

**2001 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-SB55)**

Received: 06/21/2001

Received By: malaigm

Wanted: Soon

Identical to LRB:

For: Assembly Republican Caucus 7-4887

By/Representing: Hughes

This file may be shown to any legislator: NO

Drafter: malaigm

May Contact: LFB  
LFB  
LFB

Addl. Drafters:

Subject: Mental Health - AODA

Extra Copies:

~~ISR  
TNF, PJH  
ISR  
TNF, PJH  
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TNF, PJH  
ISR  
TNF, PJH  
TNF, PJH~~

Submit via email: NO

Requester's email:

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**Pre Topic:**

ARC:.....Hughes - AM22,

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**Topic:**

AODA treatment of minors; parental consent

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**Instructions:**

See Attached

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**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 06/21/2001	wjackson 06/22/2001		_____ _____			
/1			jfrantze 06/22/2001	_____ _____	lrb_docadmin 06/22/2001		

FE Sent For:

<END>

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1/?	malaigm	11 Wlj 6/22	Chris 6/22 h	_____	_____		

FE Sent For:

<END>

(Rhoades Request #167)

HFS 132.65(7)(b)4 states that an individual resident's supply of drugs shall be placed in a separate, individually labeled container and transferred to the nursing station and placed in a locked cabinet or cart. This supply shall not exceed 4 days for any one resident.

1. This motion creates statutory language to permit prescriptions to be delivered in quantities consisting of no more than a one-month supply at one time, and
2. This motion creates statutory language to include "punch-outs" or "punch-cards" under definition of unit dose packaging

**26. Fifth Standard for Emergency Detention and Involuntary Commitment:**

DAY Include Assembly Bill 182 (with LRB correction) relating to the elimination of the fifth standard for emergency detention and involuntary commitment.

**27. Mental Health Treatment of Minors:**

MM (Skindrud Request # 26)

This motion would permit a minor's parent or guardian to consent to have a minor treated for problems associated with drugs and alcohol without the consent of the minor.

It also allows 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.

This proposal builds on a change in the last state budget that permits a minor's parent or guardian to have a minor tested for drugs and alcohol.

According to LFB, this motion will affect GPR and FED; however, it cannot be estimated how much.

The changes in this motion may have the overall effect of increasing the number of minors receiving inpatient treatment for alcohol or other drug abuse. The state's MA program reimburses local providers for certain mental health services for children including treatment for alcohol and other drug abuse. To the extent it increases the number of children receiving care, this motion would increase costs to the MA program. The additional number of children receiving care is unknown and therefore the exact fiscal effect on MA cannot be estimated.

While most indigent children would be eligible to receive treatment through the state's MA program, counties may be responsible for funding treatment for children in some circumstances. Once again, the number of children is unknown and the fiscal effect cannot be estimated.

**28. Require Payment by Health Insurers to Pay Anesthesiologists for all Services:**

PJK (Urban Request # 147)

Wisconsin anesthesiologists are currently having problems with payment for invasive monitoring procedures performed on patients covered by certain insurers. Anesthesiologists bill out their services as two distinct procedures. But because the services are part of a single procedure, certain insurers will only pay for one

# Budget Amendments 2001 - 2003

Prepared by the Assembly Republican Caucus

**Statement of Intent**      Mental Health Treatment of Minors

**Legislator**              Skindrud

**Amendment**                              22

**Legislator 2**

**Pass or Fail**              Pass

**Legislator 3**

**Spending Cut**

**Legislator 4**

**Withdrawn**

**Staff contact**          Al

**Package**

*GMM*

**Agency**                  Health and Family Services

**Summary**                  This motion would permit a minor's parent or guardian to consent to have a minor treated for problems associated with drugs and alcohol without the consent of the minor.

It also allows 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.

This proposal builds on a change in the last state budget that permits a minor's parent or guardian to have a minor tested for drugs and alcohol.

**Fiscal Impact**          According to LFB, this motion will affect GPR and FED; however, it cannot be estimated how much.

