

RULES FOR HOSPITALIZATION OF MENTALLY ILL

CHAPTER 1270

RULES AND FORMS FOR INVOLUNTARY HOSPITALIZATION OF MENTALLY ILL

IN THE MATTER OF RULES OF PRO-
CEDURE AND FORMS FOR INVOLUN-
TARY HOSPITALIZATION OF
MENTALLY ILL

REPORT OF THE
SUPREME COURT

TO THE 1982 REGULAR SESSION OF THE SIXTY-NINTH GENERAL ASSEMBLY OF
THE STATE OF IOWA:

Pursuant to sections 229.40 and 684.19, The Code, the Supreme Court of Iowa has pre-
scribed 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 3(B).

That rule 3(B) be amended as follows:

"B. The notice of procedures required under section 229.7, The Code, shall inform the
respondent of: (1) (a) His or her immediate right to counsel, at county expense if necessary; (b)
the right to request an examination by a physician of his or her choosing, at county expense if
necessary; (c) the right to be present at the hearing; (d) the right to a hearing within five days if
the respondent is taken into immediate custody pursuant to section 229.11, The Code; (e) the
right not to be forced to hearing sooner than forty-eight hours after notice, unless respondent
waives such minimum prior notice requirement."

Rule 32.

That the following new rule 32 be added:

"32. If, pursuant to section 229.14(3), The Code, the chief medical officer determines that
the patient is suited for outpatient care, the chief medical officer (or his designee) and the
patient shall discuss and agree upon specific care and treatment guidelines in which the best
interests of the patient will be paramount. These written guidelines shall be known as the
Outpatient Treatment Plan (O.T.P.). If either the patient or the chief medical officer (or his
designee) alleges that the O.T.P. has been breached, the judge or judicial hospitalization
referee shall hold a hearing as provided by sections 229.14(3) and 229.12, The Code, to deter-
mine whether the patient should be rehospitalized. The patient is entitled to reasonable
notice of such a hearing."

Form 29.

That the following new form 29 be added:

"[29]

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY

IN THE MATTER OF:

ALLEGED TO BE SERIOUSLY
MENTALLY IMPAIRED,

Respondent.

No. _____
NOTICE TO RESPONDENT
PURSUANT TO SECTION
229.14(3), THE CODE.

TO: _____

You are hereby notified that there is now on file in the office of the Clerk of the District Court of _____ County, Iowa, an application alleging that you have not satisfactorily responded to your "Outpatient Treatment Plan (O.T.P.)" and should therefore be re-hospitalized for inpatient care and treatment. A copy of said application is attached. This matter will come on for hearing on the application before this Court at _____, _____ County, Iowa, on the _____ day of _____, 19 _____, at _____ o'clock _____ M..

You are further notified that you have the right to have your personal or previously appointed attorney present in connection with this hearing.

You have a right to be present at the hearing.

At this hearing the Court will decide whether you should be re-hospitalized for inpatient care and treatment; whether the O.T.P. should be revised and outpatient care continued; or whether some other result is appropriate.

JUDGE OF THE _____ JUDICIAL
DISTRICT OF IOWA OR JUDICIAL
HOSPITALIZATION REFEREE"

Form 30.

That the following new form 30 be added:

"[30]

IN THE IOWA DISTRICT COURT IN AND FOR _____ COUNTY

IN THE MATTER OF:

ALLEGED TO BE SERIOUSLY
MENTALLY IMPAIRED,

Respondent.

No. _____
HOSPITALIZATION ORDER
PURSUANT TO SECTION
229.14(3), THE CODE.

On _____ a hearing was held regarding allegations that Respondent has failed to satisfactorily respond to his Outpatient Treatment Plan (O.T.P.) and should therefore be re-hospitalized for inpatient care and treatment as provided by sections 229.14(3) and 229.15(2), The Code. It is hereby determined that sufficient evidence has been presented to support said allegations, and the Respondent is hereby ordered re-committed to _____.

