

House File 2114 - Introduced

HOUSE FILE 2114
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A BILL FOR

1 An Act authorizing the parent or legal guardian of a child to
2 have the child committed for substance use or mental health
3 treatment.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 125.33, Code 2026, is amended to read as
2 follows:

3 **125.33 Voluntary treatment of persons adults with a substance**
4 **use disorder.**

5 1. ~~A person~~ For purposes of this section, "adult" means an
6 individual who is eighteen years of age or older.

7 2. An adult with a substance use disorder may apply for
8 voluntary treatment or rehabilitation services directly to a
9 facility or to a licensed physician and surgeon or osteopathic
10 physician and surgeon or to a mental health professional. If
11 the proposed patient is ~~a minor or an incompetent person~~, a
12 parent, a legal guardian, or other legal representative may
13 make the application. The licensed physician and surgeon or
14 osteopathic physician and surgeon, mental health professional, or
15 any employee or person acting under the direction or supervision
16 of the physician and surgeon or osteopathic physician and
17 surgeon, mental health professional, or facility shall not report
18 or disclose the name of the person adult or the fact that
19 treatment was requested or has been undertaken to any law
20 enforcement officer or law enforcement agency; nor shall such
21 information be admissible as evidence in any court, grand jury,
22 or administrative proceeding unless authorized by the ~~person~~
23 adult seeking treatment. ~~If the person seeking such treatment~~
24 ~~or rehabilitation is a minor who has personally made application~~
25 ~~for treatment, the fact that the minor sought treatment or~~
26 ~~rehabilitation or is receiving treatment or rehabilitation~~
27 ~~services shall not be reported or disclosed to the parents or~~
28 ~~legal guardian of such minor without the minor's consent, and~~
29 ~~the minor may give legal consent to receive such treatment and~~
30 ~~rehabilitation.~~

31 ~~2.~~ 3. Subject to rules adopted by the department, the
32 administrator or the administrator's designee in charge of a
33 facility may determine who shall be admitted for treatment or
34 rehabilitation. If ~~a person~~ an adult is refused admission,
35 the administrator or the administrator's designee, subject to

1 rules adopted by the department, shall refer the ~~person~~ adult to
2 another facility for treatment if possible and appropriate.

3 ~~3.~~ 4. ~~A person~~ An adult with a substance use disorder
4 seeking treatment or rehabilitation and who is either addicted
5 to or dependent on a chemical substance may first be examined
6 and evaluated by a licensed physician and surgeon or osteopathic
7 physician and surgeon or a mental health professional who may
8 prescribe, if authorized or licensed to do so, a proper course
9 of treatment and medication, if needed. The licensed physician
10 and surgeon or osteopathic physician and surgeon or mental
11 health professional may further prescribe a course of treatment
12 or rehabilitation and authorize another licensed physician and
13 surgeon or osteopathic physician and surgeon, mental health
14 professional, or facility to provide the prescribed treatment or
15 rehabilitation services. Treatment or rehabilitation services
16 may be provided to a ~~person~~ an adult individually or in a group.
17 A facility providing or engaging in treatment or rehabilitation
18 shall not report or disclose to a law enforcement officer or
19 law enforcement agency the name of ~~any person~~ an adult receiving
20 or engaged in the treatment or rehabilitation; nor shall a
21 ~~person~~ an adult receiving or participating in treatment or
22 rehabilitation report or disclose the name of any other person
23 engaged in or receiving treatment or rehabilitation or that the
24 program is in existence, to a law enforcement officer or law
25 enforcement agency. Such information shall not be admitted in
26 evidence in any court, grand jury, or administrative proceeding.
27 However, a ~~person~~ an adult engaged in or receiving treatment
28 or rehabilitation may authorize the disclosure of the ~~person's~~
29 adult's name and individual participation.