The changes in this motion may have the overall effect of increasing the number of minors receiving inpatient treatment for alcohol or other drug abuse. The state's MA program reimburses local providers for certain mental health services for children including treatment for alcohol and other drug abuse. To the extent it increases the number of children receiving care, this motion would increase costs to the MA program. The additional number of children receiving care is unknown and therefore the exact fiscal effect on MA cannot be estimated.

While most indigent children would be eligible to receive treatment through the state's MA program, counties may be responsible for funding treatment for children in some circumstances. Once again, the number of children is unknown and the fiscal effect cannot be estimated.

**Drafting Inst**

**ARC Analyst**          Hughes

**Request #**                      26

2001

Date (time) needed Soon

LRB b 1432 / 1

**ARC CAUCUS BUDGET AMENDMENT  
[ONLY FOR CAUCUS]**

GMM : WJ :

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**CAUCUS AMENDMENT  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1  
TO 2001 SENATE BILL 55**

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

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

#. Page 656, line 10: after that line insert:

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

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

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

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

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

b14327

## 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.

---

### ***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

## ASSEMBLY BILL 116

~~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.~~

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

1966 cb

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

## ASSEMBLY BILL 116

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). B 1966cc

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). C 1966cd

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

## ASSEMBLY BILL 116

## SECTION 3

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. (b) 1966 ce

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. (b) 1966 cf

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,

## ASSEMBLY BILL 116

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. <sup>1966cg</sup>

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). <sup>1966ch</sup>

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

## ASSEMBLY BILL 116

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: 1966ci

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. 1966ck

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. 1966cm

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

## ASSEMBLY BILL 116

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: 1966cn

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). 1966cp

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

ASSEMBLY BILL 116

1966cr

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 12. 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:

1966ct

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

1966cv ← "see"

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:

ASSEMBLY BILL 116

1966cvv

1966cw

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:

1966cx

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

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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

## ASSEMBLY BILL 116

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.

① 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

## ASSEMBLY BILL 116

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). 1966r(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).

## ASSEMBLY BILL 116

19678

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

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

ASSEMBLY BILL 116

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.

1967g(8)

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:

1967h(8)

## ASSEMBLY BILL 116

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). 1967i6

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

## ASSEMBLY BILL 116

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:

# Page 660, line 5: after that line insert:

ASSEMBLY BILL 116

1           **51.47 (title) Alcohol and other drug abuse treatment for minors**  
2           **without parental consent.** 1993g(6)

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) <sup>plain</sup> 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). 1993h(2)

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

ASSEMBLY BILL 116

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.

1993j(6)

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

ASSEMBLY BILL 116

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. ✓

Insert 19-8

~~SECTION 31. Initial applicability~~

7  
 8  
 9 ~~(1) This act first applied~~ to individuals who are receiving treatment for alcohol  
 10 or other drug abuse in an approved inpatient treatment facility, or who are receiving  
 11 outpatient treatment for alcohol or other drug abuse, on the effective date of this  
 12 subsection regardless of whether admission to the inpatient facility or outpatient  
 13 program occurred or was sought prior to the effective date of this subsection. ”.

14 ~~SECTION 32. Effective dates. This act takes effect on the day after publication,~~  
 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. ✓

(END)

✓ (17) ALCOHOL AND OTHER DRUG ABUSE  
 TREATMENT OF MINORS

Page 1420, line 19 after that line insert

Insert 19-8

(17)<sup>K</sup>

(15)

ALCOHOL AND OTHER DRUG ABUSE

TREATMENT OF MINORS

The treatment of sections

SI. 13 (1) (a), (b), (d), and (e), (2) (a), (b), and (d),  
(3) (b) and (c), (4) (a) (intro.), (c), (d), and (g) (intro.)  
and (i), (6) (a), (7) (a), (b), and (c), SI. 22 (2),  
SI. 35 (3) (a) and (g), SI. 47 (title) and (1), SI. 48,  
and SI. 61 (b) of the statutes,

the renumbering and amendment  
of section SI. 13 (1) (c) the creation of section

SI. 13 (1) (c) 2. of the statutes ~~and~~ the amendment

of section SI. 35 (3) (c) of the statutes and first

apply

(ed & insert)

