

HB 3234 STAFF MEASURE SUMMARY

Carrier: Rep. Nguyen H

House Committee On Early Childhood and Human Services**Action Date:** 03/29/23**Action:** Do Pass.**Vote:** 10-0-0-0**Yeas:** 10 - Andersen, Cramer, Elmer, Hartman, Hieb, Nelson, Neron, Nguyen H, Reynolds, Scharf**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Matthew Perreault, LPRO Analyst**Meeting Dates:** 3/6, 3/29**WHAT THE MEASURE DOES:**

Prohibits court from ordering involuntary commitment of minor child with intellectual disabilities to Department of Human Services without consent of minor child's parent or guardian. Removes language regarding minors and parents from statutes governing commitment for persons with intellectual disabilities. Requires person to have been determined eligible for developmental disability services as condition of commitment. Removes requirement for new diagnostic evaluation for proceedings related to continued commitment beyond initial 12-month period. Authorizes department to delegate responsibilities to support services brokerage as well as community developmental disabilities program. Applies to commitment proceedings that occur following effective date. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Background of civil commitment and institutionalization
- Transition to voluntary, community-based system
- Judicial process of civil commitment
- Necessity of civil commitment for minor children
- Interaction with temporary commitments during criminal cases
- Entitlement of community-based services

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Oregon law allows a court to conduct a process of determining whether a person has an intellectual or developmental disability (IDD) and whether it would be in the person's best interest to be committed to the custody of the Department of Human Services (DHS) for residential care, treatment, and training. The main reasons for involuntary commitment are that the person poses a danger to self or others, is unable to provide for personal needs or receive necessary care, and that voluntary and informed consent for treatment and training through the person's personal network is not possible. 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, removes language regarding parents and minors from the statutes, and makes other changes to statutes governing involuntary commitment for persons with IDD.