

Oregon State Report Card

Last Updated: January 1, 2024

Method and scoring: State involuntary civil commitment laws are evaluated using a 100-point grading scale. The scoring criteria are in accordance with the Treatment Advocacy Center’s values and policy preferences. Up to 50 points are awarded to a state based on the quality of its inpatient commitment law, and up to 50 points are awarded based on the state’s assisted outpatient treatment (AOT) law. Final letter grades are computed using the following scale:

97 or above	A+	87–89	B+	77–79	C+	67–69	D+	59 or below	F
93–96	A	83–86	B	73–76	C	63–66	D		
90–92	A-	80–82	B-	70–72	C-	60–62	D-		

PART ONE: Inpatient Commitment Statute (up to 50 points)			
Criterion	Citation	Specifications	Points
1. Citizen access to court, emergency evaluation (5 pts)	Or. Rev. Stat. §§ 426.228(1), 426.233(1)(a)	<input type="checkbox"/> Authorizes family/enumerated adults (3 pts) <input type="checkbox"/> Authorizes any responsible adult (2 pts) Professionals only	0
2. Quality of emergency petition process (5 pts)	Or. Rev. Stat. §§ 426.228(1), 426.233(1)(a)	<input checked="" type="checkbox"/> Process specified and reasonable (2 pts) <input checked="" type="checkbox"/> Timelines specified and reasonable (2 pts) <input checked="" type="checkbox"/> Responsible entities identified (1 pt) <input type="checkbox"/> Requires certification by more than one professional (-2 pts) <input checked="" type="checkbox"/> Emergency evaluation criteria inconsistent with inpatient commitment criteria (-5 pts) (See comment below)	0
3. Emergency hold duration (5 pts)	Or. Rev. Stat. § 426.232(2)	<input checked="" type="checkbox"/> At least 48-hour hold allowed (3 pts) <input checked="" type="checkbox"/> At least 72-hour hold allowed (2 pts) Five judicial days	5
4. Citizen access to court, inpatient petition (5 pts)	Or. Rev. Stat. § 426.070(1)	<input checked="" type="checkbox"/> Authorizes family/enumerated adults (3 pts) <input checked="" type="checkbox"/> Authorizes any responsible adult (2 pts) Any two persons, the county health officer, or any magistrate may initiate procedures	5
5. Quality of criteria for harm or violence to self or others (up to 10 pts)	Or. Rev. Stat. § 426.005(1)(f)(A)	<input checked="" type="checkbox"/> Contains explicit criteria (10 pts) <input checked="" type="checkbox"/> Language is vague/ambiguous (-3 pts) <input type="checkbox"/> Harm must be imminent (-3 pts)	7
6. Quality of criteria for grave disability/basic needs (up to 10 pts)	Or. Rev. Stat. § 426.005(1)(f)(B)	<input checked="" type="checkbox"/> Contains explicit criteria (10 pts) <input type="checkbox"/> Language is vague/ambiguous (-3 pts) <input checked="" type="checkbox"/> Endangerment must be imminent (-3 pts) <input type="checkbox"/> Criteria require family to turn person out of home to receive treatment (-3 pts) <input type="checkbox"/> Unreasonably high risk of harm (-3 pts) (See comment below)	7
7. Quality of criteria for psychiatric deterioration (up to 10 pts)	Or. Rev. Stat. § 426.005(1)(f)(C)	<input checked="" type="checkbox"/> Contains explicit criteria (10 pts) <input type="checkbox"/> Language is vague/ambiguous (-3 pts)	10
SUBTOTAL			34
PART ONE: Extra Credit			
1. Specifies in which court a petition for inpatient commitment shall be filed (1 pt)			
Extra Credit			0
PART ONE TOTAL			34

PART TWO: Outpatient Commitment Statute (up to 50 points)			
Criterion	Citation	Specifications	Points
1. AOT explicitly authorized (5 pts)	Or. Rev. Stat. § 426.133(2)-(3)	<input type="checkbox"/> Requires local government to adopt (-3 pts)	5

