

**IN THE COURT OF APPEALS OF IOWA**

No. 9-952 / 09-1110  
Filed December 17, 2009

**IN THE MATTER OF F.W.S., Alleged  
to be Seriously Mentally Impaired,**

**F.W.S.,**  
Respondent-Appellant.

---

Appeal from the Iowa District Court for Pottawattamie County, Kathleen A. Kilnoski, Judge.

The respondent appeals an order involuntarily committing him to outpatient treatment. **AFFIRMED.**

Eric J. Nelson, Council Bluffs, for appellant.

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

Considered by Eisenhauer, P.J., Potterfield, J., and Mahan, S.J.\*

\*Senior judge assigned by order pursuant to Iowa Code section 602.9206 (2009).

**EISENHAUER, P.J.**

F.W.S. appeals from the district court order affirming a magistrate's review order. The magistrate had previously ordered F.W.S. to comply with outpatient requirements, including medication. After reports of noncompliance, the magistrate ordered his hospitalization and conducted a hearing. The magistrate again involuntarily committed him to outpatient treatment and ordered him to comply with medication recommendations. The district court affirmed the magistrate. On appeal, F.W.S. contends the court erred in finding he is seriously mentally impaired. An involuntary commitment proceeding is an ordinary action at law and therefore our review is for errors at law. *In re J.P.*, 574 N.W.2d 340, 342 (Iowa 1998).

The State must prove the allegations in the application for involuntary commitment by clear and convincing evidence. *Id.* In other words, there must be no serious or substantial doubt as to whether F.W.S. is seriously mentally impaired. *See id.* The district court's findings of fact are binding on us if supported by substantial evidence. *Id.*

The definition of serious mental impairment has three elements; the respondent must be found to (1) have a mental illness, (2) lack "sufficient judgment to make responsible decisions with respect to the person's hospitalization or treatment," and (3) be likely, if allowed to remain at liberty, to inflict physical injury on "the person's self or others," to inflict serious emotional injury on a designated class of persons, or be unable to satisfy the person's physical needs. *Id.* at 343.

On appeal it is conceded there is substantial evidence F.W.S. has a mental illness. Mental illness, by itself, does not establish grounds for commitment. *Id.* F.W.S. argues there is insufficient evidence he lacks the judgment to make reasonable decisions with respect to his hospitalization or treatment or that he is likely to inflict physical or mental injury on himself or others if allowed to remain at liberty.

We conclude substantial evidence supports the trial court's conclusion clear and convincing evidence established F.W.S. lacks sufficient judgment to make responsible decisions with respect to his treatment. Although the issue of mental illness is conceded on appeal, F.W.S. denies he has a mental illness. However, he has a diagnosis of paranoid schizophrenia and a prior involuntarily commitment in 2006. F.W.S. testified, "I am the first one to work for the minimum wage. If that is wrong, then I—then I will contend that I am mentally ill but it's not wrong." He further testified that medication is not beneficial to him, claiming it harms his health. The district court found, "The record is clear, however, that when respondent's mental health providers have reduced his medication, or when respondent has refused to take his medication, he becomes extremely paranoid and delusional, leading him to have grossly impaired judgment." Substantial evidence supports this finding. F.W.S. lacks insight into this mental health and as a result, cannot make responsible decisions regarding his treatment.

We also conclude substantial evidence supports the trial court's conclusion F.W.S. is a danger to cause physical or serious emotional harm to

others if allowed to remain at liberty. As the district court noted, he “has a past history of aggression and violent behavior” and has become “confrontational with neighbors and authority figures, including the court and his treatment providers.” During a period in which he was refusing medication in May of 2009, F.W.S. travelled to Washington, D.C. and demanded to meet with the president, attempting to enter the White House through a rear entrance. His behavior instigated an investigation by the United States Secret Service, which views him as a potential threat to the president. His behavior while unmedicated has caused him to be arrested twice due to his “menacing” behavior towards others.

Because substantial evidence support the trial court’s conclusion the State has proved by clear and convincing evidence the three elements necessary to make a finding F.W.S. is seriously mentally impaired, we affirm the district court’s order for outpatient commitment.

**AFFIRMED.**