

Chapter 427

1957 REPLACEMENT PART

Fairview Home for the Mentally Deficient

- | | | | |
|----------------|---|----------------|---|
| 427.010 | Oregon Fairview Home; personnel | 427.100 | Payment of examining board, witnesses, cost of examination and commitment |
| 427.030 | Application for commitment; examining board | 427.104 | Establishment of out-patient department |
| 427.040 | Examination and commitment | 427.106 | Services provided by out-patient departments |
| 427.050 | Admission to institution; transportation | 427.108 | Fee schedules for out-patient services |
| 427.060 | Detention of mentally deficient person by relative or guardian | 427.120 | Re-examination, transfer or discharge of inmate; expense of return; examination on request of relative or guardian |
| 427.070 | Commitment of delinquent, dependent or convicted, mentally deficient person; detention of person pending proceedings | 427.150 | Leave of absence for inmate: damages caused by inmate while on leave; return to Fairview Home upon complaint |
| 427.080 | Appeal; proceedings on appeal | | |
| 427.090 | Information given in commitment papers | | |

CROSS REFERENCES

- | | |
|---|--|
| Administrative procedures governing state agencies, 183.310 to 183.510 | Superintendent's report to State Board of Eugenics, 436.030 |
| Alien or nonresident public charges, Chs. 415, 428 | 427.030 |
| Basic School Support Fund distribution for support of educational facilities at institution, 327.135 to 327.160 | Probate jurisdiction, 3.130, 3.320, 3.330(d), 5.040, 46.092 |
| Escheat of property of inmates, 120.210 | 427.050 |
| Liability for cost of maintaining institution inmates, Ch. 428 | Admission of nonresident mentally deficient persons, 428.220, 428.310 |
| Mentally retarded children, special instruction, 343.410 to 343.520 | Appointment of woman to accompany female person to place of confinement on being ordered to eleemosynary institution, 137.360 |
| Report to county court by school superintendent, of mentally defective school age children, 329.100 | Return of public charges to state of legal residence, 415.030, 428.230 |
| State hospitals for the mentally ill, Ch. 426 | Transportation of mentally ill persons to state hospitals, 426.150 |
| Statistical records to be kept by institution, 432.165 | 427.070 |
| Supervision by Board of Control over, and provisions of general application to, state institutions, Ch. 179 | Commitment of mentally deficient defendant in criminal proceedings, 136.160 |
| University child guidance clinic services extension to public agencies, 343.940 | Determining liability for maintenance of mentally deficient person and appointment of guardian of his estate, 428.040, 428.060 |
| 427.010 | 427.106 |
| Bond, oath and other provisions relating to superintendent and personnel, 179.330 to 179.400 | Diagnosis of mentally retarded children for school districts, 343.490 |
| Compensation of superintendent, 179.340, 292.317 | |

427.010 Oregon Fairview Home; personnel. The Oregon Fairview Home shall be used for the care and training of such epileptic and mentally deficient persons as are committed to its custody. The institution shall be quasi-educational in its nature. The superintendent shall appoint officers, teachers and other employes necessary to instruct such mentally deficient persons as, in the judgment of the superintendent, should receive instruction. The superintendent shall be a well educated physician. [Amended by 1953 c.155 §7]

427.020 [Reserved for expansion]

427.030 Application for commitment; examining board. The judge of any court having probate jurisdiction shall, upon application of any citizen in writing, setting forth that any person is mentally deficient or epileptic and by reason thereof is in need of care, custody or training, cause such person to be brought before him at such time and place as he may direct. The judge shall also cause to appear, at the same time and place, two or more competent physicians, or two or more competent physicians and psychologists, who shall constitute an examining board. [Amended by 1953 c.155 §7; 1957 c.403 §6]

427.040 Examination and commitment. (1) The examining board shall proceed to examine carefully the person alleged to be mentally deficient. If the board certifies that the person is mentally deficient, the judge, if in his opinion the person is mentally deficient, shall commit the person to the Oregon Fairview Home for indeterminate detention or may commit such persons for purposes of a single observation and diagnosis for a period of not over 30 days.

(2) Whenever an order is made committing any person to the Fairview Home, a copy of the order, together with the personal and family history of such person, upon blanks to be furnished the judge by the superintendent of the Fairview Home, and a full copy of the report of the physicians, shall be mailed forthwith to the superintendent, who shall indorse thereon the date of receipt and file them in his office. [Amended by 1953 c.155 §7]

427.050 Admission to institution; transportation. (1) Patients are entitled to admission to the Fairview Home in the order in which the copies of the orders for com-

mitment are received and filed. Whenever there is room at the Fairview Home to receive additional patients, the superintendent shall at once notify the court which made the commitment earliest received and filed. The court shall within 30 days thereafter cause the patient to be taken to the Fairview Home or shall enter an order that such person is no longer entitled to admission, notify the superintendent thereof, and provide for the safe and suitable care of such person.

