

Reprinted 2/87

Human Resources: Haverland, Chair, Adams, Corey, Eddie and Spear.

Amend (3173) Do Pass 3/11/87 (p. 596)

FEB 12 1987

HOUSE FILE 251
BY GRUHN

HUMAN RESOURCES

Passed House, Date 3-16-87 (p. 643) Passed Senate, Date _____
Vote: Ayes 93 Nays 4 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

- 1 An Act relating to advocates for certain individuals
- 2 involuntarily hospitalized.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 251

H-3173

- 1 Amend House File 251 as follows:
- 2 1. Page 1, line 9, by striking the word "all" and
- 3 inserting the following: "and".
- 4 2. Page 1, line 10, by striking the word "that"
- 5 and inserting the following: "that the".
- 6 3. Page 1, by striking lines 12 through 15 and
- 7 inserting the following: "section 229.14 or 229.15.
- 8 The court shall assign the advocate appointed from the
- 9 patient's county of legal settlement to the patient,
- 10 or if the patient has no county of legal settlement,
- 11 the court shall assign the advocate appointed from the
- 12 county where the hospital or facility is located. The
- 13 advocate's responsibility with respect to any".
- 14 4. Page 1, by striking lines 25 through 27 and
- 15 inserting the following: "and an advocate shall be".

H-3173 FILED MARCH 11, 1987 BY COMMITTEE ON HUMAN RESOURCES

Adopted 3/16/87 (p. 642)

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1 Section 1. Section 229.19, unnumbered paragraph 1, Code
2 1987, is amended to read as follows:

3 The district court in each county shall appoint an
4 individual who has demonstrated by prior activities an
5 informed concern for the welfare and rehabilitation of the
6 mentally ill, and who is not an officer or employee of the
7 department of human services nor of any agency or facility
8 providing care or treatment to the mentally ill, to act as
9 advocate representing the interests of all patients
10 involuntarily hospitalized by that court, in any matter
11 relating to the patients' hospitalization or treatment under
12 section 229.14 or 229.15. If no county is financially
13 responsible, all patients involuntarily hospitalized by any
14 court shall be assigned the advocate for the county of
15 commitment. The advocate's responsibility with respect to any
16 patient shall begin at whatever time the attorney employed or
17 appointed to represent that patient as respondent in
18 hospitalization proceedings, conducted under sections 229.6 to
19 229.13, reports to the court that the attorney's services are
20 no longer required and requests the court's approval to
21 withdraw as counsel for that patient. However, if the patient
22 is found to be seriously mentally impaired at the
23 hospitalization hearing, the attorney representing the patient
24 shall automatically be relieved of responsibility in the case
25 and ~~an~~ the advocate for the county which is financially
26 responsible for the patient, or if no county is financially
27 responsible the advocate for the county of commitment shall be
28 appointed assigned to the patient at the conclusion of the
29 hearing unless the attorney indicates an intent to continue
30 the attorney's services and the court so directs. If the
31 court directs the attorney to remain on the case the attorney
32 shall assume all the duties of an advocate. The clerk shall
33 furnish the advocate with a copy of the court's order
34 approving the withdrawal and shall inform the patient of the
35 name of the patient's advocate. With regard to each patient

1 whose interests the advocate is required to represent pursuant
2 to this section, the advocate's duties shall include all of
3 the following:

4 EXPLANATION

5 This bill provides that a mental health advocate shall be
6 appointed by the district court to represent the interests of
7 patients for whom the county, in which the court is located,
8 has financial responsibility. If no county is financially
9 responsible for a patient, the advocate appointed by the
10 county of commitment shall be assigned to represent the
11 patient's interests.

