

**Senate Study Bill 1192 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON HOGG)

**A BILL FOR**

1 An Act relating to involuntary commitments for persons  
2 with substance-related disorders, mental illness, and  
3 intellectual disabilities, and providing for the creation  
4 of a mental health advocate division in the department  
5 of inspections and appeals and including effective date  
6 provisions.  
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

DEPARTMENTAL RESPONSIBILITY FOR MENTAL HEALTH ADVOCATES

Section 1. NEW SECTION. 10A.901 **Definitions.**

As used in this article, unless the context otherwise requires:

1. "*Administrator*" means the person coordinating the administration of this division.

2. "*Division*" means the mental health advocate division of the department of inspections and appeals.

Sec. 2. NEW SECTION. 10A.902 **Duties of administrator.**

The administrator shall coordinate the division's conduct of the mental health advocate program as provided by section 229.19 and other applicable law. The administrator's duties may include but are not limited to all of the following:

1. Recommending the hiring of persons to serve as mental health advocates and other division staff and identifying qualifications. The minimum qualifications for a mental health advocate whose initial appointment commences on or after July 1, 2013, shall be a bachelor's degree from an accredited school, college, or university or related postsecondary education coursework in social science, education, nursing, or other related field and at least one year of work experience in mental health treatment.

2. Training and supervising division staff.

3. Providing and regularly updating a list of those persons qualified to serve as a mental health advocate for the service areas utilized by the mental health advocate program. If deemed to be prudent by the administrator in order to improve or maintain the quality of services, the administrator or the administrator's designee may petition the court to change the advocate appointed by the court or to transfer the venue of the appointment or the hospitalization proceeding as provided in section 229.44.

4. Administering program additions and expansions, including providing advocate services for persons with a

1 substance-related disorder and persons found not guilty  
2 by reason of insanity, if such additions or expansions are  
3 authorized and funded.

4 5. Developing and implementing a case weight system for use  
5 in appointing and compensating advocates.

6 6. Administering case reviews and audits.

7 Sec. 3. TRANSITION.

8 1. The department of inspections and appeals shall commence  
9 organizational activities during the fiscal year beginning July  
10 1, 2013, as necessary to fully implement this division and  
11 assume responsibility for mental health advocates as provided  
12 in this division and division II of this Act on July 1, 2014.

13 2. If necessary for the purposes of subsection 1, the  
14 department of inspections and appeals may adopt emergency  
15 rules under section 17A.4, subsection 3, and section 17A.5,  
16 subsection 2, paragraph "b", to implement the provisions of  
17 division II of this Act on July 1, 2014, and the rules shall  
18 be effective immediately upon filing unless a later date is  
19 specified in the rules. Any rules adopted in accordance with  
20 this section shall also be published as a notice of intended  
21 action as provided in section 17A.4.

22 DIVISION II

23 IMPLEMENTATION — MENTAL HEALTH ADVOCATES

24 Sec. 4. Section 225C.4, subsection 1, paragraph m, Code  
25 2013, is amended to read as follows:

26 *m.* Provide consultation and technical assistance to  
27 patients' mental health advocates appointed pursuant to  
28 section 229.19, in cooperation with the judicial branch and  
29 the department of inspections and appeals, and to the resident  
30 advocate committees appointed for health care facilities  
31 pursuant to section 135C.25.

32 Sec. 5. Section 226.31, Code 2013, is amended to read as  
33 follows:

34 **226.31 Examination by court — notice.**

35 Before granting the order authorized in section 226.30

1 the court or judge shall investigate the allegations of the  
2 petition and before proceeding to a hearing on the allegations  
3 shall require notice to be served on the attorney who  
4 represented the patient in any prior proceedings under sections  
5 229.6 to 229.15 ~~or the~~ and to any mental health advocate  
6 appointed for the patient under section 229.19, or in the case  
7 of a patient who entered the hospital voluntarily, on any  
8 relative, friend, or guardian of the person in question of the  
9 filing of the application. At the hearing the court or judge  
10 shall appoint a guardian ad litem for the person, if the court  
11 or judge deems such action necessary to protect the rights  
12 of the person. The guardian ad litem shall be a practicing  
13 attorney.

14 Sec. 6. Section 229.2, subsection 1, paragraph b,  
15 subparagraph (6), Code 2013, is amended to read as follows:

16 (6) Upon approval of the admission of a minor over the  
17 minor's objections, the juvenile court shall appoint an  
18 individual to act as an the mental health advocate representing  
19 ~~the interests of~~ for the minor ~~in the same manner as an~~  
20 ~~advocate representing the interests of patients involuntarily~~  
21 ~~hospitalized pursuant to~~ in accordance with section 229.19.

22 Sec. 7. Section 229.9A, Code 2013, is amended to read as  
23 follows:

24 **229.9A Advocate Mental health advocate informed — hearings.**

25 The court shall direct the clerk to furnish the office  
26 of the mental health advocate of the respondent's county of  
27 legal settlement designated for the court by the department  
28 of inspections and appeals with a copy of application and any  
29 order issued pursuant to section 229.8, subsection 3. The  
30 mental health advocate designated for the court may attend  
31 ~~the hospitalization~~ any court hearing of any involving the  
32 ~~respondent for whom the advocate has received notice of a~~  
33 ~~hospitalization hearing.~~

34 Sec. 8. Section 229.12, subsection 2, Code 2013, is amended  
35 to read as follows:

1 2. All persons not necessary for the conduct of the  
2 proceeding shall be excluded, except that the court may admit  
3 persons having a legitimate interest in the proceeding and  
4 shall permit the mental health advocate from the respondent's  
5 county of legal settlement designated for the court by the  
6 department of inspections and appeals to attend the hearing.  
7 Upon motion of the county attorney, the judge may exclude  
8 the respondent from the hearing during the testimony of any  
9 particular witness if the judge determines that witness's  
10 testimony is likely to cause the respondent severe emotional  
11 trauma.

12 Sec. 9. Section 229.14A, subsection 1, Code 2013, is amended  
13 to read as follows:

14 1. With respect to a chief medical officer's report made  
15 pursuant to section 229.14, subsection 1, paragraph "b", "c",  
16 or "d", or any other provision of this chapter related to  
17 involuntary commitment for which the court issues a placement  
18 order or a transfer of placement is authorized, the court shall  
19 provide notice to the respondent, ~~and~~ the respondent's attorney  
20 ~~or~~, and any mental health advocate appointed for the respondent  
21 pursuant to section 229.19 concerning the placement order  
22 and the respondent's right to request a placement hearing to  
23 determine if the order for placement or transfer of placement  
24 is appropriate.

