

IN THE IOWA DISTRICT COURT FOR THE FIFTH JUDICIAL DISTRICT

**IN RE: SECOND TEMPORARY
ACCOMMODATION ASSISTANT
APPOINTMENT FOR PERFORMANCE
OF THE OFFICIAL DUTIES OF THE
DALLAS AND GUTHRIE COUNTY
MENTAL HEALTH ADVOCATE**

ADMINISTRATIVE ORDER 2014 - 29

WHEREAS the Court has previously entered Administrative Order 2014-16 providing for temporary Americans With Disability Act accommodation to assist Kris Gerhard, Mental Health Advocate for Dallas and Guthrie Counties, in the performance of her official job duties based upon her request, the Court finds the previously appointed temporary ADA accommodation assistant Johanna Powell has resigned. It is therefore necessary for a new temporary assistant to be appointed. Brett Michael of Des Moines, Iowa, has been interviewed, screened and meets the statutory requirements for appointment as a MH Advocate. Ms. Gerhard has also been in communication with the CPC's/Community Services Directors of Dallas and Guthrie Counties regarding this matter.

NOW, THEREFORE, IT IS HEREBY ORDERED that effective immediately Brett Michael is hereby appointed as a temporary assistant to Ms. Gerhard for purposes of providing the accommodation as requested. Mr. Michael will serve under Ms. Gerhard's supervision and shall perform reasonable duties as set out in the Mental Health Advocate Job Description, approved by the Iowa Judicial Council on 9/9/08 (copy attached) on Ms. Gerhard's behalf. Mr. Michael has authority to act during any intermittent or limited periods of incapacity on Ms. Gerhard's part. Compensation for Mr. Michael shall be at a rate of \$17.50 per hour, plus reasonable expenses as set forth in Administrative Order 2005-60 (copy attached). Mr. Michael shall therefore have access to all charts, information, medical records and court file information as is necessary to perform his duties on behalf of respondents in the necessary MH cases in Dallas and Guthrie Counties. This Order shall remain in effect until further Order of the Court.

DATED this 1st day of May, 2014


ARTHUR E. GAMBLE, CHIEF JUDGE
FIFTH JUDICIAL DISTRICT OF IOWA

Distribution List for 5th Judicial District Administrative Order 2014-29

Cc: Leisa Imboden, Guthrie County Clerk of Court
Marsha McDermott, Dallas County County Clerk of Court
Wayne Reisetter, Dallas County Attorney
Mary Benton, Guthrie County Attorney
Magistrate Mary Ellen Perkins
Magistrate Leslie Clemenson
Magistrate Donna Schauer
Magistrate Jonathan Kimple
Elizabeth Baldwin, DCA
Darci Alt, CPC, Dallas County
Diane Jackson, CPC, Guthrie County
Kris Gerhard, MH Advocate Dallas and Guthrie Counties
Brett Michael, Assistant MH Advocate Dallas and Guthrie Counties

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CLERK COUNTY, IA.
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CLERK DISTRICT COURT

Mental Health Advocate Job Description

General Statement: The Code of Iowa, section 229.19, governs the MH Advocate position. The District Court, in each county with a population of less than 300,000 persons, is required to appoint a mental health advocate to represent the interests of clients involuntarily hospitalized by the Court. The advocate is to act as the support person for all persons in their assigned county involved in involuntary hospitalization proceedings and their follow-up treatment. The advocate's responsibilities begin when notice is received in compliance with Code section 229.9A.¹

Primary Duties: For each person the advocate is assigned to, the advocate is required by law to perform the activities listed below. This is an overall list, not one fully descriptive of every detail of what the MH advocate's responsibilities are.

