



**ASSEMBLY BILL 785**

1           **SECTION 121.** 55.06 (2) (c) of the statutes is renumbered 55.08 (1) (c) and  
2 amended to read:

3           55.08 (1) (c) As a result of developmental disabilities, ~~infirmities of aging,~~  
4 ~~chronic degenerative brain disorder, serious and persistent~~ mental illness, or other  
5 like incapacities, the individual is so totally incapable of providing for his or her own  
6 care or custody as to create a substantial risk of serious harm to oneself himself or  
7 herself or others. Serious harm may be ~~occasioned~~ evidenced by overt acts or acts  
8 of omission; ~~and.~~

NOTE: Revises the terms "infirmities of aging" and "chronic mental illness" to  
"degenerative brain disorder" and "serious and persistent mental illness", respectively.

9           **SECTION 122.** 55.06 (2) (d) of the statutes is renumbered 55.08 (1) (d) and  
10 amended to read:

11           55.08 (1) (d) ~~Has~~ The individual has a disability which ~~that~~ is permanent or  
12 likely to be permanent.

13           **SECTION 123.** 55.06 (3) (a) of the statutes is renumbered 55.075 (2) (a) and  
14 amended to read:

15           55.075 (2) (a) ~~The~~ A petition shall allege that the individual meets the  
16 standards specified in s. 55.08 (1) or (2) and state with particularity the factual basis  
17 for the allegations ~~specified in sub. (2).~~

18           **SECTION 124.** 55.06 (3) (b) of the statutes is renumbered 55.075 (2) (b) and  
19 amended to read:

20           55.075 (2) (b) The petition ~~under sub. (2)~~ shall be based on personal knowledge  
21 of the individual alleged to need protective placement or protective services.

22           **SECTION 125.** 55.06 (3) (c) of the statutes is renumbered 55.075 (5) (a) and  
23 amended to read:

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## SECTION 125

1           55.075 (5) (a) The A petition under sub. (1) shall be filed in the county of  
2 residence of the person individual to be protected, except that the petition may be  
3 filed in the county in which the individual is physically present due to extraordinary  
4 circumstances, including requiring medical aid and preventing harm to the  
5 individual or others. <sup>TNS. 1-8</sup> The county of residence, as determined by the court, under s.  
6 51.40, or by the guardian, is the county of responsibility.

NOTE: Clarifies where the petition for protective placement or services shall be filed. The petition must be filed in the county of residence of the individual to be protected, or where the person is present due to extraordinary circumstances.

7           **SECTION 126.** 55.06 (4) of the statutes is renumbered 55.075 (3) and amended  
8 to read:

9           55.075 (3) A petition for guardianship ~~if required under sub. (2) (b) must~~  
10 described in s. 55.08 (1) (b) or (2) (a) shall be heard prior to ordering protective  
11 placement under this section or protective services. ~~If incompetency has been the~~  
12 individual is determined incompetent under s. 880.33 more than one year preceding  
13 12 months before the filing of an application for protective placement or protective  
14 services on his or her behalf, the court shall review the finding of incompetency.

15           **SECTION 127.** 55.06 (5) of the statutes is renumbered 55.09 (1) and amended  
16 to read:

17           55.09 (1) NOTICE TO INDIVIDUAL. Notice of a petition for protective placement  
18 or protective services shall be served upon the person individual sought to be placed  
19 protected, by personal service, at least 10 days prior to before the time set for a  
20 hearing. ~~Upon service of the notice, the person sought to be protected shall be~~  
21 ~~informed of the complete contents of the notice.~~ The person serving the notice shall  
22 inform the individual sought to be protected of the complete contents of the notice  
23 and shall return a certificate to the circuit judge verifying that the petition has been

