

CHAPTER 305  
MENTAL HEALTH ADVOCATES

Chapter rescission date pursuant to Iowa Code section 17A.7: 7/1/30

**441—305.1(229) Advocate appointment and qualifications.** The board of supervisors of each county will appoint a person to act as an advocate representing the interests of individuals involuntarily hospitalized by the court under Iowa Code chapter 229. The advocate is hired by the board of supervisors and employed by the county.

**305.1(1) *Appointment.*** A person may be appointed and employed or contracted with as the advocate by one county or by multiple counties. Advocates may be appointed for counties in more than one judicial district or more than one district.

**305.1(2) *Qualifications.*** The advocate will meet the following qualifications:

*a.* Possess a bachelor's degree with 30 semester hours or equivalent quarter hours in a human services field, including but not limited to psychology, social work, mental health counseling, marriage and family therapy, nursing, education, occupational therapy, and recreational therapy, and at least one year of experience in the delivery of services to persons with mental illness; or

*b.* Hold an Iowa license to practice as a registered nurse and have at least three years of experience in delivery of services to persons with mental illness.

*c.* A person employed as an advocate on or before July 1, 2015, who does not meet the requirements of paragraph 305.1(2) "a" or "b" will be considered to meet those requirements so long as the person is continuously appointed as an advocate in the employing county.

*d.* A person employed as an advocate must pass criminal background, sex offender registry, and child and dependent adult abuse registry checks prior to the advocate's hire.

[ARC 9274C, IAB 5/14/25, effective 7/1/25]

**441—305.2(229) Advocate assignment.** The committing court will assign the advocate from the county where the individual is located.

**305.2(1)** If the advocate assigned cannot serve the individual in an effective and efficient manner, the advocate may request another advocate to perform advocate duties on the individual's behalf. In the event that another advocate can better represent the individual on a longer-term basis, the advocate will request that the court transfer the individual to another advocate.

**305.2(2)** When a conflict of interest is identified between an advocate and an individual, the court and the advocate's county of employment will be notified and an alternative advocate will be assigned. The advocate's direct supervisor is responsible to monitor and ensure that the advocate does not have a conflict of interest. In instances when dual or multiple relationships are unavoidable, advocates should take steps to protect individuals and are responsible for setting clear, appropriate, and culturally sensitive boundaries. Advocates who anticipate a conflict of interest among the individuals receiving services should clarify the advocate's role with the parties involved and take appropriate action to minimize any conflict of interest.

**305.2(3)** When the advocate assigned is not the advocate from the individual's county of residence, the advocate's county of employment may seek reimbursement from the BH-ASO for the district in which the individual's county of residence is located as outlined in Iowa Code section 229.19(1) "b."

**305.2(4)** An advocate will only be assigned to a child 17 years of age or under when the child is not represented by an attorney due to an existing child in need of assistance (CINA) or other juvenile court action pursuant to the Iowa Code.

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**441—305.3(229) Advocate responsibilities.** The minimum duties of the advocate are outlined in Iowa Code section 229.19. The role of the advocate is to ensure that the rights of the individual are upheld.

**305.3(1)** The advocate will be readily accessible to communication from the individual and will initiate contact within five days of the individual's commitment. The advocate will inform the individual regarding the role of the advocate.

**305.3(2)** The advocate will meet the individual in person within 15 days of the individual's commitment. The advocate will present the county grievance procedure process, in writing, to the individual. The presentation will include the county grievance procedure, county contact information, and ombudsman contact information. The advocate will inform the individual about the mental health crisis services that are available.

**305.3(3)** The advocate will review each report submitted to the court and communicate with the individual's medical and treatment team. Advocates will abide by all federal, state, and local confidentiality laws.

**305.3(4)** The advocate will file in a form prescribed by the court as the advocate feels necessary or as required for each individual assigned to the advocate.

**305.3(5)** The advocate will maintain an organized, confidential, and secure file for each individual served. The file will contain but not be limited to:

- a. Copies of quarterly reports submitted to the court.
- b. Copies of correspondence sent to and received from the individual, family members, providers, and others.
- c. Releases of information.
- d. Case notes describing the date, time, and type of contact with the individuals or others and a brief narrative summary of the content or outcome of the contact.
- e. Documents filed with the court electronically will be considered as part of the individual's file.

