

COURT OF APPEALS OF OREGON

State v. L. H.

350 Or. App. 608 (2026) · No. A187115 · Decided June 17, 2026

SUMMARY

The Oregon Court of Appeals reversed a civil commitment judgment because the citation did not provide adequate notice that commitment could be based on the appellant’s inability to provide for her basic personal needs. The court held that factual statements in attached documents did not cure the deficiency where the documents expressly identified different commitment theories. The court applied ORS 426.090 and concluded that the appellant had not received the required statutory and constitutional notice.

CASE DETAILS

COURT	Court of Appeals of Oregon
WRITING FOR THE COURT	Shorr, Presiding Judge; Powers, Judge; O’Connor, Judge
JURISDICTION	Oregon Court of Appeals
DECIDED	June 17, 2026
DOCKET	A187115
DISPOSITION	reversed
PROCEDURAL POSTURE	L. H. appealed from a judgment committing her to the Mental Health Division for up to 180 days. She argued that the citation issued before the civil commitment hearing failed to provide the notice required by ORS 426.090 and denied her due process.
STANDARD OF REVIEW	The court determined the alleged notice error under the law existing when the appeal was decided. The relevant facts were undisputed.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	L. H. v. State of Oregon

TOPICS

- appellate procedure
- health law
- statutory interpretation
- procedural due process
- due process

PRACTICE AREAS

- mental health law
- civil commitment
- appellate procedure
- statutory interpretation
- due process

QUESTIONS PRESENTED

1. Whether the citation and its incorporated documents provided the specific notice required by ORS 426.090 that L. H. was believed to be unable to provide for her basic personal needs due to a mental disorder.
2. Whether the information in the attachments to the citation provided a functionally equivalent protection despite any statutory notice deficiency.

HOLDINGS

1. The citation and its attached and incorporated documents did not provide adequate notice that L. H. was believed to be unable to provide for her basic personal needs due to a mental disorder or that she would face commitment on that theory.
2. The attachments did not provide the functional equivalent of the required statutory and constitutional notice.

KEY QUOTATIONS

“a minimum requirement for adequate notice is that the citation ‘reveal a theory of commitment—whether appellant was a danger to herself, a danger to others, or unable to meet her basic needs’—so that the allegedly mental ill person ‘know[s] what to expect at the hearing [and] how to defend their liberty.’” (613-14)

“We are not persuaded that the citation, with its attached and incorporated documents, put appellant on notice that she was believed to be unable to provide for her basic personal needs due to a mental disorder, that she should be prepared to meet that theory at the commitment hearing, and that she was subject to commitment on that basis.” (614)

“Appellant was notified of specific theories for her potential commitment; she was entitled to rely on those express theories and was not required to read between the lines and discern a different theory that she might face at the commitment hearing.” (615)

FACTUAL BACKGROUND

L. H. was placed on an emergency hold at Adventist Medical Center on March 22, 2025. The notice of mental illness described her as psychotic, threatening staff, disorganized, delusional, and neglecting herself, and characterized her as an imminent danger to herself and others. The citation expressly identified danger to others as the commitment theory, while the investigator's report stated that L. H. was not a danger to herself and was not unable to provide for her basic personal needs. At the hearing, the medical examiner testified that L. H. was dangerous to herself because her altered mental state prevented her from staying out of harm's way and meeting her basic needs, and the trial court committed her on the basic-needs theory.

PROCEDURAL HISTORY

L. H. was placed on an emergency hold, and the circuit court initiated civil commitment proceedings. After a hearing, the trial court found that she was unable to meet her basic needs and committed her to the Mental

Health Division, while ruling that the prehearing notice was sufficient. L. H. timely appealed, and the Oregon Court of Appeals reversed.

DISPOSITION

reversed

CASES CITED

- State v. Jury, 185 Or. App. 132, 136, 57 P.3d 970 (2002), rev. den., 335 Or. 504 (2003)
- State v. T. L., 346 Or. App. 414, 420-22, 585 P.3d 636 (2026)
- State v. B. W. C., 347 Or. App. 755, 758-60, 589 P.3d 197 (2026)
- State v. V. L., 341 Or. App. 774, 778, 575 P.3d 215 (2025)
- State v. B. L. W., 335 Or. App. 639, 641, 560 P.3d 766 (2024)
- State v. T. C., 327 Or. App. 558, 563, 536 P.3d 591 (2023), rev. den., 371 Or. 825 (2024)