30 ~~4.~~ 5. If a ~~patient~~ an adult receiving inpatient or
31 residential care leaves a facility, the patient shall be
32 encouraged to consent to appropriate outpatient or halfway house
33 treatment. If it appears to the administrator in charge of the
34 facility that the patient ~~is a person with~~ has a substance use
35 disorder ~~who~~ and requires help, the director may arrange for

1 assistance in obtaining supportive services.

2 5. 6. If a patient leaves a facility, with or against
3 the advice of the administrator in charge of the facility,
4 the director may make reasonable provisions for the patient's
5 transportation to another facility or to the patient's home.
6 If the patient has no home, the patient shall be assisted in
7 obtaining shelter. If the patient is a ~~minor or an incompetent~~
8 ~~person~~, the request for discharge from an inpatient facility
9 shall be made by a parent, legal guardian, or other legal
10 representative, or by the ~~minor or incompetent person~~ patient if
11 the patient was the original applicant.

12 6. 7. Any person who reports or discloses the name of a
13 ~~person~~ an adult receiving treatment or rehabilitation services
14 to a law enforcement officer or law enforcement agency or
15 any ~~person~~ individual receiving treatment or rehabilitation
16 services who discloses the name of any other ~~person~~ individual
17 receiving treatment or rehabilitation services without the
18 written consent of the ~~person in violation of the provisions~~
19 ~~of this section~~ individual shall ~~upon conviction~~ be guilty of a
20 simple misdemeanor.

21 Sec. 2. NEW SECTION. **125.33A Treatment of minors with a**
22 **substance use disorder.**

23 1. For purposes of this section, "minor" means an individual
24 who is under eighteen years of age.

25 2. A minor with a substance use disorder, or the minor's
26 parent, legal guardian, or other legal representative, may apply
27 for treatment or rehabilitation services directly to a facility
28 or to a licensed physician and surgeon or osteopathic physician
29 and surgeon or to a mental health professional. The licensed
30 physician and surgeon or osteopathic physician and surgeon,
31 mental health professional, or any employee or person acting
32 under the direction or supervision of the physician and surgeon
33 or osteopathic physician and surgeon, mental health professional,
34 or facility shall not report or disclose the minor's name or
35 the fact that treatment was requested or has been undertaken to

1 any law enforcement officer or law enforcement agency; nor shall
2 such information be admissible as evidence in any court, grand
3 jury, or administrative proceeding unless authorized by the minor
4 seeking treatment.

5 3. a. Subject to rules adopted by the department, the
6 administrator or the administrator's designee in charge of a
7 facility may determine who shall be admitted for treatment or
8 rehabilitation.

9 b. If a minor is refused admission to a facility, the
10 administrator or the administrator's designee, subject to rules
11 adopted by the department, shall refer the minor to another
12 facility for treatment if possible and appropriate.

13 c. A minor's admission to a facility shall not be subject
14 to court jurisdiction unless the minor and the minor's parents,
15 legal guardians, or custodians refuse to consent to the minor's
16 admission.

17 4. A minor with a substance use disorder seeking treatment
18 or rehabilitation and who is either addicted to or dependent
19 on a chemical substance may first be examined and evaluated by
20 a licensed physician and surgeon or osteopathic physician and
21 surgeon or a mental health professional who may prescribe, if
22 authorized or licensed to do so, a proper course of treatment
23 and medication, if needed. The licensed physician and surgeon or
24 osteopathic physician and surgeon or mental health professional
25 may further prescribe a course of treatment or rehabilitation and
26 authorize another licensed physician and surgeon or osteopathic
27 physician and surgeon, mental health professional, or facility
28 to provide the prescribed treatment or rehabilitation services.
29 Treatment or rehabilitation services may be provided to a minor
30 individually or in a group. A facility providing or engaging
31 in treatment or rehabilitation shall not report or disclose to a
32 law enforcement officer or law enforcement agency the name of a
33 minor receiving or engaged in the treatment or rehabilitation;
34 nor shall a minor receiving or participating in treatment
35 or rehabilitation report or disclose the name of any other

1 individual engaged in or receiving treatment or rehabilitation
2 or that the program is in existence, to a law enforcement
3 officer or law enforcement agency. Such information shall not be
4 admitted in evidence in any court, grand jury, or administrative
5 proceeding. However, a minor engaged in or receiving treatment
6 or rehabilitation, or the minor's parent, legal guardian, or
7 other legal representative, may authorize the disclosure of the
8 minor's name and individual participation.

