

Lilia Teninty

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Number: APD-AR-17-014

Issue date: 2/17/2017

Topic: Developmental Disabilities

Due date: 3/1/2017

Subject: Reporting Civil Commitment Information (replaces SPD-AR-12-009)

Applies to (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> All DHS employees | <input type="checkbox"/> County Mental Health Directors |
| <input type="checkbox"/> Area Agencies on Aging | <input type="checkbox"/> Health Services |
| <input type="checkbox"/> Aging and People with Disabilities | <input type="checkbox"/> Office of Developmental Disabilities Services(ODDS) |
| <input type="checkbox"/> Self Sufficiency Programs | <input type="checkbox"/> ODDS Children's Intensive In Home Services |
| <input checked="" type="checkbox"/> County DD Program Managers | <input type="checkbox"/> Stabilization and Crisis Unit (SACU) |
| <input type="checkbox"/> ODDS Children's Residential Services | <input type="checkbox"/> Other (please specify): |
| <input type="checkbox"/> Child Welfare Programs | |

Action required:

To comply with federal and state reporting requirements, the Office of Developmental Disabilities Services (ODDS) requires Community Developmental Disabilities Programs (CDDPs) to complete the following actions:

1. For all future civil commitments under ORS 427.290 in the CDDP's service area, provide the court's commitment order to ODDS within five working days of the date the CDDP receives the order. Send the commitment order, CDDP investigation report and diagnostic evaluation to ODDS.D&E@state.or.us.
2. Provide a list of individuals in the CDDP's service area who are currently committed under ORS 427.290 (commitment orders are valid for a period of up to one year). Please send the list to ODDS.D&E@state.or.us by 3/1/17.

This action is effective upon receipt of the transmittal and will remain in effect until CDDPs are otherwise notified by ODDS.

Reason for action:

ORS 427.290 authorizes a court to commit an individual with an intellectual disability to the care of the Department of Human Services (DHS) if the court determines:

- the individual is dangerous to oneself or others; or
- the individual is unable to provide for his/her own personal needs and is not receiving care that is necessary to remain healthy and safe.

ORS 181A.290 requires agencies, including DHS, the Oregon Health Authority, the Psychiatric Security Review Board and the Oregon Judicial Department, to provide minimum necessary information to the Oregon Department of the State Police (OSP) about individuals who are prohibited from purchasing, possessing, transporting or receiving a firearm under the Brady Handgun Violence Prevention Act. Specifically, DHS must provide minimum necessary information about individuals who are committed to DHS under ORS 427.290. OSP subsequently transmits minimum necessary information about the individual to the Federal Bureau of Investigation, which maintains the National Instant Check System (NICS).

Oregon enacted ORS 181A.290 to comply with the Brady Handgun Violence Prevention Act, which established NICS and required federally licensed gun dealers to contact the NICS before transferring a firearm to an individual, and to confirm the individual is not prohibited from possessing a firearm.

Field/stakeholder review: Yes No

If yes, reviewed by:

If you have any questions about this action request, contact:

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