



**Sioux Rivers Regional MHDS
Policy for Individuals in Need of Civil Commitment
Effective Date: 7-1-22**

PURPOSE:

The purpose of the protocol is to implement a consistent intervention process for individuals who are seriously mentally impaired, according to Iowa Code Section 229.1(14), to wit;

"afflicted with mental illness and because of that illness lacks sufficient judgment to make response decisions with respect to the person's hospitalization or the treatment, and who because of that illness is [a] likely to physically injure the person's self or others if allowed to remain at liberty without treatment; [b] likely to inflict serious emotional injury on members of the person's family or others who lack reasonable opportunity to avoid contact with the afflicted person's need for nourishment, clothing, essential medical care, or shelter so that it is likely that the person will suffer substantial physical injury, serious physical debilitation, or death within the reasonably foreseeable future."

Judicial officers, clerk of court, law enforcement and Sioux Rivers regional staff, along with healthcare providers addressing the medical screening needs of the seriously mentally impaired individual, participate in this process for identified individuals to address their health and safety as well as those around them.

It has become increasingly common that individuals with serious mental impairments, may be under the influences of substances that require immediate medical intervention to 1) determine the physical health risks associated with the use of these substances; and 2) determine the immediate interventions needed to support medical stabilization.

In the event substance use/abuse as well as any other compromising multi-occurring medical issues affect the individual's health and safety are present, medical screening at the nearest medical facility is required prior to or in tandem with the following Civil Commitment Process.

The nearest medical facility completing the screening will have valuable information (medical staff observation, lab results etc.) to provide to judicial officers as plans go forward to access specialized psychiatric services with subsequent treatment providers. There may be ongoing requests to provide the most current, necessary medical information to facilitate admissions as the patient condition may either improve or deteriorate.

It may be necessary for local law enforcement to provide supervision and security to assure safety of hospital staff or others present in the medical facility as part of the medical screening process and in tandem with the pursuit of involuntary treatment for an individual who is seriously mentally impaired.

The Civil Commitment Process

- Step #1. An individual with firsthand knowledge of the facts completed the Application Alleging Serious Mental Impairment pursuant to Section 229.6. (Form 1).
- Step #2. A second individual completes the Affidavit in Support of Application Alleging Serious Mental Impairment pursuant to Section 229.6. (Form 2.).
- And/or: There is attached to the application, a written statement of a licensed physician in support of the application.
- Step #3. The applicant, affiant, or family completes the Appointment of Counsel and Financial Statement, (Form 3.) and is asked to provide information and verification relative to the availability of health insurance or Medicaid/Iowa Health and Wellness Coverage for the Respondent.
- Step #4. The Application, Affidavit, and the Financial Statement are then filed with the County's Clerk of Court. The Clerk of Court office will contact the Judicial Personnel assigned to said duties: District or Associate Judge or Magistrate, to review the application, affidavit, and physician statement when present to request an immediate custody order, if required.
- Judicial personnel providing coverage in Sioux Rivers Regional MHDS are included in Attachment A and will be adjusted as personnel changes occur.
- Step #5. The Judicial Officer reviews the application, affidavit, and/or physician's statement and if appropriate, enters the following orders:
- ORDER FOR IMMEDIATE CUSTODY
NOTICE to RESPONDENT and ORDER SETTING HEARING
ORDER APPOINTING ATTORNEY
APPOINTMENT OF PHYSICIAN
- If the demographic information indicates that the person has (a) either private insurance or Medicaid/Iowa Health and Wellness Coverage, AND (b) a physician has been contacted who will admit the patient, the Respondent should be taken to a suitable private or public hospital (excluding a Mental Health Institute) which is equipped and staffed to provide inpatient care to the mentally ill.
- If the Respondent DOES NOT have or cannot provide adequate proof of either private insurance or Title XIX/Iowa Health and Wellness Coverage or in the event, no physician has agreed to admit the individual to a private or public hospital, efforts will be made to admit the Respondent to the Mental Health Institute in Cherokee, Iowa.
- If the Respondent is a veteran, measures will be taken to obtain treatment from a Veteran's Administration Facility.
- Sioux Rivers regional Service Coordinators are available Monday through Friday from 8:00 AM to 4:30 PM to assist with service coordination through prior contact, regional

monitoring of treatment of individuals who are subject to ongoing civil commitment, and support to families, community partners, and providers in the service network for behavioral health needs.

PHYSICIAN'S REPORT OF EXAMINATION (Form 8.); Initial Evaluation provides additional information through the screening process to provide information to the judicial officer of other evidence in support of the civil commitment process and treatment needs.

CHIEF MEDICAL OFFICER'S PERIODIC REPORT (Form 9.). Due according to the Judicial Officer's request at intervals of 15, 30, 60, & 90 days and up to 6 months if the individual under court order is in a facility.

REGIONAL MENTAL HEALTH ADVOCATE will be consulted accordingly in all circumstances for individuals in the civil commitment process, and will collaborate with the Regional Services Coordinator in the event mental health services are deemed necessary.

Ongoing Oversight

The Commitment Process Coordinator will meet with Service Coordinators on a quarterly basis to ensure the Regional Management Plan's Policies and Procedures, of which this policy is a subset, are being applied accordingly. The Commitment Process Coordinator, with the Service Coordinator, will arrange for periodic training to hospital and related personnel as deemed necessary.

The Commitment Process Coordinator and Regional Service Coordinators will report commitment related activity to the Regional CEO on approved forms and will provide information at the monthly staff meetings for determination of funding needs.