

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-AB480)**

Received: 10/04/1999

Received By: malaigm

Wanted: As time permits

Identical to LRB:

For: Rick Skindrud (608) 266-3520

By/Representing: Matt Sande

This file may be shown to any legislator: NO

Drafter: malaigm

May Contact:

Alt. Drafters:

Subject: Mental Health - AODA

Extra Copies: Anne Sappenfield

**Pre Topic:**

No specific pre topic given

**Topic:**

Alcohol and other drug abuse treatment; parental consent requirement

**Instructions:**

Limit scope of bill to AODA treatment and leave consent requirement for treatment for mental illness and developmental disability as under current law

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	malaigm 10/04/1999	chanaman 10/05/1999		_____			
/1			martykr 10/05/1999	_____	lrb_docadmin 10/05/1999	lrb_docadmin 10/05/1999	
/2	malaigm 10/15/1999	chanaman 10/15/1999	hhagen 10/15/1999	_____	lrb_docadmin 10/15/1999	lrb_docadmin 10/15/1999	

FE Sent For:

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FE Sent For:			CH 10/15	CH 10/15			

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Alcohol and other drug abuse treatment; parental consent requirement

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Limit scope of bill to AODA treatment and leave consent requirement for treatment for mental illness and developmental disability as under current law

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FE Sent For:

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**ASSEMBLY AMENDMENT ,  
TO 1999 ASSEMBLY BILL 480**

Soon

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 1, line 8: delete "mental".
- 3 **2.** Page 1, line 9: delete "health treatment of minors" and substitute
- 4 "treatment of minors for alcoholism or drug abuse".
- 5 **3.** Page 3, line 1: delete lines 1 to 8 and substitute:
- 6 "SECTION 1d. 51.13 (1) (a) of the statutes is amended to read:
- 7 51.13 (1) (a) Except as provided in s. 51.45 (2m), the application for voluntary
- 8 admission of a minor ~~who is under 14 years of age~~ to an approved inpatient treatment
- 9 facility for the primary purpose of treatment for alcoholism or drug abuse and the
- 10 application for voluntary admission of a minor who is under 14 years of age to an
- 11 approved inpatient treatment facility for the primary purpose of treatment for
- 12 mental illness or developmental disability shall be executed by a parent who has
- 13 legal custody of the minor or the minor's guardian. Any statement or conduct by a

1 minor ~~under the age of 14 who is the subject of an application for voluntary admission~~  
2 ~~under this paragraph~~ indicating that the minor does not agree to admission to the  
3 facility shall be noted on the face of the application and shall be noted in the petition  
4 required by sub. (4).

5 **SECTION 2d.** 51.13 (1) (b) of the statutes is amended to read:

6 51.13 (1) (b) The application for voluntary admission of a minor who is 14 years  
7 of age or over to an approved inpatient treatment facility for the primary purpose of  
8 treatment for mental illness or developmental disability shall be executed by the  
9 minor and a parent who has legal custody of the minor or the minor's guardian,  
10 except as provided in par. (c).".

11 **4.** Page 4, line 2: delete "~~14 years of age or older~~" and substitute "14 years of  
12 age or older".

13 **5.** Page 4, line 21: delete "~~, (b)~~" and substitute ", (b)".

14 **6.** Page 5, line 2: delete "~~or (b)~~" and substitute "or (b)".

15 **7.** Page 5, line 12: delete lines 12 to 25.

16 **8.** Page 6, line 1: delete lines 1 to 5 and substitute:

17 "**SECTION 6d.** 51.13 (2) (a) of the statutes is amended to read:

18 51.13 (2) (a) A minor may be admitted to an inpatient treatment facility  
19 without complying with the requirements of this section if the admission does not  
20 involve the department or a county department under s. 51.42 or 51.437, or a contract  
21 between a treatment facility and the department or between a treatment facility and  
22 a county department. The application for voluntary admission of a minor to an  
23 inpatient treatment facility for the primary purpose of treatment for alcoholism or  
24 drug abuse and the application for voluntary admission of a minor who is under 14

1 years of age to an inpatient treatment facility for the primary purpose of treatment  
2 for mental illness or developmental disability shall be executed by a parent who has  
3 legal custody of the minor or the minor's guardian. The application for voluntary  
4 admission of a minor who is 14 years of age or over to an inpatient treatment facility  
5 for the primary purpose of treatment for mental illness or developmental disability  
6 shall be executed by the minor and a parent who has legal custody of the minor or  
7 the minor's guardian.

