

State Operated Community Program (SOCP)



Guideline: Civil Commitment

Effective date: 08/08/2013

The **State Operated Community Program (SOCP)** believes in the principles of respect, dignity and worth of each individual and that all actions towards any person must demonstrate respect for him/her as a human being. SOCP values the individual’s ability to participate in community life, gain and maintain satisfying relationships, express preferences and make choices in everyday life, have privacy and exercise control over their personal belongings, have opportunities to fulfill respected roles, to live with dignity, and to develop personal competencies. SOCP will follow the framework of behavior intervention strategies outlined in the [Oregon Administrative Rule \(OAR\) Chapter 411 Division 325](#). SOCP will use the current “**best practice**” standards of person-centered, positive behavior support techniques, non-aversive behavior intervention, and individualized behavior supports. “**Best practice**” includes:

- Development of behavior support strategies around concepts of self determination and person-centered support.
- A thorough assessment process to determine the communicative function of the behavior and to develop functionally alternative behaviors.

In some cases an individual’s ISP team may conclude that an **involuntary civil commitment** is necessary (as outlined in [Chapter 427 of the Oregon Revised Statute](#)) to ensure continued services. The decision to petition the court to civilly commit an individual is very serious and full consideration is given and documented on behalf of the individual. The following procedure shall guide the process for initial commitment and for renewing civil commitments in SOCP.

Procedure

| Step | Responsible Party | Initial Commitment |
|------|-------------------|---|
| 1. | ISP Team | <p>Concurrent with an individual’s OTAC Individual Support Plan (ISP), the ISP team shall lead a discussion about whether an individual requires a civil commitment based on the following questions which are embedded into the SOCP ISP Agenda:</p> <ul style="list-style-type: none"> • Is this individual in jeopardy of losing or leaving services at SOCP? <ul style="list-style-type: none"> ○ If so, what may cause this loss of services? • Does this individual pose significant risk as identified by the OTAC Risk Tracking Record (RTR)? • Is this risk to the community? <ul style="list-style-type: none"> ○ If so, please explain. • Does this/these risk(s) require a civil commitment as defined under ORS Chapter 427 to assure continued services and do all ISP team members agree? If so, why? • What’s the risk of <u>not</u> attaining a civil commitment for this individual? • Is this client currently under civil commitment? <ul style="list-style-type: none"> ○ Needing the commitment renewed? • Has the ISP team decided <u>not</u> to renew a current civil |

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| | | <p>commitment? If so why?</p> <ul style="list-style-type: none"> • Will this individual be recommended for step down in the next 12 months? If so, does the ISP team believe a civil commitment would facilitate this? • If the individual were to leave SOCP for any reason, would a civil commitment help protect the health and safety of the individual and the community? |
| | Clinical Services Manager, SOCP Director | NOTE: If the ISP team recommends - not pursuing the renewal of an individual's civil commitment , the Clinical Services Manager and SOCP Director review the recommendation and make the determination. |
| 2. | ISP team | ISP team, with the County Services Coordinator, meets and develops an OTAC " Discussion Record ". The ISP team records the agreement in favor or against a civil commitment: |
| 3. | Placement Services Manager, County Services Coordinator | Placement Services Manager will contact the SOCP homes' CDDP Services Coordinator to complete the DMAP 0729 Administrative Medical Examination/Report Authorization (funding for administrative exam). |
| 4. | Placement Services Manager | <p>Placement Services Manager will contact the SOCP Site Manager to request copies of the current electronic documents:</p> <ul style="list-style-type: none"> • DHS 4588 FA/BSP Blended Plan – Functional Assessment and Behavior Support Plan • OTAC Personal Focus Worksheet (PFW) • Client Monthly Summaries: <ul style="list-style-type: none"> ○ DHS 4615V Vocational Services Client Monthly Summary ○ DHS 4615SM Site Manager Client Monthly Summary • DHS 4576 Physician Visit Orders (PVO) via Fax –signed by the doctor. Psychiatrist if applicable. • THERAP Individual Data Form (IDF) |
| 5. | Placement Services Manager, Site Manager | Placement Services Manager will Fax a completed " MSC 2099 Authorization for Use and Disclosure of Information " to the Site Manager for a client signature/date, and staff witness signature/date. Site Manager will Fax the MSC 2099 to the Placement Services Manager and retain the original on site. |
| 6. | Placement Services Manager, Site Manager | Placement Services Manager will negotiate an appointment with the psychologist to conduct the client evaluation and advise the Site Manager. |
| 7. | SOCP Director, Clinical Services Manager, Placement Services Manager | Evaluation complete: the Clinical Services Manager and SOCP Director review and determine whether the results support going forward with a petition. If it does, the Placement Services Manager will coordinate the signing and notarization of the " DHS 4617 Petition for a Civil Commitment ." |

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| 8. | Placement Services Manager ISP team | Placement Services Manager will submit the petition to the designated Community Developmental Disability Program. NOTE: The ISP team should fully re-assess the <i>presence or absence of risk</i> annually. |
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| Step | Responsible Party | Renewal Procedure |
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| 1. | ISP team, SOCP Director, Clinical Services Manager, Placement Services Manager | Follow steps 1 through 9 above, by the 7th month of the <u>current civil commitment</u> (and <u>5 months prior</u> to expiration). NOTE: The ISP team should fully re-assess the <i>presence or absence of risk</i> annually. |

| Step | Responsible Party | Documentation |
|------|---|--|
| 1. | Clinical Services Manager, Placement Services Manager | Will maintain a list documenting those SOCP individual's who are under civil commitment and their expiration dates to assure timely ISP team discussions and appropriate action. |

Policy that applies:

[Oregon Administrative Rule \(OAR\) Chapter 411 Division 325](#)
[Chapter 427 of the Oregon Revised Statute](#)

Form(s) that apply:

- [OTAC](#) Sample ISP Agenda
- [OTAC](#) Discussion Record of ISP
- [DMAP 0729 Administrative Medical Examination/Report Authorization](#)
- [DHS 4588 FA/BSP Blended Plan](#)
- [OTAC](#) Personal Focus Worksheet (PFW)
- Monthly Summaries
 - [DHS 4615V](#) Vocational Services Client Monthly Summary
 - [DHS 4615SM](#) Site Manager Client Monthly Summary
- [DHS 4576](#) Physician Visit Orders (PVO)
- THERAP** Individual Data Form (IDF)
- [MSC 2099 Authorization for Use and Disclosure of Information](#)
- [DHS 4617](#) Petition for a Civil Commitment

Contact(s):

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Procedure History:

| Version 1.0: | Version 2.0: | Version 3.0: | Version 4.0: | Version 5.0: |
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| 08/08/13 | | | | |

Keywords:

Civil Commitment Procedure / Guideline / Annual re-assessment presence or absence of risk