ARC:.....Hughes - AM22, AODA treatment of minors; parental consent

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

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

2 1. Page 656, line 10: after that line insert:

3 "SECTION 1966cb. 51.13 (1) (a) of the statutes is amended to read:

4 51.13 (1) (a) Except as provided in par. (c) and s. 51.45 (2m), the application for  
5 voluntary admission of a minor who is under 14 years of age or older to an approved  
6 inpatient treatment facility for the primary purpose of treatment for alcoholism or  
7 drug abuse and the application for voluntary admission of a minor who is under 14  
8 years of age to an approved inpatient treatment facility for the primary purpose of  
9 treatment for mental illness, developmental disability, alcoholism, or drug abuse  
10 shall be executed by a parent who has legal custody of the minor or the minor's

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

5 **SECTION 1966cc.** 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 ~~ever~~ older to an approved inpatient treatment facility for the primary  
8 purpose of treatment for mental illness or developmental disability shall be executed  
9 by the minor and a parent who has legal custody of the minor or the minor's guardian,  
10 except as provided in par. (c) (1).

11 **SECTION 1966cd.** 51.13 (1) (c) of the statutes is renumbered 51.13 (1) (c) 1. and  
12 amended to read:

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

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

4           **SECTION 1966ce.** 51.13 (1) (c) 2. of the statutes is created to read:

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

16           **SECTION 1966cf.** 51.13 (1) (d) of the statutes is amended to read:

17           51.13 (1) (d) A minor against whom a petition or statement has been filed under  
18 s. 51.15, 51.20, or 51.45 (12) or (13) may be admitted under this section. The court  
19 may permit the minor to become a voluntary patient ~~pursuant to~~ under this section  
20 upon approval by the court of an application executed ~~pursuant to~~ under par. (a), (b),  
21 or (c), ~~and the judge.~~ The court shall then dismiss the proceedings under s. 51.15,  
22 51.20, or 51.45 (12) or (13). If a hearing is held under this subsection, no hearing  
23 under sub. (4) is required.

24           **SECTION 1966cg.** 51.13 (1) (e) of the statutes is amended to read:

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~~ that is appropriate for  
10 the minor's needs, and that inpatient care in the facility is the least restrictive  
11 therapy or treatment consistent with the minor's needs. In the case of a minor who  
12 is being admitted for the primary purpose of treatment for alcoholism or drug abuse,  
13 approval shall also be based on the results of an alcohol or other drug abuse  
14 assessment that conforms to the criteria specified in s. 938.547 (4).

15           **SECTION 1966ch.** 51.13 (2) (a) of the statutes is amended to read:

16           51.13 (2) (a) A minor may be admitted to an inpatient treatment facility  
17 without complying with the requirements of this section if the admission does not  
18 involve the department or a county department under s. 51.42 or 51.437, or a contract  
19 between a treatment facility and the department or ~~between a treatment facility and~~  
20 a county department. The application for voluntary admission of a minor who is 14  
21 years of age or older to an inpatient treatment facility for the primary purpose of  
22 treatment for alcoholism or drug abuse and the application for voluntary admission  
23 of a minor who is under 14 years of age to an inpatient treatment facility for the  
24 primary purpose of treatment for mental illness, developmental disability,  
25 alcoholism, or drug abuse shall be executed by a parent who has legal custody of the

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

5 **SECTION 1966ci.** 51.13 (2) (b) of the statutes is amended to read:

6 51.13 (2) (b) Notwithstanding par. (a), any minor who is 14 years of age or older  
7 and who is admitted to an inpatient treatment facility for the primary purpose of  
8 treatment of mental illness, or developmental disability, ~~alcoholism or drug abuse~~  
9 has the right to be discharged within 48 hours ~~of~~ after his or her request, as provided  
10 in sub. (7) (b). At the time of admission, any minor who is 14 years of age or older and  
11 who is admitted to an inpatient treatment facility for the primary purpose of  
12 treatment for mental illness or developmental disability, and the minor's parent or  
13 guardian, shall be informed of this right orally and in writing by the director of the  
14 hospital or such person's designee. This paragraph does not apply to individuals who  
15 receive services in hospital emergency rooms.

