



Overview of Civil Commitment

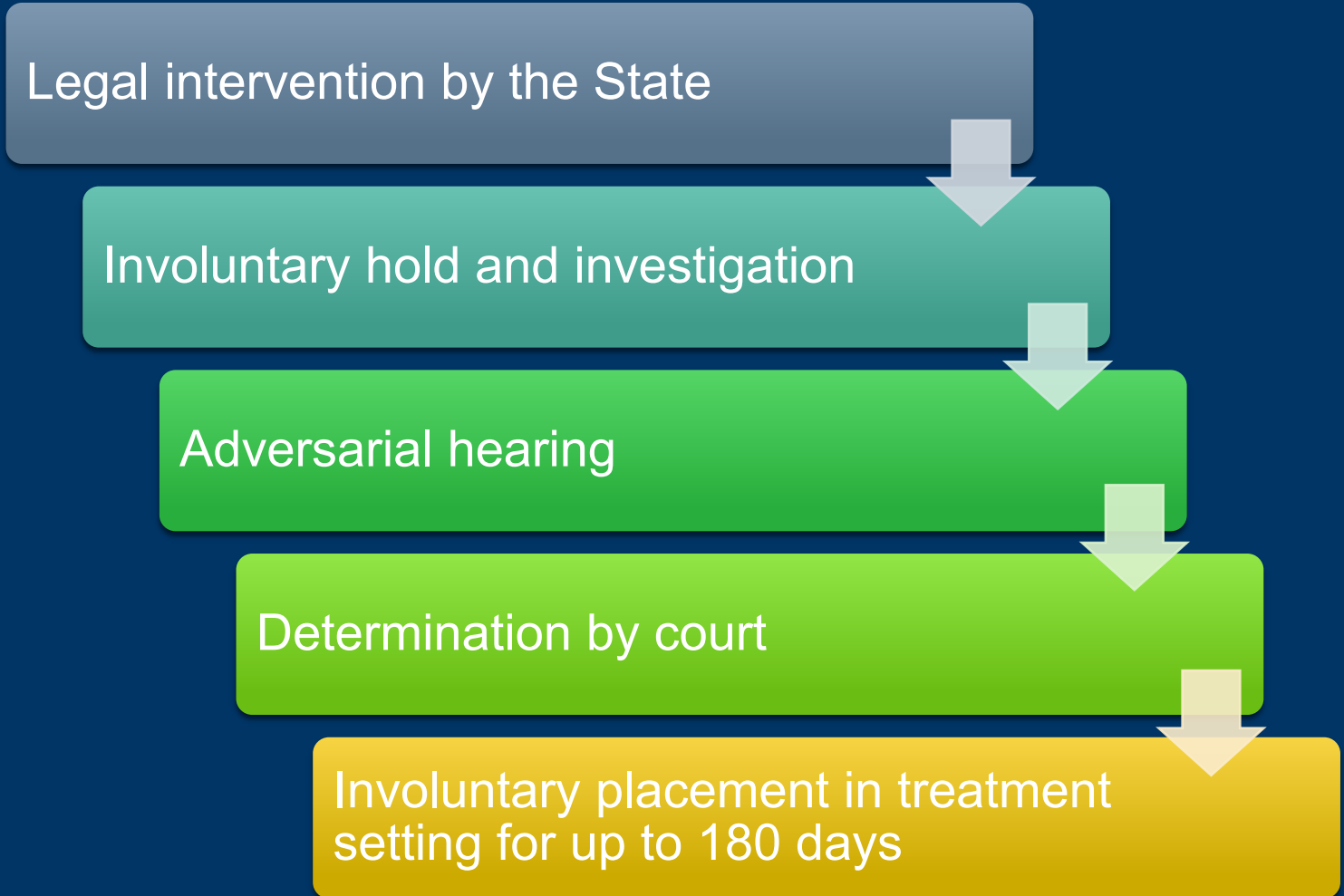


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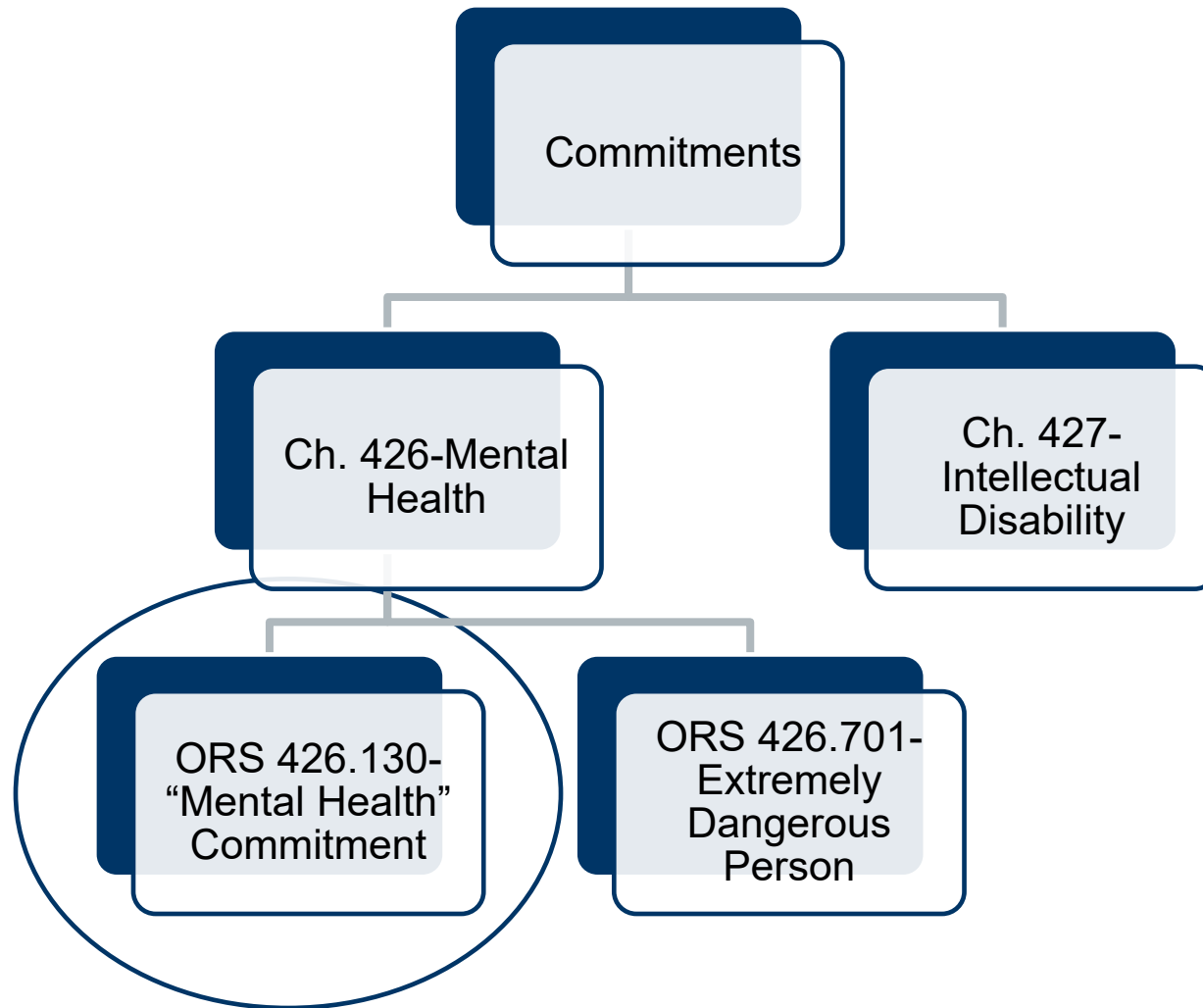
Senior Counsel for Government Relations
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June 17, 2026

WHAT IS A CIVIL COMMITMENT?