25 Sec. 10. Section 229.14A, subsection 5, paragraph c, Code  
26 2013, is amended to read as follows:

27 c. If the respondent's attorney has withdrawn pursuant to  
28 ~~section 229.19~~, the court shall appoint an attorney for the  
29 respondent in the manner described in section 229.8, subsection  
30 1.

31 Sec. 11. Section 229.15, subsection 6, Code 2013, is amended  
32 to read as follows:

33 6. Upon receipt of any report required or authorized by  
34 this section the court shall furnish a copy to the patient's  
35 attorney, ~~or alternatively~~ and to the mental health advocate

1 appointed ~~as required by section 229.19~~ for the patient. The  
2 court shall examine the report and take the action thereon  
3 which it deems appropriate. Should the court fail to receive  
4 any report required by this section or section 229.14 at the  
5 time the report is due, the court shall investigate the reason  
6 for the failure to report and take whatever action may be  
7 necessary in the matter.

8 Sec. 12. Section 229.19, Code 2013, is amended to read as  
9 follows:

10 **229.19 Advocates Mental health advocates — duties —**  
11 **compensation — state and county liability.**

12 1. *a.* ~~In each county with a population of three hundred~~  
13 ~~thousand or more inhabitants the board of supervisors shall~~  
14 ~~appoint an individual who has demonstrated by prior activities~~  
15 ~~an informed concern for the welfare and rehabilitation of~~  
16 ~~persons with mental illness, and who is not an officer or~~  
17 ~~employee of the department of human services nor of any agency~~  
18 ~~or facility providing care or treatment to persons with mental~~  
19 ~~illness, to act as an advocate representing the interests of~~  
20 ~~patients involuntarily hospitalized by the court, in any matter~~  
21 ~~relating to the patients' hospitalization or treatment under~~  
22 ~~section 229.14 or 229.15. In each county with a population of~~  
23 ~~under three hundred thousand inhabitants, the chief judge of~~  
24 ~~the judicial district encompassing the county shall appoint~~  
25 ~~the advocate. For the purposes of this section, "division"~~  
26 ~~means the mental health advocate division of the department of~~  
27 ~~inspections and appeals.~~

28 *b.* ~~The court or, if the advocate is appointed by the county~~  
29 ~~board of supervisors, the board shall assign the advocate~~  
30 ~~appointed from a patient's county of legal settlement to~~  
31 ~~represent the interests of the patient. If a patient has~~  
32 ~~no county of legal settlement, the court or, if the advocate~~  
33 ~~is appointed by the county board of supervisors, the board~~  
34 ~~shall assign the advocate appointed from the county where the~~  
35 ~~hospital or facility is located to represent the interests of~~

1 ~~the patient.~~

2 ~~c. The advocate's responsibility with respect to any patient~~  
3 ~~shall begin at whatever time the attorney employed or appointed~~  
4 ~~to represent that patient as respondent in hospitalization~~  
5 ~~proceedings, conducted under sections 229.6 to 229.13, reports~~  
6 ~~to the court that the attorney's services are no longer~~  
7 ~~required and requests the court's approval to withdraw as~~  
8 ~~counsel for that patient. However, if~~

9 b. If the patient is found to be seriously mentally impaired  
10 at the hospitalization hearing, the attorney representing the  
11 patient shall automatically be relieved of responsibility in  
12 the case and an a mental health advocate shall be assigned to  
13 appointed for the patient at the conclusion of the hearing  
14 unless the attorney indicates an intent to continue the  
15 attorney's services and. The court shall appoint the advocate  
16 from a list of qualified persons provided to the court by the  
17 administrator of the division of mental health advocates of  
18 the department of inspections and appeals in accordance with  
19 section 10A.902. The advocate's responsibility with respect  
20 to a patient shall begin when the advocate is appointed for  
21 the patient. The attorney representing the patient shall  
22 automatically be relieved of responsibility at the conclusion  
23 of the hearing unless the attorney requests to continue  
24 representation and the court so directs authorizes the attorney  
25 to remain on the case. If the court directs the attorney to  
26 remain on the case, the attorney shall ~~assume all the duties~~  
27 ~~of an advocate~~ cooperate with the advocate appointed for the  
28 patient. The clerk shall furnish the advocate with a copy of  
29 the court's order approving the withdrawal or continuation of  
30 the attorney and shall inform the patient of the name of the  
31 patient's advocate.

32 ~~d. c.~~ c. With regard to each patient whose interests the  
33 for whom a mental health advocate is required to represent  
34 appointed pursuant to this section, the advocate's duties shall  
35 include all of the following:

1 (1) To review each report submitted pursuant to sections  
2 229.14 and 229.15.

3 (2) ~~If the advocate is not an attorney,~~ To advise the  
4 court at any time it appears that the services of an attorney  
5 are required to properly safeguard the patient's interests.

6 (3) To be readily accessible to communications from the  
7 patient and to originate communications with the patient within  
8 five days of the patient's commitment.

9 (4) To visit the patient within fifteen days of the  
10 patient's commitment and periodically thereafter.

11 (5) To communicate with medical personnel treating the  
12 patient and to review the patient's medical records pursuant  
13 to section 229.25.

14 (6) To file with the court and the division quarterly  
15 reports, and additional reports as the advocate feels necessary  
16 or as required by the court or the division, in a form  
17 prescribed by the court or the division, as applicable. The  
18 reports shall state what actions the advocate has taken with  
19 respect to each patient and the amount of time spent.

20 (7) To utilize the related best practices for the duties  
21 identified in this paragraph "d" "c" developed and promulgated  
22 by the judicial council.

23 ~~e.~~ d. ~~An~~ Subject to the availability of funding  
24 appropriated for this purpose, a mental health advocate may  
25 also be appointed pursuant to this section for an individual  
26 who has been diagnosed with a co-occurring mental illness and  
27 ~~substance-related~~ substance-related disorder.

28 2. The hospital or facility to which a patient is committed  
29 shall grant all reasonable requests of the patient's mental  
30 health advocate to visit the patient, to communicate with  
31 medical personnel treating the patient, and to review the  
32 patient's medical records pursuant to section 229.25. An  
33 advocate shall not disseminate information from a patient's  
34 medical records to any other person unless done for official  
35 purposes in connection with the advocate's duties pursuant to



1 this chapter or when required by law.