9 5. If a minor receiving inpatient or residential care leaves
10 a facility, the minor shall be encouraged to consent to
11 appropriate outpatient or halfway house treatment. If it appears
12 to the administrator in charge of the facility that the minor
13 has a substance use disorder and requires help, the director may
14 arrange for assistance in obtaining supportive services.

15 6. If a minor admitted to a facility leaves the facility,
16 with or against the advice of the administrator in charge of
17 the facility, the director shall make reasonable provisions for
18 the minor's transportation to another facility or to the minor's
19 home. If the minor has no home, the minor shall be assisted in
20 obtaining shelter. The request for a minor's discharge from an
21 inpatient facility shall be made by a parent, legal guardian, or
22 other legal representative, or by the minor if the minor was the
23 original applicant.

24 7. Any person who reports or discloses the name of a
25 minor receiving treatment or rehabilitation services to a
26 law enforcement officer or law enforcement agency or any
27 individual receiving treatment or rehabilitation services who
28 discloses the name of any other individual receiving treatment
29 or rehabilitation services without the written consent of the
30 individual shall be guilty of a simple misdemeanor.

31 Sec. 3. Section 229.2, Code 2026, is amended to read as
32 follows:

33 **229.2 Application for adult voluntary admission — authority**
34 **to receive adult voluntary patients.**

35 1. ~~α.~~ For purposes of this section, "adult" means an

1 individual who is eighteen years of age or older.

2 2. An application for admission to a public or private
3 hospital for observation, diagnosis, care, and treatment as a
4 voluntary patient may be made by any person adult who is mentally
5 ill or has symptoms of mental illness.

6 ~~b. In the case of a minor, the parent, guardian, or custodian~~
7 ~~may make application for admission of the minor as a voluntary~~
8 ~~patient.~~

9 ~~(1) Upon receipt of an application for voluntary admission~~
10 ~~of a minor, the chief medical officer shall provide separate~~
11 ~~prescreening interviews and consultations with the parent,~~
12 ~~guardian, or custodian and the minor to assess the family~~
13 ~~environment and the appropriateness of the application for~~
14 ~~admission.~~

15 ~~(2) During the interview and consultation the chief medical~~
16 ~~officer shall inform the minor orally and in writing that the~~
17 ~~minor has a right to object to the admission. If the chief~~
18 ~~medical officer of the hospital to which application is made~~
19 ~~determines that the admission is appropriate but the minor~~
20 ~~objects to the admission, the parent, guardian, or custodian must~~
21 ~~petition the juvenile court for approval of the admission before~~
22 ~~the minor is actually admitted.~~

23 ~~(3) As soon as is practicable after the filing of a~~
24 ~~petition for juvenile court approval of the admission of the~~
25 ~~minor, the juvenile court shall determine whether the minor~~
26 ~~has an attorney to represent the minor in the hospitalization~~
27 ~~proceeding, and if not, the court shall assign to the minor an~~
28 ~~attorney. If the minor is financially unable to pay for an~~
29 ~~attorney, the attorney shall be compensated by an administrative~~
30 ~~services organization at an hourly rate to be established by the~~
31 ~~administrative services organization in substantially the same~~
32 ~~manner as provided in section 815.7.~~

33 ~~(4) The juvenile court shall determine whether the admission~~
34 ~~is in the best interest of the minor and is consistent with the~~
35 ~~minor's rights.~~

1 ~~(5) The juvenile court shall order hospitalization of a~~
2 ~~minor, over the minor's objections, only after a hearing in which~~
3 ~~it is shown by clear and convincing evidence that:~~

