



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2013 Wisconsin Act 340**  
[2013 Assembly Bill 488]

**Involuntary Commitment  
Proceedings**

Act 340 contains two provisions that pertain to court proceedings for involuntary commitment of an individual for mental health treatment.

### **New Procedure for Limited Appearance by Corporation Counsel**

Under Wisconsin law, only a corporation counsel, representing the interests of the public, may bring an action in court for the involuntary commitment of an individual for mental health treatment. A private individual may not bring such an action. This action is referred to as a "petition for examination."

Act 340 creates new provisions in the law to address a situation in which a person believes that a petition for examination of an individual should be brought, but the corporation counsel does not believe that involuntary commitment is appropriate for the individual. Under prior law, in this situation, a petition could not be brought before the court.

The Act provides that in this situation, the corporation counsel must inform the person seeking the petition that the person may either discontinue pursuing the involuntary commitment or request that corporation counsel file the petition under a limited appearance. If the person seeking the petition requests a limited appearance by corporation counsel for the purpose of filing the petition, the corporation counsel must do all of the following:

- Notify the person seeking the petition of the scope of what the corporation counsel will do under the limited appearance.
- File the petition. The corporation counsel does not need to affirm that the facts in the petition constitute probable cause but may state that the person seeking the petition believes those facts constitute probable cause.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.

- Include with the petition a certification to the court that the corporation counsel is not supporting the petition but is making a limited appearance and that he or she has notified the person seeking the petition of the scope of this limited appearance.

**Time Limit for Court Review of Petition for Examination**

Act 340 also contains a provision that affects all petitions for examination. Prior law stated that upon the filing of a petition, the court must review it to determine whether an order of detention should be issued. Act 340 specifies that the court must carry out that review within 24 hours after the petition is filed, excluding Saturdays, Sundays, and legal holidays.

*Effective date:* April 25, 2014.

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