8 **SECTION 7d.** 51.13 (2) (b) of the statutes is amended to read:

9 51.13 (2) (b) Notwithstanding par. (a), any minor who is 14 years of age or older  
10 who is admitted to an inpatient treatment facility for the primary purpose of  
11 treatment of mental illness, or developmental disability, alcoholism or drug abuse  
12 has the right to be discharged within 48 hours of after his or her request, as provided  
13 in sub. (7) (b). At the time of admission, any minor who is 14 years of age or older and  
14 who is admitted for the primary purpose of treatment for mental illness or  
15 developmental disability shall be informed of this right orally and in writing by the  
16 director of the hospital or such person's designee. This paragraph does not apply to  
17 individuals who receive services in hospital emergency rooms.

18 **SECTION 7m.** 51.13 (2) (d) of the statutes is amended to read:

19 51.13 (2) (d) Writing materials for use in requesting a discharge shall be made  
20 available at all times to all minors who are 14 years of age or older and who are  
21 admitted under this subsection for the primary purpose of treatment for mental  
22 illness or developmental disability. The staff of the facility shall assist such minors  
23 in preparing or submitting requests for discharge.

24 **SECTION 7r.** 51.13 (3) (b) of the statutes is amended to read:

1           51.13 (3) (b) A minor 14 years of age or older who has been admitted to an  
2 inpatient treatment facility for the primary purpose of treatment for mental illness  
3 or developmental disability and his or her parent or guardian shall also be informed  
4 by the director or his or her designee, both orally and in writing, in easily  
5 understandable language, of the minor's right to request discharge and to be  
6 discharged within 48 hours of the request if no petition or statement is filed for  
7 emergency detention, emergency commitment, involuntary commitment or  
8 protective placement, and the minor's right to consent to or refuse treatment as  
9 provided in s. 51.61 (6).

10           **SECTION 8d.** 51.13 (3) (c) of the statutes is amended to read:

11           51.13 (3) (c) A minor who has been admitted to an inpatient facility for the  
12 primary purpose of treatment for alcoholism or drug abuse, a minor under 14 years  
13 of age who has been admitted to an inpatient treatment facility for the primary  
14 purpose of treatment for mental illness or developmental disability and his or her the  
15 parent or guardian of such a minor shall also be informed by the director or his or  
16 her designee, both orally and in writing, in easily understandable language, of the  
17 minor's right to a hearing to determine continued appropriateness of the admission  
18 as provided in sub. (7).".

19           **9.** Page 6, line 18: delete lines 18 to 25.

20           **10.** Page 7, line 1: delete lines 1 to 25.

21           **11.** Page 8, line 1: delete lines 1 to 25.

22           **12.** Page 9, line 1: delete lines 1 to 25.

23           **13.** Page 10, line 1: delete lines 1 to 24.

24           **14.** Page 11, line 1: delete lines 1 to 25.

1           **15.** Page 12, line 1: delete lines 1 to 4 and substitute:

2           “**SECTION 12d.** 51.13 (4) (d) of the statutes is amended to read:

3           51.13 (4) (d) Within 5 days of after the filing of the petition, the court assigned  
4 to exercise jurisdiction under chs. 48 and 938 shall determine, based on the  
5 allegations of the petition and accompanying documents, ~~whether the admission is~~  
6 ~~voluntary on the part of the minor if the minor is 14 years of age or older and~~ whether  
7 there is a prima facie showing that the minor is in need of psychiatric services, or  
8 services for developmental disability, alcoholism or drug abuse, that the treatment  
9 facility offers inpatient therapy or treatment which is appropriate to the minor's  
10 needs, and that inpatient care in the treatment facility is the least restrictive therapy  
11 or treatment consistent with the needs of the minor and, if the minor is 14 years of  
12 age or older and has been admitted to the treatment facility for the primary purpose  
13 of treatment for mental illness or developmental disability, whether the admission  
14 is voluntary on the part of the minor. If such a showing is made, the court shall  
15 permit voluntary admission. . If the court is unable to make ~~such~~ those  
16 determinations based on the petition and accompanying documents, ~~it shall~~ the  
17 court may dismiss the petition as provided in par. (h); ~~or~~ order additional information  
18 to be produced as ~~it deems~~ necessary for the court to make ~~such~~ review, ~~and make~~  
19 ~~such~~ those determinations within 14 days of after admission or application for  
20 admission, whichever is sooner; or ~~it may~~ hold a hearing within 14 days of after  
21 admission or application for admission, whichever is sooner. If a notation of the  
22 minor's unwillingness appears on the face of the petition, or if a hearing has been  
23 requested by the minor, the minor's counsel, parent or guardian, the court shall hold  
24 a hearing to review the admission within 14 days of after admission or application



1 for admission, whichever is sooner, and shall appoint counsel to represent the minor  
2 if the minor is unrepresented. If the court ~~deems~~ considers it necessary, ~~it~~ the court  
3 shall also appoint a guardian ad litem to represent the minor.

