

House File 2523 - Introduced

HOUSE FILE 2523
BY COMMITTEE ON HEALTH AND
HUMAN SERVICES

(SUCCESSOR TO HF 2114)

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:

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,
15 or any employee or person acting under the direction or
16 supervision of the physician and surgeon or osteopathic
17 physician and surgeon, mental health professional, or facility
18 shall not report or disclose the name of the ~~person~~ adult or
19 the fact that treatment was requested or has been undertaken
20 to any law enforcement officer or law enforcement agency; nor
21 shall such information be admissible as evidence in any court,
22 grand jury, or administrative proceeding unless authorized by
23 the ~~person~~ adult seeking treatment. ~~If the person seeking~~
24 ~~such treatment or rehabilitation is a minor who has personally~~
25 ~~made application for treatment, the fact that the minor sought~~
26 ~~treatment or rehabilitation or is receiving treatment or~~
27 ~~rehabilitation services shall not be reported or disclosed to~~
28 ~~the parents or legal guardian of such minor without the minor's~~
29 ~~consent, and the minor may give legal consent to receive such~~
30 ~~treatment and 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
2 to 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
5 addicted to or dependent on a chemical substance may first be
6 examined and evaluated by a licensed physician and surgeon
7 or osteopathic physician and surgeon or a mental health
8 professional who may prescribe, if authorized or licensed to
9 do so, a proper course of treatment and medication, if needed.
10 The licensed physician and surgeon or osteopathic physician and
11 surgeon or mental health professional may further prescribe a
12 course of treatment or rehabilitation and authorize another
13 licensed physician and surgeon or osteopathic physician and
14 surgeon, mental health professional, or facility to provide the
15 prescribed treatment or rehabilitation services. Treatment or
16 rehabilitation services may be provided to a ~~person~~ an adult
17 individually or in a group. A facility providing or engaging
18 in treatment or rehabilitation shall not report or disclose to
19 a law enforcement officer or law enforcement agency the name
20 of ~~any person~~ an adult receiving or engaged in the treatment
21 or rehabilitation; nor shall ~~a person~~ an adult receiving or
22 participating in treatment or rehabilitation report or disclose
23 the name of any other person engaged in or receiving treatment
24 or rehabilitation or that the program is in existence, to
25 a law enforcement officer or law enforcement agency. Such
26 information shall not be admitted in evidence in any court,
27 grand jury, or administrative proceeding. However, ~~a person~~
28 an adult engaged in or receiving treatment or rehabilitation
29 may authorize the disclosure of the ~~person's~~ adult's name and
30 individual participation.
31 ~~4.~~ 5. If ~~a patient~~ an adult receiving inpatient or
32 residential care leaves a facility, the patient shall be
33 encouraged to consent to appropriate outpatient or halfway
34 house treatment. If it appears to the administrator in
35 charge of the facility that the patient ~~is a person with~~ has a

1 substance use disorder ~~who~~ and requires help, the director may
2 arrange for assistance in obtaining supportive services.

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

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

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

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

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

1 the minor's name or the fact that treatment was requested or
2 has been undertaken to any law enforcement officer or law
3 enforcement agency; nor shall such information be admissible as
4 evidence in any court, grand jury, or administrative proceeding
5 unless authorized by the minor seeking treatment.

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

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

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

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

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

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

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

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

34 Sec. 3. Section 229.2, Code 2026, is amended to read as
35 follows:

1 **229.2 Application for adult voluntary admission — authority**
2 **to receive adult voluntary patients.**

3 1. ~~a.~~ For purposes of this section, "adult" means an
4 individual who is eighteen years of age or older.

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

9 ~~b. In the case of a minor, the parent, guardian, or~~
10 ~~custodian may make application for admission of the minor as a~~
11 ~~voluntary patient.~~

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

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

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

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

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

7 ~~(a) The minor needs and will substantially benefit from~~
8 ~~treatment.~~

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

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

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

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

24 b. The chief medical officer of a private hospital may
25 receive and may admit the person adult whose admission is
26 sought.

27 Sec. 4. NEW SECTION. 229.2B Application for admission of
28 minor — authority to receive minor patients.

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

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

1 3. Upon receipt of an application for voluntary admission
2 of a minor, the chief medical officer of the hospital shall
3 provide separate prescreening interviews and consultations with
4 the parent, guardian, or custodian and the minor to assess the
5 family environment and the appropriateness of the application
6 for admission.

