



CRITERIA	Person has a serious mental impairment <i>and</i> is likely to injure self or others if allowed to remain at liberty.	
Who can initiate?	 Peace Officer	 Any Interested Person
How?	Have reasonable grounds to believe a person meets criteria.	Submit a verified application to the district court asking for someone to be taken into immediate custody for involuntary commitment, along with supporting statements from witnesses or a doctor. If not filed in the county where the person that may need care is located and resides, the court will transfer jurisdiction to the <u>district court</u> of that county.
What do they initiate?	Custody and transport by law enforcement or other party directed by law enforcement.	Judicial review for a potential court-ordered hold.
Where does the proposed patient go?	Nearest facility or hospital licensed to care for persons with mental illness.	Nowhere before judicial review.
What's the time limit for the response?	No time limit specified for law enforcement response.	The court must act on the application as soon as practicable.
What happens?	A medical professional at the facility examines the person. If they believe the person meets the criteria, the facility can keep them for up to 12 hours. During that hold, the medical professional can only give treatment needed to protect the person's life or prevent them from physically harming themselves or others.	If the judge finds probable cause to believe the person meets the criteria, the judge can order the sheriff to take them into custody until their hospitalization hearing. The judge can choose to place them with a responsible relative or friend, in a hospital, or in the nearest licensed mental-health facility.
What's next?	A medical professional must contact a magistrate within 12 hours of detaining someone, and if the magistrate approves detention, the facility's chief medical officer must examine and can hold and care for the person for up to 48 hours, excluding weekends and holidays, after the order is issued.	If detained in a hospital, the person may receive treatment only to the extent necessary to preserve the person's life or appropriately control behavior which is likely to result in physical injury to the person or others.
What's the duration of the hold?	No more than 48 hours, excluding weekends and holidays, from the date of the magistrate's order.	Up to the hospitalization hearing which is to be held no more than five days after the date of the order, except if the fifth day is a weekend or holiday, the hearing may be held on the next business day.
Who decides whether to continue to a hearing?	To proceed to a hearing, an application for involuntary hospitalization must be filed; however, the law does not specify which party is responsible for filing it.	A hospitalization hearing is triggered upon the filing of the application.
Is there a form?	No associated form.	The referenced forms are available through the <u>Iowa Judicial Branch</u> . Application for involuntary commitment: Rule 12.36 – Form 1 Affidavit for serious mental impairment: Rule 12.36 – Form 2

<b>CRITERION</b>	Has serious mental impairment.
<b>Who can initiate?</b>	 Any Interested Party
<b>How?</b>	Filing a verified application with the district court clerk. If not filed in the county where the person who may need care is located and resides, the court will transfer jurisdiction to the district court of that county.
<b>When can outpatient treatment be court-ordered?</b>	Can be initiated upon hospital discharge or from a community setting.
<b>Required documentation?</b>	<p>One of the following:</p> <ul style="list-style-type: none"> <li>• A written statement of a licensed physician or mental health professional in support of the application.</li> <li>• One or more sworn statements from others that back up what the application says.</li> <li>• Information the clerk, or someone they assign, writes down to support the application, but only if the required statements or affidavits can't be provided or need additional details.</li> </ul>
<b>What's next?</b>	<p>After the application is filed, the judge schedules a hospitalization hearing. Before the hearing, the court will assign one or more medical professionals to examine the person. Those professionals will write and submit a report of their examinations to the court prior to the hearing.</p> <p>If, upon completion of the hospitalization hearing, the court finds that the person meets criteria, it will order commitment for a complete psychiatric evaluation and appropriate treatment on an inpatient or outpatient basis.</p> <p>Within 15 days of this placement at a hospital or facility, the chief medical officer will file a report with the court indicating if the person needs further treatment and a recommended type of placement.</p>
<b>Who issues the treatment order?</b>	If the court finds that the person meets criteria, the court will issue a treatment order based on the chief medical officer's report.

### KEY DEFINITIONS

- **“Mental illness”** means every type of mental disease or disorder, except an intellectual disability as defined in [section 4.1](#), or criminal insanity or criminal incompetency.
- **“Seriously mentally impaired”** or “serious mental impairment” describes the condition of a person with a mental illness and a resulting lack of sufficient judgment to make responsible treatment decisions, and who, because of that illness, meets *any* of the following criteria:
  - Is likely to physically injure self or others if allowed to remain at liberty without treatment.
  - Is likely to inflict serious emotional injury on their family or others if they are allowed to remain at liberty without treatment.
  - Unable to satisfy their basic needs for nourishment, clothing, essential medical care, or shelter, so they will likely suffer physical injury, physical debilitation, or death.
  - Has a history of lack of treatment compliance, and *any* of the following applies:
    - Noncompliance has contributed to the need for emergency hospitalization.
    - Noncompliance has led to serious physical injury to themselves or an attempt to physically injure themselves or others.
- **“Serious emotional injury”** means harm that may not show up physically but can be identified by a doctor or mental health professional and can be shown to be caused by what a mentally ill person did or didn't do.

<p><b>Who supervises the treatment plan?</b></p>	<p>Chief medical officer of the facility.</p>
<p><b>How long can the first treatment order last?</b></p>	<p>Until discharged or otherwise permitted to leave by the court. The order is subject to periodic review.</p>
<p><b>What's the renewal process?</b></p>	<p>The chief medical officer of the facility must submit periodic reports to the court on the patient's condition. If continued care is needed, the report should include an estimate of how much longer the patient is expected to remain at the facility. The court will act on the report accordingly. The chief medical officer may at any time report to the court a finding that the patient is recommended for a different placement.</p>
<p><b>What's the discharge process?</b></p>	<p>If the chief medical officer determines that the patient no longer requires treatment or care for serious mental impairment, the patient must be tentatively discharged, and the court that ordered the commitment must be notified immediately. Upon receiving the report, the court will issue an order confirming the discharge and formally terminate the proceedings.</p>
<p><b>Is there a form?</b></p>	<p>The referenced forms are available through the <a href="#">Iowa Judicial Branch</a>. Application for involuntary commitment: Rule 12.36 – Form 1 Affidavit for serious mental impairment: Rule 12.36 – Form 2</p>