



SB 297: Tribal Access to Mental Health Services for all Oregon Tribes

Problem:

Tribal courts in Oregon do not have clear authority to initiate State civil commitment procedures for individuals suffering from mental illness and in need of treatment, care or custody by issuing a notice to a community mental health program under ORS 426.070. In addition, with the exception of possibly two tribes, a tribal court cannot issue an order finding an individual is a danger to themselves or others and in need of immediate care and have the person transported to a hospital for observation and initiation of the State civil commitment process under ORS 426.180.

Solutions:

The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) is advocating for increased investments in mental health services. Everyone deserves access to mental health treatment in their own community. Likewise, family members deserve to keep their loved ones with mental illness close-by, and all community members deserve safety in their community.

Equally important, CTUIR is also proposing Senate Bill 297 to give *all* federally recognized Indian tribes access to the emergency mental health process outlined in ORS 426.180, including tribal court orders for treatment and initiation of the county investigation process. Senate Bill 297 would also clarify that tribal courts can issue notices to community health programs to initiate civil commitment processes under ORS 426.070

ORS 426.180 does not currently recognize tribal court orders from tribes subject to State PL-280 civil jurisdiction to deliver individuals to hospital and nonhospital facilities for treatment, observation, and initiation of the community mental health program process. As presently worded, ORS 426.180 excludes tribes subject to concurrent state civil jurisdiction as it only applies “if the state does not have jurisdiction over the individual.” Senate Bill 297 provides an easy fix to this oversight.

ORS 426.070 allows for “magistrates” to issue notices to community mental health programs to initiate the State’s civil commitment process. However, as presently worded, it is not clear that a tribal court could issue such a notice. Senate Bill 297 clarifies that notices to community mental health programs under ORS 426.070 can be issued by tribal judges.

These fixes ensure that all tribes have access to the State’s civil commitment process and that tribal judges can initially engage the system in a similar manner as state judges.

The bill keeps provisions of the current statute, including the authority for the director of the hospital or nonhospital to refuse to admit the individual if a licensed independent practitioner is not satisfied that an emergency exists or the individual is a danger to themselves or others and in need of immediate care, custody or treatment for mental illness.