16 **SECTION 1966ck.** 51.13 (2) (d) of the statutes is amended to read:

17 51.13 (2) (d) Writing materials for use in requesting a discharge shall be made  
18 available at all times to all minors who are 14 years of age or older and who are  
19 admitted under this subsection for the primary purpose of treatment for mental  
20 illness or developmental disability. The staff of the facility shall assist such minors  
21 in preparing or submitting requests for discharge.

22 **SECTION 1966cm.** 51.13 (3) (b) of the statutes is amended to read:

23 51.13 (3) (b) A minor 14 years of age or older who has been admitted to an  
24 inpatient treatment facility for the primary purpose of treatment for mental illness  
25 or developmental disability, a minor who is voluntarily admitted under sub. (1) (c)

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

7 **SECTION 1966cn.** 51.13 (3) (c) of the statutes is amended to read:

8 51.13 (3) (c) A minor 14 years of age or older who has been admitted to an  
9 inpatient facility for the primary purpose of treatment for alcoholism or drug abuse,  
10 a minor under 14 years of age who has been admitted to an inpatient treatment  
11 facility for the primary purpose of treatment for mental illness, developmental  
12 disability, alcoholism, or drug abuse, and his or her the minor's parent or guardian  
13 shall also be informed by the director or his or her designee, both orally and in  
14 writing, in easily understandable language, of the right of the parent or guardian to  
15 request the minor's discharge as provided in sub. (7) (b) and of the minor's right to  
16 a hearing to determine continued appropriateness of the admission as provided in  
17 sub. (7) (c).

18 **SECTION 1966cp.** 51.13 (4) (a) (intro.) of the statutes is amended to read:

19 51.13 (4) (a) (intro.) Within 3 days ~~of~~ after the admission of a minor under sub.  
20 (1), or within 3 days ~~of~~ after application for admission of the minor, whichever occurs  
21 first, the treatment director of the facility to which the minor is admitted or, in the  
22 case of a center for the developmentally disabled, the director of the center, shall file  
23 a verified petition for review of the admission in the court assigned to exercise  
24 jurisdiction under chs. 48 and 938 in the county in which the facility is located. A

1 copy of the application for admission and of any relevant professional evaluations  
2 shall be attached to the petition. The petition shall contain all of the following:

3 **SECTION 1966cr.** 51.13 (4) (c) of the statutes is amended to read:

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

6 **SECTION 1966ct.** 51.13 (4) (d) of the statutes is amended to read:

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

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

7 **SECTION 1966cv.** 51.13 (4) (g) (intro.) of the statutes is amended to read:

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

24 **SECTION 1966cvv.** 51.13 (4) (g) 1. of the statutes is amended to read:

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

3           **SECTION 1966cw.** 51.13 (6) (a) of the statutes is amended to read:

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

13           **SECTION 1966cx.** 51.13 (7) (a) of the statutes is amended to read:

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

1           **SECTION 1966cy.** 51.13 (7) (b) of the statutes is amended to read:

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

17           **SECTION 1966cz.** 51.13 (7) (c) of the statutes is amended to read:

18           51.13 (7) (c) Any minor 14 years of age or older who is voluntarily admitted  
19 under this section for the primary purpose of treatment for alcoholism or drug abuse,  
20 and who is not discharged under par. (b), and any minor under 14 years of age who  
21 is voluntarily admitted under this section for the primary purpose of treatment for  
22 mental illness, developmental disability, alcoholism, or drug abuse, and who is not  
23 discharged under par. (b), may submit a written request to the court for a hearing  
24 to determine the continued appropriateness of the admission. If the director or staff  
25 of the inpatient treatment facility to which a minor under the age of 14 described in

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

16 **SECTION 1966r.** 51.22 (2) of the statutes is amended to read:

17 51.22 (2) ~~Voluntary~~ Except as provided in s. 51.13 (2), voluntary admissions  
18 under ss. 51.10, 51.13, and 51.45 (10) shall be through the county department under  
19 s. 51.42 or 51.437 serving the person's county of residence, or through the  
20 department if the person to be admitted is a nonresident of this state. Admissions  
21 through a county department under s. 51.42 or 51.437 shall be made in accordance  
22 with s. 51.42 (3) (as) 1. or 51.437 (4rm) (a). Admissions through the department shall  
23 be made in accordance with sub. (3).