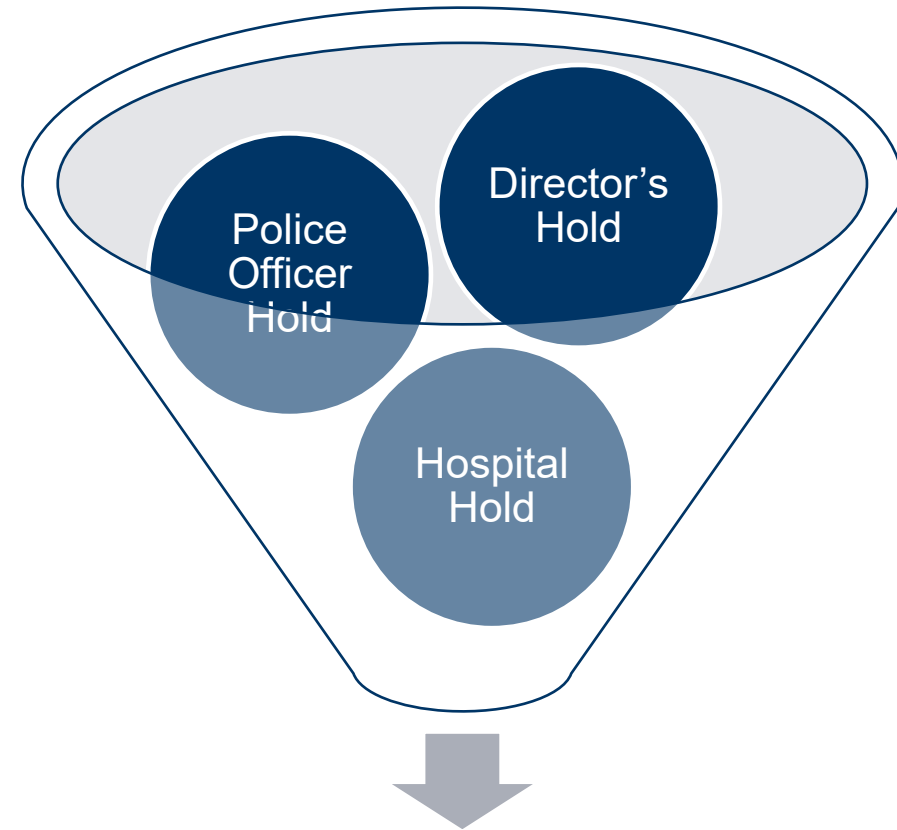


Civil Commitment



How Does a Civil Commitment Start?

- Police officer's hold
- Director's hold
- Hospital/Physician's hold
- Magistrate's hold
- *Also 2 Person Hold