- (1) review the reports, orders and applications submitted on the client pursuant to Chapter 229 of the Code of Iowa;
- (2) advise the Court at any time if it appears that the services of an attorney are needed to safeguard the client's interests;
- (3) be readily available to receive communications from the client and to communicate with the client directly within 5 days of the client's commitment;
- (4) to visit the client within 15 days of that commitment and periodically thereafter;
- (5) to communicate with the medical personnel treating the client as necessary and review the client's medical records;
- (6) to file quarterly reports (or more often as necessary or required by the court) stating the actions taken with respect to each individual client and amount of time spent.
- (7) may attend the hospitalization hearing of any respondent for whom the advocate has received notice of a hospitalization hearing pursuant to 229.9A

Related Duties:

1. To inform the client within five (5) days of commitment of the name of the advocate and how to communicate with the advocate. It is recommended this occur through a letter of introduction, pamphlet of rights and business card.

¹ There is an apparent statutory inconsistency with §229.19 regarding when the advocate's job begins. Statutory clarification on this issue is indicated.

2. To arrange with the Court a system that allows dissemination of documents in a timely manner or visit the appropriate Clerk of Court at least once a week to pick up new commitment paperwork, and all other reports and orders.
3. Review all documents for necessary action. The advocate should contact any medical personnel and any appropriate service agencies involved for any needed clarification or questions.
4. Individual case files should be kept.
5. Safeguarding the client's rights and interests as well as informing the client of their responsibilities, including but not limited to the following activities:
 - a. Act as a spokesperson for the client;
 - b. Negotiate between the client and the treatment team when communication is broken or otherwise requires clarification, or a violation of a client's right(s) occurs or is alleged,;
 - c. Act as a liaison between the treatment team and the individual;
 - d. Act as a liaison between the treatment team and the Court which ordered the treatment;
 - e. Facilitate understanding of client rights and strengthen relationships among the various persons and agencies responsible for the care of the mentally ill; and
 - f. Review with the client their responsibilities under commitment and consequences of actions or lack thereof.
6. Collaborate with the Court as appropriate, including to:
 - a. Advise the Court when needed to properly safeguard the client's interest and legal rights; and
 - b. Assist the Clerk in tracking and locating clients and physician's reports;
7. Attend subsequent hearings.
8. Travel to the appropriate facilities or locations for required and periodic client visits.
9. Perform administrative duties including, but not limited to, preparing reports and claims, maintaining client files, providing information and referrals, attending meetings, conferences or seminars related to the advocate's duties (Attendance at conferences or seminars shall be approved in advance by the District Court Administrator, after receiving input from the CPC for advocates appointed by the Court);
10. Perform other related advocate services or actions within the scope of Iowa Code Section 229.19 service to clients.
 - a. Assist the Court in its attempts to locate clients (e.g., returned mail, moves, etc.);

- b. Provide case coordination services for clients without a case manager or similarly assigned individual (e.g., county social worker, etc.); and
- c. Make referral to treatment/service providers and other social service agencies, e.g., CPC, case management, community supportive living, Social Security Administration, etc.

Knowledge and Skills:

- Familiar with laws and major Iowa Supreme Court decisions on mental health and involuntary commitment, including Chapter 229 of the Iowa Code;
- Ability to communicate with mental health providers and treatment professionals in a constructive, positive manner;
- Familiarity with mental health treatment resources within the area of service;
- All confidential files and records shall be maintained in accordance with law; and
- The advocate shall abide by confidentiality requirements contained in the Code of Iowa, including those of Chapter 229.

Qualifications:

Preferred Qualifications: Bachelor's degree or related post-secondary education coursework in a social science, education, nursing, or other related area, and at least one year of work experience in a mental health treatment related position. Working knowledge of basic computer software and skills.

Minimum and Statutory Requirements: High School degree or GED equivalent; demonstrated by prior activities an informed concern for the welfare and rehabilitation of persons with mental illness; not an officer or employee of the department of human services nor of any agency or facility providing care or treatment to persons with mental illness.

Other Related Requirements: Possess and maintain a valid Driver's License, or have the ability to arrange reliable transportation; possess and maintain appropriate vehicle insurance, or demonstrate coverage for arranged transportation; and pass criminal background history, sex offender registry, and child and dependent adult abuse registry checks.

