
❖ **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.
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❖ **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. Four (4) criteria determine if an individual is 'seriously mentally impaired':

- The individual has a recognizable mental illness, excluding an intellectual disability.
 - 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, clothing, shelter, or nourishment and will be likely to suffer injury, debilitation, or death or
 - Has a history of lack of compliance with treatment.
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❖ **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 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).
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❖ **LENGTH OF COMMITMENT**

- A mental health commitment is for an indefinite amount of time. It is in effect until mental health professional reports to the court that your condition has improved and you no longer require court-ordered mental health care or treatment.
 - Please Note: You have an advocate only during the time you are involved in the mental health commitment case. When the case is closed, the advocate services end.
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❖ **YOUR RIGHTS ONCE COMMITTED**

- The right to appeal your commitment to the district court within ten (10) days of your hearing if a judicial hospitalization referee or magistrate presided.
 - The right to request a placement review hearing within seven (7) days of an order for placement outside of your home or transferring you to a different placement.
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- The right to have your advocate contact you within five (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.
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❖ **HOSPITAL DISCHARGE OPTIONS**

When you are no longer in need of hospital level of treatment, the mental health professional 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 mental health professional determines that you still meet the criteria of 'seriously mentally impaired' the mental health professional 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.
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- ❖ Pursuant to Federal Law, you lose the right to possess firearms or ammunition. See Iowa Code Section 724.31 or contact an attorney on how to apply for restoration of these rights.
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TAMA COUNTY CRISIS SERVICES

- **Mobile Crisis Response**
1-855-581-8111
1-855-895-8398 Text
- **Center Associates**
1309 S. Broadway St. Toledo
1-641-484-5234
9 N. 4th Ave. Marshalltown
1-641-752-1585
After Hours Emergency Number
1-641-752-8467
www.centerassoc.com
- **Suicide & Crisis Lifeline**
988

IOWA CRISIS SERVICES

- **Domestic Violence Hotline**
1-800-942-0333
- **Drug & Alcohol Helpline**
1-866-242-4111
- **Suicide & Crisis Lifeline**
988
- **Veteran Crisis Hotline**
1-800-273-8255
- **Your Life Iowa Hotline**
1-855-581-8111
- **Your Life Iowa Text Line**
1-855-895-8398
- **Your Life Iowa Live Chat**
www.yourlifeiowa.org

Tama County Mental Health Advocate Grievance Policy

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 order.

To file a complaint, the client must submit a written statement of the complaint postmarked within ten (10) calendar days of the date when the alleged event occurred. Send this complaint to:

Tama County Human Resource Manager
211 W. State St.
Toledo, IA 52342

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 E. Grand Ave.
Des Moines, IA 50319
888-426-6283 phone
515-242-6007 fax



The information in this brochure is based in part on content originally provided by Pamela Finley Miller and Judicial Advocates for Persons with Mental Illness (JAMI).

TAMA COUNTY JUDICIAL MENTAL HEALTH ADVOCATE

Libby Reekers

**211 W. State St.
Toledo, IA 52342**

**641-481-2085 phone
641-484-8636 fax**

LReekers@tamacounty.org

This Brochure Includes Information Regarding:

- Role of the Advocate
- Serious Mental Impairment
- Length of Commitment
- Rights once Committed (not a complete list)
- Hospital Discharge Options (not a complete list)
- Mental Health Advocate Grievance Policy
- Office of Ombudsman
- Tama County Crisis Services
- Iowa Crisis Numbers