

**2001 ASSEMBLY BILL 116**

February 13, 2001 – Introduced by Representatives SKINDRUD, AINSWORTH, ALBERS, FREESE, GRONEMUS, GUNDERSON, GUNDRUM, HUNDERTMARK, JESKEWITZ, KEDZIE, KRAWCZYK, LADWIG, M. LEHMAN, LEIBHAM, LOEFFELHOLZ, MUSSER, NASS, OTT, OWENS, PETROWSKI, PETTIS, PLALE, STONE, SYKORA, TOWNSEND, URBAN, VRAKAS and WASSERMAN, cosponsored by Senators ROESSLER, DARLING, A. LASEE and ROSENZWEIG. Referred to Committee on Children and Families.

1     **AN ACT** *to renumber and amend* 51.13 (1) (c); *to amend* 51.13 (1) (a), 51.13 (1)  
2           (b), 51.13 (1) (d), 51.13 (1) (e), 51.13 (2) (a), 51.13 (2) (b), 51.13 (2) (d), 51.13 (3)  
3           (b), 51.13 (3) (c), 51.13 (4) (a) (intro.), 51.13 (4) (c), 51.13 (4) (d), 51.13 (4) (g)  
4           (intro.), 51.13 (4) (g) 1., 51.13 (6) (a), 51.13 (7) (a), 51.13 (7) (b), 51.13 (7) (c), 51.22  
5           (2), 51.35 (3) (a), 51.35 (3) (b), 51.35 (3) (c), 51.35 (3) (g), 51.47 (title), 51.47 (1),  
6           51.48 and 51.61 (6); *to repeal and recreate* 51.35 (3) (c); and *to create* 51.13  
7           (1) (c) 2. of the statutes; **relating to:** treatment of minors for alcohol or other  
8           drug abuse.

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***Analysis by the Legislative Reference Bureau***

Under current law, the parent or guardian of a minor may consent to have the minor tested for the presence of alcohol or other drugs in the minor's body, without the consent of the minor. For inpatient treatment of a minor 14 years of age or over for alcohol or other drug abuse, however, the consent of the minor, as well as the consent of the minor's parent or guardian, is required. This bill eliminates the requirement that a minor 14 years of age or over consent before the minor may receive inpatient treatment for alcohol or other drug abuse. The bill also permits a parent or guardian of a minor to consent to have the minor assessed for the minor's abuse of alcohol or other drugs and to consent to a plan of treatment that is

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recommended based on the assessment. The consent of the minor to the assessment or the treatment is not required.

Under current law, if a minor 14 years of age or over wishes to be admitted to an inpatient facility for treatment for alcohol or other drug abuse, but the minor's parent or 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 cannot be found. The bill also requires a minor who obtains admission to an inpatient facility by petitioning the juvenile court to approve the admission to be discharged within 48 hours after submitting a request for discharge.

Similarly, under current law, a physician or health care facility 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. This bill permits a physician or health care facility to render those services to a minor under 12 years of age without obtaining that consent or providing that notice if the minor's parent or guardian cannot be found.

Under current law, a minor 14 years of age or over who is voluntarily admitted to an inpatient facility for treatment for alcohol or other drug abuse 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. This bill eliminates the requirement that a minor 14 years of age or over who has been voluntarily admitted to an inpatient facility for treatment for alcohol or other drug abuse be discharged within 48 hours after his or her request and instead requires the minor to be discharged within 48 hours after the request of the minor's parent or guardian. The bill also permits a minor who is not discharged either on the request of the minor or the request of the minor's parent or guardian to submit a request to the juvenile court to hold a hearing to determine the continued appropriateness of the minor's admission.

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

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***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 par. (c) and s. 51.45 (2m), the application for  
3 voluntary admission of a minor who is under 14 years of age or older to an approved  
4 inpatient treatment facility for the primary purpose of treatment for alcoholism or

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1 drug abuse and the application for voluntary admission of a minor who is under 14  
2 years of age to an approved inpatient treatment facility for the primary purpose of  
3 treatment for mental illness, developmental disability, alcoholism, or drug abuse  
4 shall be executed by a parent who has legal custody of the minor or the minor's  
5 guardian. Any statement or conduct by a minor under the age of 14 who is the subject  
6 of an application for voluntary admission under this paragraph indicating that the  
7 minor does not agree to admission to the facility shall be noted on the face of the  
8 application and shall be noted in the petition required by sub. (4).

