

1999 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB480)

Received: 10/26/1999

Received By: malaigm

Wanted: Soon

Identical to LRB:

For: Bonnie Ladwig (608) 266-9171

By/Representing: Anne Sappenfield

This file may be shown to any legislator: NO

Drafter: malaigm

May Contact:

Alt. Drafters:

Subject: Mental Health - AODA

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

AODA treatment of minors; consent of minor not required

Instructions:

Draft sub that folds in all amendments adopted by the Children and Families Committee, i.e., AA1, AA1 to AA1 and AA2

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 10/26/1999	wjackson 10/27/1999		_____			
/1			jfrantze 10/27/1999	_____	lrb_docadmin 10/27/1999	lrb_docadmin 10/27/1999	

FE Sent For:

<END>

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1/?	malaigm	1 w/ij 10/27	10/27	10/27			

FE Sent For:

<END>

1999

Date (time) needed

Soon

LRB s 0160 11

GMM : WLj :

**SUBSTITUTE AMENDMENT
[TO A BILL]**

Use the appropriate components and routines developed for substitute amendments.

~~SB~~ **(A) SUBSTITUTE AMENDMENT**

TO 1999 ~~SB~~ **(AB)** 480 ~~LRB~~

AN ACT . . . [generate catalog] *to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . .* of the statutes; relating to:

.....
.....
.....
.....

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION #.



1999 ASSEMBLY BILL 480

September 20, 1999 - Introduced by Representatives SKINDRUD, JENSEN, HUNDERTMARK, LADWIG, PETTIS, RHOADES, AINSWORTH, ALBERS, GOETSCH, GUNDERSON, HAHN, KEDZIE, M. LEHMAN, MUSSER, STASKUNAS, STONE, VRAKAS and NASS, cosponsored by Senators ROSENZWEIG and DARLING. Referred to Committee on Children and Families.

treatment of minors for alcoholism or drug abuse

1 AN ACT to repeal 51.13 (1) (b), 51.13 (2) (b) and (d) and (3) (b), 51.13 (4) (g) 1 and
2 51.13 (7) (title), (a) and (b); to renumber and amend 51.13 (7) (c); and to
3 amend 51.13 (1) (a), 51.13 (1) (c), 51.13 (1) (d), 51.13 (1) (e), 51.13 (2) (a), 51.13
4 (3) (c), 51.13 (3) (e), 51.13 (4) (a) (intro.), 51.13 (4) (c), 51.13 (4) (d), 51.13 (4) (g)
5 (intro.), 51.13 (6) (a), 51.14 (3) (a), 51.14 (3) (b) 3., 51.14 (3) (b) 4., 51.14 (3) (g),
6 51.14 (3) (h) (intro.), 51.14 (4) (a), 51.14 (4) (b), 51.14 (4) (c), 51.14 (4) (g) (intro.),
7 51.20 (16) (a), 51.22 (2), 51.30 (5) (a), 51.30 (5) (b) 1., 51.30 (5) (b) 2., 51.35 (3)
8 (a), 51.35 (3) (b), 51.35 (3) (g) and 51.61 (6) of the statutes; relating to: mental

9 health treatment of minors

Analysis by the Legislative Reference Bureau

Under current law, the Mental Health Act distinguishes between minors under 14 years of age and minors 14 years of age or over with regard to giving informed consent for outpatient mental health treatment; voluntary admission to and discharge from an inpatient facility, that is, a hospital or unit of a hospital that has as its primary purpose the diagnosis, treatment and rehabilitation of mental illness, developmental disability, alcoholism or drug abuse; reexamination under, or modification or cancellation of, an involuntary mental commitment order; transfer

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from a juvenile secured correctional facility to an inpatient facility; and access and consent to the release of court records and treatment records. This bill eliminates the distinction between a minor under 14 years of age and a minor 14 years of age or over with regard to those areas of the Mental Health Act.

Specifically, under current law, subject to certain exceptions, before a minor 14 years of age or over may receive outpatient mental health treatment, the written, informed consent of the minor and the minor's parent or guardian is required. This bill eliminates the requirement that a minor 14 years of age or over provide his or her written, informed consent, in addition to that of his or her parent or guardian, before he or she may receive outpatient mental health treatment.

Under current law, subject to certain exceptions, before a minor 14 years of age or over may be admitted voluntarily to an inpatient facility, the minor and the minor's parent who has legal custody of the minor or the minor's guardian must execute an application for voluntary admission to the facility. This bill eliminates the requirement that a minor 14 years of age or over execute the application for voluntary admission to an inpatient facility, along with his or her parent or guardian, before the minor may be admitted to the facility.

