

229.8 Procedure after application is filed.

As soon as practicable after the filing of an application pursuant to [section 229.6](#), the court shall:

1. Determine whether the respondent has an attorney who is able and willing to represent the respondent in the hospitalization proceeding, and if not, whether the respondent is financially able to employ an attorney and capable of meaningfully assisting in selecting one. In accordance with those determinations, the court shall if necessary allow the respondent to select, or shall assign to the respondent, an attorney. If the respondent is financially unable to pay an attorney, the attorney shall be compensated by the mental health and disability services region at an hourly rate to be established by the regional administrator for the county in which the proceeding is held in substantially the same manner as provided in [section 815.7](#).

2. Cause copies of the application and supporting documentation to be sent to the county attorney or the county attorney's attorney-designate for review.

3. Issue a written order which shall:

a. If not previously done, set a time and place for a hospitalization hearing, which shall be at the earliest practicable time not less than forty-eight hours after notice to the respondent, unless the respondent waives such minimum prior notice requirement; and

b. Order an examination of the respondent, prior to the hearing, by one or more licensed physicians who shall submit a written report on the examination to the court as required by [section 229.10](#).

[C73, §1400; C97, §2265; C24, 27, 31, 35, 39, §3548, 3549; C46, 50, 54, 58, 62, 66, 71, 73, 75, §229.5, 229.6; C77, 79, 81, §229.8]

[99 Acts, ch 135, §18; 2013 Acts, ch 130, §47; 2015 Acts, ch 69, §61; 2015 Acts, ch 138, §31, 161, 162](#)

Referred to in [§218.92, §222.7, §225C.16, §226.31, §227.10, §227.15, §229.9, §229.9A, §229.14A, §229.19, §229.21, §229.22, §229.24, §229.26, §229.38](#)

Subsection 1 amended