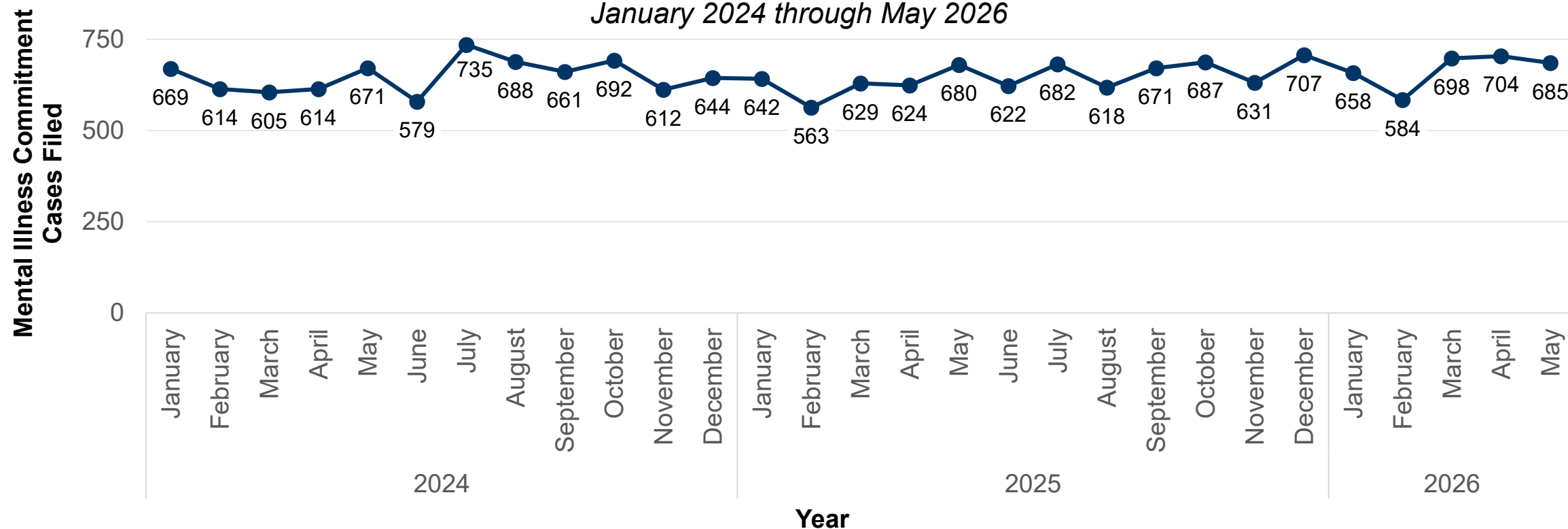


Emergency Admission;
Notice to CMHP and Court

Total Cases Filed by Year

Mental Illness Commitment Cases Filed, By Month

January 2024 through May 2026



What Happens After a Hold?

CMHP begins
precommitment
investigation

Investigator files
investigation report
with court

Court makes
probable cause
determination +
warrant of detention

CMHP files hearing
or no hearing
recommendation-No
later than 24 hours
before a hearing

Court appoints
counsel

Diversion is
explored and might
be offered



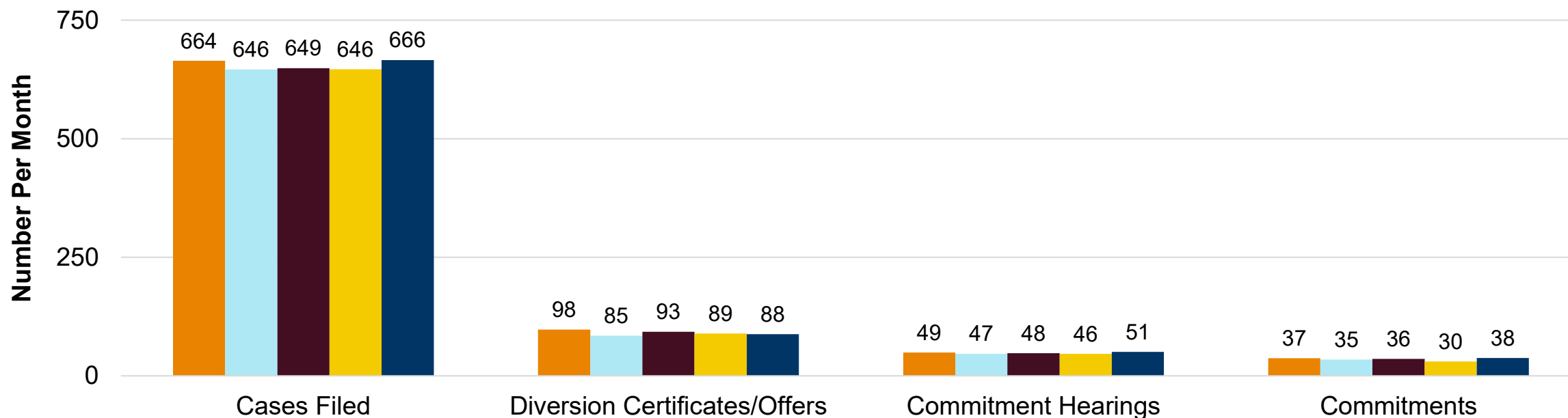
**A PERSON MAY NOT BE HELD MORE THAN 5
DAYS WITHOUT A HEARING**

Just Over 5% of Filings Result in Commitment

Average Monthly Mental Illness Civil Commitment Cases Filed, Diversion Certificates/Offers, Commitment Hearings, and Commitments, By Year

January 2022 through May 2026

2022 2023 2024 2025 2026



Commitment Standards

Mental health commitments apply when:

“A person has a mental illness and is in need of treatment...because the person:

- (a) Is a danger to self;
- (b) Is a danger to others;
- (c) Is unable to provide for basic personal needs; or
- (d) Has a chronic mental disorder.”

ORS 426.131(1) (HB 2005, 2025)

Danger to Self

- Because of a mental disorder:
 - The person engaged in or threatened behavior that resulted in or was likely to result in serious physical harm to self, and
 - Taking into consideration the person's particular history and circumstances, it is reasonably foreseeable that the person will engage in such behavior in the near future, even if not imminent.

Danger to Self

The court can also consider:

- Recent overt acts causing or attempt to cause harm to self;
- Recent acts placing the person in circumstances that would result in harm;
- Recent threats and the severity of harm threatened;
- Absent treatment, the likelihood of those threats being carried out or reoccurring; and
- Past behaviors and patterns of deterioration.

