

RULES FOR HOSPITALIZATION OF MENTALLY ILL

CHAPTER 1211

INVOLUNTARY HOSPITALIZATION OF MENTALLY ILL

IN THE MATTER OF RULES OF PROCEDURE AND FORMS FOR THE INVOLUNTARY HOSPITALIZATION OF THE MENTALLY ILL



REPORT OF THE SUPREME COURT

TO THE 1980 REGULAR SESSION OF THE SIXTY-EIGHTH GENERAL ASSEMBLY OF THE STATE OF IOWA:

Pursuant to sections 229.40 and 684.19, The Code, the Supreme Court of Iowa has prescribed and hereby reports to the General Assembly changes in existing Rules of Procedure and Forms for the Involuntary Hospitalization of the Mentally Ill as follows:

Rule 5.

That rule 5 be stricken and the following new rule 5 be substituted:

"5. At the request of the respondent or his or her attorney, the hearing provided in section 229.12, The Code, may be continued beyond the statutory limit in order that the respondent's attorney have adequate time to prepare his or her case, and in such instances custody pursuant to section 229.11 may be extended by court order until the hearing is held. The continuance shall be no longer than five days beyond the statutory limit, unless respondent gives written consent to the longer continuance."

Rule 6.

That rule 6 be amended as follows:

"6. If the respondent is involuntarily confined prior to the hearing pursuant to a determination under section 229.11, The Code, the respondent's attorney may apply to the judge or referee for an opportunity to confer with the respondent, in a place other than the place of confinement, in advance of the hearing provided for in section 229.12, The Code. The order shall provide for transportation and the type of custody and responsibility therefor during the period the respondent is away from the place of confinement under this rule."

Rule 12.

That rule 12 be amended as follows:

"12. The clerk shall ~~see-that~~ furnish the respondent's attorney ~~receives~~ with a copy of the examination report filed pursuant to section 229.10(2), The Code, ~~sufficiently-in-advance-of-the-hearing-to-allow-him-or-her~~ as soon as possible after receipt. In ruling on any request for an extension of time under section 229.10(4), The Code, the court shall consider the time available to the respondent's attorney after receipt of the examination report to prepare for the hearing and to prepare response from physicians engaged by the respondent, where relevant. Respondent's attorney shall promptly file a copy of a report of any physician who has examined responded* and whose evidence the attorney expects to use at the hearing. The clerk shall provide the court and the county attorney with a copy thereof when filed."

Rule 13.

That rule 13 be amended as follows:

"13. The court-designated physician shall submit a written report of the examination as required by section 229.10(2), The Code, on the form designated for use by the supreme court. The report shall contain the following information, or as much thereof as is available to the physician making the report: (1) Respondent's name, (2) Address; (3) Date of birth; (4) Place of birth; (5) Sex; (6) Occupation; (7) Martial*status; (8) Number of children, and names; (9) Nearest relative's name, relationship, and address; and (10) The physician's diagnosis and recommendations with a detailed statement of the facts, symptoms and overt acts observed or described to him or her, which led to the diagnosis."

Rule 18.

That rule 18 be amended as follows:

"18. The respondent's rights ~~should~~ as set out in rule 3(B) and the possible consequences of the procedures shall be explained to him or her ~~and,~~ by his or her attorney to the extent possible, ~~--the--nature--and--possible consequences--of--the--proceedings.~~ Prior to the commencement of the hearing under section 229.12, The Code, the judge or referee shall ascertain whether the respondent has been so informed."

Rule 20.