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

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

15 **SECTION 3.** 51.13 (1) (c) of the statutes is renumbered 51.13 (1) (c) 1. and  
16 amended to read:

17 51.13 (1) (c) 1. If a minor 14 years of age or older wishes to be admitted to an  
18 approved inpatient treatment facility but a parent with legal custody or the guardian  
19 refuses to execute the application for admission or cannot be found, or if there is no  
20 parent with legal custody, the minor or a person acting on the minor's behalf may  
21 petition the court assigned to exercise jurisdiction under chs. 48 and 938 in the  
22 county of residence of the parent or guardian for approval of the admission. A copy  
23 of the petition and a notice of hearing shall be served upon the parent or guardian  
24 at his or her last-known address. If, after a hearing, the court determines that the  
25 ~~parent or guardian's consent is~~ of the parent or guardian is being unreasonably

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1 withheld or, that the parent or guardian cannot be found, or that there is no parent  
2 with legal custody, and that the admission is proper under the standards prescribed  
3 in sub. (4) (d), it the court shall approve the minor's admission without the parent  
4 or guardian's consent of the parent or guardian.

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

8 **SECTION 4.** 51.13 (1) (c) 2. of the statutes is created to read:

9 51.13 **(1)** (c) 2. If a minor under 14 years of age wishes to be admitted to an  
10 approved inpatient treatment facility but a parent with legal custody or the guardian  
11 cannot be found, or if there is no parent with legal custody, the minor or a person  
12 acting on the minor's behalf may petition the court assigned to exercise jurisdiction  
13 under chs. 48 and 938 in the county of residence of the parent or guardian for  
14 approval of the admission. A copy of the petition and a notice of hearing shall be  
15 served upon the parent or guardian at his or her last-known address. If, after a  
16 hearing, the court determines that the parent or guardian cannot be found or that  
17 there is no parent with legal custody, and that the admission is proper under the  
18 standards prescribed in sub. (4) (d), the court shall approve the minor's admission  
19 without the consent of the parent or guardian.

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

21 51.13 **(1)** (d) A minor against whom a petition or statement has been filed under  
22 s. 51.15, 51.20, or 51.45 (12) or (13) may be admitted under this section. The court  
23 may permit the minor to become a voluntary patient pursuant to under this section  
24 upon approval by the court of an application executed pursuant to under par. (a), (b),  
25 or (c), ~~and the judge.~~ The court shall then dismiss the proceedings under s. 51.15,

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1 51.20, or 51.45 (12) or (13). If a hearing is held under this subsection, no hearing  
2 under sub. (4) is required.

3 **SECTION 6.** 51.13 (1) (e) of the statutes is amended to read:

4 51.13 **(1)** (e) A minor may be admitted immediately upon the approval of the  
5 application executed under par. (a) or (b) by the treatment director of the facility or  
6 his or her designee or, in the case of a center for the developmentally disabled, the  
7 director of the center or his or her designee, and the director of the appropriate county  
8 department under s. 51.42 or 51.437 if such the county department is to be  
9 responsible for the cost of the minor's therapy and treatment. Approval shall be  
10 based upon an informed professional opinion that the minor is in need of psychiatric  
11 services or services for developmental disability, alcoholism, or drug abuse, that the  
12 treatment facility offers inpatient therapy or treatment ~~which~~ that is appropriate for  
13 the minor's needs, and that inpatient care in the facility is the least restrictive  
14 therapy or treatment consistent with the minor's needs. In the case of a minor who  
15 is being admitted for the primary purpose of treatment for alcoholism or drug abuse,  
16 approval shall also be based on the results of an alcohol or other drug abuse  
17 assessment that conforms to the criteria specified in s. 938.547 (4).

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

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

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

8 **SECTION 8.** 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 and 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 to an inpatient treatment facility for the primary purpose of  
15 treatment for mental illness or developmental disability, and the minor's parent or  
16 guardian, shall be informed of this right orally and in writing by the director of the  
17 hospital or such person's designee. This paragraph does not apply to individuals who  
18 receive services in hospital emergency rooms.

19 **SECTION 9.** 51.13 (2) (d) of the statutes is amended to read:

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

25 **SECTION 10.** 51.13 (3) (b) of the statutes is amended to read:

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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, a minor who is voluntarily admitted under sub. (1) (c)  
4 1. or 2., and his or her the minor's parent or guardian shall also be informed by the  
5 director or his or her designee, both orally and in writing, in easily understandable  
6 language, of the minor's right to request discharge and to be discharged within 48  
7 hours of the request if no petition or statement is filed for emergency detention,  
8 emergency commitment, involuntary commitment, or protective placement, and the  
9 minor's right to consent to or refuse treatment as provided in s. 51.61 (6).

