

**VOLUME II: HEALTH AND HUMAN
SERVICES**

**OFFICE OF THE MENTAL HEALTH
ADVOCATE**

Agency Summary

Office of the Mental Health Advocate

Agency Mission

1. To advocate for the legal and civil rights of people with mental illness in Rhode Island.
2. To ensure the right to appropriate and accessible living treatment for people with mental illness in Rhode Island, including persons with mental illness who are incarcerated due to lack of appropriate treatment in the community.
3. To protect the constitutionally protected liberty interests and treatment rights of individuals subject to involuntary commitment and to the involuntary administration of medication in psychiatric settings.
4. To provide legislative advocacy, education, and support for the mental health consumer movement.

Agency Description

The Office of the Mental Health Advocate is a law office comprised of four (4) full time attorneys and one (1) administrative assistant. The Office accomplishes its mission by providing legal representation and advocacy related to a number of issues unique to persons living with mental illness. These include representation at Civil Commitment Proceedings and Petitions for Instruction regarding substituted consent for medication; housing retention including defending tenants from eviction proceedings; and monitoring and ensuring right to treatment for forensic patients, that is persons involved in the criminal legal system who are deemed incompetent to stand trial, not guilty by reason of insanity, and who need specialized services that are not available in a correctional setting. The Office also engages in legislative advocacy, community outreach and education, collaboration in promoting policies and practices conducive to improving the Mental Health System and combating stigmatization and discrimination associated with mental illness. The Office also provides consultation to members of the Bar regarding clients with mental health issues, and responds to inquiries where direct representation cannot be provided by referral to appropriate services, legal or otherwise.

Statutory History

The Office of the Mental Health Advocate was created in 1975 when the Mental Health Law of Rhode Island was revised to reflect the national movement toward deinstitutionalization of mentally ill individuals and protection of civil, legal and liberty interests. This movement, begun in the 1950's, became a centerpiece of public policy in the 1970's after the United States Supreme Court declared that all states must provide Constitutional Due Process and legal counsel to individuals subjected to involuntary hospitalization. The statute authorizing the Mental Health Advocate is codified at RI General Laws Sections 40.1-5-13 through 40.1-5-25.

Budget

Office of the Mental Health Advocate

	2022 Actuals	2023 Actuals	2024 Enacted Budget	2024 Revised Budget	2025 Recommended
Expenditures by Program					
Central Management	716,646	832,176	976,078	921,117	981,608
Total Expenditures	716,646	832,176	976,078	921,117	981,608
Expenditures by Object					
Salary and Benefits	611,080	690,657	863,170	810,580	889,378
Contract Professional Services	0	0	2,700	2,700	2,700
Operating Supplies and Expenses	105,566	139,058	109,208	106,837	88,530
Subtotal: Operating	716,646	829,714	975,078	920,117	980,608
Capital Purchases and Equipment	0	2,461	1,000	1,000	1,000
Subtotal: Other	0	2,461	1,000	1,000	1,000
Total Expenditures	716,646	832,176	976,078	921,117	981,608
Expenditures by Source of Funds					
General Revenue	716,646	832,176	976,078	921,117	981,608
Total Expenditures	716,646	832,176	976,078	921,117	981,608
FTE Authorization	4.0	6.0	6.0	6.0	6.0

Personnel Agency Summary

Office of the Mental Health Advocate

	FY 2024		FY 2025	
	FTE	Cost	FTE	Cost
Unclassified	6.0	520,884	6.0	525,836
Subtotal	6.0	520,884	6.0	525,836
Salaries Adjustment		0		19,701
Turnover		(32,639)		0
Total Salaries		488,245		545,537
Benefits				
FICA		37,349		40,227
Health Benefits		94,022		103,653
Payroll Accrual		2,855		3,052
Retiree Health		22,069		20,719
Retirement		146,755		155,419
Subtotal		303,050		323,070
Total Salaries and Benefits	6.0	791,295	6.0	868,607
Cost Per FTE Position		131,883		144,768
Statewide Benefit Assessment		19,285		20,771
Payroll Costs	6.0	810,580	6.0	889,378
Purchased Services				
Clerical and Temporary Services		200		200
Medical Services		2,000		2,000
Other Contracts		500		500
Subtotal		2,700		2,700
Total Personnel	6.0	813,280	6.0	892,078
Distribution by Source of Funds				
General Revenue	6.0	813,280	6.0	892,078
Total All Funds	6.0	813,280	6.0	892,078

Personnel

Office of the Mental Health Advocate

Central Management

		FY 2024		FY 2025	
		FTE	Cost	FTE	Cost
Unclassified					
ADMINISTRATIVE ASSISTANT	0323 A	1.0	68,343	1.0	68,343
MENTAL HEALTH ADVOCATE	0862 F	1.0	126,973	1.0	126,973
SOCIAL SERVICES CASEWORKER	0821 A	1.0	53,243	1.0	54,879
SOCIAL SERVICES CASEWORKER	5021 A	0.0	0	0.0	0
STAFF ATTORNEY III	8732 A	3.0	272,325	3.0	275,641
Subtotal Unclassified		6.0	520,884	6.0	525,836
Subtotal		6.0	520,884	6.0	525,836
Salaries Adjustment			0		19,701
Turnover			(32,639)		0
Total Salaries			488,245		545,537
Benefits					
FICA			37,349		40,227
Health Benefits			94,022		103,653
Payroll Accrual			2,855		3,052
Retiree Health			22,069		20,719
Retirement			146,755		155,419
Subtotal			303,050		323,070
Total Salaries and Benefits		6.0	791,295	6.0	868,607
Cost Per FTE Position			131,883		144,768
Statewide Benefit Assessment			19,285		20,771
Payroll Costs		6.0	810,580	6.0	889,378
Purchased Services					
Clerical and Temporary Services			200		200
Medical Services			2,000		2,000
Other Contracts			500		500
Subtotal			2,700		2,700
Total Personnel		6.0	813,280	6.0	892,078
Distribution by Source of Funds					
General Revenue		6.0	813,280	6.0	892,078
Total All Funds		6.0	813,280	6.0	892,078

Performance Measures

Office of the Mental Health Advocate

Central Management

Involuntary Civil Commitment Cases

The Office of the Mental Health Advocate provides direct legal representation to individuals subjected to involuntary civil commitment. The figures below represent the number of petitions for involuntary civil commitment where the respondent received representation from the Office of the Mental Health Advocate. [Note: This was a new performance measure in FY 2023 and historic data is not available. The Mental Health Advocate does not utilize targets for this measure.]

	<i>Reporting Period: State Fiscal Year</i>				
	2021	2022	2023	2024	2025
Target	--	--	--	--	--
Actual	--	596	1,053	--	--

Involuntary Civil Commitment Outcomes

This performance indicator measures withdrawals and dismissals of involuntary petitions that seek to confine individuals living with a psychiatric disability in mental health treatment facilities. The figures below represent the percent of involuntary commitment petitions filed in Civil Court that are dismissed or withdrawn. This performance measure is a rough indicator of the office's efforts to filter out petitions which lack sufficient merit to proceed with adjudication. The measure is related to the agency's stated objective to protect the liberty interests of individuals subjected to involuntary commitment in psychiatric facilities. [Note: This was a new performance measure in FY 2023 and historic data is not available. The Mental Health Advocate does not utilize targets for this measure.]

	<i>Reporting Period: State Fiscal Year</i>				
	2021	2022	2023	2024	2025
Target	--	--	--	--	--
Actual	--	11%	9%	--	--
