

**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

	2024 Actuals	2025 Actuals	2026 Enacted Budget	2026 Revised Budget	2027 Recommended
Expenditures by Program					
Central Management	769,629	752,370	1,117,164	932,441	1,111,709
Total Expenditures	769,629	752,370	1,117,164	932,441	1,111,709
Expenditures by Object					
Salary and Benefits	668,779	664,555	945,777	761,619	1,011,317
Contract Professional Services	1,040	754	3,700	3,700	3,700
Operating Supplies and Expenses	99,810	87,061	166,687	166,122	95,692
Subtotal: Operating	769,629	752,370	1,116,164	931,441	1,110,709
Capital Purchases and Equipment	0	0	1,000	1,000	1,000
Subtotal: Other	0	0	1,000	1,000	1,000
Total Expenditures	769,629	752,370	1,117,164	932,441	1,111,709
Expenditures by Source of Funds					
General Revenue	769,629	752,370	1,117,164	932,441	1,111,709
Total Expenditures	769,629	752,370	1,117,164	932,441	1,111,709
FTE Authorization	6.0	6.0	6.0	6.0	6.0

Personnel Agency Summary

Office of the Mental Health Advocate

	FY 2026		FY 2027	
	FTE	Cost	FTE	Cost
Unclassified	6.0	581,785	6.0	601,449
Subtotal	6.0	581,785	6.0	601,449
Turnover		(137,370)		0
Total Salaries		444,415		601,449
Benefits				
FICA		33,998		46,012
Health Benefits		110,777		139,962
Payroll Accrual		2,593		3,470
Retiree Health		14,443		18,526
Retirement		142,506		183,855
Subtotal		304,317		391,825
Total Salaries and Benefits	6.0	748,732	6.0	993,274
Cost Per FTE Position		124,789		165,546
Statewide Benefit Assessment		12,887		18,043
Payroll Costs	6.0	761,619	6.0	1,011,317
Purchased Services				
Clerical and Temporary Services		200		200
Medical Services		2,000		2,000
Other Contracts		500		500
Training and Educational Services		1,000		1,000
Subtotal		3,700		3,700
Total Personnel	6.0	765,319	6.0	1,015,017
Distribution by Source of Funds				
General Revenue	6.0	765,319	6.0	1,015,017
Total All Funds	6.0	765,319	6.0	1,015,017

Personnel

Office of the Mental Health Advocate

Central Management

		FY 2026		FY 2027	
		FTE	Cost	FTE	Cost
Unclassified					
ADMINISTRATIVE ASSISTANT	0323 A	1.0	74,631	1.0	76,870
MENTAL HEALTH ADVOCATE	0862 F	1.0	138,654	1.0	142,814
SOCIAL SERVICES CASEWORKER	5021 A	1.0	62,785	1.0	66,876
STAFF ATTORNEY III	0832 A	3.0	305,715	3.0	314,889
Subtotal Unclassified		6.0	581,785	6.0	601,449
Subtotal		6.0	581,785	6.0	601,449
Longevity Pay			21,639		22,288
Regular Wages			560,146		579,161
Turnover			(137,370)		0
Total Salaries			444,415		601,449
Benefits					
FICA			33,998		46,012
Health Benefits			110,777		139,962
Payroll Accrual			2,593		3,470
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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: The Mental Health Advocate does not utilize targets for this measure.]

	<i>Reporting Period: State Fiscal Year</i>				
	2023	2024	2025	2026	2027
Frequency: Annual					
Target	--	--	--	--	--
Actual	1,053	1,836	1,547	--	--

Involuntary Civil Commitment Case 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: The Mental Health Advocate does not utilize targets for this measure.]

	<i>Reporting Period: State Fiscal Year</i>				
	2023	2024	2025	2026	2027
Frequency: Annual					
Target	--	--	--	--	--
Actual	8.50%	7.00%	8.01%	--	--
