

# Budget Unit Brief

## FY 2017



## Commission of Inquiry - Standing Unlimited

### Description

Iowa statute allows any individual to file a sworn complaint alleging that a committed person is not seriously mentally impaired and is being unjustly deprived of their liberty in any hospital in Iowa. The complaint must be filed with the district court in the county where the person is confined or the county where the committed individual is a resident. Once the complaint is received, a judge is required to appoint a commission of not more than three individuals to inquire into the truth of the allegations. One of the commissioners must be a physician and if additional commissioners are appointed, one of the additional commissioners must be a lawyer.

The commission is required to visit the committed individual, make a thorough and discreet examination for the purpose of determining the truth of the allegations, and report their findings to the judge. Once the findings are received by the judge, the court is required to hold a hearing and the judge will either find that such person is not seriously mentally impaired and order the person's discharge or authorize the continued detention of the person.

The commissioners are entitled to necessary expenses and reasonable compensation. The judge is required to certify the compensation and expenses to the Director of the Department of Administrative Services. The Department then provides reimbursement to the commissioners. If a complaint was filed without probable cause, the applicant must pay the costs and expenses, if ordered by the judge.

### Funding

Reimbursement for commissioners under this provision has been relatively stable and minimal ranging between \$0 and \$1,700 annually. These funds are provided through a General Fund standing unlimited appropriation.

### Related Statutes

Iowa Code sections [229.31](#), [229.32](#), [229.33](#), [229.34](#), [229.35](#), and [229.36](#)

**Revised August 31, 2016**

### More Information

Iowa General Assembly: <https://www.legis.iowa.gov/>

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