

cases, whether or not a court appearance is required or is demanded; a brief explanation of sections 805.9 and 805.10; and a space where the defendant may sign an admission of the violation when permitted by section 805.9; and the uniform citation and complaint shall require that the defendant appear before a court at a specified time and place. The uniform citation and complaint also may contain a space for the imprint of a credit card, and may contain any other information which the commissioner of public safety and the director of natural resources may determine.

Sec. 3. Section 805.6, subsection 1, paragraph b, Code 1995, is amended to read as follows:

b. The uniform citation and complaint shall contain the following:

(1) A promise to appear as provided in section 805.3.

(2) The following statement with a space immediately below it for the signature of the person being charged:

I hereby give my unsecured appearance bond in the amount of dollars and enter my written appearance. I agree that if I fail to appear in person or by counsel to defend against the offense charged in this citation the court is authorized to enter a conviction and render judgment against me for the amount of my appearance bond in satisfaction of the penalty plus court costs.

(3) A space immediately below the items in subparagraphs (1) and (2) for the signature of the person being charged which shall serve for each of the items in subparagraphs (1) and (2).

Sec. 4. Section 805.6, subsection 4, Code 1995, is amended to read as follows:

4. The uniform citation and complaint shall contain a place for the verification of the officer issuing the complaint. The complaint may be verified ~~before the chief officer of the law enforcement agency, or the chief officer's designee, and the chief officer of each law enforcement agency of the state is authorized to designate specific individuals to administer oaths and certify verifications in accordance with section 622.1.~~

Sec. 5. Section 805.6, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 6. Supplies of uniform citation and complaint forms existing or on order on July 1, 1995, may be used until exhausted.

Approved April 25, 1995

CHAPTER 82

HUMAN SERVICES ACTIVITIES - MENTAL RETARDATION COMMITMENT PROCEEDINGS

H.F. 483

AN ACT relating to activities of the department of human services, including provisions involving the state hospital-schools and other institutions, commitments of persons with mental retardation, and the department's public housing unit.

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

DIVISION I

PAYMENT OF WAGES TO INSTITUTIONAL RESIDENTS

Section 1. Section 218.42, Code 1995, is amended to read as follows:
218.42 WAGES OF RESIDENTS.

~~When~~ If a resident performs services for the state at an institution listed in section 218.1, the administrator in control of ~~such~~ the institution ~~may, when the administrator deems such course practicable, pay such resident such wage as it deems proper in view of the circumstances, and in view of the cost attending the maintenance of such~~ shall pay the resident a wage in accordance with federal wage and hour requirements. In no case shall such ~~However, the wage amount shall not exceed the amount paid to free labor of the prevailing wage paid in the state for a like service or its equivalent.~~

DIVISION II DHS PUBLIC HOUSING UNIT

Sec. 2. Section 225C.4, subsection 2, paragraph e, Code 1995, is amended to read as follows:

e. Administer a public housing unit within a bureau of the division to apply for, receive, and administer federal assistance, grants, and other public or private funds for purposes related to providing housing ~~to persons with disabilities~~ in accordance with section 225C.45.

Sec. 3. Section 225C.45, subsection 1, Code 1995, is amended to read as follows:

1. The administrator may establish a public housing unit within a bureau of the division to apply for, receive, and administer federal assistance, grants, and other public or private funds for purposes related to providing housing ~~to persons with mental illness, mental retardation or other developmental disability, or brain injury.~~

DIVISION III SALE OF SERVICES AT DEPARTMENT OF HUMAN SERVICES' INSTITUTIONS

Sec. 4. Section 222.73, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 5. A superintendent of a hospital-school or special unit may enter into a contract with a person for the hospital-school or special unit to provide consultation or treatment services. The contract provisions shall include charges which reflect the actual cost of providing the services. Any income from a contract authorized under this subsection may be retained by the hospital-school or special unit to defray the costs of providing the services. Except for a contract voluntarily entered into by a county under this subsection, the costs or income associated with a contract authorized under this subsection shall not be considered in computing charges and per diem costs in accordance with the provisions of subsections 1 through 4 of this section.

Sec. 5. Section 230.20, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 7. A superintendent of a mental health institute may enter into a contract with a person for the mental health institute to provide consultation or treatment services. The contract provisions shall include charges which reflect the actual cost of providing the services. Any income from a contract authorized under this subsection may be retained by the mental health institute to defray the costs of providing the services. Except for a contract voluntarily entered into by a county under this subsection, the costs or income associated with a contract authorized under this subsection shall not be considered in computing charges and per diem costs in accordance with the provisions of subsections 1 through 6 of this section.

