

ROLE OF THE ADVOCATE

Iowa's mental health commitment process requires the appointment of an advocate to assist people, as needed, with the following:

- Understanding and following the court's commitment order.
- Providing information regarding the rights of a committed person.
- Giving support, answering questions, investigating concerns, and making needed referrals.
- Informing the court if the services of an attorney are necessary.

DEFINING

'SERIOUSLY MENTALLY IMPAIRED'

According to Iowa Code Chapter 229, an individual determined by the court to be seriously mentally impaired can be committed (court-ordered) for treatment purposes. Three criteria determine if an individual is seriously mentally impaired:

- The individual has a recognizable mental illness, excluding mental retardation.
- Due to mental illness, the individual lacks sufficient judgment to make responsible decisions about their hospitalization or treatment **and**
 - Is likely to physically injure themselves or others without treatment **or**
 - Inflict serious emotional injury on family or others who lack reasonable opportunity to avoid contact with them if they remain at liberty without treatment **or**
 - The individual is unable to satisfy their own needs for medical care, nourishment, clothing, or shelter and will be likely to suffer injury, debilitation, or death.

SERIOUSLY MENTALLY IMPAIRED DOES "NOT" MEAN INCOMPETENT AND

- You can vote (unless a felon)
- You can marry
- You can manage your finances, unless you have a payee or conservator
- You can be informed of your diagnosis and treatment plan
- You can receive correspondence and visitors (subject to reasonable facility rules)
- You can operate a motor vehicle if you have a valid driver's license and insurance
- You can maintain your parental rights (unless restricted by a custody or juvenile court order)

YOUR RIGHTS ONCE COMMITTED

- The right to appeal your commitment to the district court within ten days of your hearing if a judicial hospitalization referee or magistrate presided.
- The right to request a placement review hearing within 7 days of an order for placement outside of your home or transferring you to a different placement.
- The right to have your advocate contact you within 5 days and visit with you in person within 15 days of your hearing.
- The right to a writ of habeas corpus if your liberty is restrained without a prior court proceeding

PURSUANT TO FEDERAL LAW, YOU DO LOSE THE RIGHT TO POSSESS FIREARMS OR AMMUNITION. SEE IOWA CODE SECTION 724.31 ON HOW TO APPLY TO GET THESE RIGHTS BACK

HOSPITAL DISCHARGE OPTIONS

When you are no longer in need of hospital level of treatment, your doctor will make one of the following recommendations to the court:

- If you no longer meet the criteria of seriously mentally impaired a recommendation will be made for termination of your commitment.
- If the physician determines that you still meet the criteria of seriously mentally impaired the doctor will recommend one of the following:
 - Continued commitment in a hospital or a less structured setting such as a residential care facility (RCF) or nursing home **or**
 - Continued commitment with discharge home on an outpatient commitment status. The court can order you to attend psychiatric appointments and to follow any recommended treatment.

LENGTH OF COMMITMENT

- A mental commitment is for an indefinite amount of time. It is in effect until your doctor reports to the court that your condition has improved and you no longer require court-ordered mental health care or treatment.
- You will have an advocate as long as the commitment lasts. Feel free to contact your advocate.