Danger to Others

Because of a mental disorder:

- The person engaged in, or threatened to engage in, behavior that resulted, in or was likely to result in, physical harm to another person, and
- Taking into consideration the person's particular history and circumstances, it is reasonably foreseeable that the person will engage in such behavior in the near future, even if not imminent.

Danger to Others

The court can also consider:

- Recent overt acts causing or attempt to cause physical harm to others;
- Frequency and severity of such acts;
- Recent destructive acts against property that were reasonably likely to place others at risk of physical harm;
- Recent threats to others and the severity of harm threatened;
- Absent treatment, the likelihood of those threats being carried out or reoccurring;
- Past behaviors and patterns of deterioration, including how recently and frequency and severity of past behavior; and
- When possible, a clinical perspective on the person's risk of causing physical harm to others.

Unable to Meet Basic Needs

Because of a mental disorder:

- The person is unable to provide for basic personal needs that are necessary for the person to avoid reasonably foreseeable serious physical harm in the near future, even if not imminent, and:
 - The person is not receiving such care as is necessary to avoid such harm; or
 - The person is involuntarily confined to a custodial setting and it is reasonably foreseeable that, upon release, such care is necessary to avoid harm.

Expanded Criteria

The person has a chronic mental illness as defined by ORS 426.495, and:

- Within the previous 3 years, the person has twice been placed in a hospital or facility by the Oregon Health Authority (OHA);
- Behaviors substantially similar to those that preceded prior hospitalizations; and
- Absent treatment, the person will deteriorate and become a danger to self, others, or unable to meet basic needs.

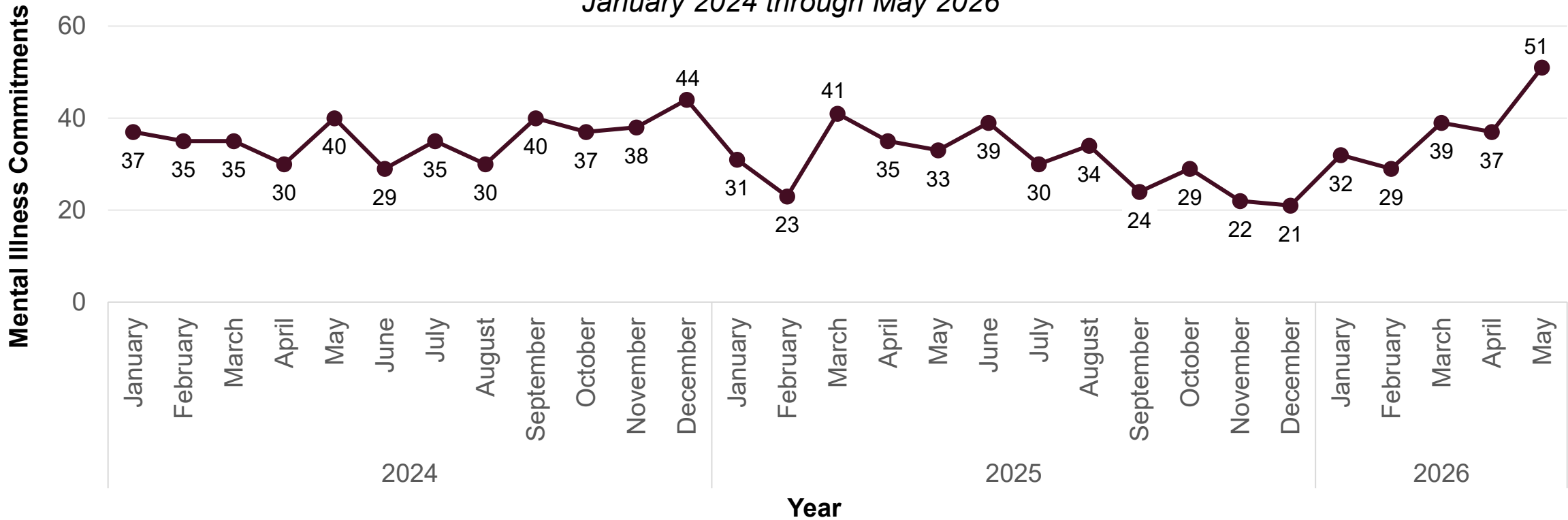
Additional Considerations

- The person's insight into their mental illness;
- The impact of the person's insight on following a treatment plan; and
- The likelihood that a person will become a danger to self or others or unable to meet basic needs absent treatment.