2 3. ~~The court or, if the advocate is appointed by the county~~  
3 ~~board of supervisors, the board~~ division shall ~~prescribe~~  
4 provide reasonable compensation for the services of the  
5 advocate in accordance with section 10A.902. ~~The compensation~~  
6 ~~shall be based upon the reports filed by the advocate with~~  
7 ~~the court. The advocate's compensation shall be paid by the~~  
8 ~~county in which the court is located, either on order of the~~  
9 ~~court or, if the advocate is appointed by the county board of~~  
10 ~~supervisors, on the direction of the board. If the advocate~~  
11 ~~is appointed by the court, the advocate is an employee of~~  
12 ~~the state for purposes of chapter 669. If the advocate is~~  
13 ~~appointed by the county board of supervisors, the advocate is~~  
14 ~~an employee of the county for purposes of chapter 670. If the~~  
15 ~~patient or the person who is legally liable for the patient's~~  
16 ~~support is not indigent, the board~~ division shall recover  
17 the costs of compensating the advocate from that person. ~~If~~  
18 ~~that person has an income level as determined pursuant to~~  
19 ~~section 815.9 greater than one hundred percent but not more~~  
20 ~~than one hundred fifty percent of the poverty guidelines,~~  
21 ~~at least one hundred dollars of the advocate's compensation~~  
22 ~~shall be recovered in the manner prescribed by the county~~  
23 ~~board of supervisors. If that person has an income level as~~  
24 ~~determined pursuant to section 815.9 greater than one hundred~~  
25 ~~fifty percent of the poverty guidelines, at least two hundred~~  
26 ~~dollars of the advocate's compensation shall be recovered in~~  
27 ~~substantially the same manner prescribed by the county board of~~  
28 ~~supervisors as provided in section 815.9.~~

29 Sec. 13. Section 229.25, subsection 1, paragraph a,  
30 subparagraph (1), Code 2013, is amended to read as follows:

31 (1) The information is requested by a licensed physician,  
32 attorney, or the mental health advocate who provides appointed  
33 for the person. The requester must provide the chief medical  
34 officer with a written waiver signed by the person about whom  
35 the information is sought.

1     Sec. 14.   TRANSITION OF EMPLOYEE RIGHTS OF FORMER COUNTY  
2   EMPLOYEES.

3     1.   If appointed by the director of the department of  
4   inspections and appeals as a mental health advocate pursuant  
5   to section 10A.902, county employees paid for mental health  
6   advocate services under section 229.19 shall become employees  
7   of the department of inspections and appeals effective July  
8   1, 2014, and the department shall assume all costs associated  
9   with the functions of the employees on that date. Employees  
10  who were paid salaries by the counties immediately prior to  
11  becoming state employees as a result of this Act shall not  
12  forfeit accrued vacation, accrued sick leave, or benefits  
13  related to longevity of service, except as provided in this  
14  section.

15    2.   The department of inspections and appeals, after  
16  consulting with the department of administrative services,  
17  shall adopt rules to provide for the following:

18    a.   A person referred to in subsection 1 shall have to the  
19  person's credit as a state employee commencing on the date of  
20  becoming a state employee the number of accrued vacation days  
21  that was credited to the person as a county employee as of the  
22  end of the day prior to becoming a state employee.

23    b.   Each person referred to in subsection 1 shall have to  
24  the person's credit as a state employee commencing on the  
25  date of becoming a state employee the number of accrued days  
26  of sick leave that was credited to the person as a county  
27  employee as of the end of the day prior to becoming a state  
28  employee. However, the number of days of sick leave credited  
29  to a person under this subsection and eligible to be taken  
30  when sick or eligible to be received upon retirement shall not  
31  respectively exceed the maximum number of days, if any, or the  
32  maximum dollar amount as provided in section 70A.23 that state  
33  employees generally are entitled to accrue or receive according  
34  to rules in effect as of the date the person becomes a state  
35  employee.

1 c. Commencing on the date of becoming a state employee, each  
2 person referred to in subsection 1 is entitled to claim the  
3 person's most recent continuous period of service in full-time  
4 county employment as full-time state employment for purposes  
5 of determining the number of days of vacation which the person  
6 is entitled to earn each year. The actual vacation benefit,  
7 including the limitation on the maximum accumulated vacation  
8 leave, shall be determined as provided in section 70A.1  
9 according to rules in effect for state employees of comparable  
10 longevity, irrespective of any greater or lesser benefit as a  
11 county employee.

12 3. Persons referred to in subsection 1 who were covered  
13 by county employee life insurance and accident and health  
14 insurance plans prior to becoming state employees in accordance  
15 with this section shall be permitted to apply prior to becoming  
16 state employees for life insurance and health and accident  
17 insurance plans that are available to state employees so that  
18 those persons do not suffer a lapse of insurance coverage as  
19 a result of this section. The department of inspections and  
20 appeals, after consulting with the department of administrative  
21 services, shall prescribe rules and distribute application  
22 forms and take other actions as necessary to enable those  
23 persons to elect to have insurance coverage that is in effect  
24 on the date of becoming state employees. The actual insurance  
25 coverage available to a person shall be determined by the plans  
26 that are available to state employees, irrespective of any  
27 greater or lesser benefits that may have been available to the  
28 person as a county employee.

29 4. Commencing on the date of becoming a state employee, each  
30 person referred to in subsection 1 is entitled to claim the  
31 person's most recent continuous period of service in full-time  
32 county employment as full-time state employment for purposes of  
33 determining disability benefits as provided in section 70A.20  
34 according to rules in effect for state employees of comparable  
35 longevity, irrespective of any greater or lesser benefit that

1 may have been available to the person as a county employee.

2 Sec. 15. EFFECTIVE DATE. This division of this Act takes  
3 effect July 1, 2014.

4 DIVISION III

5 INVOLUNTARY COMMITMENTS — PERSONS WITH INTELLECTUAL  
6 DISABILITIES

7 Sec. 16. Section 48A.2, subsection 3, Code 2013, is amended  
8 to read as follows:

9 3. *Person who is incompetent to vote* means a person with an  
10 intellectual disability who has been found to lack the mental  
11 capacity to vote in a proceeding held pursuant to section  
12 ~~222.31~~ or 633.556.

13 Sec. 17. Section 222.6, Code 2013, is amended to read as  
14 follows:

15 **222.6 State districts.**

16 The administrator shall divide the state into two districts  
17 in such manner that one of the resource centers shall be  
18 located within each of the districts. Such districts may  
19 from time to time be changed. After such districts have  
20 been established, the administrator shall notify all boards  
21 of supervisors, county auditors, and clerks of the district  
22 courts of the action. Thereafter, unless the administrator  
23 otherwise orders, all admissions ~~or commitments~~ of persons with  
24 an intellectual disability from a district shall be to the  
25 resource center located within such district.