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1 delivered and notice given. The notice shall include the names of all petitioners.  
2 ~~Notice shall also be served personally or by mail upon the person's guardian ad litem,~~  
3 ~~legal counsel, guardian, if any, presumptive adult heirs, and upon other persons who~~  
4 ~~have physical custody of the person to be protected whose names and addresses are~~  
5 ~~known to the petitioner or can with reasonable diligence be ascertained, to any~~  
6 ~~governmental or private body or group from whom the person to be protected is~~  
7 ~~known to be receiving aid, and to such other persons or entities as the court may~~  
8 ~~require. Notice shall also be served personally or by mail upon the department at~~  
9 ~~least 10 days prior to the time set for hearing if the person sought to be protected may~~  
10 ~~be placed in a center for the developmentally disabled. Notice shall also be served~~  
11 ~~personally or by mail, at least 10 days before the time set for hearing, upon the county~~  
12 ~~department that is participating in the program under s. 46.278 of the county of~~  
13 ~~residence of the person sought to be protected, if the person has a developmental~~  
14 ~~disability and may be placed in an intermediate facility or a nursing facility, except~~  
15 ~~that, for a person sought to be protected to whom s. 46.279 (4m) applies, this notice~~  
16 ~~shall instead be served on the department. The incompetent or proposed~~  
17 ~~incompetent is presumed able to attend the hearing unless, after a personal~~  
18 ~~interview, the guardian ad litem certifies to the court that the person is unable to~~  
19 ~~attend.~~

NOTE: Deletes provision from current law relating to notice of petition and hearing for protective placement. These provisions are placed in a new statutory section, s. 55.09, "Notice of petition and hearing for protective services or placement.", which is found in SECTION 159 of this bill.

20 **SECTION 128.** 55.06 (5m) of the statutes is renumbered 55.10 (1) and amended  
21 to read:

22 55.10 (1) TIME LIMITS. A petition for protective placement of a person who has  
23 been admitted to a nursing home or a community-based residential facility under

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## SECTION 128

1 ~~s. 50.06 or protective services~~ shall be heard within 60 days after it is filed unless an  
2 extension of this time is requested by the petitioner, the individual sought to be  
3 protected or the individual's guardian ad litem, or the county department, in which  
4 case the court may extend the date for hearing by up to 45 days. If an individual  
5 under s. 50.06 (3) alleges that ~~an~~ another individual is making a health care decision  
6 under s. 50.06 (5) (a) that is not in the best interests of the incapacitated individual  
7 or if the incapacitated individual verbally objects to or otherwise actively protests the  
8 admission, the petition shall be heard as soon as possible within the 60-day period.

NOTE: Allows certain parties to request an extension of up to 45 days of the 60-day time period within which a petition for protective placement or services must be heard.

9 **SECTION 129.** 55.06 (6) of the statutes is renumbered 55.10 (4) (b) and amended  
10 to read:

11 55.10 (4) (b) ~~Guardian ad litem; costs.~~ ~~Section 880.33 (2) applies to all hearings~~  
12 ~~under this chapter except for transfers of placement under sub. (9) (b), (c) and (e).~~  
13 ~~A person to be protected shall have a~~ The court shall in all cases require the  
14 appointment of an attorney as guardian ad litem who is an attorney appointed in  
15 accordance with s. 757.48 (1) present at all hearings under this chapter if the person  
16 does not have full legal counsel. The responsibilities and duties of a guardian ad  
17 litem on behalf of a proposed ward or individual who is alleged incompetent specified  
18 in s. 880.331 (4) apply to a guardian ad litem appointed in a proceeding for protective  
19 services or protective placement on behalf of an individual sought to be protected.  
20 If a guardian has been appointed for an individual who is the subject of a petition for  
21 court-ordered protective placement or protective services, the guardian ad litem  
22 shall interview the guardian. The guardian ad litem shall be present at all hearings  
23 under this chapter if the individual sought to be protected does not have full legal

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1 counsel. The court may, however, excuse a personal appearance by a guardian ad  
2 litem based on information contained in a written report by the guardian ad litem  
3 to the court. If the person individual sought to be protected is an adult who is  
4 indigent, the county of legal settlement shall be liable for any fees due the guardian  
5 ad litem fees. If the person individual sought to be protected is a child, ~~the person's~~  
6 minor, the minor's parents or the county of legal settlement in which the hearing is  
7 held shall be liable for any fees due the guardian ad litem fees as provided in s. 48.235  
8 (8). ~~The subject individual, attorney or guardian ad litem shall have the right to~~  
9 ~~present and cross-examine witnesses, including any person making an evaluation~~  
10 ~~or review under sub. (8) (c).~~

NOTE: Clarifies that the responsibilities and duties of a guardian ad litem on behalf  
of an individual who is the subject of a protective placement or services proceeding are  
the same as those in a proceeding under ch. 880, relating to guardianship.