Under current law, if a minor 14 years of age or over wishes to be admitted to an inpatient facility, but the minor's parent who has legal custody of the minor or the minor's guardian refuses to execute the application for admission or cannot be found, the minor may petition the court assigned to exercise jurisdiction under the children's code (juvenile court) for approval of the admission. This bill permits a minor under 14 years of age to petition the juvenile court for approval of his or her admission to an inpatient facility if the minor's parent or guardian refuses to execute the application for admission or cannot be found.

Under current law, a minor 14 years of age or over who is voluntarily admitted to an inpatient facility may request that he or she be discharged from the facility and, subject to certain exceptions, must be discharged within 48 hours after submission of the request. A minor under 14 years of age, however, may be discharged on his or her request only after a hearing before the juvenile court to determine the continued appropriateness of the admission. This bill eliminates the requirement that a minor 14 years of age or over who has been voluntarily admitted to an inpatient facility be discharged within 48 hours after his or her request and instead requires the juvenile court to hold a hearing on such a request to determine the continued appropriateness of the admission, as is the case for minors under 14 years of age under current law.

Under current law, a minor 14 years of age or over who has been involuntarily committed for mental health treatment may, on his or her own petition or on the petition of a guardian, relative, friend or person providing treatment under the commitment order, petition the juvenile court for an order that his or her mental condition be reexamined or for an order modifying or canceling his or her commitment. This bill eliminates the right of a minor 14 years of age or over to file his or her own petition for such a reexamination, modification or cancellation.

Under current law, a minor may be transferred from a juvenile secured correctional facility to an inpatient facility if the juvenile court finds that the transfer is appropriate and consistent with the needs of the minor and, if the minor is 14 years

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of age or over, that the transfer is voluntary on the part of the minor. This bill eliminates the requirement that a minor 14 years of age or over must consent to being transferred from a juvenile correctional facility to an inpatient facility. Under the bill, only the minor's parent or guardian need consent, as is the case for minors under 14 years of age under current law.

Under current law, a minor 14 years of age or over may have access to his or her court records and treatment records on the same basis as an adult, but a minor under 14 years of age may have access to his or her court records only in the presence of his or her parent, guardian, counsel, guardian ad litem or a judge and may have access to his or her treatment records only in the presence of his or her parent, guardian, counsel, guardian ad litem or a staff member of the treatment facility. This bill permits a minor 14 years of age or over to have access to his or her court records or treatment records only in the presence of a person whose presence is required under current law for a minor under 14 years of age. The bill also eliminates the right under current law of a developmentally disabled minor 14 years of age or over to object to his or her parent or guardian or a person in the place of a parent having access to the minor's court and treatment records.

Under current law, subject to certain exceptions, confidential information in the court records or treatment records of a minor 14 years of age or over may be released on the consent of the minor without the consent of the minor's parent or guardian or a person in place of a parent. This bill eliminates the right of a minor 14 years of age or over to consent to the release of confidential information in his or her court records or treatment records without the consent of his or her parent or guardian or a person in place of a parent.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 ~~SECTION 1. 51.13 (1) (a) of the statutes is amended to read:~~

2 ~~51.13 (1) (a) Except as provided in s. 51.45 (2m), the application for voluntary~~

3 ~~admission of a minor who is under 14 years of age to an approved inpatient treatment~~

4 ~~facility shall be executed by a parent who has legal custody of the minor or the~~

5 ~~minor's guardian. Any statement or conduct by a minor under the age of 14~~

6 ~~indicating that the minor does not agree to admission to the facility shall be noted~~

7 ~~on the face of the application and shall be noted in the petition required by sub. (4).~~

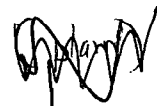
8 ~~SECTION 2. 51.13 (1) (b) of the statutes is repealed.~~

Insert
3-1

ASSEMBLY BILL 480

SECTION 3

stet - leave as is



1 SECTION 3. 51.13 (1) (c) of the statutes is amended to read:

2 51.13 (1) (c) If a minor 14 years of age or older wishes to be admitted to an
 3 approved inpatient treatment facility but a parent with legal custody or the guardian
 4 refuses to execute the application for admission or cannot be found, or if there is no
 5 parent with legal custody, the minor or a person acting on the minor's behalf may
 6 petition the court assigned to exercise jurisdiction under chs. 48 and 938 in the
 7 county of residence of the parent or guardian for approval of the admission. A copy
 8 of the petition and a notice of hearing shall be served upon the parent or guardian
 9 at his or her last-known address. If, after a hearing, the court determines that the
 10 ~~parent or guardian's consent is~~ of the parent or guardian is being unreasonably
 11 withheld ~~or~~, that the parent or guardian cannot be found or that there is no parent
 12 with legal custody, and that the admission is proper under the standards prescribed
 13 in sub. (4) (d), ~~it~~ the court shall approve the minor's admission without the ~~parent~~
 14 ~~or guardian's consent~~ of the parent or guardian. The court may, at the minor's
 15 request, temporarily approve the admission pending a hearing on the petition. If a
 16 hearing is held under this subsection, no review or hearing under sub. (4) is required.