26 Sec. 18. Section 222.12, subsection 2, Code 2013, is amended  
27 to read as follows:

28 2. Notice of the death of the patient, and the cause of  
29 death, shall be sent to the county board of supervisors ~~and to~~  
30 ~~the judge of the court that had jurisdiction over a committed~~  
31 ~~patient.~~ The fact of death with the time, place, and alleged  
32 cause shall be entered upon the docket of the court.

33 Sec. 19. Section 222.15, subsection 3, Code 2013, is amended  
34 by striking the subsection.

35 Sec. 20. Section 222.59, subsection 3, Code 2013, is amended

1 by striking the subsection.

2 Sec. 21. Section 222.60, subsection 1, unnumbered paragraph  
3 1, Code 2013, is amended to read as follows:

4 All necessary and legal expenses for the cost of admission  
5 ~~or commitment~~ or for the treatment, training, instruction,  
6 care, habilitation, support and transportation of persons with  
7 an intellectual disability, as provided for in the county  
8 management plan provisions implemented pursuant to section  
9 331.439, subsection 1, in a state resource center, or in a  
10 special unit, or any public or private facility within or  
11 without the state, approved by the director of the department  
12 of human services, shall be paid by either:

13 Sec. 22. Section 222.61, Code 2013, is amended to read as  
14 follows:

15 **222.61 Legal settlement determined.**

16 When a county receives an application on behalf of any person  
17 for admission to a resource center or a special unit ~~or when~~  
18 ~~a court issues an order committing any person to a resource~~  
19 ~~center or a special unit~~, the board of supervisors shall  
20 utilize the central point of coordination process to determine  
21 and certify that the legal settlement of the person is in one  
22 of the following:

- 23 1. In the county in which the application is received ~~or~~  
24 ~~court is located~~.
- 25 2. In some other county of the state.
- 26 3. In another state or in a foreign country.
- 27 4. Unknown.

28 Sec. 23. Section 222.64, Code 2013, is amended to read as  
29 follows:

30 **222.64 Foreign state or country or unknown legal settlement.**

31 If the legal settlement of the person is determined by the  
32 board of supervisors through the central point of coordination  
33 process to be in a foreign state or country or is determined  
34 to be unknown, the board of supervisors shall certify the  
35 determination to the administrator. The certification shall

1 be accompanied by a copy of the evidence supporting the  
2 determination. The care of the person shall be as arranged by  
3 the board of supervisors or by an order as the court may enter.  
4 Application for admission ~~or order of commitment~~ may be made  
5 pending investigation by the administrator.

6 Sec. 24. Section 222.67, Code 2013, is amended to read as  
7 follows:

8 **222.67 Charge on finding of settlement.**

9 If a person has been received into a resource center or a  
10 special unit as a patient whose legal settlement is supposedly  
11 outside the state or is unknown and the administrator  
12 determines that the legal settlement of the patient was at the  
13 time of admission ~~or commitment~~ in a county of this state,  
14 the administrator shall certify the determination and charge  
15 all legal costs and expenses pertaining to the admission ~~or~~  
16 ~~commitment~~ and support of the patient to the county of legal  
17 settlement. The certification shall be sent to the county  
18 of legal settlement. The certification shall be accompanied  
19 by a copy of the evidence supporting the determination. If  
20 the person's legal settlement status has been determined in  
21 accordance with section 225C.8, the legal costs and expenses  
22 shall be charged to the county or as a state case in accordance  
23 with that determination. The costs and expenses shall be  
24 collected as provided by law in other cases.

25 Sec. 25. Section 222.68, Code 2013, is amended to read as  
26 follows:

27 **222.68 Costs paid in first instance.**

28 All necessary and legal expenses for the cost of admission ~~or~~  
29 ~~commitment~~ of a person to a resource center or a special unit  
30 when the person's legal settlement is found to be in another  
31 county of this state shall in the first instance be paid by the  
32 county from which the person was admitted ~~or committed~~. The  
33 county of legal settlement shall reimburse the county which  
34 pays for all such expenses. Where any county fails to make  
35 such reimbursement within forty-five days following submission

1 of a properly itemized bill to the county of legal settlement,  
2 a penalty of not greater than one percent per month on and  
3 after forty-five days from submission of the bill may be added  
4 to the amount due.

5 Sec. 26. Section 222.69, Code 2013, is amended to read as  
6 follows:

7 **222.69 Payment by state.**

8 All necessary and legal expenses for the cost of admission  
9 ~~or commitment~~ of a person to a resource center or a special  
10 unit when the person's legal settlement is outside this state  
11 or is unknown shall be paid out of any money in the state  
12 treasury not otherwise appropriated. Such payments shall be  
13 made on itemized vouchers executed by the auditor of the county  
14 from which the expenses have been paid and approved by the  
15 administrator.

16 Sec. 27. Section 222.70, Code 2013, is amended to read as  
17 follows:

18 **222.70 Legal settlement disputes.**

19 If a dispute arises between counties or between the  
20 department and a county as to the legal settlement of a person  
21 admitted ~~or committed~~ to a resource center, a special unit, or  
22 a community-based service, the dispute shall be resolved as  
23 provided in section 225C.8.

24 Sec. 28. Section 222.78, Code 2013, is amended to read as  
25 follows:

26 **222.78 Parents and others liable for support.**

27 The father and mother of any patient admitted ~~or committed~~ to  
28 a resource center or to a special unit, as either an inpatient  
29 or an outpatient, and any person, firm, or corporation bound  
30 by contract made for support of the patient are liable for the  
31 support of the patient. The patient and those legally bound  
32 for the support of the patient shall be liable to the county  
33 for all sums advanced by the county to the state under the  
34 provisions of sections 222.60 and 222.77. The liability of  
35 any person, other than the patient, who is legally bound for

1 the support of a patient who is under eighteen years of age  
2 in a resource center or a special unit shall not exceed the  
3 average minimum cost of the care of a normally intelligent  
4 minor without a disability of the same age and sex as the  
5 minor patient. The administrator shall establish the scale  
6 for this purpose but the scale shall not exceed the standards  
7 for personal allowances established by the state division  
8 under the family investment program. The father or mother  
9 shall incur liability only during any period when the father  
10 or mother either individually or jointly receive a net income  
11 from whatever source, commensurate with that upon which they  
12 would be liable to make an income tax payment to this state.  
13 The father or mother of a patient shall not be liable for the  
14 support of the patient upon the patient attaining eighteen  
15 years of age. Nothing in this section shall be construed to  
16 prevent a relative or other person from voluntarily paying the  
17 full actual cost as established by the administrator for caring  
18 for the patient with an intellectual disability.

