

**VOLUME II: HEALTH AND HUMAN  
SERVICES**

**OFFICE OF THE MENTAL HEALTH  
ADVOCATE**

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## Agency Summary

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### Office of the Mental Health Advocate

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#### 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

	2023 Actuals	2024 Actuals	2025 Enacted Budget	2025 Revised Budget	2026 Recommended
<b>Expenditures by Program</b>					
Central Management	832,176	769,629	981,608	875,673	1,117,164
<b>Total Expenditures</b>	<b>832,176</b>	<b>769,629</b>	<b>981,608</b>	<b>875,673</b>	<b>1,117,164</b>
<b>Expenditures by Object</b>					
Salary and Benefits	690,657	668,779	889,378	784,798	945,777
Contract Professional Services	0	299	2,700	2,700	2,700
Operating Supplies and Expenses	139,058	100,552	88,530	87,175	167,687
<b>Subtotal: Operating</b>	<b>829,714</b>	<b>769,629</b>	<b>980,608</b>	<b>874,673</b>	<b>1,116,164</b>
Capital Purchases and Equipment	2,461	0	1,000	1,000	1,000
<b>Subtotal: Other</b>	<b>2,461</b>	<b>0</b>	<b>1,000</b>	<b>1,000</b>	<b>1,000</b>
<b>Total Expenditures</b>	<b>832,176</b>	<b>769,629</b>	<b>981,608</b>	<b>875,673</b>	<b>1,117,164</b>
<b>Expenditures by Source of Funds</b>					
General Revenue	832,176	769,629	981,608	875,673	1,117,164
<b>Total Expenditures</b>	<b>832,176</b>	<b>769,629</b>	<b>981,608</b>	<b>875,673</b>	<b>1,117,164</b>
<b>FTE Authorization</b>	<b>6.0</b>	<b>6.0</b>	<b>6.0</b>	<b>6.0</b>	<b>6.0</b>

## Personnel Agency Summary

### Office of the Mental Health Advocate

	FY 2025		FY 2026	
	FTE	Cost	FTE	Cost
Unclassified	6.0	545,739	6.0	572,254
<b>Subtotal</b>	<b>6.0</b>	<b>545,739</b>	<b>6.0</b>	<b>572,254</b>
Turnover		(67,660)		0
<b>Total Salaries</b>		<b>478,079</b>		<b>572,254</b>
<b>Benefits</b>				
FICA		36,573		43,778
Health Benefits		82,189		107,915
Payroll Accrual		2,800		3,338
Retiree Health		18,836		18,599
Retirement		152,457		183,299
<b>Subtotal</b>		<b>292,855</b>		<b>356,929</b>
<b>Total Salaries and Benefits</b>	<b>6.0</b>	<b>770,934</b>	<b>6.0</b>	<b>929,183</b>
<b>Cost Per FTE Position</b>		<b>128,489</b>		<b>154,864</b>
Statewide Benefit Assessment		13,864		16,594
<b>Payroll Costs</b>	<b>6.0</b>	<b>784,798</b>	<b>6.0</b>	<b>945,777</b>
<b>Purchased Services</b>				
Clerical and Temporary Services		200		200
Medical Services		2,000		2,000
Other Contracts		500		500
<b>Subtotal</b>		<b>2,700</b>		<b>2,700</b>
<b>Total Personnel</b>	<b>6.0</b>	<b>787,498</b>	<b>6.0</b>	<b>948,477</b>
<b>Distribution by Source of Funds</b>				
General Revenue	6.0	787,498	6.0	948,477
<b>Total All Funds</b>	<b>6.0</b>	<b>787,498</b>	<b>6.0</b>	<b>948,477</b>

# Personnel

## Office of the Mental Health Advocate

### Central Management

		FY 2025		FY 2026	
		FTE	Cost	FTE	Cost
<b>Unclassified</b>					
ADMINISTRATIVE ASSISTANT	0323 A	1.0	71,760	1.0	74,631
MENTAL HEALTH ADVOCATE	0862 F	1.0	133,322	1.0	138,654
SOCIAL SERVICES CASEWORKER	0821 A	1.0	58,429	1.0	60,767
STAFF ATTORNEY III	0832 A	3.0	282,228	3.0	298,202
<b>Subtotal Unclassified</b>		<b>6.0</b>	<b>545,739</b>	<b>6.0</b>	<b>572,254</b>
<b>Subtotal</b>		<b>6.0</b>	<b>545,739</b>	<b>6.0</b>	<b>572,254</b>
Turnover			(67,660)		0
<b>Total Salaries</b>			<b>478,079</b>		<b>572,254</b>
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## Performance Measures

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### Office of the Mental Health Advocate

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#### Central Management

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##### Involuntary Civil Commitment Cases

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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: The Mental Health Advocate does not utilize targets for this measure.]

	<i>Frequency: Annual</i>		<i>Reporting Period: State Fiscal Year</i>		
	2022	2023	2024	2025	2026
<b>Target</b>	--	--	--	--	--
<b>Actual</b>	596	1,053	1,836	--	--

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##### Involuntary Civil Commitment Outcomes

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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: The Mental Health Advocate does not utilize targets for this measure.]

	<i>Frequency: Annual</i>		<i>Reporting Period: State Fiscal Year</i>		
	2022	2023	2024	2025	2026
<b>Target</b>	--	--	--	--	--
<b>Actual</b>	11.0%	8.5%	7.0%	--	--

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