17 SECTION 4. 51.13 (1) (d) of the statutes is amended to read:

18 51.13 (1) (d) A minor against whom a petition or statement has been filed under
 19 s. 51.15, 51.20 or 51.45 (12) or (13) may be admitted under this section. The court
 20 may permit the minor to become a voluntary patient pursuant to under this section
 21 upon approval by the court of an application executed pursuant to under par. (a), (b)
 22 or (c), ~~and the judge~~. The court shall then dismiss the proceedings under s. 51.15,
 23 51.20 or 51.45 (12) or (13). If a hearing is held under this subsection, no hearing
 24 under sub. (4) is required.

25 SECTION 5. 51.13 (1) (e) of the statutes is amended to read:

plain

ASSEMBLY BILL 480

(P) (am)

1 51.13 (1) (e) A minor may be admitted immediately upon the approval of the
 2 application executed under par. (a) or (b) by the treatment director of the facility or
 3 his or her designee or, in the case of a center for the developmentally disabled, the
 4 director of the center or his or her designee, and the director of the appropriate county
 5 department under s. 51.42 or 51.437 if such the county department is to be
 6 responsible for the cost of the minor's therapy and treatment. Approval shall be
 7 based upon an informed professional opinion that the minor is in need of psychiatric
 8 services or services for developmental disability, alcoholism or drug abuse, that the
 9 treatment facility offers inpatient therapy or treatment which is appropriate for the
 10 minor's needs and that inpatient care in the facility is the least restrictive therapy
 11 or treatment consistent with the minor's needs.

Insert
5-11

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

~~51.13 (2) (a) A minor may be admitted to an inpatient treatment facility
 without complying with the requirements of this section if the admission does not
 involve the department or a county department under s. 51.42 or 51.437, or a contract
 between a treatment facility and the department or between a treatment facility and
 a county department. The application for voluntary admission of a minor who is 14
 years of age or over shall be executed by the minor and a parent who has legal custody
 of the minor or the minor's guardian.~~

~~SECTION 7. 51.13 (2) (b) and (d) and (3) (b) of the statutes are repealed.~~

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

~~51.13 (3) (c) A minor under 14 years of age and his or her parent or guardian
 shall also be informed by the director or his or her designee, both orally and in
 writing, in easily understandable language, of the minor's right to a hearing to
 determine continued appropriateness of the admission as provided in sub. (7).~~

ASSEMBLY BILL 480

SECTION 9

Inset
6-55

1 ~~SECTION 9. 51.13 (3) (e) of the statutes is amended to read:~~

2 ~~51.13 (3) (e) Writing materials for use in requesting a hearing or discharge~~
3 ~~under this section shall be made available to minors at all times by every inpatient~~
4 ~~treatment facility. The staff of each such facility shall assist minors in preparing and~~
5 ~~submitting requests for discharge or hearing hearings.~~

6 **SECTION 10.** 51.13 (4) (a) (intro.) of the statutes is amended to read:

7 51.13 (4) (a) (intro.) Within 3 days ~~of~~ after the admission of a minor under sub.
8 (1), or within 3 days ~~of~~ after application for admission of the minor, whichever occurs
9 first, the treatment director of the facility to which the minor is admitted or, in the
10 case of a center for the developmentally disabled, the director of the center, shall file
11 a verified petition for review of the admission in the court assigned to exercise
12 jurisdiction under chs. 48 and 938 in the county in which the facility is located. A
13 copy of the application for admission and of any relevant professional evaluations
14 shall be attached to the petition. The petition shall contain all of the following:

15 **SECTION 11.** 51.13 (4) (c) of the statutes is amended to read:

16 51.13 (4) (c) A copy of the petition shall be provided by the petitioner to the
17 minor and his or her parents or guardian within 5 days ~~of~~ after admission.