4 **SECTION 13d.** 51.13 (4) (g) (intro.) of the statutes is amended to read:

5 51.13 (4) (g) (intro.) If the court finds that the minor is in need of psychiatric  
6 services or services for developmental disability, alcoholism or drug abuse in an  
7 inpatient facility, and that the inpatient facility to which the minor is admitted offers  
8 therapy or treatment that is appropriate for the minor's needs and that is the least  
9 restrictive therapy or treatment consistent with the minor's needs and, in the case  
10 of a minor aged 14 or older who is being admitted for the primary purpose of  
11 treatment for mental illness or developmental disability, the application is voluntary  
12 on the part of the minor, the court shall permit voluntary admission. If the court finds  
13 that the therapy or treatment in the inpatient facility to which the minor is admitted  
14 is not appropriate or is not the least restrictive therapy or treatment consistent with  
15 the minor's needs, the court may order placement in or transfer to another more  
16 appropriate or less restrictive inpatient facility, except that the court may not permit  
17 or order placement in or transfer to the northern or southern centers for the  
18 developmentally disabled of a minor unless the department gives approval for the  
19 placement or transfer, and if the order of the court is approved by all of the following  
20 if applicable:

21 **SECTION 14d.** 51.13 (4) (g) 1. of the statutes is amended to read:

22 51.13 (4) (g) 1. The minor if he or she is aged 14 or older and is being admitted  
23 for the primary purpose of treatment for mental illness or developmental disability.

24 **SECTION 15d.** 51.13 (6) (a) of the statutes is amended to read:

1           51.13 (6) (a) A minor may be admitted to an inpatient treatment facility  
2 without review of the application under sub. (4) for diagnosis and evaluation or for  
3 dental, medical or psychiatric services for a period not to exceed 12 days. The  
4 application for short-term admission of a minor shall be executed by the minor's  
5 parent or guardian, and ~~by the minor if he or she, if the minor is 14 years of age or~~  
6 ~~older and is being admitted for the primary purpose of diagnosis, evaluation or~~  
7 ~~services for mental illness or developmental disability, by the minor.~~ A minor may  
8 not be readmitted to an inpatient treatment facility for psychiatric services under  
9 this paragraph within 120 days of a previous admission under this paragraph.

10           **SECTION 16d.** 51.13 (7) (a) of the statutes is amended to read:

11           51.13 (7) (a) If a minor is admitted to an inpatient treatment facility while  
12 under 14 years of age, and if upon reaching age 14 is in need of further inpatient care  
13 and treatment primarily for mental illness or developmental disability, the director  
14 of the facility shall request the minor and the minor's parent or guardian to execute  
15 an application for voluntary admission. Such an application may be executed within  
16 30 days prior to a minor's 14th birthday. If the application is executed, a petition for  
17 review shall be filed in the manner prescribed in sub. (4), unless such a review has  
18 been held within the last 120 days. If the application is not executed by the time of  
19 the minor's 14th birthday, the minor shall be discharged unless a petition or  
20 statement is filed for emergency detention, emergency commitment, involuntary  
21 commitment or protective placement by the end of the next day in which the court  
22 transacts business.

23           **SECTION 16g.** 51.13 (7) (b) of the statutes is amended to read:

24           51.13 (7) (b) Any minor 14 years of age or over voluntarily admitted under this  
25 section for the primary purpose of treatment for mental illness or developmental

1 disability may request discharge in writing. Upon receipt of any form of written  
2 request for discharge, the director of the facility in which the minor is admitted shall  
3 immediately notify the minor's parent or guardian. The minor shall be discharged  
4 within 48 hours after submission of the request, exclusive of Saturdays, Sundays and  
5 legal holidays, unless a petition or statement is filed for emergency detention,  
6 emergency commitment, involuntary commitment or protective placement.

7 **SECTION 17d.** 51.13 (7) (c) of the statutes is amended to read:

8 51.13 (7) (c) Any minor who is voluntarily admitted under this section for the  
9 primary purpose of treatment for alcoholism or drug abuse and any minor under 14  
10 years of age who is voluntarily admitted under this section for the primary purpose  
11 of treatment for mental illness or developmental disability may submit a written  
12 request to the court for a hearing to determine the continued appropriateness of the  
13 admission. If the director or staff of the inpatient treatment facility to which a minor  
14 who is voluntarily admitted under this section for the primary purpose of treatment  
15 for alcoholism or drug abuse or a minor under the age of 14 is admitted who is  
16 voluntarily admitted under this section for the primary purpose of treatment for  
17 mental illness or developmental disability observes conduct by the minor which  
18 demonstrates an unwillingness to remain at the facility, including but not limited to  
19 a written expression of opinion or unauthorized absence, the director shall file a  
20 written request with the court to determine the continued appropriateness of the  
21 admission. A request which is made personally by a minor under this paragraph  
22 shall be signed by the minor but need not be written or composed by him or her. A  
23 request for a hearing under this paragraph which is received by staff or the director  
24 of the facility in which the child is admitted shall be filed with the court by the  
25 director. The court shall order a hearing upon request if no hearing concerning the

1 minor's admission has been held within 120 days of receipt of the request. The court  
2 shall appoint counsel and, if the court deems it necessary, a guardian ad litem to  
3 represent the minor and if a hearing is held shall hold the hearing within 14 days  
4 of the request, unless the parties agree to a longer period. After the hearing, the court  
5 shall make disposition of the matter in the manner provided in sub. (4).".