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House File 251

HUMAN RESOURCES: Gentleman, Chair; Carr and Sturgeon

HOUSE FILE 251
BY GRUHN

(As Amended and Passed by the House March 16, 1987)

Passed House, Date 3/16/87 (p. 643) Passed Senate, Date 4-13-87 (p. 1245)

Vote: Ayes 93 Nays 4 Vote: Ayes 50 Nays 0

Approved April 24, 1987 (p. 1686)

A BILL FOR

1 An Act relating to advocates for certain individuals
2 involuntarily hospitalized.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments _____

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1 Section 1. Section 229.19, unnumbered paragraph 1, Code
2 1987, is amended to read as follows:

3 The district court in each county shall appoint an
4 individual who has demonstrated by prior activities an
5 informed concern for the welfare and rehabilitation of the
6 mentally ill, and who is not an officer or employee of the
7 department of human services nor of any agency or facility
8 providing care or treatment to the mentally ill, to act as
9 advocate representing the interests of ~~all~~ patients
10 involuntarily hospitalized by that the court, in any matter
11 relating to the patients' hospitalization or treatment under
12 section 229.14 or 229.15. The court shall assign the advocate
13 appointed from the patient's county of legal settlement to the
14 patient, or if the patient has no county of legal settlement,
15 the court shall assign the advocate appointed from the county
16 where the hospital or facility is located. The advocate's
17 responsibility with respect to any patient shall begin at
18 whatever time the attorney employed or appointed to represent
19 that patient as respondent in hospitalization proceedings,
20 conducted under sections 229.6 to 229.13, reports to the court
21 that the attorney's services are no longer required and
22 requests the court's approval to withdraw as counsel for that
23 patient. However, if the patient is found to be seriously
24 mentally impaired at the hospitalization hearing, the attorney
25 representing the patient shall automatically be relieved of
26 responsibility in the case and an advocate shall be appointed
27 assigned to the patient at the conclusion of the hearing
28 unless the attorney indicates an intent to continue the
29 attorney's services and the court so directs. If the court
30 directs the attorney to remain on the case the attorney shall
31 assume all the duties of an advocate. The clerk shall furnish
32 the advocate with a copy of the court's order approving the
33 withdrawal and shall inform the patient of the name of the
34 patient's advocate. With regard to each patient whose
35 interests the advocate is required to represent pursuant to

1 this section, the advocate's duties shall include all of the
2 following:

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HOUSE FILE 251

AN ACT

RELATING TO ADVOCATES FOR CERTAIN INDIVIDUALS INVOLUNTARILY HOSPITALIZED.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 229.19, unnumbered paragraph 1, Code 1987, is amended to read as follows:

The district court in each county shall appoint an individual who has demonstrated by prior activities an informed concern for the welfare and rehabilitation of the mentally ill, and who is not an officer or employee of the department of human services nor of any agency or facility providing care or treatment to the mentally ill, to act as advocate representing the interests of all patients involuntarily hospitalized by that the court, in any matter relating to the patients' hospitalization or treatment under section 229.14 or 229.15. The court shall assign the advocate appointed from the patient's county of legal settlement to the patient, or if the patient has no county of legal settlement, the court shall assign the advocate appointed from the county where the hospital or facility is located. The advocate's responsibility with respect to any patient shall begin at whatever time the attorney employed or appointed to represent that patient as respondent in hospitalization proceedings, conducted under sections 229.6 to 229.13, reports to the court that the attorney's services are no longer required and requests the court's approval to withdraw as counsel for that patient. However, if the patient is found to be seriously mentally impaired at the hospitalization hearing, the attorney representing the patient shall automatically be relieved of responsibility in the case and an advocate shall be appointed assigned to the patient at the conclusion of the hearing

unless the attorney indicates an intent to continue the attorney's services and the court so directs. If the court directs the attorney to remain on the case the attorney shall assume all the duties of an advocate. The clerk shall furnish the advocate with a copy of the court's order approving the withdrawal and shall inform the patient of the name of the patient's advocate. With regard to each patient whose interests the advocate is required to represent pursuant to this section, the advocate's duties shall include all of the following:

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 251, Seventy-second General Assembly.

Approved April 24, 1987

JOSEPH O'HERN
Chief Clerk of the House

TERRY E. BRANSTAD
Governor

HF 251