10           **SECTION 11.** 51.13 (3) (c) of the statutes is amended to read:

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

21           **SECTION 12.** 51.13 (4) (a) (intro.) of the statutes is amended to read:

22           51.13 (4) (a) (intro.) Within 3 days ~~of~~ after the admission of a minor under sub.  
23 (1), or within 3 days ~~of~~ after application for admission of the minor, whichever occurs  
24 first, the treatment director of the facility to which the minor is admitted or, in the  
25 case of a center for the developmentally disabled, the director of the center, shall file

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1 a verified petition for review of the admission in the court assigned to exercise  
2 jurisdiction under chs. 48 and 938 in the county in which the facility is located. A  
3 copy of the application for admission and of any relevant professional evaluations  
4 shall be attached to the petition. The petition shall contain all of the following:

5 **SECTION 13.** 51.13 (4) (c) of the statutes is amended to read:

6 51.13 (4) (c) A copy of the petition shall be provided by the petitioner to the  
7 minor and his or her parents or guardian within 5 days of after admission.

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

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



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1 admission, whichever is sooner; or ~~it may~~ hold a hearing within 14 days of after  
2 admission or application for admission, whichever is sooner. If a notation of the  
3 minor's unwillingness appears on the face of the petition, or if a hearing has been  
4 requested by the minor, or by the minor's counsel, parent, or guardian, the court shall  
5 hold a hearing to review the admission within 14 days of after admission or  
6 application for admission, whichever is sooner, and shall appoint counsel to  
7 represent the minor if the minor is unrepresented. If the court ~~deems~~ considers it  
8 necessary, ~~it~~ the court shall also appoint a guardian ad litem to represent the minor.

9 **SECTION 15.** 51.13 (4) (g) (intro.) of the statutes is amended to read:

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

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1           **SECTION 16.** 51.13 (4) (g) 1. of the statutes is amended to read:

2           51.13 **(4)** (g) 1. The minor if he or she is aged 14 or older and is being admitted  
3 for the primary purpose of treatment for mental illness or developmental disability.

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

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

14           **SECTION 18.** 51.13 (7) (a) of the statutes is amended to read:

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

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1 commitment, or protective placement by the end of the next day in which the court  
2 transacts business.

3 **SECTION 19.** 51.13 (7) (b) of the statutes is amended to read:

4 51.13 (7) (b) Any minor 14 years of age or ~~over~~ older who is voluntarily admitted  
5 under this section for the primary purpose of treatment for mental illness or  
6 developmental disability, and any minor who is voluntarily admitted under sub. (1)  
7 (c) 1. or 2., may request discharge in writing. In the case of a minor 14 years of age  
8 or older who is voluntarily admitted under this section for the primary purpose of  
9 treatment for alcoholism or drug abuse or a minor under 14 years of age who is  
10 voluntarily admitted under this section for the primary purpose of treatment for  
11 mental illness, developmental disability, alcoholism, or drug abuse, the parent or  
12 guardian of the minor may make the request. Upon receipt of any form of written  
13 request for discharge from a minor, the director of the facility in which the minor is  
14 admitted shall immediately notify the minor's parent or guardian. The minor shall  
15 be discharged within 48 hours after submission of the request, exclusive of  
16 Saturdays, Sundays, and legal holidays, unless a petition or statement is filed for  
17 emergency detention, emergency commitment, involuntary commitment, or  
18 protective placement.

19 **SECTION 20.** 51.13 (7) (c) of the statutes is amended to read:

20 51.13 (7) (c) Any minor 14 years of age or older who is voluntarily admitted  
21 under this section for the primary purpose of treatment for alcoholism or drug abuse,  
22 and who is not discharged under par. (b), and any minor under 14 years of age who  
23 is voluntarily admitted under this section for the primary purpose of treatment for  
24 mental illness, developmental disability, alcoholism, or drug abuse, and who is not  
25 discharged under par. (b), may submit a written request to the court for a hearing

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

18 **SECTION 21.** 51.22 (2) of the statutes is amended to read:

19 51.22 (2) ~~Voluntary~~ Except as provided in s. 51.13 (2), voluntary admissions  
20 under ss. 51.10, 51.13, and 51.45 (10) shall be through the county department under  
21 s. 51.42 or 51.437 serving the person's county of residence, or through the  
22 department if the person to be admitted is a nonresident of this state. Admissions  
23 through a county department under s. 51.42 or 51.437 shall be made in accordance  
24 with s. 51.42 (3) (as) 1. or 51.437 (4rm) (a). Admissions through the department shall  
25 be made in accordance with sub. (3).