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

19 ~~51.13 (4) (d) Within 5 days ~~of~~ after the filing of the petition, the court assigned~~
20 ~~to exercise jurisdiction under chs. 48 and 938 shall determine, based on the~~
21 ~~allegations of the petition and accompanying documents, whether the admission is~~
22 ~~voluntary on the part of the minor if the minor is 14 years of age or older and whether~~
23 ~~there is a prima facie showing that the minor is in need of psychiatric services, or~~
24 ~~services for developmental disability, alcoholism or drug abuse, that the treatment~~
25 ~~facility offers inpatient therapy or treatment which is appropriate to the minor's~~

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1 needs, and that inpatient care in the treatment facility is the least restrictive therapy
2 or treatment consistent with the needs of the minor. If such a showing is made, the
3 court shall permit voluntary admission. If the court is unable to make ~~such those~~
4 determinations based on the petition and accompanying documents, ~~it shall the~~
5 court may dismiss the petition as provided in par. (h); ~~or~~ order additional information
6 to be produced as ~~it deems~~ necessary for the court to make ~~such review, and make~~
7 ~~such those~~ determinations within 14 days ~~of~~ after admission or application for
8 admission, whichever is sooner; or ~~it may~~ hold a hearing within 14 days ~~of~~ after
9 admission or application for admission, whichever is sooner. If a notation of the
10 minor's unwillingness appears on the face of the petition, or if a hearing has been
11 requested by the minor, the minor's counsel, parent or guardian, the court shall hold
12 a hearing to review the admission within 14 days ~~of~~ after admission or application
13 for admission, whichever is sooner, and shall appoint counsel to represent the minor
14 if the minor is unrepresented. If the court ~~deems~~ considers it necessary, ~~it the court~~
15 shall also appoint a guardian ad litem to represent the minor.

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

17 51.13 (4) (g) (intro.) If the court finds that the minor is in need of psychiatric
18 services or services for developmental disability, alcoholism or drug abuse in an
19 inpatient facility, and that the inpatient facility to which the minor is admitted offers
20 therapy or treatment that is appropriate for the minor's needs and that is the least
21 restrictive therapy or treatment consistent with the minor's needs and, in the case
22 of a minor aged 14 or older, the application is voluntary on the part of the minor, the
23 court shall permit voluntary admission. If the court finds that the therapy or
24 treatment in the inpatient facility to which the minor is admitted is not appropriate
25 or is not the least restrictive therapy or treatment consistent with the minor's needs,

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SECTION 13

1 the court may order placement in or transfer to another more appropriate or less
2 restrictive inpatient facility, except that the court may not permit or order placement
3 in or transfer to the northern or southern centers for the developmentally disabled
4 of a minor unless the department gives approval for the placement or transfer, and
5 if the order of the court is approved by all of the following if applicable:

6 **SECTION 14.** 51.13 (4) (g) 1. of the statutes is repealed.

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

8 51.13 (6) (a) A minor may be admitted to an inpatient treatment facility
9 without review of the application under sub. (4) for diagnosis and evaluation or for
10 dental, medical or psychiatric services for a period not to exceed 12 days. The
11 application for short-term admission of a minor shall be executed by the minor's
12 parent or guardian, and by the minor if he or she is 14 years of age or older. A minor
13 may not be readmitted to an inpatient treatment facility for psychiatric services
14 under this paragraph within 120 days of after a previous admission under this
15 paragraph.

16 **SECTION 16.** 51.13 (7) (title), (a) and (b) of the statutes are repealed.

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

19 51.13 (7) COURT HEARING CONTINUED APPROPRIATENESS OF ADMISSION. Any minor
20 ~~under 14 years of age~~ who is voluntarily admitted under this section may submit a
21 written request to the court for a hearing to determine the continued
22 appropriateness of the admission. If the director or staff of the inpatient treatment
23 facility to which a minor ~~under the age of 14~~ is admitted observes conduct by the
24 minor which demonstrates an unwillingness to remain at the facility, including ~~but~~
25 ~~not limited to a written expression of opinion or unauthorized absence,~~ the director

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1 shall file a written request with the court to determine the continued
2 appropriateness of the admission. A request ~~which~~ that is made personally by a
3 minor under this ~~paragraph~~ subsection shall be signed by the minor but need not be
4 written or composed by him or her. A request for a hearing under this ~~paragraph~~
5 ~~which~~ subsection that is received by staff or the director of the facility in which the
6 ~~child~~ minor is admitted shall be filed with the court by the director. The court shall
7 order a hearing upon request if no hearing concerning the minor's admission has
8 been held within 120 days ~~of receipt of~~ before the request is received. The court shall
9 appoint counsel and, if the court deems considers it necessary, a guardian ad litem
10 to represent the minor ~~and if~~. If a hearing is held, the court shall hold the hearing
11 within 14 days ~~of~~ after the request, unless the parties agree to a longer period. After
12 the hearing, the court shall ~~make disposition~~ dispose of the matter in the manner
13 provided in sub. (4).