That rule 20 be amended as follows:

"20. The person(s) filing the application and any physician or mental health professionals who have examined the respondent and have submitted a written examination of the respondent in connection with the hospitalization proceedings ~~ex-latex-proceedings~~ must be present at the hearing conducted under section 229.12, The Code, unless, ~~--prior-to-the-hearing,~~ (1) their presence is waived by the respondent's attorney or (2) the judge or referee, for--good--cause, finds their presence is not necessary. The respondent must be present at the hearing unless prior to the hearing the respondent's

*According to enrolled copy

attorney stipulates in writing to his or her absence, such stipulation to state (1) that the attorney has conversed with the respondent, (2) that in the attorney's judgment the respondent can make no meaningful contribution to the hearing, and (3) the basis for such conclusions. A stipulation to the respondent's absence shall be reviewed by the judge or referee before the hearing, and may be rejected if it appears that insufficient grounds are stated or that the respondent's interests would not be served by his or her absence."

Rule 22.

That rule 22 be amended as follows:

"22. If the respondent is in custody in another county prior to the hearing provided in section 229.12, The Code, respondent's attorney may request that the respondent be delivered to the county in which the hearing will be held prior thereto in order to facilitate preparation by respondent's attorney. Such requests should be denied only if they are unreasonable and if the denial would not harm respondent's interests in representation by counsel. This rule is not intended to authorize permanent transfer of the respondent to another facility without conformance to appropriate statutory procedures."

Rule 23.

That rule 23 be stricken and the following new rule 23 be substituted:

"23. If the respondent is found by the court to be seriously mentally impaired following a hearing under section 229.12, The Code, evaluation and treatment shall proceed as set out in section 229.13, The Code."

Rule 31.

That rule 31 be stricken and the following new rule 31 be substituted:

"31. When chemotherapy has been instituted prior to a hearing under section 229.12, The Code, the chief medical officer of the facility where the respondent is hospitalized shall, prior to the hearing, submit to the clerk of the district court where the hearing is to be held, a report in writing listing all types of chemotherapy given for purposes of affecting the respondent's behavior or mental state during any period of custody authorized by section 229.4(3), 229.11 or 229.22, The Code. For each type of chemotherapy the report shall indicate either (1) the chemotherapy was given with the consent of the patient or the patient's next of kin or guardian or (2) the way the chemotherapy was 'necessary to preserve the patient's life or to appropriately control behavior by the person which is likely to result in physical injury to that person or others if allowed to continue.' The report shall also include the effect of the chemotherapy on the respondent's behavior or mental state. The clerk shall file the original report in the court file, advise the judge or referee and the respondent's attorney accordingly and provide a copy of the report to respondent's attorney if so requested."

Form 15.

That the title on the right-hand side of form 15 be amended as follows:

"NOTICE OF ORDER
PURSUANT TO SECTION ~~221-21(3)~~
229.21(3), THE CODE."

Form 18.

That paragraph 1 of form 18 be amended as follows:

"1. Treatment, ~~including medications~~ that respondent has received during the present hearing and evaluation period."

Form 18.

That paragraph 2 of form 18 be stricken and the following new paragraph 2 be substituted:

"2. Chemotherapy respondent has received: Attachment 1 which is incorporated as part of this report lists all types of chemotherapy given at this hospital to the respondent for purposes of affecting the patient's behavior or mental state, along with the effect on the respondent's behavior or mental state."

New form 18a.

That the following new form 18a be added:

"IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

IN THE MATTER OF:

Respondent.



No. _____
CHIEF MEDICAL OFFICER'S
PERIODIC REPORT PURSUANT
TO SECTION 229.15(1),
THE CODE

1. An order for continued hospitalization of the respondent at this hospital was entered _____, 19__.
2. Attachment 1 which is incorporated as part of this report lists all types of chemotherapy given at this hospital to the respondent for purposes of affecting the patient's behavior or mental state since the last report to the court, along with the effect on the respondent's behavior or mental state.
3. In my opinion, the patient's condition (has improved) (remains unchanged) (has deteriorated).
4. Check one box.
 - ___(a) Respondent was tentatively discharged on _____, 19__, pursuant to section 229.16, The Code, because in my opinion the respondent no longer requires treatment or care for serious mental impairment. (See EXPLANATION below).
 - ___(b) Respondent was transferred to _____ on _____, 19__, pursuant to section 229.15(4), The Code, because in my opinion it is in the best interest of the respondent. (See EXPLANATION below.)

