

Sixth District Department of Correctional Services POLICY		Issue Date 03/17/06	Effective Date 07/14/17	Policy Number 160-17
Subject INVOLUNTARY CIVIL COMMITMENT * 1) Serious Mental Impairment * 2) Chronic Substance Abuser		Review Month June	Author 0590 (MLA)	
Rescinds 160-06	References 1) Section 229, Code of Iowa 2) Section 125, Code of Iowa			

PURPOSE:

The intent of this policy is to provide guidance to staff when it is determined involuntary civil commitment of an offender is necessary.

DEFINITION:

1. Serious Mental Impairment – The condition of a person with mental illness who because of that illness lacks sufficient judgment to make responsible decisions with respect to hospitalization or treatment, AND who because of that illness meets any ONE (1) of the following criteria:
 - A. Is likely to physically injure self or others if allowed to remain at liberty without treatment.
 - B. Is likely to inflict serious emotional injury on members of the family or others who lack reasonable opportunity to avoid contact with the person with mental illness if the person with mental illness is allowed to remain at liberty without treatment.
 - C. Is unable to satisfy needs for nourishment, clothing, essential medical care, or shelter so that it is likely that the person will suffer physical injury, physical debilitation, or death.

2. Chronic Substance Abuser – A person who meets BOTH of the following criteria:
 - A. Habitually lacks self control as to the use of chemical substances (alcohol, wine or spirits as defined in Chapter 123 and controlled substances as defined in section 134.101) to the extent that the person is likely to seriously endanger the person’s health, or to physically injure the person’s self or others, if allowed to remain at liberty without treatment.
 - B. Lacks sufficient judgment to make responsible decisions with respect to hospitalization or treatment.

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POLICY:

Involuntary civil commitment is an option available when staff determine severe mental impairment or chronic substance abuse has placed an offender's well-being and/or community safety at uncontrolled risk.

PROCEDURE:

1. Following discussions between staff and their Supervisor, it is agreed that involuntary civil commitment is appropriate for the offender.
2. Staff member may act as one of the adult applicants, if they have firsthand information that the individual is a danger to self or others, required to sign for a committal, and if no other person can serve in that capacity.
3. The applicant(s) goes to the Clerk of Court, Civil Division, of the county where the offender is either presently located or resides, to file the application. (Forms are available, but some Clerks require they be completed in their presence.) The application:
 - A. States the applicant's belief that the offender is either seriously mentally impaired or a chronic substance abusers or both.
 - B. States any other pertinent facts.
 - C. Is accompanied by:
 - 1.) The offender's name, address, telephone number, date of birth, financial situation.
 - 2.) A written statement of a licensed physician or;
 - 3.) One (1) or more supporting affidavits otherwise corroborating or;
 - 4.) Corroborative information obtained and reduced to writing by the Clerk (rare).
4. The Clerk of Court contacts a Judge or Magistrate who determines if the application is adequate as to form, the court may set a time and place of a hearing on the application.
5. The respondent is examined/assessed by a licensed physician, and a qualified mental health if requested by the licensed physician, and a written report is submitted to the court and a hearing is held.

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PROCEDURE: (continued)

6. Individuals who **must** be in attendance at the hearing are the Magistrate/referee, the licensed physician/qualified mental health practitioner who examined the respondent, the offender's appointed attorney, the applicant(s) and the person committed, unless otherwise communicated by the court.
7. The judge/magistrate/referee reaches a decision at the hearing or later in the day.
8. Forms must be obtained at the appropriate Clerk of Court's office.

BY ORDER OF:

Bruce Vander Sanden, District Director