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1           **SECTION 22.** 51.35 (3) (a) of the statutes is amended to read:

2           51.35 (3) (a) A licensed psychologist of a secured correctional facility or, a  
3           secured child caring institution, or a secured group home, or a licensed physician of  
4           the department of corrections, who has reason to believe that any individual confined  
5           in the secured correctional facility, secured child caring institution, or secured group  
6           home is, in his or her opinion, in need of services for developmental disability,  
7           alcoholism, or drug dependency or in need of psychiatric services, and who has  
8           obtained voluntary consent to make a transfer for treatment, shall make a report,  
9           in writing, to the superintendent of the secured correctional facility, secured child  
10          caring institution, or secured group home, stating the nature and basis of the belief  
11          and verifying the consent. In the case of a minor age 14 and over age 14 or older who  
12          is in need of services for developmental disability or who is in need of psychiatric  
13          services, the minor and the minor's parent or guardian shall consent unless the  
14          minor is admitted under s. 51.13 (1) (c); ~~and in 1.~~ In the case of a minor age 14 or older  
15          who is in need of services for alcoholism or drug dependency or a minor under the age  
16          of 14 who is in need of services for developmental disability, alcoholism, or drug  
17          dependency or in need of psychiatric services, only the minor's parent or guardian  
18          need consent unless the minor is admitted under s. 51.13 (1) (c). The superintendent  
19          shall inform, orally and in writing, the minor and the minor's parent or guardian,  
20          that transfer is being considered and shall inform them of the basis for the request  
21          and their rights as provided in s. 51.13 (3). If the department of corrections, upon  
22          review of a request for transfer, determines that transfer is appropriate, that  
23          department shall immediately notify the department of health and family services  
24          and, if the department of health and family services consents, the department of  
25          corrections may immediately transfer the individual. The department of health and

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1 family services shall file a petition under s. 51.13 (4) (a) in the court assigned to  
2 exercise jurisdiction under chs. 48 and 938 of the county where the treatment facility  
3 is located.

4 **SECTION 23.** 51.35 (3) (b) of the statutes is amended to read:

5 51.35 (3) (b) The court assigned to exercise jurisdiction under chs. 48 and 938  
6 shall determine, based on the allegations of the petition and accompanying  
7 documents, ~~whether the transfer is voluntary on the part of the minor if he or she is~~  
8 ~~aged 14 or over, and whether the transfer of the minor to an inpatient facility is~~  
9 ~~appropriate and consistent with the needs of the minor. In the event that~~ and, if the  
10 minor is 14 years of age or older and is being transferred for the purpose of receiving  
11 services for developmental disability or psychiatric services, whether the transfer is  
12 voluntary on the part of the minor. If the court is unable to make such those  
13 ~~determinations based on the petition and accompanying documents, it shall the~~  
14 court may order additional information to be produced as it deems necessary to make  
15 ~~such review, and make such those~~ determinations within 14 days of after admission,  
16 ~~or it the court may hold a hearing within 14 days of after~~ admission. If a notation  
17 of the minor's unwillingness appears on the face of the petition, or ~~that if~~ a hearing  
18 has been requested by the minor, or by the minor's counsel, guardian ad litem,  
19 parent, or guardian, the court shall hold a hearing and appoint counsel or a guardian  
20 ad litem for the minor as provided in s. 51.13 (4) (d). At the conclusion of the hearing,  
21 the court shall approve or disapprove the request for transfer. If the minor is under  
22 the continuing jurisdiction of the court of another county, the court may order the  
23 case transferred together with all appropriate records to that court.

24 **SECTION 24.** 51.35 (3) (c) of the statutes is amended to read:

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1           51.35 (3) (c) A licensed psychologist of a secured correctional facility or, a  
2           secured child caring institution, or a secured group home, or a licensed physician of  
3           the department of corrections, who has reason to believe that any individual confined  
4           in the secured correctional facility, secured child caring institution, or secured group  
5           home, in his or her opinion, is mentally ill, drug dependent, or developmentally  
6           disabled and is dangerous as described in s. 51.20 (1) (a) 2. a., b., c., or d., is mentally  
7           ill, is dangerous, and satisfies the standard under s. 51.20 (1) (a) 2. e., or is an  
8           alcoholic and is dangerous as described in s. 51.45 (13) (a) 1. and 2., shall file a written  
9           report with the superintendent of the secured correctional facility, secured child  
10          caring institution, or secured group home, stating the nature and basis of the belief.  
11          If the superintendent, upon review of the allegations in the report, determines that  
12          transfer is appropriate, he or she shall file a petition according to s. 51.20 or 51.45  
13          in the court assigned to exercise jurisdiction under chs. 48 and 938 of the county  
14          where the secured correctional facility, secured child caring institution, or secured  
15          group home is located. The court shall hold a hearing according to procedures  
16          provided in s. 51.20 or 51.45 (13).