14 **SECTION 18.** 51.14 (3) (a) of the statutes is amended to read:

15 51.14 (3) (a) ~~Either a A minor 14 years of age or older or his or her parent or~~
16 ~~guardian~~ may petition the mental health review officer in the county in which the
17 parent or guardian has residence for a review of a refusal of ~~either the minor or his~~
18 ~~or her parent or guardian~~ to provide the informed consent for outpatient mental
19 health treatment required under s. 51.61 (6).

20 **SECTION 19.** 51.14 (3) (b) 3. of the statutes is amended to read:

21 51.14 (3) (b) 3. The facts substantiating the ~~petitioner's~~ minor's belief that the
22 ~~minor~~ he or she needs outpatient mental health treatment.

23 **SECTION 20.** 51.14 (3) (b) 4. of the statutes is amended to read:

24 51.14 (3) (b) 4. Any available information which substantiates the
25 ~~appropriateness of the particular treatment sought for by the minor and that the~~

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SECTION 20

1 particular treatment sought is the least restrictive treatment consistent with the
2 needs of the minor.

3 **SECTION 21.** 51.14 (3) (g) of the statutes is amended to read:

4 51.14 (3) (g) Within 21 days after the filing of a petition under this subsection,
5 the mental health review officer shall hold a hearing on the refusal of the minor or
6 the minor's parent or guardian to provide informed consent for outpatient treatment.
7 The mental health review officer shall provide notice of the date, time and place of
8 the hearing to the minor and the minor's parent or guardian at least 96 hours prior
9 to the hearing.

10 **SECTION 22.** 51.14 (3) (h) (intro.) of the statutes is amended to read:

11 51.14 (3) (h) (intro.) If following the hearing under par. (g) and after taking into
12 consideration the recommendations, if any, of the county department under s. 51.42
13 or 51.437 made under par. (e), the mental health review officer finds all of the
14 following, he or she shall issue a written order that, notwithstanding the written,
15 informed consent requirement of s. 51.61 (6), the written, informed consent of the
16 minor, if the minor is refusing to provide consent, or the written, informed consent
17 of the minor's parent or guardian, if the parent or guardian is refusing to provide
18 consent, is not required for outpatient mental health treatment for the minor:

19 **SECTION 23.** 51.14 (4) (a) of the statutes is amended to read:

20 51.14 (4) (a) Within 21 days after the issuance of the order by the mental health
21 review officer under sub. (3) or if the requirements of sub. (3) (f) are satisfied, the
22 minor or his or her parent or guardian may petition a court assigned to exercise
23 jurisdiction under chs. 48 and 938 in the county of residence of the minor's parent
24 or guardian for a review of the refusal of either the minor or his or her the parent or

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1 guardian to provide the informed consent for outpatient mental health treatment
2 required under s. 51.61 (6).

3 SECTION 24. 51.14 (4) (b) of the statutes is amended to read:

4 51.14 (4) (b) The petition in par. (a) shall conform to the requirements set forth
5 in sub. (3) (b). ~~If the minor has refused to provide informed consent, a notation of this~~
6 ~~fact shall be made on the face of the petition.~~

7 SECTION 25. 51.14 (4) (c) of the statutes is amended to read:

8 51.14 (4) (c) ~~If a notation of a minor's refusal to provide informed consent to~~
9 ~~outpatient mental health treatment appears on the petition, the court shall, at least~~
10 ~~7 days prior to the time scheduled for the hearing, appoint counsel to represent the~~
11 ~~minor if the minor is unrepresented.~~ If the minor's parent or guardian has refused
12 to provide informed consent and the minor is unrepresented, the court shall appoint
13 counsel to represent the minor, if requested by the minor or determined by the court
14 to be in the best interests of the minor.

15 SECTION 26. 51.14 (4) (g) (intro.) of the statutes is amended to read:

16 51.14 (4) (g) (intro.) After the hearing under this subsection, the court shall
17 issue a written order stating that, notwithstanding the written, informed consent
18 requirement of s. 51.61 (6), ~~the written, informed consent of the minor, if the minor~~
19 ~~refuses to provide consent, or the written, informed consent of the parent or~~
20 ~~guardian, if the parent or guardian refuses to provide consent, is not required for~~
21 outpatient mental health treatment for the minor if the court finds all of the
22 following:

23 SECTION 27. 51.20 (16) (a) of the statutes is amended to read:

24 51.20 (16) (a) Except in the case of alcoholic commitments under s. 51.45 (13),
25 ~~any~~ patient who is involuntarily committed for treatment under this chapter, may

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SECTION 27

1 on the patient's own verified petition, except in the case of a minor who is under 14
 2 years of age, or on the verified petition of the patient's guardian, relative, friend, or
 any person providing treatment under the order of commitment, request a
 reexamination or request the court to modify or cancel an order of commitment.