19 Sec. 29. Section 222.80, Code 2013, is amended to read as  
20 follows:

21 **222.80 Liability to county.**

22 A person admitted ~~or committed~~ to a county institution  
23 or home or admitted ~~or committed~~ at county expense to a  
24 private hospital, sanitarium, or other facility for treatment,  
25 training, instruction, care, habilitation, and support as a  
26 patient with an intellectual disability shall be liable to the  
27 county for the reasonable cost of the support as provided in  
28 section 222.78.

29 Sec. 30. Section 222.91, Code 2013, is amended to read as  
30 follows:

31 **222.91 Direct referral to special unit.**

32 In addition to any other manner of referral, or admission, ~~or~~  
33 ~~commitment~~ to the special unit provided for by this chapter,  
34 persons may be referred directly to the special unit by courts,  
35 law enforcement agencies, or state penal or correctional



1 institutions for services under subsection 2 of section 222.88,  
2 subsection 2; but persons so referred shall not be admitted ~~or~~  
3 ~~committed~~ unless a preadmission diagnostic evaluation indicates  
4 that the person would benefit from such services, and the  
5 admission ~~or commitment~~ of the person to the special unit  
6 would not cause the special unit's patient load to exceed its  
7 capacity.

8 Sec. 31. Section 232.51, Code 2013, is amended to read as  
9 follows:

10 **232.51 Disposition of child with mental illness ~~or an~~**  
11 **~~intellectual disability.~~**

12 1. If the evidence received at an adjudicatory or a  
13 dispositional hearing indicates that the child is mentally  
14 ill, the court may direct the juvenile court officer or the  
15 department to initiate proceedings or to assist the child's  
16 parent or guardian to initiate civil commitment proceedings in  
17 the juvenile court and such proceedings in the juvenile court  
18 shall adhere to the requirements of chapter 229.

19 ~~2. If the evidence received at an adjudicatory or a~~  
20 ~~dispositional hearing indicates that the child has an~~  
21 ~~intellectual disability, the court may direct the juvenile~~  
22 ~~court officer or the department to initiate proceedings~~  
23 ~~or to assist the child's parent or guardian to initiate~~  
24 ~~civil commitment proceedings in the juvenile court and such~~  
25 ~~proceedings shall adhere to the requirements of chapter 222.~~

26 ~~3.~~ 2. *a.* If prior to the adjudicatory or dispositional  
27 hearing on the pending delinquency petition, the child is  
28 committed as a child with a mental illness ~~or an intellectual~~  
29 ~~disability~~ and is ordered into a residential facility,  
30 institution, or hospital for inpatient treatment, the  
31 delinquency proceeding shall be suspended until such time as  
32 the juvenile court either terminates the civil commitment  
33 order or the child is released from the residential facility,  
34 institution, or hospital for purposes of receiving outpatient  
35 treatment.

1 b. During any time that the delinquency proceeding is  
2 suspended pursuant to this subsection, any time limits for  
3 speedy adjudicatory hearings and continuances shall be tolled.

4 c. This subsection shall not apply to waiver hearings held  
5 pursuant to section 232.45.

6 Sec. 32. Section 331.756, subsection 42, Code 2013, is  
7 amended by striking the subsection.

8 Sec. 33. Section 602.8102, subsections 36 and 37, Code 2013,  
9 are amended by striking the subsections.

10 Sec. 34. REPEAL. Sections 222.16 through 222.33, sections  
11 222.36 through 222.49, section 222.51, and sections 222.54  
12 through 222.58, Code 2013, are repealed.

13 Sec. 35. EFFECTIVE DATE. This division of this Act takes  
14 effect July 1, 2014.

15 DIVISION IV

16 INVOLUNTARY COMMITMENTS —

17 SUBSTANCE-RELATED DISORDERS AND MENTAL ILLNESS

18 Sec. 36. NEW SECTION. **125.74A Preapplication screening  
19 assessment — program.**

20 Prior to filing an application pursuant to section 125.75,  
21 the clerk of the district court or the clerk’s designee shall  
22 inform the interested person referred to in section 125.75  
23 about the option of requesting a preapplication screening  
24 assessment through a preapplication screening assessment  
25 program, if available. The state court administrator shall  
26 prescribe practices and procedures for implementation of the  
27 preapplication screening assessment program.

28 Sec. 37. Section 125.75, Code 2013, is amended to read as  
29 follows:

30 ~~125.75 Involuntary commitment or treatment — application~~  
31 **Application.**

32 1. Proceedings for the involuntary commitment or treatment  
33 of a person with a substance-related disorder to a facility  
34 pursuant to this chapter or for the involuntary hospitalization  
35 of a person pursuant to chapter 229 may be commenced by

1 ~~the county attorney or an~~ any interested person by filing a  
2 verified application with the clerk of the district court of  
3 the county where the respondent is presently located or which  
4 is the respondent's place of residence. The clerk or the  
5 clerk's designee shall assist the applicant in completing the  
6 application.

7 2. The application shall:

8 ~~1. a.~~ a. State the applicant's belief that the respondent is a  
9 person ~~with a substance-related disorder, who presents a danger~~  
10 to self or others and lacks judgmental capacity due to either  
11 of the following:

12 (1) A substance-related disorder as defined in section  
13 125.1.

14 (2) A serious mental impairment as defined in section 229.1.

15 ~~2. b.~~ b. State ~~any other pertinent facts in support of each~~  
16 belief described in paragraph "a".

17 ~~3. c.~~ c. Be accompanied by one or more of the following:

18 ~~a.~~ (1) A written statement of a licensed physician in  
19 support of the application.

20 ~~b.~~ (2) One or more supporting affidavits corroborating the  
21 application.

22 ~~e.~~ (3) Corroborative information obtained and reduced to  
23 writing by the clerk or the clerk's designee, but only when  
24 circumstances make it infeasible to obtain, or when the clerk  
25 considers it appropriate to supplement, the information under  
26 either ~~paragraph "a" subparagraph (1) or paragraph "b" (2).~~

27 3. Prior to the filing of an application pursuant to this  
28 section, the clerk or the clerk's designee shall inform the  
29 interested person referred to in subsection 1 about the option  
30 of requesting a preapplication screening assessment pursuant  
31 to section 125.74A.

32 4. The supreme court shall prescribe rules and establish  
33 forms as necessary to carry out the provisions of this section.