11 **SECTION 130.** 55.06 (7) of the statutes is renumbered 55.10 (4) (d) and amended  
12 to read:

13 55.10 (4) (d) Standard of proof. ~~Except for emergency placement or temporary~~  
14 ~~placement under subs. (11) and (12), before~~ Before protective placement or protective  
15 services may be ordered under this chapter s. 55.12, the court or jury must find by  
16 clear and convincing evidence that the individual to be placed protected is in need  
17 of protective placement as provided in sub. (2) because he or she meets all of the  
18 standards under s. 55.08 (1) or is in need of protective services because he or she  
19 meets all of the standards under s. 55.08 (2).

NOTE: Clarifies the standard of proof at protective placement or services hearing;  
provides that the person must meet the standards for protective placement or protective  
services before an order may be entered.

20 **SECTION 131.** 55.06 (8) (intro.) of the statutes is renumbered 55.11 (1) (intro.)  
21 and amended to read:

**ASSEMBLY BILL 785****SECTION 131**

1           55.11 (1) (intro.) Before ordering the protective placement of or protective  
2 services for any individual, the court shall ~~direct~~ require a comprehensive evaluation  
3 of the ~~person in need of placement~~ individual sought to be protected, if such an  
4 evaluation has not already been made. The court may utilize available  
5 multidisciplinary resources in the community in determining the need for protective  
6 placement or protective services. ~~The board designated under s. 55.02 or an agency~~  
7 ~~designated by it~~ county department or an agency with which it contracts under s.  
8 55.02 (2) shall cooperate with the court in securing available resources. ~~Where~~  
9 ~~applicable by reason of the particular disability, the appropriate board designated~~  
10 ~~under s. 55.02 or an agency designated by it having responsibility for the place of~~  
11 ~~legal residence of the individual as provided in s. 49.001 (6) shall make a~~  
12 ~~recommendation for placement. If the court is considering placement of the~~  
13 ~~individual in a center for the developmentally disabled, the court shall request a~~  
14 ~~statement or testimony from the department regarding whether the placement is~~  
15 ~~appropriate for the person's needs and whether it is consistent with the purpose of~~  
16 ~~the center under s. 51.06 (1). If the individual has a developmental disability and~~  
17 ~~the court is considering placement of the individual in an intermediate facility or a~~  
18 ~~nursing facility, the court shall request a statement or testimony from the county~~  
19 ~~department of the individual's county of residence that is participating in the~~  
20 ~~program under s. 46.278 as to whether the individual's needs could be met in a~~  
21 ~~noninstitutional setting, except that, if s. 46.279 (4m) applies to the individual, the~~  
22 ~~court shall request the statement or testimony from the department, rather than the~~  
23 ~~county department. A copy of the comprehensive evaluation shall be provided to the~~  
24 ~~guardian, the guardian ad litem, and to the individual or attorney at least 96 hours~~  
25 ~~in advance of the hearing to determine placement. The court or the cooperating~~

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1 agency obtaining the evaluation shall request appropriate information which shall  
2 include at least the following:

3 **SECTION 132.** 55.06 (8) (a) of the statutes is renumbered 55.11 (1) (a) and  
4 amended to read:

5 55.11 (1) (a) The address of the place where the ~~person~~ individual is residing  
6 and the person or agency who is providing services at present, if any.

7 **SECTION 133.** 55.06 (8) (b) of the statutes is renumbered 55.11 (1) (b) and  
8 amended to read:

9 55.11 (1) (b) A resume of any professional treatment and services provided to  
10 the ~~person~~ individual by the department or agency, ~~if any~~, in connection with the  
11 problem creating the need for protective placement or protective services.

12 **SECTION 134.** 55.06 (8) (c) of the statutes is renumbered 55.11 (1) (c) and  
13 amended to read:

14 55.11 (1) (c) A medical, psychological, social, vocational, and educational  
15 evaluation and review, ~~where~~ if necessary, and any recommendations for or against  
16 maintenance of partial legal rights as provided in s. 880.33. ~~Such~~ The evaluation and  
17 review shall include recommendations for the individual's placement that are  
18 consistent with the ~~least restrictive environment required~~ requirements of s. 55.12  
19 (3), (4), and (5).

NOTE: SECTION 131 to 134 renumber and reorganize provisions regarding a  
comprehensive evaluation of an individual who is the subject of a protective placement  
or services petition.