Insert
12-44

5 SECTION 28. 51.22 (2) of the statutes is amended to read:

6 51.22 (2) ~~Voluntary~~ Except as provided in s. 51.13 (2), voluntary admissions
 7 under ss. 51.10, 51.13 and 51.45 (10) shall be through the county department under
 8 s. 51.42 or 51.437 serving the person's county of residence, or through the
 9 department if the person to be admitted is a nonresident of this state. Admissions
 10 through a county department under s. 51.42 or 51.437 shall be made in accordance
 11 with s. 51.42 (3) (as) 1. or 51.437 (4rm) (a). Admissions through the department shall
 12 be made in accordance with sub. (3).

13 ~~SECTION 29. 51.30 (5) (a) of the statutes is amended to read:~~

14 51.30 (5) (a) *Consent for release of information.* The parent, guardian, or person
 15 in the place of a parent of a minor or the guardian of an adult adjudged incompetent
 16 under ch. 880 may consent to the release of confidential information in court or
 17 treatment records. ~~A minor who is aged 14 or more may consent to the release of~~
 18 ~~confidential information in court or treatment records without the consent of the~~
 19 ~~minor's parent, guardian or person in the place of a parent.~~ Consent under this
 20 paragraph must conform to the requirements of sub. (2).

21 SECTION 30. 51.30 (5) (b) 1. of the statutes is amended to read:

22 51.30 (5) (b) 1. The guardian of an individual who is adjudged incompetent
 23 under ch. 880 shall have access to the individual's court and treatment records at all
 24 times. The parent, guardian or person in the place of a parent of a developmentally
 25 ~~disabled minor shall have access to the minor's court and treatment records at all~~

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1 times ~~except in the case of a minor aged 14 or older who files a written objection to~~
2 ~~such access with the custodian of the records.~~ The parent, guardian or person in the
3 place of a parent of other minors shall have the same rights of access as provided to
4 subject individuals under this section.

5 **SECTION 31.** 51.30 (5) (b) 2. of the statutes is amended to read:

6 51.30 (5) (b) 2. ~~A minor upon reaching the age of 14 shall have access to his or~~
7 ~~her own court and treatment records, as provided in this section.~~ A minor under the
8 ~~age of 14~~ shall have access to court records but only in the presence of parent,
9 guardian, counsel, guardian ad litem or judge and shall have access to treatment
10 records as provided in this section but only in the presence of parent, guardian,
11 counsel, guardian ad litem or staff member of the treatment facility.

12 **SECTION 32.** 51.35 (3) (a) of the statutes is amended to read:

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

ASSEMBLY BILL 480

SECTION 32

1 and their rights as provided in s. 51.13 (3). If the department of corrections, upon
 2 review of a request for transfer, determines that transfer is appropriate, that
 3 department shall immediately notify the department of health and family services
 4 and, if the department of health and family services consents, the department of
 5 corrections may immediately transfer the individual. The department of corrections
 6 shall file a petition under s. 51.13 (4) (a) in the court assigned to exercise jurisdiction
 7 under chs. 48 and 938 of the county where the treatment facility is located.

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

9 51.35 (3) (b) The court assigned to exercise jurisdiction under chs. 48 and 938
 10 shall determine, based on the allegations of the petition and accompanying
 11 documents, ~~whether the transfer is voluntary on the part of the minor if he or she is~~
 12 ~~aged 14 or over, and whether the transfer of the minor to an inpatient facility is~~
 13 ~~appropriate and consistent with the needs of the minor. In the event that~~ If the court
 14 ~~is unable to make such determinations~~ that determination based on the petition and
 15 ~~acompanying documents, it shall~~ the court may order additional information to be
 16 ~~produced as it deems necessary for the court to make such review, and make such~~
 17 ~~determinations~~ the determination within 14 days of after admission, or ~~it~~ the court
 18 ~~may hold a hearing within 14 days of~~ after admission. If a notation of the minor's
 19 unwillingness appears on the face of the petition, or ~~that~~ if a hearing has been
 20 requested by the minor, the minor's counsel, guardian ad litem, parent or guardian,
 21 the court shall hold a hearing and appoint counsel or a guardian ad litem for the
 22 minor as provided in s. 51.13 (4) (d). At the conclusion of the hearing, the court shall
 23 approve or disapprove the request for transfer. If the minor is under the continuing
 24 jurisdiction of the court of another county, the court may order the case transferred
 25 together with all appropriate records to that court.

