IN THE COURT OF APPEALS OF IOWA

No. 6-673 / 96-0671

FILED
NOV 27 1996
CLERK SUPREME COURT

IN THE MATTER OF K.K.,
Alleged to be Mentally Impaired,

K.K.,

Appellant.

Appeal from the Iowa District Court for Johnson County, Patrick R. Grady, Judge.

K.K. appeals the decision of the district court finding she was seriously mentally impaired and should be involuntarily committed. **AFFIRMED.**

James R. McCoy of the Larew Law Office, Iowa City, for appellant.

Anne M. Lahey, Assistant County Attorney, for appellee-State.

Considered by Habhab, P.J., and Huitink and Vogel, JJ.

PER CURIAM

This is an appeal by an appellant claiming the district court erred in finding she was seriously mentally impaired and should be involuntarily hospitalized. We affirm on appeal by memorandum opinion pursuant to Iowa Supreme Court Rule 9.

In February 1996, Karen voluntarily admitted herself to the University of Iowa Psychiatric Hospital. She was treated for paranoid schizophrenia. She believed a device had been placed in her head to control her behavior. On March 1, 1996, Karen left the hospital with the intent of going to Oklahoma City to investigate the bombing there. Instead, she took a bus to Minneapolis. She left on this trip without money or proper clothing and ended up in an emergency shelter. When she was re-admitted to the hospital on March 6, 1996, she was resistant to taking medication.

On March 8, 1996, an application was filed for Karen's involuntary hospitalization. Dr. Jeffrey Hansen testified Karen was extremely delusional. He stated she was a danger to herself because she was not able to think in a clear and rational manner and was unable to take care of herself. Karen testified she had previously gone to Chicago, where she had gone without sleep for two or three days. She also admitted she had been out in zero temperature weather in Minneapolis with little food or warm clothing.

The judicial hospitalization referee found Karen was seriously mentally impaired. The district court affirmed the decision of the referee. The court ordered

that she be committed to the University of Iowa Psychiatric Hospital for treatment. She now appeals the decision of the district court.

Karen contends there is not sufficient evidence in the record to support the court's determination that she presented a danger to herself. Under Iowa Code section 229.12(3) commitment is not warranted unless the elements of serious mental impairment are proven by clear and convincing evidence. *In re Oseing*, 296 N.W.2d 797, 799 (Iowa 1980). The district court's findings of fact have the effect of a special verdict and will be upheld if there is substantial evidence to support them. *In re Mohr*, 383 N.W.2d 539, 541 (Iowa 1986). In order to find a person is likely to inflict injury on herself or others, the court must make a predictive judgment. *In re Foster*, 426 N.W.2d 374, 376 (Iowa 1988). Evidence to support that judgment must come in the form of a recent overt act, attempt, or threat. *Id.*

We find there is substantial evidence in the record to support the district court's finding that Karen was seriously mentally impaired and was a danger to herself. The evidence showed Karen had engaged in the recent overt act of going to Minneapolis when she thought she was going to Oklahoma City, and that she made this trip without money or adequate clothing. Dr. Hansen testified Karen's delusional thinking impaired her ability to make rational decisions.

We affirm the decision of the district court.

AFFIRMED.