**305.3(6)** The advocate will register as provided in Iowa R. Elec. P. 16.305(1) to participate in the court's electronic document management system and will submit all documents to be filed with the court electronically. The documents will be stored as electronic records that are retrievable and readable through the electronic document management system.

**305.3(7)** The advocate, as an employee of the county, will comply with all county policies and procedures, including but not limited to hiring, supervision, grievance procedures, and training.

**305.3(8)** All advocate records are the property of the county, which is responsible for the provision of confidential storage, transfer, and destruction of client files, including those maintained on electronic and digital devices, with access limited according to the county's policy on confidentiality as described in subrule 305.4(6).

**305.3(9)** The advocate may attend the hospitalization hearing of an individual represented by an attorney; however, payment for the advocate's attendance is at the discretion of the county of employment.

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**441—305.4(229) County responsibilities.** As the employer of the advocate, the county will provide qualified staff to support and facilitate the provision of quality advocate services. The county will:

**305.4(1)** Assign a single supervisor, a single contract manager, or the county board of supervisors as the supervising entity to carry out responsibilities in this chapter.

**305.4(2)** Have a job description in the personnel file of the advocate that clearly defines the advocate's responsibilities and qualifications as defined in Iowa Code section 229.19 and this chapter.

**305.4(3)** Have a process to verify, prior to the advocate's hire, qualification of the advocate, including degrees and certifications obtained from a primary source.

**305.4(4)** Provide or arrange for training and education relevant to the position, including but not limited to overview of mental health diagnosis and treatment, the behavioral health service system, confidentiality, individual rights, professional conduct, the role of advocacy and service coordination within an interdisciplinary team, the Iowa Code and administrative rules, and court procedures.

**305.4(5)** Provide or arrange for approved training on child and dependent adult abuse reporter requirements.

**305.4(6)** Provide, to any employee with access to individuals' files, training on state and federal laws regarding nondisclosure and confidentiality of client-protected health information during and after employment and maintain in the personnel files a signed document indicating the employee's awareness of the county's policy on confidentiality.

**305.4(7)** Complete criminal background, sex offender registry, and child and dependent adult abuse registry checks before employment of the advocate. Any person who does not pass these checks is prohibited from being hired, or continuing to serve, as an advocate.

**305.4(8)** Provide advocate staff to cover the county's caseload at all times, according to but not limited to each county's unique number of individuals assigned to the advocate, travel required, types of settings where the individuals reside, services available, and extended staff absences.

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**441—305.5(229) Data collection requirements.**

**305.5(1)** *Annual submission.* By December 1 of each year, each county will submit to the department data regarding each individual who received advocate services during the previous state fiscal year.

**305.5(2)** *Required data.* The data to be submitted are as follows:

- a. Basic information about the individual, including a unique identifier and county of residence.
- b. Demographic information, including the individual's date of birth, sex, ethnicity, education, and diagnosis made in accordance with the criteria provided in the Diagnostic and Statistical Manual of Mental Disorders (DSM) published by the American Psychiatric Association (APA) (published 2013, with all changes and updates approved by the APA through July 1, 2025, incorporated herein).
- c. Commitment information, including the date of the individual's initial commitment, type of commitment order, whether a juvenile or adult case, date of commitment and name of treatment facility to which the individual is committed, any subsequent changes in treatment facility, and date commitment is terminated.

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**441—305.6(229) Quality assurance system.** The county will implement a quality assurance system that:

**305.6(1)** Annually measures and assesses advocates' activities and services.

**305.6(2)** Gathers feedback from stakeholders, including individuals using advocate services, family members, court staff, service provider staff, and BH-ASO staff regarding advocate services.

**305.6(3)** Implements an internal review of individual records.

**305.6(4)** Identifies areas in need of improvement.

**305.6(5)** Develops a plan to address the areas in need of improvement.

**305.6(6)** Implements the plan and documents the results.

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These rules are intended to implement Iowa Code chapter 229.

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