6 **16.** Page 12, line 13: delete lines 13 to 25.

7 **17.** Page 13, line 1: delete lines 1 to 25.

8 **18.** Page 14, line 1: delete lines 1 to 25.

9 **19.** Page 15, line 1: delete lines 1 to 25.

10 **20.** Page 16, line 1: delete lines 1 to 5 and substitute:

11 "SECTION 32d. 51.35 (3) (a) of the statutes is amended to read:

12 51.35 (3) (a) A licensed psychologist of a juvenile correctional facility or a  
13 secured child caring institution, as defined in s. 938.02 (15g), or a licensed physician  
14 of the department of corrections, who has reason to believe that any individual  
15 confined in the facility or institution is, in his or her opinion, in need of services for  
16 developmental disability, alcoholism or drug dependency or in need of psychiatric  
17 services, and who has obtained voluntary consent to make a transfer for treatment,  
18 shall make a report, in writing, to the superintendent of the facility or institution,  
19 stating the nature and basis of the belief and verifying the consent. In the case of  
20 a minor age 14 and over who is in need of services for developmental disability or who  
21 is in need of psychiatric services, the minor and the minor's parent or guardian shall  
22 consent unless the minor is admitted under s. 51.13 (1) (c); ~~and.~~ In the case of a minor  
23 who is in need services for alcoholism or drug dependency or a minor under the age  
24 of 14 who is in need of services for developmental disability or who is in need of

1 psychiatric services, only the minor's parent or guardian need consent. The  
2 superintendent shall inform, orally and in writing, the minor and the minor's parent  
3 or guardian, that transfer is being considered and shall inform them of the basis for  
4 the request and their rights as provided in s. 51.13 (3). If the department of  
5 corrections, upon review of a request for transfer, determines that transfer is  
6 appropriate, that department shall immediately notify the department of health and  
7 family services and, if the department of health and family services consents, the  
8 department of corrections may immediately transfer the individual. The  
9 department of corrections shall file a petition under s. 51.13 (4) (a) in the court  
10 assigned to exercise jurisdiction under chs. 48 and 938 of the county where the  
11 treatment facility is located.

12 **SECTION 33d.** 51.35 (3) (b) of the statutes is amended to read:

13 51.35 (3) (b) The court assigned to exercise jurisdiction under chs. 48 and 938  
14 shall determine, based on the allegations of the petition and accompanying  
15 documents, ~~whether the transfer is voluntary on the part of the minor if he or she is~~  
16 ~~aged 14 or over, and~~ whether the transfer of the minor to an inpatient facility is  
17 appropriate and consistent with the needs of the minor. ~~In the event that~~ and, if the  
18 minor is 14 years of age or over and is being transferred for the purpose of receiving  
19 services for developmental disability or psychiatric services, whether the transfer is  
20 voluntary on the part of the minor. If the court is unable to make such those  
21 determinations based on the petition and accompanying documents, ~~it shall~~ the  
22 court may order additional information to be produced as ~~it deems~~ necessary to make  
23 ~~such review, and make such those~~ determinations within 14 days ~~of~~ after admission,  
24 or ~~it~~ the court may hold a hearing within 14 days ~~of~~ after admission. If a notation  
25 of the minor's unwillingness appears on the face of the petition, or ~~that~~ if a hearing

1 has been requested by the minor, the minor's counsel, guardian ad litem, parent or  
2 guardian, the court shall hold a hearing and appoint counsel or a guardian ad litem  
3 for the minor as provided in s. 51.13 (4) (d). At the conclusion of the hearing, the court  
4 shall approve or disapprove the request for transfer. If the minor is under the  
5 continuing jurisdiction of the court of another county, the court may order the case  
6 transferred together with all appropriate records to that court.

7 **SECTION 34d.** 51.35 (3) (g) of the statutes is amended to read:

8 51.35 (3) (g) A minor 14 years of age or older who is transferred to a treatment  
9 facility under par. (a) for the purpose of receiving services for developmental  
10 disability or psychiatric services may request in writing a return to the juvenile  
11 correctional facility or secured child caring institution, as defined in s. 938.02 (15g).  
12 In the case of a minor who is transferred to a treatment facility under par. (a) for the  
13 purpose of receiving services for alcoholism or drug dependency or a minor under 14  
14 years of age who is transferred to a treatment facility under par. (a) for the purpose  
15 of receiving services for developmental disability or psychiatric services, the parent  
16 or guardian may make the request. Upon receipt of a request for return from a minor  
17 14 years of age or over who is transferred to a treatment facility under par. (a) for the  
18 purpose of receiving services for developmental disability or psychiatric services, the  
19 director shall immediately notify the minor's parent or guardian. The minor shall  
20 be returned to the juvenile correctional facility or secured child caring institution  
21 within 48 hours after submission of the request unless a petition or statement is filed  
22 for emergency detention, emergency commitment, involuntary commitment or  
23 protective placement.