DIVISION IV STATE HOSPITAL-SCHOOL ADMISSION AND DISCHARGE PROCEDURES

Sec. 6. Section 222.1, unnumbered paragraph 1, Code 1995, is amended to read as follows:

The Glenwood state hospital-school and the Woodward state hospital-school shall be

maintained for the purpose of providing treatment, training, instruction, care, habilitation, and support of ~~mentally-retarded persons with mental retardation or other disabilities~~ in this state.

Sec. 7. Section 222.13, Code 1995, is amended to read as follows:

222.13 VOLUNTARY ADMISSIONS.

1. ~~The parent, if an adult person is believed to be a person with mental retardation, the adult person or the adult person's guardian, or other person responsible for any person believed to be mentally retarded within the meaning of this chapter may on behalf of such person~~ request the county board of supervisors or their designated agent to apply to the superintendent of any state hospital-school for the voluntary admission of ~~such the adult~~ the adult person either as an inpatient or an outpatient of the hospital-school. After determining the legal settlement of ~~such the adult~~ the adult person as provided by this chapter, the board of supervisors shall, on forms prescribed by the administrator, apply to the superintendent of the hospital-school in the district for the admission of ~~such the adult~~ the adult person to the hospital-school. An application for admission to a special unit of any adult person believed to be in need of any of the services provided by the special unit under section 222.88 may be made in the same manner, upon request of the ~~parent, adult person or the adult person's guardian, or other person responsible for the handicapped person.~~ adult person or the adult person's guardian. The superintendent shall accept the application providing a preadmission diagnostic evaluation confirms or establishes the need for admission, except that ~~no an~~ an application may not be accepted if the institution does not have adequate facilities available or if the acceptance will result in an overcrowded condition.

2. If the hospital-school has no appropriate program for the treatment of ~~such persons an adult or minor person with mental retardation applying under this section or section 222.13A,~~ such persons the board of supervisors shall arrange for the placement of the ~~persons person~~ person in any public or private facility within or without the state, approved by the director of the department of human services, which offers appropriate services for ~~such persons the person.~~ the person.

3. Upon applying for admission of a an adult or minor person to a hospital-school, or a special unit, the board of supervisors shall make a full investigation into the financial circumstances of that person and those liable for that person's support under section 222.78, to determine whether or not any of them are able to pay the expenses arising out of the admission of the person to a hospital-school or special treatment unit. If the board finds that the person or those legally responsible for the person are presently unable to pay ~~such the~~ the expenses, they shall direct that the expenses be paid by the county. The board may review its finding at any subsequent time while the person remains at the hospital-school, or is otherwise receiving care or treatment for which this chapter obligates the county to pay. If the board finds upon review that ~~that the~~ the person or those legally responsible for ~~that the~~ the person are presently able to pay ~~such the~~ the expenses, ~~that the~~ the finding shall apply only to the charges ~~so~~ incurred during the period beginning on the date of the review and continuing thereafter, unless and until the board again changes its finding. If the board finds that the person or those legally responsible for the person are able to pay the expenses, they shall direct that the charges be so paid to the extent required by section 222.78, and the county auditor shall be responsible for the collection ~~thereof of the charges.~~ thereof.

Sec. 8. NEW SECTION. 222.13A VOLUNTARY ADMISSIONS - MINORS.

1. If a minor is believed to be a person with mental retardation, the minor's parent, guardian, or custodian may request the county board of supervisors to apply for admission of the minor as a voluntary patient in a state hospital-school. If the hospital-school does not have appropriate services for the minor's treatment, the board of supervisors may arrange for the admission of the minor in a public or private facility within or without the state, approved by the director of human services, which offers appropriate services for the minor's treatment.

2. Upon receipt of an application for voluntary admission of a minor, the board of supervisors shall provide for a preadmission diagnostic evaluation of the minor to confirm or establish the need for the admission. The preadmission diagnostic evaluation shall be performed by a person who meets the qualifications of a qualified mental retardation professional.

3. During the preadmission diagnostic evaluation, the minor shall be informed both orally and in writing that the minor has the right to object to the voluntary admission. If the preadmission diagnostic evaluation determines that the voluntary admission is appropriate but the minor objects to the admission, the minor shall not be admitted to the state hospital-school unless the court approves of the admission. A petition for approval of the minor's admission may be submitted to the juvenile court by the minor's parent, guardian, or custodian.

4. As soon as practicable after the filing of a petition for approval of the voluntary admission, the court shall determine whether the minor has an attorney to represent the minor in the proceeding. If the minor does not have an attorney, the court shall assign to the minor an attorney. If the minor is unable to pay for an attorney, the attorney shall be compensated in substantially the same manner as provided in section 815.7.

5. The court shall order the admission of a minor who objects to the admission, only after a hearing in which it is shown by clear and convincing evidence that both of the following circumstances exist:

- a. The minor needs and will substantially benefit from treatment or habilitation.
- b. A placement which involves less restriction of the minor's liberties for the purposes of treatment or habilitation is not feasible.

