

125.78 Procedure after application.

As soon as practical after the filing of an application pursuant to [section 125.75](#), the court shall:

1. Determine whether the respondent has an attorney who is able and willing to represent the respondent in the commitment proceeding, and if not, whether the respondent is financially able to employ an attorney and capable of meaningfully assisting in selecting an attorney. In accordance with those determinations, the court shall allow the respondent to select an attorney or shall assign an attorney to the respondent. If the respondent is financially unable to pay an attorney, the county shall compensate the attorney at an hourly rate to be established by the county board of supervisors in substantially the same manner as provided in [section 815.7](#).

2. If the application includes a request for a court-appointed attorney for the applicant and the court is satisfied that a court-appointed attorney is necessary to assist the applicant in a meaningful presentation of the evidence, and that the applicant is financially unable to employ an attorney, the court shall appoint an attorney to represent the applicant and the county shall compensate the attorney at an hourly rate to be established by the county board of supervisors in substantially the same manner as provided in [section 815.7](#).

3. Issue a written order:

a. Scheduling a tentative time and place for a hearing, subject to the findings of the report required under [section 125.80, subsections 3 and 4](#), but not less than forty-eight hours after notice to the respondent, unless the respondent waives the forty-eight-hour notice requirement.

b. Requiring an examination of the respondent, prior to the hearing, by one or more licensed physicians and surgeons or osteopathic physicians and surgeons or mental health professionals who shall submit a written report of the examination to the court as required by [section 125.80](#).

[C75, 77, §125.19(1, 2); C79, 81, §229.51(2, 3), 229.52(6); 82 Acts, ch 1212, §6]

84 Acts, ch 1219, §5; 99 Acts, ch 135, §14; 2013 Acts, ch 130, §40; 2017 Acts, ch 34, §6; 2018 Acts, ch 1026, §42

Referred to in §125.79, 125.85, 229.21

Subsection 3, paragraph b amended