4 ~~(a) The minor needs and will substantially benefit from~~
5 ~~treatment.~~

6 ~~(b) No other setting which involves less restriction of the~~
7 ~~minor's liberties is feasible for the purposes of treatment.~~

8 ~~(6) Upon approval of the admission of a minor over~~
9 ~~the minor's objections, the juvenile court shall appoint an~~
10 ~~individual to act as an advocate representing the interests~~
11 ~~of the minor in the same manner as an advocate representing~~
12 ~~the interests of patients involuntarily hospitalized pursuant to~~
13 ~~section 229.19.~~

14 2. Upon receiving an application for admission as a voluntary
15 patient, made pursuant to subsection 1:

16 a. The chief medical officer of a public hospital shall
17 receive and may admit the ~~person~~ adult whose admission is sought,
18 subject in cases other than medical emergencies to availability
19 of suitable accommodations and to the provisions of section
20 229.41.

21 b. The chief medical officer of a private hospital may
22 receive and may admit the ~~person~~ adult whose admission is sought.

23 **Sec. 4. NEW SECTION. 229.2B Application for admission of**
24 **minor — authority to receive minor patients.**

25 1. For purposes of this section, "minor" means an individual
26 under eighteen years of age.

27 2. An application for admission to a public or private
28 hospital for observation, diagnosis, care, and treatment as a
29 voluntary patient may be made by a minor who is mentally ill
30 or has symptoms of mental illness, or the minor's parent, legal
31 guardian, or custodian.

32 3. Upon receipt of an application for voluntary admission
33 of a minor, the chief medical officer of the hospital shall
34 provide separate prescreening interviews and consultations with
35 the parent, guardian, or custodian and the minor to assess the

1 family environment and the appropriateness of the application for
2 admission.

3 4. a. The chief medical officer of a public hospital shall
4 receive and may admit a minor whose admission is sought, subject
5 in cases other than medical emergencies to availability of
6 suitable accommodations and to the provisions of section 229.41.

7 b. The chief medical officer of a private hospital may
8 receive and may admit a minor whose admission is sought.

9 5. A minor's admission to a hospital shall not be subject
10 to court jurisdiction unless the minor and the minor's parents,
11 legal guardians, or custodians refuse to consent to the minor's
12 admission.

13 6. If a minor is admitted to a hospital over the minor's
14 objections, the chief medical officer of the hospital admitting
15 the minor shall notify the juvenile court and the juvenile court
16 shall appoint an individual to act as an advocate representing
17 the interests of the minor in the same manner as an advocate
18 representing the interests of patients involuntarily hospitalized
19 pursuant to section 229.19.

20 Sec. 5. Section 229.4, subsection 2, Code 2026, is amended to
21 read as follows:

22 2. If the patient is a minor who was admitted on the
23 application of the patient's parent, guardian, or custodian
24 pursuant to section ~~229.2, subsection 1~~ 229.2B, the patient's
25 release prior to becoming eighteen years of age may be
26 conditioned upon the consent of the parent, guardian, or
27 custodian, ~~or upon the approval of the juvenile court if the~~
28 ~~admission was approved by the juvenile court.~~

29 Sec. 6. Section 229.6A, subsections 1 and 3, Code 2026, are
30 amended to read as follows:

31 1. Notwithstanding section 229.11, the juvenile court has
32 exclusive original jurisdiction in proceedings concerning a minor
33 for whom an application is filed under section 229.6 ~~or for~~
34 ~~whom an application for voluntary admission is made under section~~
35 ~~229.2, subsection 1, to which the minor objects.~~ In proceedings

1 under this chapter concerning a minor, notwithstanding section
2 229.11, the term "court", "judge", or "clerk" means the juvenile
3 court, judge, or clerk.