Data on Mental Illness Commitments

Mental Illness Commitments, By Month

January 2024 through May 2026



The Commitment Hearing



Appointment of examiner



Can take place in a courtroom, hospital, or other location



Testimony of witnesses, medical providers, and results of examination



Adversarial proceeding

Diversion from Commitment

Diversion from commitment and opportunity for intensive treatment can be offered at any point before the judge makes a determination.

- Probable cause exists
- Treatment needs can be met
- Treatment plan developed
- Offer of diversion made to person
- Notice to court and attorney

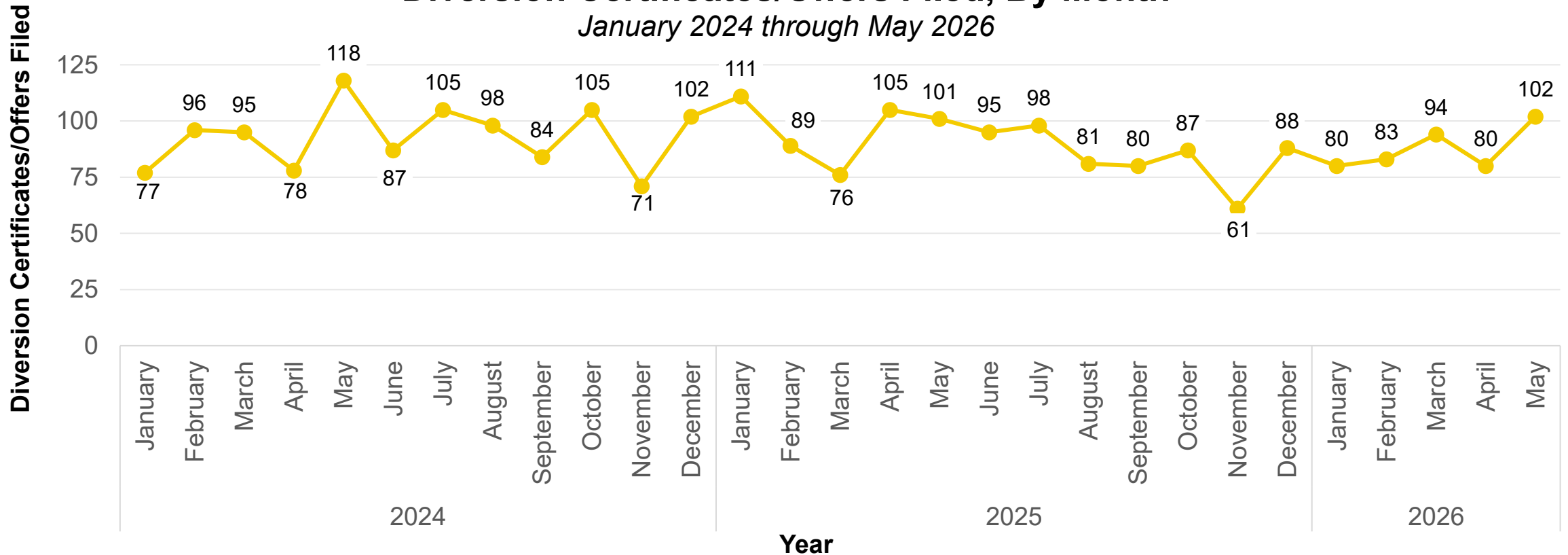
Diversion from Commitment

Diversion from commitment and opportunity for intensive treatment:

- If person consents to diversion, then hearing paused for 14 days
- If person does not consent to diversion, then hearing within 5 days of detention
- Additional 14-day extension
- Return to hearing if not resolved after 14/28 days, if requested by person, or upon refusal of treatment without remedy

Diversions From Commitment

Diversion Certificates/Offers Filed, By Month
January 2024 through May 2026



A Word About Acronyms

- CC = Civil Commitment
- NMI = Notice of Mental Illness
- CMHP = Community Mental Health Program

Questions?



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