34 Sec. 38. Section 125.75A, Code 2013, is amended to read as  
35 follows:

1     **125.75A ~~Involuntary commitment or treatment of~~ proceedings —**  
2     **minors — jurisdiction.**

3     The juvenile court has exclusive original jurisdiction in  
4 proceedings concerning a minor for whom an application ~~for~~  
5 ~~involuntary commitment or treatment~~ is filed under section  
6 125.75. In proceedings under this division concerning a  
7 minor's involuntary commitment or treatment, the term "*court*",  
8 "*judge*", or "*clerk*" means the juvenile court, judge, or clerk.  
9     Sec. 39. Section 125.77, Code 2013, is amended to read as  
10 follows:

11     **125.77 Service of notice.**

12     Upon the filing of an application ~~for involuntary commitment~~  
13 pursuant to section 125.75, the clerk shall docket the case  
14 and immediately notify a district court judge, a district  
15 associate judge, or magistrate who is admitted to the practice  
16 of law in this state, who shall review the application and  
17 accompanying documentation. The clerk shall send copies of  
18 the application and supporting documentation, together with  
19 the notice informing the respondent of the procedures required  
20 by this division, to the sheriff, for immediate service upon  
21 the respondent. If the respondent is taken into custody under  
22 section 125.81, service of the application, documentation,  
23 and notice upon the respondent shall be made at the time the  
24 respondent is taken into custody.

25     Sec. 40. Section 125.78, unnumbered paragraph 1, Code 2013,  
26 is amended to read as follows:

27     As soon as practical after the filing of an application ~~for~~  
28 ~~involuntary commitment or treatment~~ pursuant to section 125.75,  
29 the court shall:

30     Sec. 41. Section 125.79, Code 2013, is amended to read as  
31 follows:

32     **125.79 Respondent's attorney informed.**

33     The court shall direct the clerk to furnish at once to  
34 the respondent's attorney, copies of the application ~~for~~  
35 ~~involuntary commitment of the respondent~~ pursuant to section

1 125.75 and the supporting documentation, and of the court's  
2 order issued pursuant to section 125.78, subsection 3. If the  
3 respondent is taken into custody under section 125.81, the  
4 attorney shall also be advised of that fact. The respondent's  
5 attorney shall represent the respondent at all stages of the  
6 proceedings and shall attend the commitment hearing.

7 Sec. 42. Section 229.5, Code 2013, is amended to read as  
8 follows:

9 **229.5 Departure without notice.**

10 If a voluntary patient departs from the hospital without  
11 notice, and in the opinion of the chief medical officer the  
12 patient is seriously mentally impaired, the chief medical  
13 officer may file an application ~~for involuntary hospitalization~~  
14 ~~of~~ on the departed voluntary patient pursuant to section 229.6,  
15 and request that an order for immediate custody be entered by  
16 the court pursuant to section 229.11.

17 Sec. 43. Section 229.5A, Code 2013, is amended to read as  
18 follows:

19 **229.5A Preapplication screening assessment — program.**

20 Prior to filing an application ~~for involuntary~~  
21 ~~hospitalization~~ pursuant to section 229.6, the clerk of  
22 the district court or the clerk's designee shall inform the  
23 interested person referred to in section 229.6, subsection  
24 1, about the option of requesting a preapplication screening  
25 assessment through a preapplication screening assessment  
26 program, if available. The state court administrator shall  
27 prescribe practices and procedures for implementation of the  
28 preapplication screening assessment program.

29 Sec. 44. Section 229.6, Code 2013, is amended to read as  
30 follows:

31 **229.6 Application for order of involuntary hospitalization.**

32 1. Proceedings for the involuntary hospitalization of an  
33 individual pursuant to this chapter or for the involuntary  
34 commitment or treatment of a person with a substance-related  
35 disorder to a facility pursuant to chapter 125 may be commenced

1 by any interested person by filing a verified application  
2 with the clerk of the district court of the county where the  
3 respondent is presently located, or which is the respondent's  
4 place of residence. The clerk, or the clerk's designee, shall  
5 assist the applicant in completing the application.

6 2. The application shall:

7 a. State the applicant's belief that the respondent is  
8 ~~seriously mentally impaired.~~ a person who presents a danger to  
9 self or others and lacks judgmental capacity due to either of  
10 the following:

11 (1) A substance-related disorder as defined in section  
12 125.1.

13 (2) A serious mental impairment as defined in section 229.1.

14 b. State ~~any other pertinent~~ facts in support of each belief  
15 described in paragraph "a".

16 c. Be accompanied by any of the following:

17 (1) A written statement of a licensed physician in support  
18 of the application.

19 (2) One or more supporting affidavits otherwise  
20 corroborating the application.

21 (3) Corroborative information obtained and reduced to  
22 writing by the clerk or the clerk's designee, but only when  
23 circumstances make it infeasible to comply with, or when the  
24 clerk considers it appropriate to supplement the information  
25 supplied pursuant to, either subparagraph (1) or (2).

26 ~~2.~~ 3. Prior to the filing of an application pursuant to  
27 this section, the clerk or the clerk's designee shall inform  
28 the interested person referred to in subsection 1 about the  
29 option of requesting a preapplication screening assessment  
30 pursuant to section 229.5A.

31 4. The supreme court shall prescribe rules and establish  
32 forms as necessary to carry out the provisions of this section.

33 Sec. 45. Section 229.6A, subsection 1, Code 2013, is amended  
34 to read as follows:

35 1. Notwithstanding section 229.11, the juvenile court has

1 exclusive original jurisdiction in proceedings concerning  
2 a minor for whom an application ~~for involuntary admission~~  
3 is filed under section 229.6 or for whom an application for  
4 voluntary admission is made under section 229.2, subsection 1,  
5 to which the minor objects. In proceedings under this chapter  
6 concerning a minor, notwithstanding section 229.11, the term  
7 "court", "judge", or "clerk" means the juvenile court, judge, or  
8 clerk.

9 Sec. 46. Section 229.7, Code 2013, is amended to read as  
10 follows:

11 **229.7 Service of notice upon respondent.**

12 Upon the filing of an application ~~for involuntary~~  
13 hospitalization pursuant to section 229.6, the clerk shall  
14 docket the case and immediately notify a district court judge,  
15 district associate judge, or magistrate who is admitted to the  
16 practice of law in this state, who shall review the application  
17 and accompanying documentation. If the application is adequate  
18 as to form, the court may set a time and place for a hearing  
19 on the application, if feasible, but the hearing shall not be  
20 held less than forty-eight hours after notice to the respondent  
21 unless the respondent waives such minimum prior notice  
22 requirement. The court shall direct the clerk to send copies  
23 of the application and supporting documentation, together with  
24 a notice informing the respondent of the procedures required  
25 by this chapter, to the sheriff or the sheriff's deputy for  
26 immediate service upon the respondent. If the respondent  
27 is taken into custody under section 229.11, service of the  
28 application, documentation and notice upon the respondent shall  
29 be made at the time the respondent is taken into custody.