20 **SECTION 135.** 55.06 (9) (a) of the statutes is renumbered 55.12 (1) and amended  
21 to read:

22 55.12 (1) ~~The court may order protective services under s. 55.05 (2) (d) as an~~  
23 ~~alternative to placement.~~ When ordering protective placement under the standards

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## SECTION 135

1 specified in s. 55.08 (1) or protective services under the standards specified in s. 55.08  
2 (2), the court, on the basis of the evaluation and other relevant evidence, shall order  
3 the appropriate board specified under s. 55.02 or an agency designated by it to  
4 protectively place county department or agency with which it contracts under s.  
5 55.02 (2) to provide protective placement or protective services to the individual.  
6 Placement by the appropriate board or designated agency is

7 (3) Protective placement or protective services provided by a county  
8 department or an agency with which it contracts under s. 55.02 (2) are subject to s.  
9 46.279 and shall be made provided in the least restrictive environment and in the  
10 least restrictive manner consistent with the needs of the person individual to be  
11 placed protected and with the placement resources of the appropriate board specified  
12 under s. 55.02 county department.

13 (4) Factors to be considered that a county department shall consider in making  
14 providing protective placement or protective services shall include the needs of the  
15 person individual to be protected for health, social, or rehabilitative services; the  
16 level of supervision needed; the reasonableness of the placement or services given the  
17 cost and the actual benefits in the level of functioning to be realized by the individual;  
18 the limits of available state and federal funds and of county funds required to be  
19 appropriated to match state funds; and the reasonableness of the protective  
20 placement or protective services given the number or projected number of  
21 individuals who will need protective placement or protective services and given the  
22 limited funds available.

23 (5) Except as provided in s. 49.45 (30m), the county may not be required to  
24 provide funding, in addition to its funds that are required to be appropriated to  
25 match state funds, in order to protectively place provide protective placement or



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1 protective services to an individual. Placement Protective placement under this  
2 section does not replace commitment of ~~a person~~ an individual in need of acute  
3 psychiatric treatment under s. 51.20 or 51.45 (13).

4 (2) Subject to s. 46.279, protective placement may be made to ~~such facilities as~~  
5 nursing homes, public medical institutions, centers for the developmentally disabled  
6 under the requirements of s. 51.06 (3), foster care services ~~and or~~ or other home  
7 placements, or to other appropriate facilities, but may not be made to units for the  
8 acutely mentally ill. An individual who is subject to an order for protective  
9 placement or protective services may be detained on an emergency basis under s.  
10 51.15 or involuntarily committed under s. 51.20 or may be voluntarily admitted to  
11 a treatment facility for inpatient care under s. 51.10 (8). No individual who is subject  
12 to an order for protective placement or services may be involuntarily transferred to,  
13 detained in, or committed to a treatment facility for care except under s. 51.15 or  
14 51.20. Protective placement in a locked unit shall require a specific finding of the  
15 court as to the need for the action.

16 (6) If the ~~appropriate board or designated county department or agency with~~  
17 which it contracts under s. 55.02 (2) proposes to place provide protective placement  
18 to an individual who has a developmental disability in an intermediate facility or a  
19 nursing facility under an order under this paragraph section, the county department  
20 or agency, or, if s. 46.279 (4m) applies to the individual, the department or the  
21 department's contractor shall develop a plan under s. 46.279 (4) and furnish the plan  
22 to the board county department or agency and to the individual's guardian. The  
23 board county department or agency with which it contracts under s. 55.02 (2) shall  
24 place provide protective placement to the individual in a noninstitutional  
25 community setting in accord with the plan unless the court finds that protective

**ASSEMBLY BILL 785****SECTION 135**

1 placement in the intermediate facility or nursing facility is the most integrated  
2 setting, as defined in s. 46.279 (1) (bm), that is appropriate to the needs of the  
3 individual, taking into account information presented by all affected parties. The  
4 ~~prohibition of placements in units for the acutely mentally ill does not prevent~~  
5 ~~placement by a court for short-term diagnostic procedures under par. (d). Placement~~  
6 ~~in a locked unit shall require a specific finding of the court as to the need for such~~  
7 ~~action. A placement facility may transfer a patient from a locked unit to a less~~  
8 ~~restrictive environment without court approval.~~

NOTE: Renumbers and reorganizes the provisions relating to an order for protective placement or services; clarifies that an individual who is subject to an order of protective placement or services may be detained on an emergency basis under s. 51.15 or involuntarily committed under s. 51.20, or voluntarily admitted to a treatment facility for inpatient care under s. 51.10 (8).

