
MENTAL HEALTH AND SUBSTANCE ABUSE INVOLUNTARY COMMITTALS

Many Iowans suffer from a mental illness or substance dependency that can be alleviated through treatment. Often, because of the mental illness or substance dependence, individuals cannot recognize that they need help. This can be very frustrating for family members, friends and care givers, especially once the person becomes a danger to themselves or others. At that point, involuntary hospitalization for the purposes of evaluation can be sought. The County Attorney is authorized to assist in that process once an application is made.

The process is begun by completing paperwork obtained from the Clerk of Court. It includes an application and two affidavits from persons who know the person (referred to as the "respondent") and can describe their personal knowledge of the situation. If the judge determines that the respondent should be taken into custody, various orders will be entered. An evaluation will be ordered, an advocate and an attorney will be appointed to the respondent and a hearing will be scheduled. The hearing is usually scheduled about five days from the date of the application. The Sheriff's Office will locate and transport the respondent. Upon admission, the hospital will make an initial determination about the respondent's condition. If, prior to the hearing they determine that they do not believe the person meets the criteria of involuntary hospitalization, the respondent will be released. Otherwise the respondent will remain in the hospital until the hearing.

The applicants will need to attend the hearing or the application may be dismissed. At the hearing, the Court will consider the information provided by the applicants, the doctor's evaluations and recommendations and any information provided by the respondent. The Court will then determine if the person should be adjudicated, and if so, what services should be ordered. The Court is required to order the least restrictive placement, which typically includes an outpatient committal. In severe cases, inpatient treatment may be ordered.

Most respondents are initially angry with the applicants. Due to their condition, they aren't able to properly comprehend that the applicants are frightened by what may happen and want their loved one to get help. This is an expected response, and in many cases resolves once the respondent receives successful treatment. In other cases, however, the respondent may continue to be angry with the applicants, which can be difficult for many applicants to accept. Please be comforted by knowing that you have truly done all that you can to help your loved one and that failure to accept your help is part of the respondent's condition. You should not feel guilty or ashamed for trying to seek the help that your loved one desperately needed.

If the Court does not adjudicate the person and order treatment, this is because the respondent's condition does not meet the law's criteria for adjudication and treatment. The criteria are that:

1. The individual must suffer from a mental disease or disorder or is a chronic substance abuser
2. As a result of the disease or disorder, the individual lacks sufficient judgment to make responsible decisions with respect to his/her hospitalization or treatment, and meets any of the following facts:
 - The individual is likely to physically injure themselves or others if allowed to remain at liberty without treatment, demonstrated through recent overt acts or threats.
 - The individual is likely to cause serious emotional injury to family members or others who lack reasonable opportunity to avoid contact with the individual, if the person with mental illness is allowed to remain at liberty without treatment; or
 - The individual is unable to satisfy their needs for food, clothing, shelter, or essential medical care so that it is likely that the person will suffer physical injury, physical debilitation or death.