30 Sec. 47. Section 229.8, unnumbered paragraph 1, Code 2013,  
31 is amended to read as follows:

32 As soon as practicable after the filing of an application  
33 ~~for involuntary hospitalization~~ pursuant to section 229.6, the  
34 court shall:

35 Sec. 48. Section 229.9, Code 2013, is amended to read as

1 follows:

2 **229.9 Respondent's attorney informed.**

3 The court shall direct the clerk to furnish at once to the  
4 respondent's attorney copies of the application ~~for involuntary~~  
5 ~~hospitalization of the respondent~~ filed pursuant to section  
6 229.6 and the supporting documentation, and of the court's  
7 order issued pursuant to section 229.8, subsection 3. If the  
8 respondent is taken into custody under section 229.11, the  
9 attorney shall also be advised of that fact. The respondent's  
10 attorney shall represent the respondent at all stages of the  
11 proceedings, and shall attend the hospitalization hearing.

12 Sec. 49. Section 229.21, subsection 2, Code 2013, is amended  
13 to read as follows:

14 2. When an application for involuntary hospitalization  
15 ~~under this chapter or an application~~ for involuntary commitment  
16 or treatment of persons with substance-related disorders under  
17 ~~sections~~ section 229.6 or 125.75 to 125.94 is filed with the  
18 clerk of the district court in any county for which a judicial  
19 hospitalization referee has been appointed, and no district  
20 judge, district associate judge, or magistrate who is admitted  
21 to the practice of law in this state is accessible, the clerk  
22 shall immediately notify the referee in the manner required by  
23 section 229.7 or section 125.77. The referee shall discharge  
24 all of the duties imposed upon the court by sections 229.7  
25 to 229.22 or sections 125.75 to 125.94 in the proceeding so  
26 initiated. Subject to the provisions of subsection 4, orders  
27 issued by a referee, in discharge of duties imposed under  
28 this section, shall have the same force and effect as if  
29 ordered by a district judge. However, any commitment to a  
30 facility regulated and operated under chapter 135C shall be in  
31 accordance with section 135C.23.

32 Sec. 50. Section 229.22, subsection 3, Code 2013, is amended  
33 to read as follows:

34 3. The chief medical officer of the facility or hospital  
35 shall examine and may detain and care for the person taken



1 into custody under the magistrate's order for a period not  
2 to exceed forty-eight hours from the time such order is  
3 dated, excluding Saturdays, Sundays and holidays, unless the  
4 order is sooner dismissed by a magistrate. The facility or  
5 hospital may provide treatment which is necessary to preserve  
6 the person's life, or to appropriately control behavior by  
7 the person which is likely to result in physical injury to  
8 the person's self or others if allowed to continue, but may  
9 not otherwise provide treatment to the person without the  
10 person's consent. The person shall be discharged from the  
11 facility or hospital and released from custody not later than  
12 the expiration of that period, unless an application ~~for the~~  
13 ~~person's involuntary hospitalization~~ is sooner filed with the  
14 clerk pursuant to section 229.6. Prior to such discharge the  
15 facility or hospital shall, if required by this section, notify  
16 the law enforcement agency requesting such notification about  
17 the discharge of the person. The law enforcement agency shall  
18 retrieve the person no later than six hours after notification  
19 from the facility or hospital but in no circumstances shall the  
20 detention of the person exceed the period of time prescribed  
21 for detention by this subsection. The detention of any  
22 person by the procedure and not in excess of the period of  
23 time prescribed by this section shall not render the peace  
24 officer, physician, facility, or hospital so detaining that  
25 person liable in a criminal or civil action for false arrest or  
26 false imprisonment if the peace officer, physician, facility,  
27 or hospital had reasonable grounds to believe the person so  
28 detained was mentally ill and likely to physically injure  
29 the person's self or others if not immediately detained, or  
30 if the facility or hospital was required to notify a law  
31 enforcement agency by this section, and the law enforcement  
32 agency requesting notification prior to discharge retrieved the  
33 person no later than six hours after the notification, and the  
34 detention prior to the retrieval of the person did not exceed  
35 the period of time prescribed for detention by this subsection.

1     Sec. 51. Section 229.24, subsection 1, Code 2013, is amended  
2 to read as follows:

3     1. All papers and records pertaining to any involuntary  
4 hospitalization or application ~~for involuntary hospitalization~~  
5 pursuant to section 229.6 of any person under this chapter,  
6 whether part of the permanent record of the court or of a file  
7 in the department of human services, are subject to inspection  
8 only upon an order of the court for good cause shown.

9     Sec. 52. Section 229.27, subsection 2, Code 2013, is amended  
10 to read as follows:

11     2. The applicant may, in initiating a petition ~~for~~  
12 ~~involuntary hospitalization of a person~~ under section 229.6 or  
13 at any subsequent time prior to conclusion of the involuntary  
14 hospitalization proceeding, also petition the court for a  
15 finding that the person is incompetent by reason of mental  
16 illness. The test of competence for the purpose of this  
17 section shall be whether the person possesses sufficient mind  
18 to understand in a reasonable manner the nature and effect  
19 of the act in which the person is engaged; the fact that a  
20 person is mentally ill and in need of treatment for that  
21 illness but because of the illness lacks sufficient judgment  
22 to make responsible decisions with respect to the person's  
23 hospitalization or treatment does not necessarily mean that  
24 that person is incapable of transacting business on any  
25 subject.

26     Sec. 53. Section 602.1209, subsection 16, Code 2013, is  
27 amended to read as follows:

28     16. Prescribe practices and procedures for the  
29 implementation of the preapplication screening assessment  
30 program referred to in ~~section~~ sections 125.75A and 229.5A.

31     Sec. 54. REPEAL. Sections 125.75B and 229.2A, Code 2013,  
32 are repealed.

33     Sec. 55. STUDY — BED AVAILABILITY TRACKING SYSTEM. The  
34 department of human services shall conduct a study regarding  
35 the possible development of a hospital bed tracking system in

1 order to most efficiently and effectively serve the needs of  
2 persons suffering from mental illness. The department shall  
3 submit a report of the study and make recommendations to the  
4 governor and the general assembly by December 16, 2013.