9 **SECTION 136.** 55.06 (9) (b) of the statutes is repealed.

10 **SECTION 137.** 55.06 (9) (c) of the statutes is repealed.

NOTE: SECTIONS 136 and 137 repeal provisions that have been incorporated into other statutory sections.

11 **SECTION 138.** 55.06 (9) (d) of the statutes is repealed.

12 **SECTION 139.** 55.06 (9) (e) of the statutes is repealed.

NOTE: SECTIONS 138 and 139 repeal provisions that have been found unconstitutional.

13 **SECTION 140.** 55.06 (10) (a) 1. of the statutes is renumbered 55.18 (1) (a) (intro.)  
14 and amended to read:

15 55.18 (1) (a) (intro.) ~~The county department or any agency which is responsible~~  
16 ~~for a protective placement of the individual's county of residence shall, except as~~  
17 ~~provided in sub. (1m), annually review the status of each person placed at least once~~  
18 ~~every 12 months from the date of admission. The court in its order of placement may,~~  
19 ~~however, require that such review be conducted more frequently individual who has~~  
20 ~~been provided protective placement. The review shall include in writing an a visit~~

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1 to the individual and a written evaluation of the physical, mental and social  
2 condition of each such person, and the individual and the service needs of the  
3 individual. The review shall be made a part of the permanent record of such person.  
4 ~~The review shall include recommendations for discharge or placement in services~~  
5 ~~which place less restrictions on personal freedom, where appropriate. The results~~  
6 ~~of the review shall be furnished to the department in such form as the department~~  
7 ~~may require and shall be furnished to the court that ordered the placement and to~~  
8 ~~the person's guardian. the individual. The county department shall inform the~~  
9 guardian of the individual of the review at the time the review is made and shall,  
10 before completing a report of the review, invite the individual and the guardian to  
11 submit comments or information concerning the individual's need for protective  
12 placement or protective services. Not later than the first day of the 11th month after  
13 the initial order is made for protective placement for an individual and, except as  
14 provided in par. (b), annually thereafter, the county department shall do all of the  
15 following:

NOTE: Renumbers and amends provisions relating to annual review of protective placement. Provides that the individual's guardian must be notified of the review and invite the individual and the guardian to submit comments or information concerning the individual's need for protective placement or protective services.

Requires the county department of the county of residence of a protectively placed individual to annually review the status of the individual, as required by *State ex. rel. Watts* and *County of Dunn v. Goldie H.*, as described in the PREFATORY NOTE. Specifies the required elements of the review, including a visit to the individual and a written evaluation of the individual's condition.

16 **SECTION 141.** 55.06 (10) (a) 2. of the statutes is renumbered 55.18 (1) (ar) and  
17 amended to read:

18 55.18 (1) (ar) If the person individual has a developmental disability and is  
19 protectively placed in an intermediate facility or a nursing facility, the agency that  
20 is responsible for the protective placement shall notify in writing the county

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## SECTION 141

1 department of the county of residence of the ~~person~~ individual that is participating  
2 in the program under s. 46.278 or, if s. 46.279 (4m) applies to the ~~person~~ individual,  
3 the department, at least 120 days before the review. The county department so  
4 notified or, if s. 46.279 (4m) applies, the department's contractor, shall develop a plan  
5 under s. 46.279 (4) and furnish the plan to the court that ordered the protective  
6 placement and to the ~~person's~~ individual's guardian. The court shall order that the  
7 ~~person~~ individual be transferred to the noninstitutional community setting in  
8 accordance with the plan unless the court finds that protective placement in the  
9 intermediate facility or nursing facility is the most integrated setting, as defined in  
10 s. 46.279 (1) (bm), that is appropriate to the needs of the ~~person~~ individual taking into  
11 account information presented by all affected parties.

12 **SECTION 142.** 55.06 (10) (b) of the statutes is renumbered 55.17 (1) and  
13 amended to read:

14 **55.17 (1) PETITION.** ~~The~~ An individual, the individual's guardian or guardian  
15 ad litem, the department, an agency, a guardian or a ward a county department or  
16 agency with it contracts under s. 55.02 (2), or any other interested person may file  
17 a petition at any time ~~petition the court for modification or for~~ termination of a an  
18 order for protective placement. A or protective services. The petition shall be served  
19 on the individual; the individual's guardian; the individual's attorney and guardian  
20 ad litem, if any; and the county department. The petition to terminate a protective  
21 placement shall allege that the conditions which warranted placement as specified  
22 in sub. (2) are no longer present. A petition shall be heard if a hearing has not been  
23 held within the previous 6 months but a hearing may be held at any time in the  
24 discretion of the court. The petition shall be heard within 21 days of its receipt by  
25 the court individual no longer meets the standards under s. 55.08 (1) for

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1 court-ordered protective placement or under s. 55.08 (2) for court-ordered protective  
2 services.