(2) The person committed shall be conveyed to the Fairview Home by a member of the family of the mentally deficient person or by a trained attendant of the institution in the same manner as is provided for the conveyance of mentally ill persons to the Oregon state hospitals. The expense of such transportation for the mentally deficient person to the Fairview Home shall be paid by the county from which the person is committed. No mentally deficient person who has not been a resident of this state for at least one year next preceding the examination provided in ORS 427.040 shall be admitted to the Fairview Home. [Amended by 1953 c.155 §7; 1957 c.388 §12]

427.060 Detention of mentally deficient person by relative or guardian. If any relative or guardian of any person who has been certified by the examining board to be mentally deficient agrees to furnish such means of private detention and supervision of the person as are satisfactory to the court, the judge may make the mentally deficient person a ward of the court. The court shall require the relative or guardian to give a good and sufficient bond, in a form to be prescribed by the Attorney General, to properly detain, guard and supervise the mentally deficient person.

427.070 Commitment of delinquent, dependent or convicted, mentally deficient person; detention of person pending proceedings. (1) If the judge of a court in which any person has been convicted of delinquency or crime or has been adjudged a dependent has cause to believe that such person is mentally deficient, the judge shall call in an examining board, as provided in ORS 427.030. If the board and the judge certify that the delinquent or dependent person is mentally deficient, the judge shall commit the mentally deficient person to the Fairview Home for an indeterminate period.

(2) No such allegedly mentally deficient person shall, during the pendency of the hearing of the petition, be detained in any place provided for the detention of persons charged with or convicted of any criminal or quasi-criminal offense.

427.080 Appeal; proceedings on appeal. Any proper party who is dissatisfied with the finding of the county court in any case brought under ORS 427.030 to 427.070 may appeal to the circuit court. Proceedings shall be conducted in the circuit court as outlined in ORS 427.030 to 427.050.

427.090 Information given in commitment papers. In all cases of commitment to the Oregon Fairview Home under ORS 427.030 to 427.080, the commitment papers shall furnish all available information concerning persons so committed, including the school record, family history and cause of condition, for the permanent records of the Fairview Home.

427.100 Payment of examining board, witnesses, cost of examination and commitment. The board employed for the examination of mentally deficient persons shall receive the same compensation as is provided for in the examination of allegedly mentally ill persons. Witnesses shall receive the same compensation as in civil cases. The cost of examination and commitment shall be paid by the county in which the examination is made.

427.104 Establishment of out-patient department. The Superintendent of the Oregon Fairview Home, with the approval of the Board of Control and with funds appropriated for that purpose by the legislature, may establish and maintain an out-patient department, to be operated as an instrumentality of the Oregon Fairview Home as a service to parents and guardians of mentally deficient children who are not admitted to a state institution. [1953 c.631 §1]

427.106 Services provided by out-patient departments. The out-patient department shall provide:

(1) Diagnostic services and advice to any parents or guardians of mentally deficient children who are not committed to a state institution, if the parents or guardians are referred to the department by a health officer or a physician licensed by the State Board of Medical Examiners.

(2) Guidance and advice to parents or

guardians of mentally deficient children who have been committed to the Oregon Fairview Home pursuant to ORS 427.030 to 427.100, but cannot be admitted until a vacancy occurs. [1953 c.631 §2]

427.108 Fee schedules for out-patient services. The Board of Control, by its rules and regulations, shall establish fee schedules for services under ORS 427.104 and 427.106. [1953 c.631 §3]

427.110 [Repealed by 1953 c.155 §7]

427.120 Re-examination, transfer or discharge of inmate; expense of return; examination on request of relative or guardian.

(1) The superintendent of the Fairview Home may require that a re-examination of any inmate be made by a physician or psychologist in conjunction with himself. If the examination shows the inmate to be no longer a fit subject for the institution, the inmate shall be transferred by the Oregon State Board of Control to such state institution as is recommended by the superintendent of the Fairview Home or the inmate shall be discharged from the Fairview Home and returned to the court which made the commitment. The expense incurred in returning the inmate to the court shall be paid by the county from which the inmate was committed.

(2) The superintendent shall further require an examination to be made of any inmate upon written request of any relative or guardian of the inmate, when the relative or guardian pays to the state the fee required to be paid to the physicians or psychologists for making such examination. [Amended by 1953 c.155 §7]

427.130 [Amended by 1955 c.651 §10; repealed by 1957 c.160 §6]

427.140 [Repealed by 1957 c.388 §17]

427.150 Leave of absence for inmate; damages caused by inmate while on leave; return to Fairview Home upon complaint.

(1) The superintendent may grant leave of absence to any inmate of the Oregon Fairview Home pursuant to the rules and regulations of the Board of Control. The Board of Control or the Oregon Fairview Home shall not be liable for the expenses of the inmate while on leave of absence nor shall they be liable for any damages resulting from the actions of the inmate while on leave of absence.

§ 427.150 INSTITUTIONS FOR THE MENTALLY ILL AND MENTALLY DEFICIENT

(2) Every inmate granted leave under this section shall be received back into the Oregon Fairview Home upon complaint in writing by a citizen of this state to the district attorney of the county in which the inmate resides. The district attorney shall promptly notify the Superintendent of Oregon Fairview Home of the complaint if the acts complained of are such as to indicate that the inmate should no longer be per-

mitted to remain at large. Thereupon, the superintendent may cancel the leave of absence and have the inmate returned to the Oregon Fairview Home. [1953 c.155 §5]

427.160 to 427.190 [Reserved for expansion]

427.200 [1953 c.615 §1; repealed by 1957 c.202 §6]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.
Done at Salem, Oregon,
on December 2, 1957.

Sam R. Haley
Legislative Counsel