IN THE COURT OF APPEALS OF IOWA

No. 1-393 / 01-0062
Filed July 31, 2001

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CLERK SUPREME COURT

IN THE MATTER OF

W.W., Alleged to be a Chronic Substance Abuser and Seriously Mentally Impaired,

W.W.,
Respondent-Appellant.

Appeal from the Iowa District Court for Dubuque County, Alan L. Pearson, Judge.

Respondent appeals from a district court order affirming an order for involuntary hospitalization. **AFFIRMED.**

Todd N. Klapatauskas of Reynolds & Kenline, L.L.P., Dubuque, for appellant.

No appearance for appellee.

Considered by Huitink, P.J., and Miller and Hecht, JJ.

HECHT, J.

Appellant challenges the sufficiency of the evidence supporting an order for his involuntary commitment to a hospital for evaluation and treatment of alcoholism. We affirm.

I. Factual Background. A reasonable fact-finder could find the following facts from the record in this case. Appellant is sixty-four years of age. He is an alcoholic who, by his own admission, has unsuccessfully undergone inpatient treatment for the disease on a "half-dozen" occasions. After completion of the last treatment regimen in October of 2000, he took up residence in the home of his elderly mother. Appellant admits he suffered another relapse and resumed drinking alcohol.

On November 29, 2000, appellant's step-daughter, Wendy, filed an application alleging appellant is a chronic substance abuser. Appellant was involuntarily detained, and he was found to have a blood alcohol content of .32. Medical tests demonstrated his liver function was abnormal, and his examining doctors noted diagnoses of hepatitis and high blood pressure. After a hearing on the merits of the application, a hospitalization referee found clear and convincing evidence appellant is a chronic alcoholic who (1) is unable to maintain sobriety; (2) lacks insight into making responsible decisions regarding treatment; and (3) endangers himself by the continued consumption of alcohol. Appellant appealed the referee's order for involuntary hospitalization. After reviewing a transcript of the hearing and listening to oral argument, the district court also ordered involuntary hospitalization. Appellant appeals from the district court's order.

II. Standard of Review. Our review is for error. Iowa R. App. P. 4. The grounds for involuntary commitment must be established by clear and convincing evidence. The district court's findings of fact are binding on us if supported by substantial evidence. *In re J.P.*, 574 N.W.2d 340, 342 (Iowa 1998). We will not set aside the trial court's findings unless, as a matter of law, they are not supported by clear and convincing evidence. *Id.* Evidence is substantial if a reasonable mind would accept it as adequate to reach a conclusion. *C.F. Sales, Inc. v. Amfert, Inc.*, 344 N.W.2d 543, 553 (Iowa 1983).

III. The Merits. We find overwhelming evidence supporting the finding appellant is a chronic substance abuser who is likely to seriously endanger his health by continued ingestion of alcohol. The evidence is also overwhelming appellant lacks sufficient judgment to make responsible decisions with respect to hospitalization or treatment. He has resumed drinking alcohol after each of several courses of inpatient treatment. At the outset of the hospitalization which is the subject of this case, appellant's blood alcohol level was in excess of three times the legal limit and his liver enzymes were abnormal. Dr. Rizvy testified this ongoing pattern of insobriety would lead to failure of appellant's liver. Under these circumstances, we adopt as our own the district court's findings (1) appellant is a chronic substance abuser; and (2) there is a reasonable likelihood appellant's continued ingestion of alcohol poses a serious danger to his health. Accordingly, we affirm.

AFFIRMED.