- ___(c) Respondent was placed on leave on _____, 19__, pursuant to section 229.15(4), The Code, because in my opinion it is in the best interest of the patient. Patient was instructed to return on _____, 19__. (See EXPLANATION below.)
- ___(d) Respondent continues to be hospitalized in this hospital.

EXPLANATION:

(If 4(a) is applicable, skip items 5 through 8.)

5. In my opinion the following subsection of section 229.14, The Code, is applicable (check one box):

- ___(a) Respondent is seriously mentally impaired and in need of full-time custody, care and treatment in a hospital and is considered likely to benefit from treatment. (See EXPLANATION under item 7 below.)
- ___(b) Respondent is seriously mentally impaired and in need of treatment, but does not require full-time hospitalization. (For treatment recommendations, see RECOMMENDATIONS below.)
- ___(c) Respondent is seriously mentally impaired and in need of full-time custody and care, but is unlikely to benefit from further treatment in a hospital. (For recommendations of alternate placement, see RECOMMENDATIONS below.)

RECOMMENDATIONS:

(If 5(b) or (c) is applicable, skip items 6 and 7.)

6. I estimate that the further length of time the respondent will be required to remain in the hospital to be (not possible to be determined) (___ days).

7. I recommend (check one box):

- ___(a) the respondent remain in this hospital. (See EXPLANATION below.)
- ___(b) the respondent be transferred to _____ or another hospital. (See EXPLANATION below.)
- ___(c) the respondent remain in the hospital to which the respondent has already been transferred. (See EXPLANATION under item 4 above.)
- ___(d) the patient remain on leave until the date specified for return in item 4(c) above. (See EXPLANATION under item 4 above.)
- ___(e) the patient be placed on leave until _____, 19__. (See EXPLANATION below.)

EXPLANATION:

8. If continued hospitalization is recommended, state the reasons that in your judgment the recommended course of treatment is the least restrictive, effective treatment for this patient:

Signed _____
Hospital _____

Form 18a"

New form 18b.

That the following new form 18b be added:

"IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

IN THE MATTER OF:

_____,
Respondent.



No. _____
CHIEF MEDICAL OFFICER'S
PERIODIC REPORT PURSUANT
TO SECTION 229.15(2),
THE CODE

1. An order for treatment of the respondent on an outpatient or other appropriate basis at this facility was entered _____, 19__.
2. Attachment 1 which is incorporated as part of this report lists all types of chemotherapy given to or prescribed for the respondent at this facility for purposes of affecting the patient's behavior or mental state since the last report to the court, along with the effect on the respondent's behavior or mental state.
3. In my opinion, the patient's condition (has improved) (remains unchanged) (has deteriorated).
4. Check one box.
 - ___(a) Respondent was tentatively discharged on _____, 19__, pursuant to section 229.16, The Code, because in my opinion the respondent no longer requires treatment or care for serious mental impairment. (See EXPLANATION below).
 - ___(b) Respondent is failing or refusing to submit to treatment as ordered by the court and, in my opinion, has not shown good cause. (See EXPLANATION below.)
 - ___(c) Respondent is in treatment as directed by the order of the court. (See EXPLANATION below.)

EXPLANATION:

(If 4(a) is applicable, skip items 5 through 7.)

5. In my opinion the following subsection of section 229.14, The Code, is applicable (check one box):

- (a) Respondent is seriously mentally impaired and in need of full-time custody, care and treatment in a hospital and is considered likely to benefit from treatment. (See EXPLANATION below.)
- (b) Respondent is seriously mentally impaired and in need of treatment, but can continue in outpatient treatment. (See EXPLANATION below.)
- (c) Respondent is seriously mentally impaired and in need of full-time custody and care, but is unlikely to benefit from treatment in a hospital. (For recommendation of alternate placement, see EXPLANATION below.)

EXPLANATION:

(If 5(a) or (c) is applicable, skip item 6.)

