

National and Iowa Crisis Services

National Suicide Prevention
Hotline
1-800-273-8255

Iowa Domestic Violence Hotline
1-800-942-0333

Central Iowa Community Services
24 Hour Mental Health Crisis
Hotline
1-844-258-8858

Iowa's Drug and Alcohol Helpline
1-866-242-4111

Notes: _____

A client may file a complaint about the actions or behavior of their Mental Health Advocate associated with their current mental health commitment. This complaint will have no effect on their current commitment court order.

To file a complaint, the client must submit a written statement of the complaint postmarked within 10 calendar days of the date when the alleged event occurred. Please send this complaint to Central Iowa Community Services, 1201 14th Ave. Eldora, IA 50627.

If you are unable to resolve a complaint regarding your advocate through the above process, you may contact:

Office of Ombudsman
Ola Babcock Miller Building
1112 East Grand Avenue
Des Moines, IA 50319
Phone: 1-888-426-6283
Fax: 515-242-6007

The information in this brochure is based in part on content originally provided by Judicial Advocates for Persons with Mental Illness, Inc. & Pamela Finley Miller

**JUDICIAL MENTAL
HEALTH ADVOCATE**

STORY, HARDIN, FRANKLIN
COUNTIES

Mary Swartz, MSW

1201 14th Ave
Eldora, IA 50627

(641) 939-8169

mary.swartz@cicsmhds.org

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 Incompetency 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)

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.

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

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

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.