

**IN THE COURT OF APPEALS OF IOWA**

No. 3-078 / 12-1460  
Filed February 13, 2013

**IN THE MATTER OF R.R.S.,  
ALLEGED TO BE SERIOUSLY  
MENTALLY IMPAIRED,**

**R.R.S.,**  
Respondent-Appellant.

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Appeal from the Iowa District Court for Pottawattamie County, James Richardson, Judge.

R.R.S. appeals from the district court's order for his involuntary hospitalization based on a finding he was seriously mentally impaired.

**AFFIRMED.**

Michael Hooper, Council Bluffs, for appellant.

Thomas J. Miller, Attorney General, Gretchen Witte Kraemer, Assistant Attorney General, Matthew Wilber, County Attorney, and Leanne Gifford, Assistant County Attorney, for appellee.

Considered by Vaitheswaran, P.J., and Tabor and Mullins, JJ.

**MULLINS, J.**

R.R.S. appeals the district court's order finding him to be seriously mentally impaired. Because of his impairment, the court found him to be incapable of making responsible treatment or care decisions and incapable of caring for his needs of nourishment, shelter, or physical care. The court concluded the least restrictive placement option for treatment was a nursing home and committed him there. R.R.S. appeals acknowledging he suffers from a mental illness—psychotic disorder secondary to Parkinson's disease and dementia—but challenging the sufficiency of the evidence that (1) he lacks sufficient judgment to make reasonable decisions with respect to his hospitalization or treatment, and (2) he is unable to satisfy his needs for nourishment, shelter, or physical care. He claims that he made arrangement for medical equipment to assist him at home and has now employed someone to care for him.

We review sufficiency of the evidence challenges in involuntary commitment appeals for errors at law. *In re J.P.*, 574 N.W.2d 340, 342 (Iowa 1998). The district court's findings of fact are binding on us if supported by substantial evidence. *Id.* "Evidence is substantial if a reasonable trier of fact could conclude the findings were established by clear and convincing evidence." *Id.* The court's findings will be upheld unless, "as a matter of law, the findings are not supported by clear and convincing evidence." *Id.*

The evidence in this case established that within three days of being discharged home, R.R.S. called 911 due to his inability to get out of a chair for

two to three days. Upon his admission to the hospital, he was found to be in poor physical condition with pressure sores and some confusion. The doctor testified at the hearing that prior medical records indicate when R.R.S. had someone help at home, he either would not let them in or would not follow the recommendations. While he has shown an ability to call 911 when he is in critical need of care leading to hospitalization, the doctor testified if R.R.S. had sought medical treatment earlier, he would not have needed to be hospitalized. The doctor agreed R.R.S. is not making responsible treatment decisions at the time he initially needs medical treatment.

We find sufficient evidence supports the district court's decision by clear and convincing evidence. R.R.S. suffers from a mental illness and because of that illness lacks sufficient judgment to make reasonable decisions with respect to his hospitalization or treatment, and he is unable to satisfy his needs for nourishment, shelter, or physical care. We affirm the district court's involuntary commitment order.

**AFFIRMED.**