6. I estimate that the further length of time the respondent will require outpatient or other appropriate treatment at this facility to be (not possible to be determined) (____ days).

7. If inpatient hospitalization is recommended, state the reasons that in your judgment the recommended course of treatment is the least restrictive, effective treatment for this patient.

Signed _____
Hospital _____

Form 18b"

New form 18c.

That the following new form 18c be added:

"IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY, IOWA

IN THE MATTER OF:

Respondent.



No. _____
PERIODIC REPORT PURSUANT
TO SECTION 229.15(3), THE
CODE (ALTERNATE PLACEMENT)

1. An order for continued placement of the respondent at this facility was entered _____, 19__.

2. Attachment 1 which is incorporated as part of this report lists all types of chemotherapy given at this facility to the respondent for purposes of affecting the patient's behavior or mental state since the last report to the court, along with the effect on the respondent's behavior or mental state.

3. In my opinion, the patient's condition (has improved) (remains unchanged) (has deteriorated). Additional information concerning the patient's condition and prognosis is provided below:

4. Check one box.

(a) Respondent was tentatively discharged on _____, 19__, pursuant to section 229.16, The Code, because in my opinion the respondent no longer requires treatment or care for serious mental impairment. (See EXPLANATION below).

(b) Respondent continues to be in the custody of this facility.

EXPLANATION:

(If 4(a) is applicable, skip items 5 and 6.)

5. In my opinion the following subsection of section 229.14, The Code, is applicable (check one box):

(a) Respondent is seriously mentally impaired and in need of full-time custody, care and treatment in a hospital and is considered likely to benefit from treatment. (See RECOMMENDATIONS below.)

(b) Respondent is seriously mentally impaired and in need of treatment, but does not require full-time hospitalization. (See RECOMMENDATIONS below.)

(c) Respondent is seriously mentally impaired and in need of full-time custody and care, but is unlikely to benefit from further treatment in a hospital. (See RECOMMENDATIONS below, which recommend continued placement at this facility or alternate placement.)

RECOMMENDATIONS:

(If 5(b) is applicable, skip item 6.)

6. If placement in a hospital is recommended, state the reasons that in your judgment the recommended course of treatment is the least restrictive, effective treatment for this patient. If placement in a facility other than

hospital is recommended, state the reasons that in your judgment the respondent is unlikely to benefit from treatment in a hospital.

Signed _____
Facility _____

Form 18c"

Form 24.

That form 24 be amended as follows:

"-----
Chief-Medical-Officer

IN THE MATTER OF:
_____,
ALLEGED TO BE SERIOUSLY
MENTALLY IMPAIRED,

ORDER OF DETENTION
PURSUANT TO SECTION
229.22(2), THE CODE.

Respondent.

DATE: _____
TIME OF DETENTION: _____
TIME OF NOTIFICATION OF MAGISTRATE: _____
~~TIME-OF-ARRIVAL-OF-MAGISTRATE:-----~~

I order immediate detention of Respondent because there is reason to believe Respondent is seriously mentally impaired and likely to injure himself, herself or others if not immediately detained.

The following facts have led me to the above conclusions:

This order is made pursuant to the verbal instructions of _____
_____, magistrate.

Chief Medical Officer

ARRIVAL OF MAGISTRATE

Time of arrival of magistrate: _____

Magistrate

Form 24"

Respectfully submitted,
THE SUPREME COURT OF IOWA

/s/ W. W. Reynoldson
W. W. REYNOLDSON, CHIEF JUSTICE

Des Moines, Iowa
January 28, 1980

ACKNOWLEDGMENT

I, the undersigned, Secretary of the Senate of the State of Iowa, hereby acknowledge delivery to me on the twenty-eighth day of January, 1980, of the foregoing report of the Supreme Court of Iowa pertaining to the Rules of Procedure and Forms for the Involuntary Hospitalization of the Mentally Ill.