17           **SECTION 25.** 51.35 (3) (c) of the statutes, as affected by 1999 Wisconsin Act 9,  
18          section 1558d, and 2001 Wisconsin Act ... (this act), is repealed and recreated to read:

19           51.35 (3) (c) A licensed psychologist of a secured correctional facility, a secured  
20          child caring institution, or a secured group home, or a licensed physician of the  
21          department of corrections, who has reason to believe that any individual confined in  
22          the secured correctional facility, secured child caring institution, or secured group  
23          home, in his or her opinion, is mentally ill, drug dependent, or developmentally  
24          disabled and is dangerous as described in s. 51.20 (1) (a) 2., or is an alcoholic and is  
25          dangerous as described in s. 51.45 (13) (a) 1. and 2., shall file a written report with

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1 the superintendent of the secured correctional facility, secured child caring  
2 institution, or secured group home, stating the nature and basis of the belief. If the  
3 superintendent, upon review of the allegations in the report, determines that  
4 transfer is appropriate, he or she shall file a petition according to s. 51.20 or 51.45  
5 in the court assigned to exercise jurisdiction under ch. 48 of the county where the  
6 secured correctional facility, secured child caring institution, or secured group home  
7 is located. The court shall hold a hearing according to procedures provided in s. 51.20  
8 or 51.45 (13).

9 **SECTION 26.** 51.35 (3) (g) of the statutes is amended to read:

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

25 **SECTION 27.** 51.47 (title) of the statutes is amended to read:



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1           **51.47** (title) **Alcohol and other drug abuse treatment for minors**  
2 **without parental consent.**

3           **SECTION 28.** 51.47 (1) of the statutes is amended to read:

4           51.47 (1) Except as provided in subs. (2) and (3), any physician or health care  
5 facility licensed, approved, or certified by the state for the provision of health services  
6 may render preventive, diagnostic, assessment, evaluation, or treatment services for  
7 the abuse of alcohol or other drugs to a minor 12 years of age or over without  
8 obtaining the consent of or notifying the minor's parent or guardian and may render  
9 those services to a minor under 12 years of age without obtaining the consent of or  
10 notifying the minor's parent or guardian, but only if a parent with legal custody or  
11 guardian of the minor under 12 years of age cannot be found or there is no parent with  
12 legal custody of the minor under 12 years of age. An assessment under this  
13 subsection shall conform to the criteria specified in s. 938.547 (4). Unless consent of  
14 the minor's parent or guardian is required under sub. (2), the physician or health  
15 care facility shall obtain the minor's consent prior to billing a 3rd party for services  
16 under this section. If the minor does not consent, the minor shall be solely  
17 responsible for paying for the services, which the department shall bill to the minor  
18 under s. 46.03 (18) (b).

19           **SECTION 29.** 51.48 of the statutes is amended to read:

20           **51.48 Alcohol and other drug testing of minors, assessment, and**  
21 **treatment of minor without minor's consent.** A minor's parent or guardian may  
22 consent to have the minor tested for the presence of alcohol or other drugs in the  
23 minor's body or to have the minor assessed by an approved treatment facility for the  
24 minor's abuse of alcohol or other drugs according to the criteria specified in s. 938.547  
25 (4). If, based on the assessment, the approved treatment facility determines that the

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1 minor is in need of treatment for the abuse of alcohol or other drugs, the approved  
2 treatment facility shall recommend a plan of treatment that is appropriate for the  
3 minor's needs and that provides for the least restrictive form of treatment consistent  
4 with the minor's needs. That treatment may consist of outpatient treatment, day  
5 treatment, or, if the minor is admitted in accordance with s. 51.13, inpatient  
6 treatment. The parent or guardian of the minor may consent to the treatment  
7 recommended under this section. Consent of the minor is not required for testing,  
8 assessment, or treatment under this section is not required.

9 **SECTION 30.** 51.61 (6) of the statutes is amended to read:

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

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

7 **SECTION 31. Initial applicability.**

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

13 **SECTION 32. Effective dates.** This act takes effect on the day after publication,  
14 except as follows:

15 (1) The repeal and recreation of section 51.35 (3) (c) of the statutes takes effect  
16 on December 1, 2001, or on the day after publication, whichever is later.

17 (END)