

# Commitment to Change Workgroup Meeting Brief

February 2023

**Overarching Questions:** What needs to occur between notice of mental illness and the civil commitment hearing (five days)? What is the role of the mental health examiner and what is the purpose of the examination report?

## Topics

- Pre-hearing requirements
- Examination

### Pre-hearing requirements

- Does the content required by statute for the citation include everything the PAMI should know before their civil commitment hearing?
- Who should statutorily have the legal authority to serve a citation for a civil commitment hearing?
- Is the process and 24-hour time period for defense attorney review of the PAMI's medical record sufficient?
- Are the statutory standards for the judge's determination of a warrant of detention appropriate?

### Statute and Rule Readings

[ORS 426.070](#). Initiation; notification required; recommendation to court; citation.

[ORS 426.075](#). Notice and records of treatment prior to hearing; procedures.

[ORS 426.080](#). Execution and return of citation or warrant of detention.

[ORS 426.090](#). Citation; service.

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

### Overview Documents

Standards for representation in civil commitment proceedings – Oregon State Bar Performance Standards. (*Attached*)

### Relevant Cases

[Matter of R.E.J.](#), 306 Or App 647 (2020)

[Matter of K.R.B.](#), 309 Or App 455 (2021)

### Examination

- Are the roles of the mental health examiner and civil commitment investigator distinct?
- Given the distinct CMHPs role in civil commitments, should the mental health examiner be independent from the CMHP?
- Are the processes and statute sufficient in providing the examiner medical records?
- Is statutory change necessary to address the mental health examiner shortages?
- Is 24 hours before the hearing sufficient time for the examiner to review the records established by the Oregon Health Authority by rule and the investigation report?
- Does the scope of the examination report adequately cover the information the court needs?

### Statute and Rule Readings

[ORS 426.110](#). Appointment of examiners; qualifications; costs. Overview Documents

[ORS 426.120](#). Examination report; rules

[OAR 309-033-0950](#). Certification of Mental Health Examiners

[OAR 033-0960](#). Mental Health Examiner's Report to the Court

### Overview Documents

[Form for the Report of Mental Health Examiner](#)

There are cracks in the civil commitment process: A practitioner's recommendations to patch the system (*Attached*)