

**CHAPTER 90****ADMISSION OF MINORS TO HOSPITALS FOR THE MENTALLY ILL***H.F. 525*

**AN ACT** relating to the jurisdiction of the juvenile court in hospital admission of minors and the admission procedures for minors.

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

Section 1. Section 229.1, subsection 11, Code 1987, is amended to read as follows:

11. "Chief medical officer" means the medical director in charge of ~~any~~ a public hospital, or ~~any~~ private hospital, or that individual's physician-designee. ~~Nothing in this~~ This chapter ~~shall does not~~ negate the authority otherwise reposed by law in the respective superintendents of each of the state hospitals for the mentally ill, established by chapter 226, to make decisions regarding the appropriateness of admissions or discharges of patients of that hospital, however it is the intent of this chapter that if the superintendent is not a licensed physician ~~the superintendent shall be guided in these decisions by the chief medical officer of that the decisions by the superintendent shall be corroborated by the chief medical officer of the~~ hospital.

Sec. 2. Section 229.2, subsection 1, Code 1987, is amended to read as follows:

1. An application for admission to a public or private hospital for observation, diagnosis, care, and treatment as a voluntary patient may be made by any person who is mentally ill or has symptoms of mental illness.

**PARAGRAPH DIVIDED.** In the case of a minor, the parent, guardian, or custodian may make application for admission of the minor as a voluntary patient.

a. Upon receipt of an application for voluntary admission of a minor, the chief medical officer shall provide separate prescreening interviews and consultations with the parent, guardian or custodian and the minor to assess the family environment and the appropriateness of the application for admission.

b. During the interview and consultation the chief medical officer shall inform the minor orally and in writing that the minor has a right to object to the admission. If the chief medical officer of the hospital to which application is made determines that the admission is appropriate but the minor objects to the admission, the parent, guardian or custodian must petition the juvenile court for approval of the admission before the minor is actually admitted.

c. As soon as is practicable after the filing of a petition for juvenile court approval of the admission of the minor, the juvenile court shall determine whether the minor has an attorney to represent the minor in the hospitalization proceeding, and if not, the court shall assign to the minor an attorney. If the minor is financially unable to pay for an attorney, the attorney shall be compensated in substantially the manner provided by section 815.7.

d. The juvenile court shall determine whether the admission is in the best interest of the minor and is consistent with the minor's rights.

e. The juvenile court shall order hospitalization of a minor, over the minor's objections, only after a hearing in which it is shown by clear and convincing evidence that:

(1) The minor needs and will substantially benefit from treatment.

(2) No other setting which involves less restriction of the minor's liberties is feasible for the purposes of treatment.

f. Upon approval of the admission of a minor over the minor's objections, the juvenile court shall appoint an individual to act as an advocate representing the interests of the minor in the same manner as an advocate representing the interests of patients involuntarily hospitalized pursuant to section 229.19.

**Sec. 3. NEW SECTION. 229.6A HOSPITALIZATION OF MINORS — JURISDICTION — DUE PROCESS.**

1. Notwithstanding section 229.11, the juvenile court has exclusive original jurisdiction in proceedings concerning a minor for whom an application for involuntary admission is filed under section 229.6 or for whom an application for voluntary admission is made under section 229.2, subsection 1, to which the minor objects. In proceedings under this chapter concerning a minor, notwithstanding section 229.11, the terms "court", "judge", "referee", or "clerk" mean the juvenile court, judge, referee, or clerk.

2. The procedural requirements of this chapter are applicable to minors involved in hospitalization proceedings pursuant to subsection 1.

3. It is the intent of this chapter that when a minor is involuntarily or voluntarily hospitalized or hospitalized with juvenile court approval over the minor's objection the minor's family shall be included in counseling sessions offered during the minor's stay in a hospital when feasible. Prior to the discharge of the minor the juvenile court may, after a hearing, order that the minor's family be evaluated and therapy ordered if necessary to facilitate the return of the minor to the family setting.

Sec. 4. Section 229.26, Code 1987, is amended to read as follows:

**229.26 EXCLUSIVE PROCEDURE FOR INVOLUNTARY HOSPITALIZATION.**

Sections 229.6 to 229.19 constitute the exclusive procedure for involuntary hospitalization of persons by reason of serious mental impairment in this state, except that this chapter does not negate the provisions of section 246.503 relating to transfer of mentally ill prisoners to state hospitals for the mentally ill and does not apply to commitments of persons under chapter 812 or the rules of criminal procedure, Iowa court rules, 2d ed., or negates the provision of section 232.51 relating to disposition of mentally ill or mentally retarded children and section 229.6A relating to a juvenile court's jurisdiction over proceedings involving minors.

Approved May 1, 1987

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## CHAPTER 91

### EMERGENCY MEDICAL PERSONNEL

*H.F. 615*

**AN ACT** relating to providing workers' compensation coverage for emergency medical personnel and providing authority for their certification.

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

Section 1. Section 85.36, subsection 10, paragraph a, Code 1987, is amended to read as follows:

a. In computing the compensation to be allowed a volunteer fire fighter, basic or advanced emergency medical care provider, or reserve peace officer, the earnings as a fire fighter, basic or advanced emergency medical care provider, or reserve peace officer shall be disregarded and the volunteer fire fighter, basic or advanced emergency medical care provider, or reserve peace officer shall be paid an amount equal to the compensation the volunteer fire fighter, basic or advanced emergency medical care provider, or reserve peace officer would be paid if injured in the normal course of the volunteer fire fighter's, basic or advanced emergency medical care provider's, or reserve peace officer's regular employment or an amount equal to one hundred and forty percent of the statewide average weekly wage, whichever is greater.

Sec. 2. Section 85.61, subsection 1, Code 1987, is amended to read as follows:

1. "Employer" includes and applies to a person, firm, association, or corporation, state, county, municipal corporation, school corporation, area education agency, township as an employer of volunteer fire fighters and basic or advanced emergency medical care providers only,