

**FILED**  
NOV 10 2011  
CLERK SUPREME COURT

**IN THE SUPREME COURT OF IOWA**

**IN THE MATTER OF AMENDMENTS )  
TO IOWA COURT RULES CHAPTER )  
12—RULE 12.36, )  
FORM 3 AND FORM 13— )  
CONCERNING INVOLUNTARY )  
HOSPITALIZATION OF )  
MENTALLY ILL PERSONS )**

**SUPERVISORY ORDER**

This year, the Iowa General Assembly enacted provisions prohibiting the possession, receipt, and shipment of firearms and ammunition by a person found by a court to be mentally ill. Specifically, Iowa Code section 724.31(1), as recently amended, provides:

1. When a court issues an order or judgment under the laws of this state by which a person becomes subject to the provisions of 18 U.S.C. § 922 (d) (4) and (g) (4), the clerk of the district court shall forward only such information as is necessary to identify the person to the department of public safety, which in turn shall forward the information to the federal bureau of investigation or its successor agency for the sole purpose of inclusion in the national instant criminal background check system database. The clerk of the district court shall also notify the person of the prohibitions imposed under 18 U.S.C. § 922 (d) (4) and (g) (4).

Iowa Code Ann. § 724.31(1)(West, Westlaw through 2011 Reg. Sess.)

The federal law referred to in section 724.31(1) provides:

(d) It shall be unlawful for any person to sell or otherwise dispose of any firearm or ammunition to any person knowing or having reasonable cause to believe that such person—

.....

(4) has been adjudicated as a mental defective or has been committed to any mental institution;

.....

(g) It shall be unlawful for any person—

.....

(4) who has been adjudicated as a mental defective or has been committed to any mental institution;

.....

to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

18 U.S.C. § 922.

Therefore, to facilitate compliance with state and federal law, the court amends Iowa Court Rules, Rule 12.36, Form 3 and Form 13, as shown attached. The new Form 13 also includes language that is intended to improve the clarity and completeness of the form.

Pursuant to this court's supervisory and administrative authority under Iowa Code section 602.1201 (2011), Iowa Court Rule 12.36, form 3 and form 13 are temporarily amended, effective immediately. These amendments shall become permanent on January 9, 2012.

Dated this 10 day of November, 2011.

THE SUPREME COURT OF IOWA

By Mark S. Cady  
Mark S. Cady, Chief Justice

**Rule 12.36 — Form 3: Notice to Respondent Pursuant to Iowa Code Section 229.7.**

In the Iowa District Court for \_\_\_\_\_ County, Iowa

IN THE MATTER OF:

No. \_\_\_\_\_

\_\_\_\_\_  
ALLEGED TO BE SERIOUSLY  
MENTALLY IMPAIRED,

**Notice to Respondent Pursuant  
to Iowa Code Section 229.7**

Respondent.

You are hereby notified that there is now on file in the office of the Clerk of District Court of \_\_\_\_\_ County, Iowa, a verified application alleging that: \_\_\_\_\_ is seriously mentally impaired and a fit subject for custody and treatment, as shown by the application and (Report of the Physician) (Supporting Affidavits) on file in this proceeding, copies of which are attached; and that said matter will come on for hearing on said application before said Court at the \_\_\_\_\_ County, Iowa, on the \_\_\_ day of \_\_\_\_\_, 20 \_\_, at \_\_\_\_\_ o'clock \_\_.m.; and that such Order will be on said Hearing as may appear to the Court to be for the best interest of said person.

**You are further notified you have the following rights in connection with this proceeding:**

1. THE RIGHT TO THE ASSISTANCE OF AN ATTORNEY. If you cannot afford an attorney, one will be appointed for you at county expense.
2. THE RIGHT TO AN EXAMINATION BY A PHYSICIAN OF YOUR OWN CHOOSING. If you cannot afford an examination by your physician, you may have such an examination at county expense.
3. THE RIGHT TO A HEARING WITHIN 5 DAYS, and no sooner than 48 hours (except Saturdays, Sundays, and holidays) if you are not presently in custody.
4. THE RIGHT TO A HEARING NO SOONER THAN 48 HOURS AFTER SERVICE OF THIS NOTICE (except Saturdays, Sundays, and holidays) if you are not presently in custody.
5. THE RIGHT TO BE PRESENT AT THE HEARING.

**You are further advised that:**

1. You must not leave the county while awaiting the hearing. If you leave the county, you may be taken into custody.
2. You must submit to an examination by a physician appointed by the court. If you do not, the court may order you to do so.
3. If the court determines that you are seriously mentally impaired, federal law will prohibit you from shipping, possessing, receiving, or transporting any firearms or ammunition. See 18 U.S.C. § 922 (g)(4).

\_\_\_\_\_  
Judge of the \_\_\_\_\_ Judicial  
District of Iowa, or Judicial Hospitalization Referee

If you need help in court due to a disability, immediately call your district ADA coordinator at 1-\_\_\_\_\_. If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942.

**Return of Service**

State of Iowa

ss:

\_\_\_\_\_ County

This notice was received on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and I certify that on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_.m., I served this notice on \_\_\_\_\_ by delivering a copy of it to \_\_\_\_\_ in the city of \_\_\_\_\_, or the Township of \_\_\_\_\_, in \_\_\_\_\_ County, State of Iowa.

\_\_\_\_\_  
Sheriff, \_\_\_\_\_ County

By \_\_\_\_\_  
Deputy Sheriff

**Rule 12.36 — Form 13: Findings of Fact and Order Pursuant to Iowa Code Section 229.13.**

In the Iowa District Court for \_\_\_\_\_ County, Iowa

IN THE MATTER OF:

\_\_\_\_\_  
ALLEGED TO BE SERIOUSLY  
MENTALLY IMPAIRED,

Respondent.

No. \_\_\_\_\_

**Findings of Fact and Order  
Pursuant to Iowa Code Section  
229.13**

A hearing on the above entitled matter was held on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. The court finds that the contention that the respondent is seriously mentally impaired has been sustained by clear and convincing evidence to wit:

1. Judgmental capacity:
2. Treatability:
3. Dangerousness:
4. Mental Illness:

**The court orders the following:**

1. Respondent is committed for a complete psychiatric evaluation and appropriate treatment at \_\_\_\_\_.
2. Respondent is committed on an \_\_\_\_\_ outpatient basis.  
\_\_\_\_\_ inpatient basis.

If Respondent undergoes outpatient treatment, Respondent must cooperate with the treatment provider and comply with the course of treatment.

3. Pursuant to federal law, Respondent shall not ship, possess, receive, transport, or cause the transport of any firearms or ammunition. See 18 U.S.C. § 922 (g)(4).

**The court further orders that** the clerk shall notify the Iowa Department of Public Safety of the firearms and ammunition prohibitions set forth above.

**Respondent is advised** of the right to request a placement hearing in accordance with the requirements of Iowa Code Section 229.14A. A request for a placement hearing must be in writing and filed with the clerk of court within seven days from the date of this order.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Judge of the \_\_\_\_\_ Judicial  
District of Iowa, or Judicial Hospitalization Referee