5

EXPLANATION

6 DIVISION I — DEPARTMENTAL RESPONSIBILITY FOR MENTAL HEALTH  
7 ADVOCATES. This division establishes a mental health advocate  
8 division in the department of inspections and appeals and  
9 specifies duties for the division administrator. A transition  
10 provision directs the department to commence organizational  
11 activities during FY 2013-2014 as necessary to fully implement  
12 the new departmental division and all of the bill's division  
13 II provisions on July 1, 2014. The department is granted  
14 emergency rulemaking authority if necessary to achieve the  
15 implementation date.

16 This division takes effect July 1, 2013.

17 DIVISION II — IMPLEMENTATION. This division provides for  
18 implementation of the change in administration of the mental  
19 health advocates on July 1, 2014, including conforming changes  
20 to various Code sections.

21 Code section 225C.4, relating to the duties of the  
22 administrator of the mental health and disability services  
23 division of the department of human services, is amended to  
24 correct a reference to mental health advocates and to include  
25 the department of inspections and appeals in a duty for  
26 providing consultation and technical assistance to advocates.

27 Code section 226.31, relating to an application for a court  
28 order for transfer of a dangerous patient from a state mental  
29 health institute, is amended to correct a reference to the  
30 advocate to be included in a notice of a hearing.

31 Code section 229.2, relating to admissions of juvenile  
32 mental health patients, is amended to correct a reference to  
33 the appointment of a mental health advocate for juveniles  
34 involuntarily committed.

35 Code section 229.9A, relating to requirements for the clerk

1 of court to notify a mental health advocate of application  
2 and order information, is amended to correct a reference to  
3 the advocate, to eliminate a reference to county of legal  
4 settlement, and to authorize the advocate to attend any court  
5 hearing involving the respondent.

6 Code section 229.12, relating to the procedure for  
7 hospitalization hearings, is amended to correct a reference to  
8 the advocate and to eliminate a reference to county of legal  
9 settlement.

10 Code section 229.14A, relating to notice requirements  
11 for involuntary commitment placement orders and transfers,  
12 is amended to require notice to correct a reference to the  
13 advocate and to eliminate a reference to a procedure for  
14 withdrawal of an attorney that is revised by the bill.

15 Code section 229.15, relating to the periodic reports  
16 required when hospitalization of a patient is continued by  
17 court order, is amended to require the report to be provided to  
18 the advocate.

19 Code section 229.19, the primary Code provision for  
20 mental health advocates, is extensively revised to insert  
21 the new department of inspections and appeals division in  
22 place of the counties. The advocate is to be appointed by  
23 the court from a list of qualified persons provided by the  
24 division administrator. A procedure for continuation of the  
25 respondent's attorney when a patient is found to be seriously  
26 mentally impaired is revised to require the attorney to  
27 cooperate with the patient's advocate instead of assuming the  
28 duties of an advocate. Responsibility for compensation of  
29 the mental health advocate is shifted to the division and the  
30 division is required to recover the costs of the mental health  
31 advocate if the person is not indigent.

32 Code section 229.25, relating to exceptions for release of  
33 medical records maintained by a hospital or other treatment  
34 facility, is amended to correct a reference to the advocate  
35 regarding the release of the records to the advocate when the

1 patient has signed a waiver.

2 The bill includes a transition section outlining sick time,  
3 vacation leave, and health, life, and disability insurance  
4 rights of county employees who become employees of the  
5 department of inspections and appeals in accordance with the  
6 bill.

7 This division takes effect July 1, 2014.

8 DIVISION III — INVOLUNTARY COMMITMENTS — PERSONS WITH  
9 INTELLECTUAL DISABILITIES. Current Code chapter 222 contains  
10 both a voluntary admission process and an involuntary  
11 commitment process to provide treatment, training, instruction,  
12 care, habilitation, and support of persons with an intellectual  
13 disability. Current law also provides that if a guardianship  
14 is proposed for a person with an intellectual disability,  
15 such proceedings shall be initiated and conducted pursuant  
16 to Code chapter 633 (provisions under probate code). This  
17 division repeals provisions in Code chapter 222 relating to  
18 the involuntary commitment process and makes conforming Code  
19 changes. This division takes effect July 1, 2014.

20 DIVISION IV — INVOLUNTARY COMMITMENTS — SUBSTANCE-RELATED  
21 DISORDERS AND MENTAL ILLNESS.

22 PREAPPLICATION SCREENING ASSESSMENT. This division provides  
23 that prior to filing an application for involuntary commitment  
24 or treatment under Code chapter 125 or for involuntary  
25 hospitalization under Code chapter 229, the clerk of the  
26 district court or the clerk's designee shall inform the  
27 interested person who intends to file the application about  
28 the option of requesting a preapplication screening assessment  
29 through a preapplication screening assessment program, if  
30 available. The state court administrator is required to  
31 prescribe practices and procedures for implementation of the  
32 preapplication screening assessment program.

33 Conforming Code changes are made relating to the duties of  
34 the district court clerk and the state court administrator.

35 APPLICATION FOR INVOLUNTARY COMMITMENT OR TREATMENT OR

1 INVOLUNTARY HOSPITALIZATION. Current law provides for separate  
2 applications for the involuntary commitment or treatment of a  
3 person with a substance-related disorder under Code chapter  
4 125 and for the involuntary hospitalization of a person with a  
5 serious mental impairment under Code chapter 229. The division  
6 combines both applications and allows an interested person  
7 to file one application under either Code chapter 125 or 229  
8 with the clerk of the district court of the county where the  
9 respondent is located or where the respondent resides. The  
10 interested person is required to state on the application  
11 the person's belief that the respondent presents a danger to  
12 self or others and lacks judgmental capacity due to either a  
13 substance-related disorder or a serious mental impairment. The  
14 applicant must also state facts in support of each claim and,  
15 consistent with current law, provide a written statement of a  
16 licensed physician, one or more supporting affidavits, or any  
17 other corroborative information as determined by the clerk of  
18 the district court in support of the application. The division  
19 requires the supreme court to adopt rules and establish forms  
20 as necessary to carry out the amended provisions.

21 The bill makes conforming changes by amending certain  
22 provisions in both Code chapters 125 and 229 that make  
23 references to the filing of separate commitment applications  
24 and repeals provisions allowing for dual filings of both  
25 applications.

26 STUDY — BED AVAILABILITY TRACKING SYSTEM. This division  
27 requires the department of human services to conduct a study  
28 regarding the possible development of a hospital bed tracking  
29 system in order to most efficiently and effectively serve  
30 the needs of persons suffering from mental illness. The  
31 department is required to submit a report of the study and make  
32 recommendations to the governor and the general assembly by  
33 December 16, 2013.