

HB 3234 STAFF MEASURE SUMMARY**Carrier:** Sen. Gelser Blouin**Senate Committee On Human Services****Action Date:** 05/10/23**Action:** Do pass.**Vote:** 4-0-0-1**Yeas:** 4 - Gelser Blouin, Manning Jr, Prozanski, Weber**Abs:** 1 - Robinson**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Iva Sokolovska, LPRO Analyst**Meeting Dates:** 4/24, 5/1, 5/10**WHAT THE MEASURE DOES:**

Prohibits courts to order involuntary commitment of a minor child with intellectual or developmental disabilities 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 an additional condition of commitment for residential care, treatment and training. Removes requirement for a new diagnostic evaluation for proceedings to determine continued commitment. 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. Declares emergency, effective on passage.

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:

No amendment.

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 (DHS), 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.