

**STEPS IN THE
COMMITMENT PROCESS**

**CHAPTER 51
WISCONSIN STATUTES**

PREPARED BY THE OFFICE OF



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INVOLUNTARY ADMISSION

1. Statement of Emergency Detention. A law enforcement officer or a Juvenile Intake Worker (where applicable) has the authority to execute a Statement of Emergency Detention. The Statement of Emergency Detention is based upon the observations of the law enforcement officer and he/she must have cause to believe that the subject is suffering from a mental illness, drug dependent or developmentally disabled and presents a substantial probability of harm to self or others (§51.15 Wis. Stats.)

2. Treatment Director's Hold. If the subject individual is already a voluntary patient of the treatment facility and is attempting to leave against medical advice and/or the grounds exist for an emergency detention, the treatment director of the facility or his designee may detain the individual in the facility.

3. Three Party Petition. A petition signed by three adults who have knowledge of the subject's behavior and a belief that the subject suffers from a mental illness and presents a substantial probability of harm to self or others. The three adults signing the petition will need to be able to testify at all hearings for the commitment. All potential three party petitions are reviewed by the Department of Human Services and Corporation Counsel prior to being filed with the court.

Individuals who are detained will be informed of their rights under the law, including their right to an attorney, their right to remain silent, and their right to contact

family members. By the time of the probable cause hearing the person must be represented by an attorney. If the person cannot afford an attorney, one will be appointed by the Public Defender's Office.

"Mental Illness" for purposes of involuntary commitment is defined by section 51.01(13)(b) as: "*a substantial disorder of thought, mood perception, orientation or memory which grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life, but does not include alcoholism.*"

PROBABLE CAUSE HEARING

Within 72 hours of the time of detention, exclusive of Saturday, Sunday or holidays, a hearing must be held before a Judge or Court Commissioner to determine whether there is sufficient evidence to continue to detain the individual and to order further examination of the individual. Most probable cause hearings are held at the courthouse. Occasionally the hearing will be at the hospital depending on the needs of the subject.

If probable cause is found by the Court, the commitment process will continue to move forward. If the Court determines there is not probable cause, the petition will be dismissed. Depending on the evidence presented during the hearing, the court may or may not order involuntary administration of medication.

EXAMINATION

Wisconsin Statutes require the Court to appoint two examiners (usually a psychiatrist and a psychologist) to examine the subject and provide a report to the Court. Examination of the subject occurs after a finding of probable cause and before final hearing. The examiner's report will consist of the methods they used to conduct the examination and will give their opinions as to whether or not they believe the subject to be mentally ill, treatable, and if they present a substantial probability of harm to self or others. They may also assess the subject's competency to refuse psychotropic medication and provide a recommendation as to what level of care and placement is appropriate for the subject. One or both of the court appointed examiners may testify at the final hearing.

FINAL HEARING AND COMMITMENT

Within 14 days of the date of the subject being taken into custody (with some exceptions) the Court must schedule a final hearing. The subject does have the right to demand a jury trial, although most trials are to the

Court without a jury. At the conclusion of the final hearing, and depending on the evidence presented, the Court will either grant the petition for involuntary commitment or dismiss the petition. If the petition is granted, the subject will be committed to the Eau Claire County Department of Human Services for a period of time up to 6 months from the date of the final hearing. The Court will also decide if the subject's placement shall be ordered to be in a locked (inpatient) or an unlocked (outpatient) facility. Placement of the subject may change during the time of the commitment depending on the individual's treatment needs.

The law requires placement in the least restrictive setting consistent with the subject individual's treatment needs. Where the individual is placed will be determined by the Department of Human Services. The Court may also order the involuntary administration of psychotropic medication after considering the testimony of the court appointed examiners. Prior to the expiration of the six month commitment, the Department of Human Services may file a petition with the court to request that the commitment be extended. Extension of the commitment is for a period of up to one year, and more than one extension is possible.

TREATMENT

If committed, the subject will be assigned a social worker from the Eau Claire County Department of Human Services. This social worker will coordinate services and treatment for the subject while she/he is on commitment. The social worker will also develop a written treatment plan and if the subject is being treated on an outpatient basis, a written set of treatment conditions for the subject to follow. Treatment will be in the least restrictive setting according to the subject's treatment needs. If needed, the social worker does have the authority to require that a subject be placed in a more restrictive placement until such time as the subject can safely be returned to a less restrictive setting.

DISCLAIMER

This pamphlet briefly describes the process of an involuntary mental health commitment pursuant to Chapter 51, Wisconsin Statutes. The information contained in this brochure is for general information purposes only, and is not intended to be construed as legal advice. If you have questions regarding the Chapter 51 commitment process, please consult an attorney.