NOTE: Revises the provisions relating to a petition for protective services or placement. These provisions expand who may petition and who must be served with the petition; and remove provisions regarding hearing on the petition, which are placed in a separate provision.

3 **SECTION 143.** 55.06 (10) (c) of the statutes is repealed.

NOTE: Repeals a provision in current law that provides that termination of a guardianship or attainment of the age of majority by a minor terminates a protective placement order.

4 **SECTION 144.** 55.06 (11) (a) of the statutes is renumbered 55.135 (1) and  
5 amended to read:

6 55.135 (1) If, from personal observation of, or a reliable report made to, a  
7 sheriff, police officer, fire fighter, guardian, if any, or authorized representative of a  
8 ~~board designated under s. 55.02 or an agency designated by its county department or~~  
9 an agency with which it contracts under s. 55.02 (2), it appears probable that an  
10 individual ~~will suffer irreparable injury or death or will present~~ is so totally  
11 incapable of providing for his or her own care or custody as to create a substantial  
12 risk of serious physical harm to himself or herself or others as a result of  
13 developmental disabilities, ~~infirmities of aging, chronic degenerative brain disorder,~~  
14 serious and persistent mental illness, or other like incapacities if not immediately  
15 placed, the person making the observation or to whom the report is made may take  
16 into custody and transport the individual to an appropriate medical or protective  
17 placement facility. The person making emergency protective placement shall  
18 prepare a statement at the time of detention providing specific factual information  
19 concerning the person's observations or reports made to the person and the basis for  
20 emergency placement. The statement shall be filed with the director of the facility  
21 and ~~shall also be filed with any petition under sub. (2) s. 55.075.~~ At the time of

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## SECTION 144

1 emergency protective placement the individual shall be informed by the director of  
2 the facility or the director's designee, ~~both~~ orally and in writing, of his or her right  
3 to contact an attorney and a member of his or her immediate family and the right to  
4 have an attorney provided at public expense, as provided under s. 967.06 and ch. 977,  
5 if the individual is a child minor or is indigent. The director or designee shall also  
6 provide the individual with a copy of the statement by the person making emergency  
7 protective placement.

NOTE: Changes a provision in current law regarding emergency protective placement, by providing that, in addition to the personal observation of a law enforcement officer, firefighter, guardian or authorized representative of a county department, detention may be made based on a reliable report made to one of these persons.

8 **SECTION 145.** 55.06 (11) (am) of the statutes is renumbered 55.135 (2) and  
9 amended to read:

10 55.135 (2) Whoever signs a statement under ~~par. (a)~~ sub. (1) knowing the  
11 information contained ~~therein~~ in the statement to be false is guilty of a Class H  
12 felony.

13 **SECTION 146.** 55.06 (11) (ar) of the statutes is renumbered 55.135 (3) and  
14 amended to read:

15 55.135 (3) A person who acts in accordance with this ~~subsection~~ section is not  
16 liable for any actions performed in good faith.

17 **SECTION 147.** 55.06 (11) (b) of the statutes is renumbered 55.135 (4) and  
18 amended to read:

19 55.135 (4) ~~Upon detention~~ When an individual is detained under this section,  
20 a petition shall be filed under ~~sub. (2)~~ s. 55.075 by the person making ~~such~~ the  
21 emergency protective placement and a preliminary hearing shall be held within 72  
22 hours, excluding Saturdays, Sundays and legal holidays, to establish probable cause  
23 to believe the grounds for protective placement under ~~sub. (2)~~ s. 55.08 (1). The sheriff

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1 or other person making emergency protective placement under ~~par. (a)~~ sub. (1) shall  
2 provide the individual with written notice and orally inform him or her of the time  
3 and place of the preliminary hearing. If the detainee is not under guardianship, a  
4 petition for guardianship shall accompany the protective placement petition, except  
5 in the case of a minor who is alleged to be developmentally disabled. In the event that  
6 protective placement is not appropriate, the court may elect to treat a petition for  
7 protective placement as a petition for commitment under s. 51.20 or 51.45 (13).