ASSEMBLY BILL 480

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

2 ~~51.35 (3) (g) A parent or guardian of a minor 14 years of age or older who is~~
3 ~~transferred to a treatment facility under par. (a) may request in writing a return of~~
4 ~~the minor to the juvenile correctional facility or secured child caring institution, as~~
5 ~~defined in s. 938.02 (15g). In the case of a minor under 14 years of age, the parent~~
6 ~~or guardian may make the request. Upon receipt of a request for return from a minor~~
7 ~~14 years of age or over, the director shall immediately notify the minor's parent or~~
8 ~~guardian. The minor shall be returned to the juvenile correctional facility or secured~~
9 ~~child caring institution within 48 hours after submission of the request unless a~~
10 ~~petition or statement is filed for emergency detention, emergency commitment,~~
11 ~~involuntary commitment or protective placement.~~

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

13 51.61 (6) Subject to the rights of patients provided under this chapter, the
14 department, county departments under s. 51.42 or 51.437 and any agency providing
15 services under an agreement with the department or those county departments have
16 the right to use customary and usual treatment techniques and procedures in a
17 reasonable and appropriate manner in the treatment of patients who are receiving
18 services under the mental health system, for the purpose of ameliorating the
19 conditions for which the patients were admitted to the system. The written,
20 informed consent of any patient shall first be obtained, unless the person is a minor
21 or has been found not competent to refuse medication and treatment under s. 51.61
22 (1) (g). In the case of a minor, the written, informed consent of the parent or guardian
23 is required. ~~Except, except as provided under an order issued under s. 51.13 (1) (d)~~
24 ~~or 51.14 (3) (h) or (4) (g), if the minor is 14 years of age or older, the written, informed~~
25 ~~consent of the minor and the minor's parent or guardian is required. A refusal of~~

ASSEMBLY BILL 480

SECTION 35

1 ~~either a parent or guardian of a minor 14 years of age or older or the minor's parent~~
 2 ~~or guardian to provide written, informed consent for admission to an approved~~
 3 ~~inpatient treatment facility is reviewable under s. 51.13 (1) (c) and a refusal of a~~
 4 ~~parent or guardian of a minor to provide written, informed consent for outpatient~~
 5 ~~mental health treatment is reviewable under s. 51.14.~~

4
 Insert
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 16-5
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SECTION 36. Initial applicability.

7 (1) This act first applies to individuals who are receiving treatment in an
 8 approved inpatient treatment facility, or who are receiving outpatient mental health
 9 treatment, on the effective date of this subsection regardless of whether admission
 10 to the inpatient facility or outpatient program occurred or was sought prior to the
 11 effective date of this subsection.

SECTION 37. Effective date.

13 (1) This act takes effect on the first day of the 2nd month beginning after
 14 publication.

(END)

Insert 3-11

~~ASSEMBLY AMENDMENT 1,
TO 1999 ASSEMBLY BILL 480~~

~~October 21, 1999 - Offered by COMMITTEE ON CHILDREN AND FAMILIES.~~

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~~At the locations indicated, amend the bill as follows:
1. Page 1, line 8: delete "mental".
2. Page 1, line 9: delete "health treatment of minors" and substitute
"treatment of minors for alcoholism or drug abuse".
3. Page 3, line 1: delete lines 1 to 8 and substitute:
SECTION ~~M~~^{*} 51.13 (1) (a) of the statutes is amended to read:~~

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

2
Insert 3-1

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). ~~xxxx~~

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~~

(end of insert)

Insert 5-11

**ASSEMBLY AMENDMENT 2,
TO 1999 ASSEMBLY BILL 480**

October 21, 1999 - Offered by COMMITTEE ON CHILDREN AND FAMILIES.

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

- 2 1. Page 5, line 11: after "needs." insert ^{No ff} In the case of a minor who is being
- 3 admitted for the primary purpose of treatment for alcoholism or drug abuse, if the
- 4 minor agrees to participate in an alcohol or other drug abuse assessment that
- 5 conforms to the criteria specified in s. 938.547 (4), approval shall also be based on the
- 6 results of the assessment.