This finding is based on the following circumstances and grounds:

Done this _____ day of _____, 19____.

JUDGE OF THE _____ JUDICIAL
DISTRICT OF IOWA OR JUDICIAL
HOSPITALIZATION REFEREE"

Respectfully submitted,
THE SUPREME COURT OF IOWA

/s/ W. W. Reynoldson

W. W. REYNOLDSON, CHIEF JUSTICE

Des Moines, Iowa
January 27, 1982

ACKNOWLEDGMENT

I, the undersigned, Secretary of the Senate of the State of Iowa, hereby acknowledge delivery to me on the twenty-seventh day of January, 1982, of the foregoing report of the Supreme Court of Iowa pertaining to the Rules for Involuntary Hospitalization of Mentally Ill.

/s/ K. Marie Thayer

Secretary of the Senate, 1982 Regular
Session of the Sixty-ninth 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-seventh day of January, 1982, of the foregoing report of the Supreme Court of Iowa pertaining to the Rules for Involuntary Hospitalization of Mentally Ill.

/s/ Elizabeth A. Isaacson

Chief Clerk of the House of Representatives,
1982 Regular Session of the Sixty-ninth
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 1982 Regular Session of the Sixty-ninth General Assembly of the State of Iowa; and I, K. Marie Thayer, do hereby certify that I am the Secretary of the Senate of the 1982 Regular Session of the Sixty-ninth General Assembly of the State of Iowa, and we do hereby jointly certify as President and Secretary that on the twenty-seventh day of January, 1982, the Supreme Court of the State of Iowa reported to the Senate, and filed with it, the attached and foregoing Forms for the Involuntary Hospitalization of the Mentally Ill;

THAT the date of making that report to the 1982 Regular Session of the Sixty-ninth General Assembly was within twenty days subsequent to the convening of the 1982 Regular Session of the Sixty-ninth General Assembly;

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

THAT no changes, modifications, amendments, revisions or additions to the Forms for the Involuntary Hospitalization of the Mentally Ill as reported by the Supreme Court were made or enacted at the 1982 Regular Session of the Sixty-ninth General Assembly.

Signed this 24th day of April, 1982, being the sine die adjournment of the 1982 Regular Session of the Sixty-ninth General Assembly.

/s/ Terry E. Branstad

TERRY E. BRANSTAD
President of the Senate

/s/ K. Marie Thayer

K. MARIE THAYER
Secretary of the Senate, 1982 Regular
Session of the Sixty-ninth General Assembly
of the State of Iowa

CERTIFICATE

I, Delwyn Stromer, do hereby certify that I am the Speaker of the House of Representatives of the 1982 Regular Session of the Sixty-ninth General Assembly of the State of Iowa; and I, Elizabeth A. Isaacson, do hereby certify that I am the Chief Clerk of the House of Representatives of the 1982 Regular Session of the Sixty-ninth General Assembly of the State of Iowa, and we do hereby jointly certify as Speaker and Chief Clerk that on the twenty-seventh day of January, 1982, the Supreme Court of the State of Iowa reported to the House of Representatives, and filed with it, the attached and foregoing Forms for the Involuntary Hospitalization of the Mentally Ill;

THAT the date of making that report to the 1982 Regular Session of the Sixty-ninth General Assembly was within twenty days subsequent to the convening of the 1982 Regular Session of the Sixty-ninth General Assembly;

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

THAT no changes, modifications, amendments, revisions or additions to the Forms for the Involuntary Hospitalization of the Mentally Ill as reported by the Supreme Court were made or enacted at the 1982 Regular Session of the Sixty-ninth General Assembly.

Signed this 24th day of April, 1982, being the sine die adjournment of the 1982 Regular Session of the Sixty-ninth General Assembly.

/s/ Delwyn Stromer

DELWYN STROMER
Speaker of the House

/s/ Elizabeth A. Isaacson

ELIZABETH A. ISAACSON
Chief Clerk of the House of Representatives,
1982 Regular Session of the Sixty-ninth
General Assembly of the State of Iowa