

## CHAPTER 1158

## INSTITUTIONAL SUPPORT FOR CHILDREN

H. F. 555

AN ACT relating to the liability for support for patients at a hospital-school or special unit and liability for support of mentally ill persons.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Section two hundred twenty-two point seventy-eight  
2 (222.78), Code 1973, is amended to read as follows:

3 222.78 **Parents and others liable for support.** The father and  
4 mother of any person admitted or committed to a hospital-school or  
5 to a special unit, as either an inpatient or an outpatient, and any  
6 person, firm, or corporation bound by contract hereafter made for  
7 support of such person shall be and remain liable for the support of  
8 such person. Such person and those legally bound for the support of  
9 the person shall be liable to the county for all sums advanced by the  
10 county to the state under the provisions of sections 222.60 and 222.77.  
11 The liability of any person, other than the patient, who is legally  
12 bound for the support of any patient under ~~twenty-one~~ *eighteen* years  
13 of age in a hospital-school or a special unit shall in no instance exceed  
14 the average minimum cost of the care of a normally intelligent, non-  
15 handicapped minor of the same age and sex as such minor patient.  
16 The state director shall establish the scale for this purpose but the  
17 scale shall not exceed the standards for personal allowances established  
18 by the state division under the aid to dependent children program.  
19 Provided further that the father or mother of such person shall not  
20 be liable for the support of such person after such person attains the  
21 age of ~~twenty-one~~ *eighteen* years and that the father or mother shall  
22 incur liability only during any period when the father or mother either  
23 individually or jointly receive a net income from whatever source,  
24 commensurate with that upon which they would be liable to make an  
25 income tax payment to this state. Nothing in this section shall be  
26 construed to prevent a relative or other person from voluntarily paying  
27 the full actual cost as established by the state director for caring for  
28 such mentally retarded person.

1 SEC. 2. Section two hundred thirty point fifteen (230.15), unnum-  
2 bered paragraph one (1), Code 1973, as amended by Acts of the Sixty-  
3 fifth General Assembly, 1973 Session, chapter one hundred eighty-  
4 three (183), section one (1), is amended to read as follows:

5 Mentally ill persons and persons legally liable for their support shall  
6 remain liable for the support of such mentally ill. Persons legally  
7 liable for the support of a mentally ill person shall include the spouse  
8 of the mentally ill person, any person, firm, or corporation bound by  
9 contract for support of the mentally ill person, and, with respect to  
10 mentally ill persons under ~~twenty-one~~ *eighteen* years of age only, the  
11 father and mother of the mentally ill person. The county auditor,  
12 subject to the direction of the board of supervisors, shall enforce the  
13 obligation herein created as to all sums advanced by the county. The  
14 liability to the county incurred under this section on account of any  
15 mentally ill person shall be limited to one hundred percent of the cost of  
16 care and treatment of the mentally ill person at a state mental health  
17 institute for one hundred twenty days of hospitalization, whether

18 occurring subsequent to a single admission or accumulated as a con-  
 19 sequence of two or more separate admissions, and thereafter to an  
 20 amount not in excess of the average minimum cost of the maintenance  
 21 of a physically and mentally healthy individual residing in his own  
 22 home, which standard shall be established and may from time to time  
 23 be revised by the department of social services. No lien imposed by  
 24 section 230.25 shall exceed the amount of the liability which may be  
 25 incurred under this section on account of any mentally ill person.

Approved March 29, 1974

## CHAPTER 1159

### VOLUNTARY MENTAL PATIENTS

#### H. F. 1240

AN ACT requiring that the county board of supervisors receive written notice at the time any resident of the county is admitted as a voluntary patient of a mental health institute.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Section two hundred twenty-six point thirty-five  
 2 (226.35),\* unnumbered paragraph one (1), Code 1973, is amended to  
 3 read as follows:

4 Any resident of the state may apply for voluntary admission for the  
 5 treatment of alcoholism to Mental Health Institute, Cherokee, Iowa,  
 6 Mental Health Institute, Independence, Iowa, Mental Health Institute,  
 7 Clarinda, Iowa, or Mental Health Institute, Mt. Pleasant, Iowa, the  
 8 state hospital serving the district in which he resides. This applica-  
 9 tion shall be made on forms provided by the state director and under  
 10 such regulations as the director may prescribe. If the superintendent  
 11 shall be satisfied, after examination of the applicant by the staff, that  
 12 he is in need of hospital treatment and will be benefited thereby, the  
 13 superintendent may receive and care for the applicant in the state hos-  
 14 pital for such a period of time as he shall deem necessary for the  
 15 treatment, improvement or recovery of said patient. *Upon receiving*  
 16 *the patient in the state hospital the superintendent shall at once send*  
 17 *written notice of the fact to the board of supervisors of the patient's*  
 18 *county of legal settlement, unless the application of the patient is*  
 19 *accompanied by a statement signed by the applicant, his spouse, guard-*  
 20 *ian or some other responsible person, agreeing to pay the cost of the*  
 21 *applicant's hospitalization in the manner provided by section two hun-*  
 22 *dred twenty-nine point forty-one (229.41) of the Code.*

1 SEC. 2. Section two hundred twenty-nine point one (229.1), un-  
 2 numbered paragraph two (2), Code 1973, is amended to read as fol-  
 3 lows:

4 Provided, however, that application for admission may be made on  
 5 behalf of a person by his attending physician and another physician  
 6 experienced in the treatment of mental diseases, for a temporary ad-  
 7 mission for observation, examination, diagnosis and treatment, which

\*Repealed by 65 GA, ch 1131, §51