7 (END)

- 2 -
Insert 6-5

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 ~~9~~ **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



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Insert 6-5

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 ~~711~~ SECTION ~~711~~ 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 ~~711~~ SECTION ~~711~~ 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 ~~711~~ SECTION ~~711~~ 51.13 (3) (b) of the statutes is amended to read:



-4-
Insert 6-5

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). ~~18~~

- 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.~~

(end of insert)

- 5 -
Insert 12-4

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

2 SECTION ~~124~~[#] 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; ~~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



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[Insert 12-4]

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 134.~~ [#] 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 144.~~ [#] 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 154.~~ [#] 51.13 (6) (a) of the statutes is amended to read:

- 7 -
Insert 12-41

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 164.~~ [#] 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 164.~~ [#] 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




~~Insert~~ 12-41

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 ~~174~~[#] 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



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Insert 12-4

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) ~~5/18~~ ~~24~~

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

(add insert)

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Insert 16-5

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 ~~324~~[#] 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

Insert 16-5

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 ~~334~~[#] 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



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Insert 16-5

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 ~~51.13~~[#] 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 ~~51.61~~[#] 51.61 (6) of the statutes is amended to read:

Insert ✓
11-23 to Insert 16-5



Insert 16-5

1 51.61 (6) Subject to the rights of patients provided under this chapter, the
2 department, county departments under s. 51.42 or 51.437 and any agency providing
3 services under an agreement with the department or those county departments have
4 the right to use customary and usual treatment techniques and procedures in a
5 reasonable and appropriate manner in the treatment of patients who are receiving
6 services under the mental health system, for the purpose of ameliorating the
7 conditions for which the patients were admitted to the system. The written,
8 informed consent of any patient shall first be obtained, unless the person has been
9 found not competent to refuse medication and treatment under s. 51.61 (1) (g) or the
10 person is a minor who is receiving services for alcoholism or drug abuse or a minor
11 under 14 years of age who is receiving services for mental illness or developmental
12 disability. In the case of a minor, the written, informed consent of the parent or
13 guardian is required. ~~Except, except~~ as provided under an order issued under s.
14 51.13 (1) (c) or 51.14 (3) (h) or (4) (g), if, If the minor is 14 years of age or older and
15 is receiving services for mental illness or developmental disability, the written,
16 informed consent of the minor and the minor's parent or guardian is required. A
17 refusal of either a minor 14 years of age or older or the minor's parent or guardian
18 to provide written, informed consent for admission to an approved inpatient
19 treatment facility is reviewable under s. 51.13 (1) (c) and a refusal of either a minor
20 14 years of age or older or the minor's parent or guardian to provide written, informed
21 consent for outpatient mental health treatment is reviewable under s. 51.14.

(END)

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to
Insert 16-5

~~ASSEMBLY AMENDMENT 1,
TO ASSEMBLY AMENDMENT 1,
TO 1999 ASSEMBLY BILL 480~~

~~October 21, 1999 - Offered by COMMITTEE ON CHILDREN AND FAMILIES.~~

At the locations indicated, amend the amendment as follows:

1. Page 2, line 11: delete lines 11 and 12.
2. Page 11, line 23: after that line insert:

~~SECTION 34M.~~ [#] 51.47 (title) of the statutes is amended to read:

**51.47 (title) Alcohol and other drug abuse treatment for minors
without parental consent.**

SECTION 34m. 51.47 (1) of the statutes is amended to read:

51.47 (1) Except as provided in subs. (2) and (3), any physician or health care facility licensed, approved or certified by the state for the provision of health services may render preventive, diagnostic, assessment, evaluation or treatment services for the abuse of alcohol or other drugs to a minor ~~12 years of age or over~~ without obtaining the consent of or notifying the minor's parent or guardian. Unless consent



Insert 11-23 to Insert 16-5

1 of the minor's parent or guardian is required under sub. (2), the physician or health
2 care facility shall obtain the minor's consent prior to billing a 3rd party for services
3 under this section. If the minor does not consent, the minor shall be solely
4 responsible for paying for the services, which the department shall bill to the minor
5 under s. 46.03 (18) (b).

6 SECTION 34p. 51.48 of the statutes is created to read:

7 **51.48 Alcohol or other drug abuse treatment for minors with parental**
8 **consent.** A parent or guardian of a minor may consent to have the minor assessed
9 by an approved treatment facility for the minor's abuse of alcohol or other drugs. If,
10 based on the assessment, the approved treatment facility determines that the minor
11 is in need of treatment for the abuse of alcohol or other drugs, the approved treatment
12 facility shall recommend a plan of treatment that is appropriate for the minor's needs
13 and that provides for the least restrictive form of treatment consistent with the
14 minor's needs. That treatment may consist of outpatient treatment, day treatment
15 or, if the minor is admitted in accordance with s. 51.13, inpatient treatment. The
16 parent or guardian of the minor may consent to the treatment recommended under
17 this section. The consent of the minor to assessment or treatment under this section
18 is not required.

18

19

(END)

End of insert