24 **SECTION 35d.** 51.61 (6) of the statutes is amended to read:



CP 9, 223  
D Note ✓

**ASSEMBLY AMENDMENT ,  
TO 1999 ASSEMBLY BILL 480**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 8: delete "mental".

3 **2.** Page 1, line 9: delete "health treatment of minors" and substitute  
4 "treatment of minors for alcoholism or drug abuse".

5 **3.** Page 3, line 1: delete lines 1 to 8 and substitute:

6 "SECTION 1d. 51.13 (1) (a) of the statutes is amended to read:

7 51.13 (1) (a) Except as provided in s. 51.45 (2m), the application for voluntary  
8 admission of a minor ~~who is under 14 years of age~~ to an approved inpatient treatment  
9 facility for the primary purpose of treatment for alcoholism or drug abuse and the  
10 application for voluntary admission of a minor who is under 14 years of age to an  
11 approved inpatient treatment facility for the primary purpose of treatment for  
12 mental illness or developmental disability shall be executed by a parent who has  
13 legal custody of the minor or the minor's guardian. Any statement or conduct by a



1 minor ~~under the age of 14 who is the subject of an application for voluntary admission~~  
2 ~~under this paragraph~~ indicating that the minor does not agree to admission to the  
3 facility shall be noted on the face of the application and shall be noted in the petition  
4 required by sub. (4).

5 **SECTION 2d.** 51.13 (1) (b) of the statutes is amended to read:

6 51.13 (1) (b) The application for voluntary admission of a minor who is 14 years  
7 of age or over to an approved inpatient treatment facility for the primary purpose of  
8 treatment for mental illness or developmental disability shall be executed by the  
9 minor and a parent who has legal custody of the minor or the minor's guardian,  
10 except as provided in par. (c)."

11 **4.** Page 4, line 2: delete "14 years of age or older" and substitute "14 years of  
12 age or older".

13 **5.** Page 4, line 21: delete "~~, (b)~~" and substitute ", (b)".

14 **6.** Page 5, line 2: delete "~~or (b)~~" and substitute "or (b)".

15 **7.** Page 5, line 12: delete lines 12 to 25.

16 **8.** Page 6, line 1: delete lines 1 to 5 and substitute:

17 "SECTION 6d. 51.13 (2) (a) of the statutes is amended to read:

18 51.13 (2) (a) A minor may be admitted to an inpatient treatment facility  
19 without complying with the requirements of this section if the admission does not  
20 involve the department or a county department under s. 51.42 or 51.437, or a contract  
21 between a treatment facility and the department or between a treatment facility and  
22 a county department. The application for voluntary admission of a minor to an  
23 inpatient treatment facility for the primary purpose of treatment for alcoholism or  
24 drug abuse and the application for voluntary admission of a minor who is under 14

1 years of age to an inpatient treatment facility for the primary purpose of treatment  
2 for mental illness or developmental disability shall be executed by a parent who has  
3 legal custody of the minor or the minor's guardian. The application for voluntary  
4 admission of a minor who is 14 years of age or over to an inpatient treatment facility  
5 for the primary purpose of treatment for mental illness or developmental disability  
6 shall be executed by the minor and a parent who has legal custody of the minor or  
7 the minor's guardian.

8 **SECTION 7d.** 51.13 (2) (b) of the statutes is amended to read:

9 51.13 (2) (b) Notwithstanding par. (a), any minor who is 14 years of age or older  
10 who is admitted to an inpatient treatment facility for the primary purpose of  
11 treatment of mental illness, or developmental disability, alcoholism or drug abuse  
12 has the right to be discharged within 48 hours of after his or her request, as provided  
13 in sub. (7) (b). At the time of admission, any minor who is 14 years of age or older and  
14 who is admitted for the primary purpose of treatment for mental illness or  
15 developmental disability shall be informed of this right orally and in writing by the  
16 director of the hospital or such person's designee. This paragraph does not apply to  
17 individuals who receive services in hospital emergency rooms.

18 **SECTION 7m.** 51.13 (2) (d) of the statutes is amended to read:

19 51.13 (2) (d) Writing materials for use in requesting a discharge shall be made  
20 available at all times to all minors who are 14 years of age or older and who are  
21 admitted under this subsection for the primary purpose of treatment for mental  
22 illness or developmental disability. The staff of the facility shall assist such minors  
23 in preparing or submitting requests for discharge.

