

229.19 Advocates — appointment — duties — employment and compensation.

1. *a.* In each county the board of supervisors shall appoint an individual who has demonstrated by prior activities an informed concern for the welfare and rehabilitation of persons with mental illness, and who is not an officer or employee of the department of human services, an officer or employee of a region, an officer or employee of a county performing duties for a region, or an officer or employee of any agency or facility providing care or treatment to persons with mental illness, to act as an advocate representing the interests of patients involuntarily hospitalized by the court, in any matter relating to the patients' hospitalization or treatment under [section 229.14](#) or [229.15](#).

b. The committing court shall assign the advocate for the county where the patient is located. A county or region may seek reimbursement from the patient's county of residence or from the region in which the patient's county of residence is located.

c. The advocate's responsibility with respect to any patient shall begin at whatever time the attorney employed or appointed to represent that patient as respondent in hospitalization proceedings, conducted under [sections 229.6 to 229.13](#), reports to the court that the attorney's services are no longer required and requests the court's approval to withdraw as counsel for that patient. However, if the patient is found to be seriously mentally impaired at the hospitalization hearing, the attorney representing the patient shall automatically be relieved of responsibility in the case and an advocate shall be assigned to the patient at the conclusion of the hearing unless the attorney indicates an intent to continue the attorney's services and the court so directs. If the court directs the attorney to remain on the case, the attorney shall assume all the duties of an advocate. The clerk shall furnish the advocate with a copy of the court's order approving the withdrawal and shall inform the patient of the name of the patient's advocate.

d. With regard to each patient whose interests the advocate is required to represent pursuant to [this section](#), the advocate's duties shall include all of the following:

(1) To review each report submitted pursuant to [sections 229.14](#) and [229.15](#).

(2) If the advocate is not an attorney, to advise the court at any time it appears that the services of an attorney are required to properly safeguard the patient's interests.

(3) To be readily accessible to communications from the patient and to originate communications with the patient within five days of the patient's commitment.

(4) To visit the patient within fifteen days of the patient's commitment and periodically thereafter.

(5) To communicate with medical personnel treating the patient and to review the patient's medical records pursuant to [section 229.25](#).

(6) To file with the court reports as the advocate feels necessary or as required by the court.

(7) To utilize the related best practices for the duties identified in this paragraph "d" developed and promulgated by the judicial council.

e. An advocate may also be assigned pursuant to [this section](#) for an individual who has been diagnosed with a co-occurring mental illness and substance-related disorder.

2. The hospital or facility to which a patient is committed shall grant all reasonable requests of the advocate to visit the patient, to communicate with medical personnel treating the patient, and to review the patient's medical records pursuant to [section 229.25](#). An advocate shall not disseminate information from a patient's medical records to any other person unless done for official purposes in connection with the advocate's duties pursuant to [this chapter](#) or when required by law.

3. The county board of supervisors shall prescribe reasonable compensation for the services of the advocate. The compensation shall be based upon the duties performed by the advocate and in accordance with the personnel policies set forth by the board for county employees. The advocate is an employee of the county, including for purposes of [chapters 97B](#) and [670](#).

4. The state mental health and disability services commission created in [section 225C.5](#), in consultation with advocates and county and judicial branch representatives, shall adopt rules pursuant to [chapter 17A](#) relating to advocates that include but are not limited to all of the following topics:

- a. Quarterly and annual reports.
- b. Data collection requirements.
- c. Juvenile patient representation.
- d. Grievance procedures.
- e. Conflict of interest provisions.
- f. Workforce coverage.
- g. Confidentiality.
- h. Minimum professional qualifications and educational requirements.
- i. Caseload criteria.
- j. Caseload audits.
- k. Quality assurance measures.
- l. Territory assignments.

5. An advocate appointed by the chief judge of a judicial district or by the county board of supervisors prior to July 1, 2015, shall be considered to be appointed by the county board of supervisors on July 1, 2015, as required in [subsection 1](#). Such an advocate shall be compensated at a minimum at the advocate's wage and benefit level in place immediately prior to July 1, 2015.

[C77, 79, 81, §229.19]

83 Acts, ch 96, §157, 159; 83 Acts, ch 123, §85, 209; 85 Acts, ch 62, §1; 87 Acts, ch 57, §1; 93 Acts, ch 83, §1; 94 Acts, ch 1173, §10; 96 Acts, ch 1129, §113; 99 Acts, ch 135, §19; 2006 Acts, ch 1030, §22; 2007 Acts, ch 22, §53, 54; 2007 Acts, ch 86, §3; 2012 Acts, ch 1079, §13, 14; 2012 Acts, ch 1120, §101, 130; 2015 Acts, ch 76, §4; 2017 Acts, ch 97, §1

Referred to in §225C.4, 226.31, 229.2, 229.14A, 229.15, 229.21, 229.26