Addendum – Recommended *Best Practices* for Related Duties

NOTE: The following information provides recommended *Best Practices* corresponding with the Related Duties set out in the Job Description. These *Best Practices* will be incorporated into a future procedural manual for the MH Advocates.

Related Duties:

1. To inform the client within five (5) days of commitment of the name of the advocate and how to communicate with the advocate. It is recommended this occur through a letter of introduction, pamphlet of rights and business card.

Best Practice: meet with the individual and provide information in person. Provide written information (commitment process, role of advocate, etc) and answer any related questions or concerns.

Best Practice: meet with the individual in the hospital as it is the most restrictive placement which increases right violation issues.

Best Practice: Distance of hospital may be cost prohibited and meeting 'visit' requirement appropriate at hearing.

Best Practice: The advocate may attend hospitalization hearings pursuant to Code Section 229.9A.

2. To arrange with the Court a system that allows dissemination of documents in a timely manner or visit the appropriate Clerk of Court at least once a week to pick up new commitment paperwork, and all other reports and orders.

Best Practice: dependent upon local utilization and resources.

3. Review all documents for necessary action. The advocate should contact any medical personnel and any appropriate service agencies involved for any needed clarification or questions.

Best Practice: conduct periodic contacts with appropriate service agencies at a minimum of 3-6 months if no contact has been initiated.

4. Individual case files should be kept.

Best Practice: Include contact notes/narrative for all direct activities: 1) client face to face; 2) client phone; 3) collateral face to face; and 4) collateral phone.

5. Safeguarding the client's rights and interests as well as informing the client of their responsibilities, including but not limited to the following activities:

a. Act as a spokesperson for the client;

Best Practice: Encourage as appropriate self advocacy and provide support to empower the individual as needed.

b. Negotiate between the client and the treatment team when communication is broken or otherwise requires clarification, or a violation of a client's right(s) occurs or is alleged,;

c. Act as a liaison between the treatment team and the individual;

- d. Act as a liaison between the treatment team and the Court which ordered the treatment;
 - e. Facilitate understanding of client rights and strengthen relationships among the various persons and agencies responsible for the care of the mentally ill; and
 - f. Review with the client their responsibilities under commitment and consequences of actions or lack thereof.
6. Collaborate with the Court as appropriate, including to:
- a. Advise the Court when needed to properly safeguard the client's interest and legal rights;
Best Practice: Provide to the Court written concerns and recommended resolutions to situations; and
 - b. Assist the Clerk in tracking and locating clients and physician's reports;
7. Attend subsequent hearings.
8. Travel to the appropriate facilities or locations for required and periodic client visits.
Best Practice: Visit hospitals and 24/7 licensed facilities every quarter or at minimum every six months.
Best Practice: Visit facilities unannounced as appropriate.
Best Practice: Visit with clients in a safe/secure/confidential location. Be cautious entering anyone's home. Arrange with the Clerk of Court a room in the Courthouse to do face to face visits.
Best Practice: To reduce intrusiveness and encourage independence, majority of contact with stable outpatient can be done through correspondence or by telephone. Inform the individual to initiate contact with you if there are any problems or concerns.
Best Practice: When reviewing physician reports, investigate reports of non-compliance with client by phone or face to face contact.
9. Perform administrative duties including, but not limited to, preparing reports and claims, maintaining client files, providing information and referrals, attending meetings, conferences or seminars related to the advocate's duties (Attendance at conferences or seminars shall be approved in advance by the District Court Administrator, after receiving input from the CPC for advocates appointed by the Court);
10. Perform other related advocate services or actions within the scope of Iowa Code Section 229.19 service to clients.
- a. Assist the Court in its attempts to locate clients (e.g., returned mail, moves, etc.);
 - b. Provide case coordination services for clients without a case manager or similarly assigned individual (e.g., county social worker, etc.); and
 - c. Make referral to treatment/service providers and other social service agencies, e.g., CPC, case management, community supportive living, Social Security Administration, etc.