

## HB 3234 -2 STAFF MEASURE SUMMARY

### Senate Committee On Human Services

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**Meeting Dates:** 4/24, 5/1, 5/10

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#### WHAT THE MEASURE DOES:

Prohibits courts to order involuntary commitment of a minor child to the Department of Human Services (DHS) without the consent of the parent or legal guardian. Requires that individual be determined eligible for developmental disability services through DHS as condition of commitment based on intellectual disability, in addition to the person being dangerous to self or others or unable to provide for their basic personal needs and not receiving care as is necessary for their health, safety or habilitation. Removes requirement for a new diagnostic evaluation to determine continued commitment exceeding one year. Permits DHS to delegate the responsibility for assignment or transfer of persons with intellectual disabilities to suitable facilities to support services brokerages, in addition to community developmental disabilities programs. . Removes language regarding minors and parents from statutes governing commitment for persons with intellectual disabilities. Declares emergency, effective on passage.

*FISCAL: Minimal fiscal impact*

*REVENUE: No revenue impact*

*HOUSE VOTE: Ayes, 52; Nays, 1; Excused, 5; Excused for Business of the House, 2*

#### ISSUES DISCUSSED:

- ORS 427 and ORS 426 provisions
- Definitions of guardian and options when a child is committed
- Involuntary community placement history
- Medicaid requirements for providing services

#### EFFECT OF AMENDMENT:

-2 Replaces the measure.

Repeals ORS 179.478 (Examination for intellectual disability), ORS 427.215 (Need for commitment), ORS 427.235 (Notice to court of need for commitment), ORS 427.245 (Hearing; citation to appear; notice; right to legal counsel), ORS 427.255 (Detention prior to investigation or hearing; care and maintenance while under custody), ORS 427.265 (Court to advise person of nature of proceeding and rights; appointment of legal counsel), ORS 427.270 (Report of diagnostic evaluation; recommendations of examining facility; appointment of persons to conduct additional examination), ORS 427.275 (Fees of persons appointed by court to perform diagnostic evaluations; payment by counties; witnesses; fees; costs), ORS 427.280 (Treatment given after citation issued; notice to court), ORS 427.285 (Witnesses required at hearing; cross-examination), ORS 427.290 (Determination by court of need for commitment; discharge; conditional release; commitment; appointment of guardian or conservator), ORS 427.293 (Disclosure of record of proceeding), ORS 427.295 (Appeal of commitment order; appointment of legal counsel; costs), ORS 427.300 (Assignment to appropriate facility; notice of transfer or discharge; appeal; hearing), and 427.306 (Confinement of committed persons with intellectual disabilities in least restrictive setting; attendants required).

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Removes references of ORS 179.478, 427.215, 427.235, 427.245, 427.255, 427.265, 427.270, 427.275, 427.280, 427.285, 427.290, 427.293, 427.295, 427.300 and 427.306 from statutes.

Takes effect on July 1, 2024.

### **BACKGROUND:**

Oregon law (ORS 427.235 to 427.290) permits courts to find a person with intellectual or developmental disability in need of commitment for residential care, treatment, and training because they are either dangerous to self or others or are unable to provide for their personal needs and are not receiving care as is necessary for their health, safety, or habilitation. Civil commitments for individuals with intellectual disabilities may last up to 12 months and may be renewed annually as necessary. Certain civil commitment responsibilities are [delegated](#) to the Oregon Department of Human Services (ODHS), the Office of Developmental Disabilities Services (ODDS) and/or Community Developmental Disabilities Programs (CDDPs). Upon a person's commitment, DHS has the discretion to place the person in a facility of its choosing but may delegate that responsibility to a community developmental disabilities program. Currently, the law allows for a minor child to be committed, provided that the child's parent or guardian are notified at every step of the process.

House Bill 3234 prohibits a court from ordering involuntary commitment of a minor child without parental consent; requires person to have been determined eligible for developmental disability services as condition of commitment; and permits DHS to delegate the responsibility of placing the person in a facility to a support service brokerage as well as a community developmental disabilities program.