#). Involuntary commitments of persons with intellectual disabilities

[OAR 033-0220](#). General Standards.