7 4. a. The chief medical officer of a public hospital
8 shall receive and may admit a minor whose admission is sought,
9 subject in cases other than medical emergencies to availability
10 of suitable accommodations and to the provisions of section
11 229.41.

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

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

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

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

27 2. If the patient is a minor who was admitted on the
28 application of the patient's parent, guardian, or custodian
29 pursuant to [section 229.2, subsection 1 229.2B](#), the patient's
30 release prior to becoming eighteen years of age may be
31 conditioned upon the consent of the parent, guardian, or
32 custodian, ~~or upon the approval of the juvenile court if the~~
33 ~~admission was approved by the juvenile court.~~

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

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

9 3. It is the intent of [this chapter](#) that when a minor is
10 involuntarily or voluntarily hospitalized, ~~or hospitalized~~
11 ~~with juvenile court approval over the minor's objection~~ the
12 minor's family shall be included in counseling sessions offered
13 during the minor's stay in a hospital when feasible. Prior
14 to the discharge of the minor, the juvenile court may, after
15 a hearing, order that the minor's family be evaluated and
16 receive therapy ~~ordered~~ if the juvenile court finds therapy is
17 necessary to facilitate the return of the minor to the family
18 setting.

19 Sec. 7. Section 229.41, Code 2026, is amended to read as
20 follows:

21 **229.41 Voluntary admission — state mental health institute.**

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

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

34 3. The state department of transportation, in cooperation
35 with the judicial branch, shall adopt rules, pursuant to

1 the procedure in [section 125.33](#) or [125.33A](#), regarding the
2 assignment of persons ordered under [section 321J.17](#) to submit
3 to substance use disorder evaluation and treatment. The rules
4 shall be applicable only to persons other than those committed
5 to the custody of the director of the department of corrections
6 under [section 321J.2](#). The rules shall be consistent with the
7 practices and procedures of the judicial branch in sentencing
8 persons to substance use disorder evaluation and treatment
9 under [section 321J.2](#). The rules shall include the requirement
10 that the treatment programs utilized by a person pursuant to an
11 order of the department of transportation meet the licensure
12 standards of the department of health and human services for
13 substance use disorder treatment programs under [chapter 125](#).
14 The rules shall also include provisions for payment of costs by
15 the offenders, including insurance reimbursement on behalf of
16 offenders, or other forms of funding, and shall also address
17 reporting requirements of the facility, consistent with the
18 provisions of [sections 125.84](#) and [125.86](#). The department of
19 transportation shall be entitled to treatment information
20 contained in reports to the department of transportation,
21 notwithstanding any provision of [chapter 125](#) that would
22 restrict department access to treatment information and
23 records.

24 Sec. 9. Section 331.910, subsection 3, paragraph a, Code
25 2026, is amended to read as follows:

26 a. An administrative services organization may contract with
27 a receiving agency in a bordering state to secure substance
28 use disorder or mental health care and treatment under this
29 subsection for persons who receive substance use disorder or
30 mental health care and treatment pursuant to [section 125.33](#),
31 [125.33A](#), [125.91](#), [229.2](#), [229.2B](#), or [229.22](#).

32 EXPLANATION

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

35 Under current law, if a minor refuses to receive treatment

1 or rehabilitation services (SUD treatment) for the child's
2 substance use disorder, or refuses observation, diagnosis,
3 care, or treatment (mental health treatment) for the child's
4 mental health disorder, the child's parents, or any other
5 interested person, need to obtain a court order to have the
6 child committed for SUD treatment or mental health treatment.

7 This bill authorizes a parent, legal guardian, or custodian
8 of a child to have the child committed over the objections of
9 the child for SUD treatment, mental health treatment, or both.
10 Judicial proceedings will not be required to commit a child
11 unless both the child and the child's parents, legal guardians,
12 or custodians object to the commitment.

13 If a minor is admitted for SUD treatment or mental health
14 treatment over the minor's objections, the chief medical
15 officer of the hospital admitting the minor must notify the
16 juvenile court, and the juvenile court must appoint an advocate
17 for the minor.

18 The bill makes conforming changes to Code sections 125.33,
19 229.2, 229.4, 229.6A, 229.41, 321J.3, and 331.910.