4 3. It is the intent of this chapter that when a minor is
5 involuntarily or voluntarily hospitalized, ~~or hospitalized with~~
6 ~~juvenile court approval over the minor's objection~~ the minor's
7 family shall be included in counseling sessions offered during
8 the minor's stay in a hospital when feasible. Prior to the
9 discharge of the minor, the juvenile court may, after a hearing,
10 order that the minor's family be evaluated and receive therapy
11 ~~ordered if the juvenile court finds therapy is~~ necessary to
12 facilitate the return of the minor to the family setting.

13 Sec. 7. Section 229.41, Code 2026, is amended to read as
14 follows:

15 **229.41 Voluntary admission — state mental health**
16 **institute.**

17 Persons making application pursuant to section 229.2 or 229.2B
18 on their own behalf or on behalf of another person who is under
19 eighteen years of age, if the person whose admission is sought
20 is received for observation and treatment on the application,
21 shall be required to pay the costs of hospitalization at rates
22 established by the department. The costs may be collected weekly
23 in advance and shall be payable to the state mental health
24 institute. The collections shall be remitted to the department
25 monthly to be credited to the general fund of the state.

26 Sec. 8. Section 321J.3, subsection 3, Code 2026, is amended
27 to read as follows:

28 3. The state department of transportation, in cooperation
29 with the judicial branch, shall adopt rules, pursuant to the
30 procedure in section 125.33 or 125.33A, regarding the assignment
31 of persons ordered under section 321J.17 to submit to substance
32 use disorder evaluation and treatment. The rules shall be
33 applicable only to persons other than those committed to the
34 custody of the director of the department of corrections under
35 section 321J.2. The rules shall be consistent with the

1 practices and procedures of the judicial branch in sentencing
2 persons to substance use disorder evaluation and treatment under
3 section 321J.2. The rules shall include the requirement that
4 the treatment programs utilized by a person pursuant to an
5 order of the department of transportation meet the licensure
6 standards of the department of health and human services for
7 substance use disorder treatment programs under chapter 125.
8 The rules shall also include provisions for payment of costs
9 by the offenders, including insurance reimbursement on behalf of
10 offenders, or other forms of funding, and shall also address
11 reporting requirements of the facility, consistent with the
12 provisions of sections 125.84 and 125.86. The department
13 of transportation shall be entitled to treatment information
14 contained in reports to the department of transportation,
15 notwithstanding any provision of chapter 125 that would restrict
16 department access to treatment information and records.

17 Sec. 9. Section 331.910, subsection 3, paragraph a, Code
18 2026, is amended to read as follows:

19 a. An administrative services organization may contract with
20 a receiving agency in a bordering state to secure substance
21 use disorder or mental health care and treatment under this
22 subsection for persons who receive substance use disorder or
23 mental health care and treatment pursuant to section 125.33,
24 125.33A, 125.91, 229.2, 229.2B, or 229.22.

25 EXPLANATION

26 The inclusion of this explanation does not constitute agreement with
27 the explanation's substance by the members of the general assembly.

28 Under current law, if a minor refuses to receive treatment
29 or rehabilitation services (SUD treatment) for the child's
30 substance use disorder, or refuses observation, diagnosis, care,
31 or treatment (mental health treatment) for the child's mental
32 health disorder, the child's parents, or any other interested
33 person, need to obtain a court order to have the child committed
34 for SUD treatment or mental health treatment.

35 This bill authorizes a parent, legal guardian, or custodian

1 of a child to have the child committed over the objections of
2 the child for SUD treatment, mental health treatment, or both.
3 Judicial proceedings will not be required to commit a child
4 unless both the child and the child's parents, legal guardians,
5 or custodians object to the commitment.

6 If a minor is admitted for SUD treatment or mental health
7 treatment over the minor's objections, the chief medical officer
8 of the hospital admitting the minor must notify the juvenile
9 court, and the juvenile court must appoint an advocate for the
10 minor.

11 The bill makes conforming changes to Code sections 125.33,
12 229.2, 229.4, 229.6A, 229.41, 321J.3, and 331.910.

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