24 **SECTION 7r.** 51.13 (3) (b) of the statutes is amended to read:

1           51.13 (3) (b) A minor 14 years of age or older who has been admitted to an  
2 inpatient treatment facility for the primary purpose of treatment for mental illness  
3 or developmental disability and his or her parent or guardian shall also be informed  
4 by the director or his or her designee, both orally and in writing, in easily  
5 understandable language, of the minor's right to request discharge and to be  
6 discharged within 48 hours of the request if no petition or statement is filed for  
7 emergency detention, emergency commitment, involuntary commitment or  
8 protective placement, and the minor's right to consent to or refuse treatment as  
9 provided in s. 51.61 (6).

10           **SECTION 8d.** 51.13 (3) (c) of the statutes is amended to read:

11           51.13 (3) (c) A minor who has been admitted to an inpatient facility for the  
12 primary purpose of treatment for alcoholism or drug abuse, a minor under 14 years  
13 of age who has been admitted to an inpatient treatment facility for the primary  
14 purpose of treatment for mental illness or developmental disability and ~~his or her~~ the  
15 parent or guardian of such a minor shall also be informed by the director or his or  
16 her designee, both orally and in writing, in easily understandable language, of the  
17 minor's right to a hearing to determine continued appropriateness of the admission  
18 as provided in sub. (7).”.

19           **9.** Page 6, line 18: delete lines 18 to 25.

20           **10.** Page 7, line 1: delete lines 1 to 25.

21           **11.** Page 8, line 1: delete lines 1 to 25.

22           **12.** Page 9, line 1: delete lines 1 to 25.

23           **13.** Page 10, line 1: delete lines 1 to 24.

24           **14.** Page 11, line 1: delete lines 1 to 25.

1           **15.** Page 12, line 1: delete lines 1 to 4 and substitute:

2           “SECTION 12d. 51.13 (4) (d) of the statutes is amended to read:

3           51.13 (4) (d) Within 5 days of after the filing of the petition, the court assigned  
4 to exercise jurisdiction under chs. 48 and 938 shall determine, based on the  
5 allegations of the petition and accompanying documents, ~~whether the admission is~~  
6 ~~voluntary on the part of the minor if the minor is 14 years of age or older and~~ whether  
7 there is a prima facie showing that the minor is in need of psychiatric services, or  
8 services for developmental disability, alcoholism or drug abuse, that the treatment  
9 facility offers inpatient therapy or treatment which is appropriate to the minor’s  
10 needs, and that inpatient care in the treatment facility is the least restrictive therapy  
11 or treatment consistent with the needs of the minor and, if the minor is 14 years of  
12 age or older and has been admitted to the treatment facility for the primary purpose  
13 of treatment for mental illness or developmental disability, whether the admission  
14 is voluntary on the part of the minor. If such a showing is made, the court shall  
15 permit voluntary admission. If the court is unable to make ~~such~~ those  
16 determinations based on the petition and accompanying documents, ~~it shall~~ the  
17 court may dismiss the petition as provided in par. (h); ~~or~~ order additional information  
18 to be produced as ~~it deems~~ necessary for the court to make such review, and make  
19 ~~such~~ those determinations within 14 days of after admission or application for  
20 admission, whichever is sooner; or ~~it may~~ hold a hearing within 14 days of after  
21 admission or application for admission, whichever is sooner. If a notation of the  
22 minor’s unwillingness appears on the face of the petition, or if a hearing has been  
23 requested by the minor, the minor’s counsel, parent or guardian, the court shall hold  
24 a hearing to review the admission within 14 days of after admission or application

1 for admission, whichever is sooner, and shall appoint counsel to represent the minor  
2 if the minor is unrepresented. If the court ~~deems~~ considers it necessary, ~~it~~ the court  
3 shall also appoint a guardian ad litem to represent the minor.

4 **SECTION 13d.** 51.13 (4) (g) (intro.) of the statutes is amended to read:

5 51.13 (4) (g) (intro.) If the court finds that the minor is in need of psychiatric  
6 services or services for developmental disability, alcoholism or drug abuse in an  
7 inpatient facility, and that the inpatient facility to which the minor is admitted offers  
8 therapy or treatment that is appropriate for the minor's needs and that is the least  
9 restrictive therapy or treatment consistent with the minor's needs and, in the case  
10 of a minor aged 14 or older who is being admitted for the primary purpose of  
11 treatment for mental illness or developmental disability, the application is voluntary  
12 on the part of the minor, the court shall permit voluntary admission. If the court finds  
13 that the therapy or treatment in the inpatient facility to which the minor is admitted  
14 is not appropriate or is not the least restrictive therapy or treatment consistent with  
15 the minor's needs, the court may order placement in or transfer to another more  
16 appropriate or less restrictive inpatient facility, except that the court may not permit  
17 or order placement in or transfer to the northern or southern centers for the  
18 developmentally disabled of a minor unless the department gives approval for the  
19 placement or transfer, and if the order of the court is approved by all of the following  
20 if applicable:

21 **SECTION 14d.** 51.13 (4) (g) 1. of the statutes is amended to read:

22 51.13 (4) (g) 1. The minor if he or she is aged 14 or older and is being admitted  
23 for the primary purpose of treatment for mental illness or developmental disability.