24 **SECTION 1967f.** 51.35 (3) (a) of the statutes is amended to read:

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

1 exercise jurisdiction under chs. 48 and 938 of the county where the treatment facility  
2 is located.

3 **SECTION 1967g.** 51.35 (3) (b) of the statutes is amended to read:

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

23 **SECTION 1967h.** 51.35 (3) (c) of the statutes is amended to read:

24 51.35 (3) (c) A licensed psychologist of a secured correctional facility ~~or~~, a  
25 secured child caring institution, or a secured group home, or a licensed physician of

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

15 **SECTION 1967i.** 51.35 (3) (c) of the statutes, as affected by 1999 Wisconsin Act  
16 9, section 1558d, and 2001 Wisconsin Act .... (this act), is repealed and recreated to  
17 read:

18 51.35 (3) (c) A licensed psychologist of a secured correctional facility, a secured  
19 child caring institution, or a secured group home, or a licensed physician of the  
20 department of corrections, who has reason to believe that any individual confined in  
21 the secured correctional facility, secured child caring institution, or secured group  
22 home, in his or her opinion, is mentally ill, drug dependent, or developmentally  
23 disabled and is dangerous as described in s. 51.20 (1) (a) 2., or is an alcoholic and is  
24 dangerous as described in s. 51.45 (13) (a) 1. and 2., shall file a written report with  
25 the superintendent of the secured correctional facility, secured child caring

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

8 **SECTION 1967j.** 51.35 (3) (g) of the statutes is amended to read:

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

24 **2.** Page 660, line 5: after that line insert:

1           “SECTION 1993f. 51.47 (title) of the statutes is amended to read:

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

4           SECTION 1993g. 51.47 (1) of the statutes is amended to read:

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

20           SECTION 1993h. 51.48 of the statutes is amended to read:

21           **51.48 Alcohol and other drug testing ~~of minors, assessment, and~~**  
22 **treatment of minor without minor’s consent.** A minor’s parent or guardian may  
23 consent to have the minor tested for the presence of alcohol or other drugs in the  
24 minor’s body or to have the minor assessed by an approved treatment facility for the  
25 minor’s abuse of alcohol or other drugs according to the criteria specified in s. 938.547

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

10 **SECTION 1993j.** 51.61 (6) of the statutes is amended to read:

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

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

8 **3.** Page 1399, line 20: after that line insert:

9 “(17k) ALCOHOL AND OTHER DRUG ABUSE TREATMENT OF MINORS. The treatment of  
10 sections 51.13 (1) (a), (b), (d), and (e), (2) (a), (b), and (d), (3) (b) and (c), (4) (a) (intro.),  
11 (c), (d), and (g) (intro.) and 1., (6) (a), and (7) (a), (b), and (c), 51.22 (2), 51.35 (3) (a),  
12 (b), and (g), 51.47 (title) and (1), 51.48, and 51.61 of the statutes, the renumbering  
13 and amendment of section 51.13 (1) (c) of the statutes, the amendment of section  
14 51.35 (3) (c) of the statutes, and the creation of section 51.13 (1) (c) 2. of the statutes  
15 first apply to individuals who are receiving treatment for alcohol or other drug abuse  
16 in an approved inpatient treatment facility, or who are receiving outpatient  
17 treatment for alcohol or other drug abuse, on the effective date of this subsection  
18 regardless of whether admission to the inpatient facility or outpatient program  
19 occurred or was sought prior to the effective date of this subsection.”.

20 **4.** Page 1420, line 19: after that line insert:

21 “(17k) ALCOHOL AND OTHER DRUG ABUSE TREATMENT OF MINORS. The repeal and  
22 recreation of section 51.35 (3) (c) of the statutes takes effect on December 1, 2001, or  
23 on the day after publication, whichever is later.”.

24 (END)