2. Citizen access to court for AOT (5 pts)	OR Rev Stat § 426.070(1)	<input checked="" type="checkbox"/> Authorizes family/enumerated adults (3 pts) <input checked="" type="checkbox"/> Authorizes any responsible adult (2 pts) <input type="checkbox"/> Authorizes citizen petition to mental health system only (-2 pts)	5
3. Criteria sufficiently broad to provide actual access (up to 10 pts)	Or. Rev. Stat. §§ 426.133(2)–(3)	Evaluate applicable provision only: <input type="checkbox"/> If inpatient/outpatient criteria are the same: <input type="checkbox"/> Inpatient criteria include psychiatric deterioration standard (10 pts) <u>or</u> <input type="checkbox"/> No psychiatric deterioration standard, adequate grave disability standard (5 pts) or <input checked="" type="checkbox"/> If outpatient criteria are distinct from inpatient criteria: <input checked="" type="checkbox"/> Allows consideration of length of treatment history ≥ 36 months (2 pts) <input type="checkbox"/> Does not exclude periods of incarceration or hospitalization (-1 pt) <input checked="" type="checkbox"/> Does not limit application to those currently dangerous or unstable (4 pts) <input checked="" type="checkbox"/> Does not limit application to those refusing service/lacking insight (4 pts)	10
4. Authorizes AOT directly from community (5 pts)	Or. Rev. Stat. §§ 426.133(2)–(3)		5
5. Procedures sufficiently detailed to guide practitioners (up to 5 pts)	Or. Rev. Stat. § 426.130	<input checked="" type="checkbox"/> Process specified and reasonable (1 pt) <input checked="" type="checkbox"/> Timelines specified and reasonable (1 pt) <input checked="" type="checkbox"/> Responsible entities identified (1 pt) <input checked="" type="checkbox"/> Periodic reporting to court required (1 pt) <input checked="" type="checkbox"/> Renewal process expressly specified (1 pt)	5
6. Procedures require the treatment plan to be shared with the court (5 pts)	Or. Rev. Stat. § 426.133(4)	Statutory language is “may” rather than “shall” and thus permits rather than requires AOT, but it does contemplate development of a written treatment plan that may be adopted by the court	5
7. Specifies procedures and consequences for nonadherence (5 pts)	Or. Rev. Stat. § 426.275(2)	(See comments)	0
8. Duration of initial order	Or. Rev. Stat. § 426.130(2)	<input type="checkbox"/> = 90 days (2 pts) <u>or</u> <input checked="" type="checkbox"/> > 90 days (5 pts) 12 months	5
9. Duration of continued order	Or. Rev. Stat. § 426.130(2)	<input type="checkbox"/> = 180 days (2 pts) <u>or</u> <input checked="" type="checkbox"/> > 180 days (5 pts) 12 months	5
SUBTOTAL			45
PART TWO: Extra Credit			
1. Specifies court for AOT (1 pt)			
2. Court monitoring of voluntary settlement agreements (5 pts)			
Extra Credit			0
PART TWO TOTAL			45

FINAL SCORE	
PART ONE TOTAL	34
PART TWO TOTAL	45
TOTAL	79
GRADE	C+

Comments:

- Emergency custody requires dangerousness, inconsistent with other bases for inpatient commitment.

- The imminence requirement was read into the statute by the Oregon Court of Appeals in *State v. Bunting*, 826 P.2d 1060, 112 Ore. App. 143, 1992 Ore. App. LEXIS 505.
- Provisions on consequences for nonadherence probably cannot be applied to assisted outpatient treatment orders as Or. Rev. Stat. §§ 426.133(1) explicitly states that the order may not be considered a commitment under Or. Rev. Stat. § 426.130. It is recommended that Or. Rev. Stat. § 426.130 and Or. Rev. Stat. § 426.133 be combined to clarify.