

## Chapter 427

### Mentally Deficient

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#### NOTES OF DECISIONS

Under ORS ch. 428, as originally enacted, the court, in addition to entering an order of commitment, is required to make findings of facts concerning the abilities of the individual and his relatives to pay for his maintenance and if these findings indicate ability to pay, the court must enter an order to that effect. In re Idleman's Commitment, (1934) 146 Or 13, 27 P2d 305.

A determination with the assistance of a jury is not provided for in proceedings to determine feeble-mindedness or to secure the appointment of a guardian for a feeble-minded person. Id.

#### 427.005

ATTY. GEN. OPINIONS: Application of residency requirement to nonresident child of Oregon serviceman, 1966-68, p 101.

#### 427.010

CASE CITATIONS: Dungan v. Travelers Ins. Co., (1970) 257 Or 511, 476 P2d 915.

ATTY. GEN. OPINIONS: Inclusion of children in state institutions in the school census, 1950-52, p 92; transfer of mentally retarded persons to other institutions, 1964-66, p 30; effect of this section on authority of Board of Control to suspend residence requirement, 1964-66, p 305; authority of grand jury to inquire into conditions at Fairview Hospital and Training Center, 1966-68, p 366.

#### 427.015

ATTY. GEN. OPINIONS: Commitment to state institution for mentally deficient of case examined by one physician and one psychologist, 1930-32, p 205; authority of Fairview Home to accept epileptic persons, 1946-48, p 484; in a commitment to Fairview Home, residence for jurisdiction of minor whose parents are unavailable, 1960-62, p 159.

#### 427.025

ATTY. GEN. OPINIONS: Commitment of persons accused of crime, 1962-64, p 365.

#### 427.055

CASE CITATIONS: State v. Van Tassel, (1971) 5 Or App 376, 484 P2d 1117.

#### 427.059

ATTY. GEN. OPINIONS: Authority of superintendent to grant leaves to inmates, 1964-66, p 102.

#### 427.065

ATTY. GEN. OPINIONS: In a commitment to Fairview Home, residence for jurisdiction of minor whose parents are unavailable, 1960-62, p 159; residence of child of a serviceman, 1962-64, p 463; application of residency requirement to nonresident child of Oregon servicemen, 1966-68, p 101.

#### 427.067

ATTY. GEN. OPINIONS: Authority of county court to make arrangements for care of mentally deficient person by relative or guardian as provided by statute, 1922-24, p 205.

#### 427.104

ATTY. GEN. OPINIONS: Responsibility to provide suitable education for child committed but not admitted to Fairview Home, 1956-58, p 134.

#### 427.120

ATTY. GEN. OPINIONS: Authority of county court to make arrangements for care of mentally deficient person by relative or guardian, 1922-24, p 205; authority of superintendent to discharge inmate, 1924-26, p 320; release of child from state institution for mentally deficient, 1928-30, p 85; mentally deficient persons as committed to the institution for indefinite detention and discharged when found to be no longer a fit subject for the institution, 1944-46, p 445; qualifications of person needed to receive inmate discharged from Fairview Home, 1950-52, p 344; legal limitations on release of resident, 1966-68, p 366.

#### 427.150

#### NOTES OF DECISIONS

A public official is immune from liability in the exercise of a discretion imposed upon him by statute. Jarrett v. Wills, (1963) 235 Or 51, 383 P2d 995.

ATTY. GEN. OPINIONS: Authority of superintendent to apply for welfare assistance for patients, 1962-64, p 263; authority of superintendent to grant leaves to inmates, 1964-66, p 102.

LAW REVIEW CITATIONS: 47 OLR 368; 48 OLR 115, 117.

#### 427.210

ATTY. GEN. OPINIONS: Construing "temporary custody," 1966-68, p 347.

#### 427.230

ATTY. GEN. OPINIONS: Residence of child of a serviceman, 1962-64, p 463; application of residency requirement to nonresident child of Oregon serviceman, 1966-68, p 101.