

**1999 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-AB480)**

Received: 11/01/1999

Received By: malaigm

Wanted: **Soon**

Identical to LRB:

For: **Glenn Grothman (608) 264-8486**

By/Representing: **GMM**

This file may be shown to any legislator: **NO**

Drafter: **malaigm**

May Contact:

Alt. Drafters:

Subject: **Mental Health - AODA**  
**Mental Health - detent/commit**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Mental health treatment of minors under 14 without parental consent; only if parent cannot be found

**Instructions:**

Convert a0797 to amendment to the committee sub.

**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<br>11/01/1999 | wjackson<br>11/01/1999 |                       | _____          |                            |                            |                 |
| /1           |                       |                        | martykr<br>11/01/1999 | _____          | lrb_docadmin<br>11/01/1999 | lrb_docadmin<br>11/01/1999 |                 |

FE Sent For:

<END>

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|--------------|----------------|-----------------|--------------------|-------------------------------|------------------|-----------------|-----------------|
| /?           | malaigm        | 1 Wlj           | <i>[Signature]</i> | <u>1-11-99</u><br><u>dm 1</u> |                  |                 |                 |

FE Sent For:

<END>

1999

Date (time) needed

Today

LRB a 088611

AMENDMENT

D Note

GMM : WJ :

See form AMENDMENTS — COMPONENTS & ITEMS.

AMENDMENT

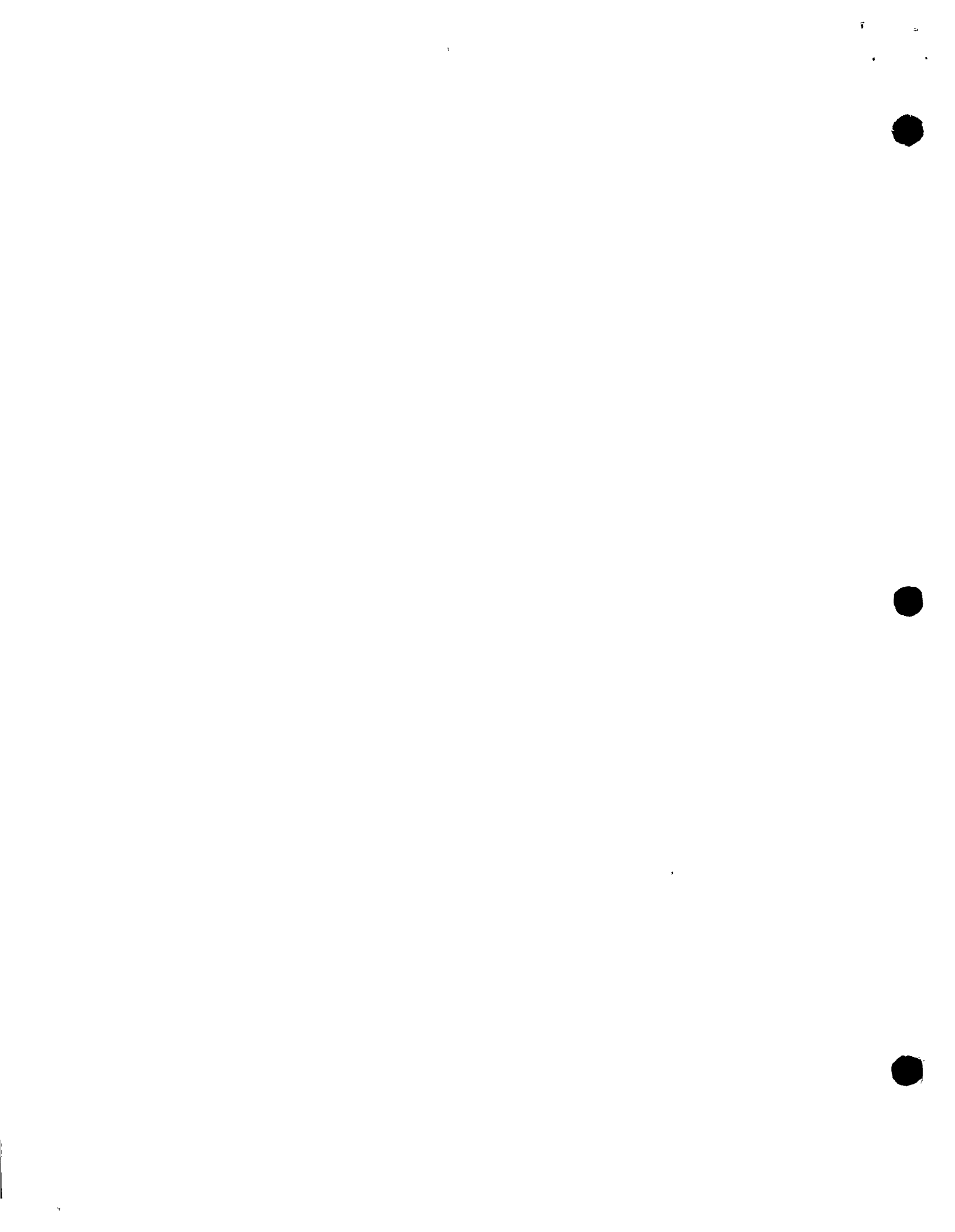
TO S A AMENDMENT (LRBa 1),

TO S A SUBSTITUTE AMENDMENT 1 (LRBs 1),

TO 1999 SB SJR SR AB AJR AR 490 (LRB)

At the locations indicated, amend the substitute amendment as follows:
(fill ONLY if "engrossed ..." or "as shown by ....")