Sec. 9. Section 222.15, Code 1995, is amended to read as follows:

222.15 DISCHARGE OF VOLUNTARY PATIENTS ADMITTED VOLUNTARILY.

~~The parent, guardian, or any other person responsible for the voluntary admission of any person to a hospital-school or a special unit may, upon ten days' notice, obtain the discharge of such person by giving to the superintendent of the institution and the county board of supervisors of the county from which such person was admitted written notice of the desire for such discharge. This section applies to any person who was voluntarily admitted to a state hospital-school or other facility in accordance with the provisions of section 222.13 or 222.13A. Except as otherwise provided by this section, if the person or the person's parent, guardian, or custodian submits a written request for the person's release, the person shall be immediately released.~~

1. If the person is an adult and was admitted pursuant to an application by the person or the person's guardian and the request for release is made by a different person, the release is subject to the agreement of the person voluntarily admitted or the person's guardian, if the guardian submitted the application.

2. If the person is a minor who was admitted pursuant to the provisions of section 222.13A, the person's release prior to becoming eighteen years of age is subject to the consent of the person's parent, guardian, or custodian, or to the approval of the court if the admission was approved by the court.

3. a. If the administrator of the facility in which the patient is admitted certifies that in the administrator's opinion the release of the person would be contrary to the safety of the person or the community, the release may be postponed by a court order. The administrator's certification shall be filed with the clerk of the district court for the county in which the facility is located no later than one day following the submission of the written request for release. The period of postponement shall be the period of time the court determines necessary to permit the commencement of judicial proceedings for the person's involuntary commitment. The period of postponement shall not exceed five days unless the period of postponement is extended by court order for good cause shown.

b. If a petition for the person's involuntary commitment is timely filed, the administrator may detain the person in the facility and provide treatment until disposition of the petition. The treatment shall be limited to that necessary to preserve the person's life or to appropriately control behavior by the person which is likely to result in physical injury to

the person or to others if allowed to continue. The administrator shall not otherwise provide treatment to the person without the person's consent.

Sec. 10. NEW SECTION. 222.16A JUDICIAL PROCEEDINGS.

1. The chief judge of a judicial district may appoint one or more judicial hospitalization referees for each county in the district to discharge the duties imposed on the court by this chapter. The judicial hospitalization qualification provisions of section 229.21 shall apply to referees appointed under this section in performing duties pursuant to this chapter. An order or findings by a referee pursuant to this chapter may be appealed to a judge of the district court by filing notice with the clerk of the district court within seven days after the findings or order is made, and hearing by the district court shall be de novo. The court shall schedule a hearing before a district judge at the earliest practicable time.

2. The juvenile court has exclusive original jurisdiction in any court proceedings concerning a minor pursuant to this chapter.

Sec. 11. Section 222.59, Code 1995, is amended by striking the section and inserting in lieu thereof the following:

222.59 ALTERNATIVE TO STATE HOSPITAL-SCHOOL PLACEMENT.

1. Upon receiving a request from an authorized requester, the superintendent of a state hospital-school shall assist the requester in identifying available community-based services as an alternative to continued placement of a patient in the state hospital-school. For the purposes of this section, "authorized requester" means the parent, guardian, or custodian of a minor patient, the guardian of an adult patient, or an adult patient who does not have a guardian. The assistance shall identify alternatives to continued placement which are appropriate to the patient's needs and shall include but are not limited to any of the following:

a. Providing information on currently available services that are an alternative to residence in the state hospital-school.

b. Referring the patient to an appropriate case management agency or other provider of service.

2. If a patient was admitted pursuant to section 222.13 or section 222.13A and the patient wishes to be placed outside of the state hospital-school, the discharge for the placement shall be made in accordance with the provisions of section 222.15.

3. If a patient was involuntarily committed, a petition for approval of a proposed placement outside the state hospital-school shall be filed, by the authorized requester or the superintendent of the state hospital-school where the patient is placed, with the court which made the commitment with either of the following recommendations for the court's consideration:

a. That the patient's commitment is no longer necessary and should be discontinued.

b. That the patient's commitment is still appropriate but the patient should be transferred to another public or private facility in accordance with the provisions of section 222.31, subsection 1.

Sec. 12. Section 222.60, unnumbered paragraph 1, Code 1995, is amended to read as follows:

All necessary and legal expenses for the cost of admission or commitment or for the treatment, training, instruction, care, habilitation, support and transportation of ~~patients~~ persons with mental retardation in a state hospital-school ~~for the mentally retarded~~, or in a special unit, or any public or private facility within or without the state, approved by the director of the department of human services, shall be paid by either:

Sec. 13. Section 225C.4, subsection 1, paragraph o, Code 1995, is amended by striking the paragraph.

Approved April 25, 1995