/s/ Frank Stork
Secretary of the Senate, 1980
Regular Session of the Sixty-
Eighth General Assembly of the
State of Iowa

ACKNOWLEDGMENT

I, the undersigned, Chief Clerk of the House of Representatives of the State of Iowa, hereby acknowledge delivery to me on the twenty-eighth day of January, 1980, of the foregoing report of the Supreme Court of Iowa pertaining to the Rules of Procedure and Forms for the Involuntary Hospitalization of the Mentally Ill.

/s/ David L. Wray
Chief Clerk of the House of
Representatives, 1980 Regular
Session of the Sixty-Eighth
General Assembly of the State
of Iowa

CERTIFICATE

I, Terry E. Branstad, do hereby certify that I am the President of the Senate of the 1980 Regular Session of the Sixty-eighth General Assembly of the State of Iowa; and I, Frank J. Stork, do hereby certify that I am the Secretary of the Senate of the 1980 Regular Session of the Sixty-eighth General Assembly of the State of Iowa, and we do hereby jointly certify that as such President and Secretary that on the twenty-eighth day of January, 1980, the Supreme Court of the State of Iowa reported to said Senate, and filed with it, the attached and foregoing Rules of Procedure and Forms for the Involuntary Hospitalization of the Mentally Ill;

THAT the date of making said report to the 1980 Regular Session of the Sixty-eighth General Assembly was within the twenty days subsequent to the convening of the 1980 Regular Session of the Sixty-eighth General Assembly;

THAT no other report pertaining to the Rules of Procedure and Forms for the Involuntary Hospitalization of the Mentally Ill was made or filed by said Supreme Court with said Senate;

THAT no changes, modifications, amendments, revisions or additions to the Rules of Procedure and Forms for the Involuntary Hospitalization of the Mentally Ill were made or enacted at such 1980 Regular Session of said Sixty-eighth General Assembly.

Signed this 26th day of April, 1980, being the sine die adjournment of the 1980 Regular Session of the Sixty-eighth General Assembly.

/s/ Terry E. Branstad

TERRY E. BRANSTAD

President of the Senate

/s/ Frank J. Stork

FRANK J. STORK

Secretary of the Senate, 1980
Regular Session of the Sixty-
eighth General Assembly of the
State of Iowa.

CERTIFICATE

I, William H. Harbor, do hereby certify that I am the Speaker of the House of Representatives of the 1980 Regular Session of the Sixty-eighth General Assembly of the State of Iowa; and I, Bruce Graham, do hereby certify that I am the Assistant Chief Clerk of the House of Representatives of the 1980 Regular Session of the Sixty-eighth General Assembly of the State of Iowa, and we do hereby jointly certify that as such Speaker and Assistant Chief Clerk that on the twenty-eighth day of January, 1980, the Supreme Court of the State of Iowa reported to said House of Representatives, and filed with it, the attached and foregoing Rules of Procedure and Forms for the Involuntary Hospitalization of the Mentally Ill;

THAT the date of making said report to the 1980 Regular Session of the Sixty-eighth General Assembly was within the twenty days subsequent to the convening of the 1980 Regular Session of the Sixty-eighth General Assembly;

THAT no other report pertaining to the Rules of Procedure and Forms for the Involuntary Hospitalization of the Mentally Ill was made or filed by said Supreme Court with said House of Representatives;

THAT no changes, modifications, amendments, revisions or additions to the Rules of Procedure and Forms for the Involuntary Hospitalization of the Mentally Ill were made or enacted at such 1980 Regular Session of said Sixty-eighth General Assembly.

Signed this 26th day of April, 1980, being the sine die adjournment of the 1980 Regular Session of the Sixty-eighth General Assembly.

/s/ William H. Harbor

WILLIAM H. HARBOR
Speaker of the House

/s/ Bruce Graham

BRUCE GRAHAM
Assistant Chief Clerk of the House
of Representatives, 1980 Regular
Session of the Sixty-eighth
General Assembly of the State of
Iowa.