24 **SECTION 15d.** 51.13 (6) (a) of the statutes is amended to read:

1           51.13 (6) (a) A minor may be admitted to an inpatient treatment facility  
2 without review of the application under sub. (4) for diagnosis and evaluation or for  
3 dental, medical or psychiatric services for a period not to exceed 12 days. The  
4 application for short-term admission of a minor shall be executed by the minor's  
5 parent or guardian, and ~~by the minor if he or she~~ if the minor is 14 years of age or  
6 older and is being admitted for the primary purpose of diagnosis, evaluation or  
7 services for mental illness or developmental disability, by the minor. A minor may  
8 not be readmitted to an inpatient treatment facility for psychiatric services under  
9 this paragraph within 120 days of a previous admission under this paragraph.

10           **SECTION 16d.** 51.13 (7) (a) of the statutes is amended to read:

11           51.13 (7) (a) If a minor is admitted to an inpatient treatment facility while  
12 under 14 years of age, and if upon reaching age 14 is in need of further inpatient care  
13 and treatment primarily for mental illness or developmental disability, the director  
14 of the facility shall request the minor and the minor's parent or guardian to execute  
15 an application for voluntary admission. Such an application may be executed within  
16 30 days prior to a minor's 14th birthday. If the application is executed, a petition for  
17 review shall be filed in the manner prescribed in sub. (4), unless such a review has  
18 been held within the last 120 days. If the application is not executed by the time of  
19 the minor's 14th birthday, the minor shall be discharged unless a petition or  
20 statement is filed for emergency detention, emergency commitment, involuntary  
21 commitment or protective placement by the end of the next day in which the court  
22 transacts business.

23           **SECTION 16g.** 51.13 (7) (b) of the statutes is amended to read:

24           51.13 (7) (b) Any minor 14 years of age or over voluntarily admitted under this  
25 section for the primary purpose of treatment for mental illness or developmental

1 disability may request discharge in writing. Upon receipt of any form of written  
2 request for discharge, the director of the facility in which the minor is admitted shall  
3 immediately notify the minor's parent or guardian. The minor shall be discharged  
4 within 48 hours after submission of the request, exclusive of Saturdays, Sundays and  
5 legal holidays, unless a petition or statement is filed for emergency detention,  
6 emergency commitment, involuntary commitment or protective placement.

7 **SECTION 17d.** 51.13 (7) (c) of the statutes is amended to read:

8 51.13 (7) (c) Any minor who is voluntarily admitted under this section for the  
9 primary purpose of treatment for alcoholism or drug abuse and any minor under 14  
10 years of age who is voluntarily admitted under this section for the primary purpose  
11 of treatment for mental illness or developmental disability may submit a written  
12 request to the court for a hearing to determine the continued appropriateness of the  
13 admission. If the director or staff of the inpatient treatment facility to which a minor  
14 who is voluntarily admitted under this section for the primary purpose of treatment  
15 for alcoholism or drug abuse or a minor under the age of 14 is admitted who is  
16 voluntarily admitted under this section for the primary purpose of treatment for  
17 mental illness or developmental disability observes conduct by the minor which  
18 demonstrates an unwillingness to remain at the facility, including but not limited to  
19 a written expression of opinion or unauthorized absence, the director shall file a  
20 written request with the court to determine the continued appropriateness of the  
21 admission. A request which is made personally by a minor under this paragraph  
22 shall be signed by the minor but need not be written or composed by him or her. A  
23 request for a hearing under this paragraph which is received by staff or the director  
24 of the facility in which the child is admitted shall be filed with the court by the  
25 director. The court shall order a hearing upon request if no hearing concerning the

1 minor's admission has been held within 120 days of receipt of the request. The court  
2 shall appoint counsel and, if the court deems it necessary, a guardian ad litem to  
3 represent the minor and if a hearing is held shall hold the hearing within 14 days  
4 of the request, unless the parties agree to a longer period. After the hearing, the court  
5 shall make disposition of the matter in the manner provided in sub. (4).".

6 **16.** Page 12, line 13: delete lines 13 to 25.

7 **17.** Page 13, line 1: delete lines 1 to 25.

8 **18.** Page 14, line 1: delete lines 1 to 25.

9 **19.** Page 15, line 1: delete lines 1 to 25.