#. Page ..., line ...:
#. Page ..., line ...:
#. Page ..., line ...:
#. Page ..., line ...:
#. Page ..., line ...:



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

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

2 1. Page 2, line 10: after "(c)" insert "1".

3 2. Page 2, line 11: delete lines 11 and 12 and substitute:

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

5 "SECTION 3d. 51.13 (1) (c) of the statutes is renumbered 51.13 (1) (c) 1. and  
6 amended to read:

7 51.13 (1) (c) 1. If a minor 14 years of age or older wishes to be admitted to an  
8 approved inpatient treatment facility but a parent with legal custody or the guardian  
9 refuses to execute the application for admission or cannot be found, or if there is no  
10 parent with legal custody, the minor or a person acting on the minor's behalf may  
11 petition the court assigned to exercise jurisdiction under chs. 48 and 938 in the  
12 county of residence of the parent or guardian for approval of the admission. A copy

13

12

Substitute

13 to 25.

Fix  
Component

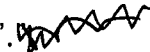
#

3



1 of the petition and a notice of hearing shall be served upon the parent or guardian  
 2 at his or her last-known address. If, after a hearing, the court determines that the  
 3 ~~parent or guardian's consent is~~ of the parent or guardian is being unreasonably  
 4 withheld ~~or~~, that the parent or guardian cannot be found or that there is no parent  
 5 with legal custody, and that the admission is proper under the standards prescribed  
 6 in sub. (4) (d), ~~it~~ the court shall approve the minor's admission without the parent  
 7 ~~or guardian's consent~~ of the parent or guardian.

8 3. The court may, at the minor's request, temporarily approve the admission  
 9 pending hearing on the petition. If a hearing is held under ~~this subsection~~ subd. 1.  
 10 or 2., no review or hearing under sub. (4) is required.

11 **SECTION 3g.** 51.13 (1) (c) 2. of the statutes is created to read:

12 51.13 (1) (c) 2. If a minor under 14 years of age wishes to be admitted to an  
 13 approved inpatient treatment facility but a parent with legal custody or the guardian  
 14 cannot be found, or if there is no parent with legal custody, the minor or a person  
 15 acting on the minor's behalf may petition the court assigned to exercise jurisdiction  
 16 under chs. 48 and 938 in the county of residence of the parent or guardian for  
 17 approval of the admission. A copy of the petition and a notice of hearing shall be  
 18 served upon the parent or guardian at his or her last-known address. If, after a  
 19 hearing, the court determines that the parent or guardian cannot be found or that  
 20 there is no parent with legal custody, and that the admission is proper under the  
 21 standards prescribed in sub. (4) (d), the court shall approve the minor's admission  
 22 without the consent of the parent or guardian." 

23 3 Page 2, line 13: after that line insert:

24  3 9 Page 1, line 24: after "judge" insert "1. or 2." 

① 4. Page 4, line 10: delete that line and substitute:  
 ④ ② after insert

② "SECTION 51.13 (1) (f) of the statutes is amended to read:

3 51.13 (1) (f) Admission under par. (c) 1. or 2. or (d) shall also be approved by  
 4 the treatment director of the facility or his or her designee, or in the case of a center  
 5 for the developmentally disabled, the director of the center or his or her designee, and  
 6 the director of the appropriate county department under s. 51.42 or 51.437 if the  
 7 county department is to be responsible for the cost of the minor's therapy and  
 8 treatment, within 14 days of the minor's admission." ①

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

⑩ 5. Page 9, line 22: after "and" insert "1. or 2".

⑪ Fix Component 6. Page 11, line 28: after that line insert:

delete lines 15 to 25  
and substitute

⑫ "SECTION 51.47 (1) of the statutes is amended to read:

13 51.47 (1) Except as provided in subs. (2) and (3), any physician or health care  
 14 facility licensed, approved or certified by the state for the provision of health services  
 15 may render preventive, diagnostic, assessment, evaluation or treatment services for  
 16 the abuse of alcohol or other drugs to a minor 12 years of age or over without  
 17 obtaining the consent of or notifying the minor's parent or guardian and may render  
 18 those services to a minor under 12 years of age without obtaining the consent of or  
 19 notifying the minor's parent or guardian, but only if a parent with legal custody or  
 20 guardian of the minor under 12 years of age cannot be found or there is no parent with  
 21 legal custody of the minor under 12 years of age. Unless consent of the minor's parent  
 22 or guardian is required under sub. (2), the physician or health care facility shall  
 23 obtain the minor's consent prior to billing a 3rd party for services under this section.

1 If the minor does not consent, the minor shall be solely responsible for paying for the  
2 services, which the department shall bill to the minor under s. 46.03 (18) (b).".

3 (END)

D-Note

If this amendment, which amends the Committee Substitute  
Amendment, replaces LRBa 0797/1.

GMM



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

LRBa0886/1dn  
GMM:wlj:km

November 1, 1999

This amendment, which amends the Committee Substitute Amendment, replaces LRBa0797/1.

Gordon M. Malaise  
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