10 **20.** Page 16, line 1: delete lines 1 to 5 and substitute:

11 "SECTION 32d. 51.35 (3) (a) of the statutes is amended to read:

12 51.35 (3) (a) A licensed psychologist of a juvenile correctional facility or a  
13 secured child caring institution, as defined in s. 938.02 (15g), or a licensed physician  
14 of the department of corrections, who has reason to believe that any individual  
15 confined in the facility or institution is, in his or her opinion, in need of services for  
16 developmental disability, alcoholism or drug dependency or in need of psychiatric  
17 services, and who has obtained voluntary consent to make a transfer for treatment,  
18 shall make a report, in writing, to the superintendent of the facility or institution,  
19 stating the nature and basis of the belief and verifying the consent. In the case of  
20 a minor age 14 and over who is in need of services for developmental disability or who  
21 is in need of psychiatric services, the minor and the minor's parent or guardian shall  
22 consent unless the minor is admitted under s. 51.13 (1) (c); ~~and~~. In the case of a minor  
23 who is in need of services for alcoholism or drug dependency or a minor under the age  
24 of 14 who is in need of services for developmental disability or who is in need of

of



1 psychiatric services, only the minor's parent or guardian need consent. The  
2 superintendent shall inform, orally and in writing, the minor and the minor's parent  
3 or guardian, that transfer is being considered and shall inform them of the basis for  
4 the request and their rights as provided in s. 51.13 (3). If the department of  
5 corrections, upon review of a request for transfer, determines that transfer is  
6 appropriate, that department shall immediately notify the department of health and  
7 family services and, if the department of health and family services consents, the  
8 department of corrections may immediately transfer the individual. The  
9 department of corrections shall file a petition under s. 51.13 (4) (a) in the court  
10 assigned to exercise jurisdiction under chs. 48 and 938 of the county where the  
11 treatment facility is located.

12 **SECTION 33d.** 51.35 (3) (b) of the statutes is amended to read:

13 51.35 (3) (b) The court assigned to exercise jurisdiction under chs. 48 and 938  
14 shall determine, based on the allegations of the petition and accompanying  
15 documents, ~~whether the transfer is voluntary on the part of the minor if he or she is~~  
16 ~~aged 14 or over, and whether the transfer of the minor to an inpatient facility is~~  
17 ~~appropriate and consistent with the needs of the minor. In the event that~~ and, if the  
18 minor is 14 years of age or over and is being transferred for the purpose of receiving  
19 services for developmental disability or psychiatric services, whether the transfer is  
20 voluntary on the part of the minor. If the court is unable to make such those  
21 determinations based on the petition and accompanying documents, it shall the  
22 court may order additional information to be produced as it deems necessary to make  
23 such review, and make such those determinations within 14 days of after admission,  
24 or it the court may hold a hearing within 14 days of after admission. If a notation  
25 of the minor's unwillingness appears on the face of the petition, or that if a hearing

1 has been requested by the minor, the minor's counsel, guardian ad litem, parent or  
2 guardian, the court shall hold a hearing and appoint counsel or a guardian ad litem  
3 for the minor as provided in s. 51.13 (4) (d). At the conclusion of the hearing, the court  
4 shall approve or disapprove the request for transfer. If the minor is under the  
5 continuing jurisdiction of the court of another county, the court may order the case  
6 transferred together with all appropriate records to that court.

7 **SECTION 34d.** 51.35 (3) (g) of the statutes is amended to read:

8 51.35 (3) (g) A minor 14 years of age or older who is transferred to a treatment  
9 facility under par. (a) for the purpose of receiving services for developmental  
10 disability or psychiatric services may request in writing a return to the juvenile  
11 correctional facility or secured child caring institution, as defined in s. 938.02 (15g).  
12 In the case of a minor who is transferred to a treatment facility under par. (a) for the  
13 purpose of receiving services for alcoholism or drug dependency or a minor under 14  
14 years of age who is transferred to a treatment facility under par. (a) for the purpose  
15 of receiving services for developmental disability or psychiatric services, the parent  
16 or guardian may make the request. Upon receipt of a request for return from a minor  
17 14 years of age or over who is transferred to a treatment facility under par. (a) for the  
18 purpose of receiving services for developmental disability or psychiatric services, the  
19 director shall immediately notify the minor's parent or guardian. The minor shall  
20 be returned to the juvenile correctional facility or secured child caring institution  
21 within 48 hours after submission of the request unless a petition or statement is filed  
22 for emergency detention, emergency commitment, involuntary commitment or  
23 protective placement.

24 **SECTION 35d.** 51.61 (6) of the statutes is amended to read:



DATZ

cmf

D-NOTE

This redraft inserts "of" between "need" and  
"services" at page 9, line 23.

GMM

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBa0719/2dn  
GMM:cmh:hmh

October 15, 1999

This redraft inserts "of" between "need" and "services" at page 9, line 23.

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