8 **SECTION 148.** 55.06 (11) (c) of the statutes is renumbered 55.135 (5) and  
9 amended to read:

10 55.135 (5) Upon ~~a~~ finding of probable cause under ~~par. (b)~~ sub. (4), the court  
11 may order temporary protective placement up to 30 days pending the hearing for a  
12 permanent protective placement, or the court may order such protective services as  
13 may be required. If the court orders under this subsection an individual who has a  
14 developmental disability ~~is ordered, under this paragraph, to be temporarily placed~~  
15 receive temporary protective placement in an intermediate facility or in a nursing  
16 facility, and if at the hearing for permanent protective placement the court orders  
17 that the individual be ~~protectively placed~~ provide protective placement, the court  
18 may, before commencement of permanent protective placement, extend the  
19 temporary protective placement order for not more than 90 days if necessary for the  
20 county department that is participating in the program under s. 46.278 or, if s. 46.279  
21 (4m) applies, the department's contractor to develop the plan required under s.  
22 46.279 (4).

23 **SECTION 149.** 55.06 (11) (d) of the statutes is renumbered 55.135 (6) and  
24 amended to read:

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## SECTION 149

1           55.135 (6) A law enforcement agency, fire department, or county department  
2 ~~designated under s. 55.02 or an agency designated by that county department or~~  
3 ~~agency with which it contracts under s. 55.02 (2)~~ shall designate at least one  
4 employee authorized to take an individual into custody under this ~~subsection~~ section  
5 who shall attend the in-service training on emergency detention and emergency  
6 protective placement offered by a county department of community programs under  
7 s. 51.42 (3) (ar) 4. d., if the county department of community programs serving the  
8 designated employee's jurisdiction offers an in-service training program.

9           **SECTION 150.** 55.06 (12) of the statutes is renumbered 55.055 (5) and amended  
10 to read:

11           55.055 (5) ~~When~~ If a ward lives with the his or her guardian, the guardian may  
12 make temporary protective placement of the ward. ~~Placement may be made, to~~  
13 provide the guardian with a vacation or to ~~temporarily~~ release the guardian  
14 temporarily for a family emergency. ~~Such~~ The temporary protective placement may  
15 be made for not more than 30 days but the court may, upon application, grant an  
16 additional period not to exceed 60 days in all. The application shall include ~~such~~ any  
17 information as that the court may reasonably deem necessary. When reviewing the  
18 application, the court shall provide the least restrictive temporary protective  
19 placement ~~which~~ that is consistent with the needs of the ward.

20           **SECTION 151.** 55.06 (14) of the statutes is renumbered 55.175 and amended to  
21 read:

22           **55.175 Discharge from protective placement.** Prior to discharge from a  
23 protective placement, the ~~appropriate board which is responsible for placement~~  
24 county department shall review the need for provision of continuing protective  
25 services or for continuation of full or limited guardianship or provision for ~~such~~ a



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1 guardianship if the individual has no guardian. ~~Recommendation shall be made~~ The  
2 county department shall make a recommendation to the court if the recommendation  
3 includes a course of action for which court approval would be required. Prior to  
4 discharge from any state institute or center for the developmentally disabled, the  
5 department shall make such the review under s. 51.35 (7).

6 **SECTION 152.** 55.06 (15) of the statutes is repealed.

NOTE: Repeals a provision regarding the responsibilities of a guardian to the ward,  
since these provisions are present in ch. 880, stats.

7 **SECTION 153.** 55.06 (16) of the statutes is renumbered 55.21 and amended to  
8 read:

9 **55.21 Centers for the developmentally disabled.** Placements Protective  
10 placements to centers for the developmentally disabled and discharges from such  
11 institutions shall be in compliance with s. 51.35 (4).

12 **SECTION 154.** 55.06 (17) of the statutes is renumbered 55.22 and amended to  
13 read:

14 **55.22 Records.** (1) (intro.) ~~Any~~ No records of the court pertaining to protective  
15 services or protective placement proceedings, including evaluations, reviews and  
16 recommendations prepared under ~~sub. (8) (e)~~ s. 55.11 (1) (c), are ~~not~~ open to public  
17 inspection but are any record is available to all of the following:

18 (a) The individual who is the subject of the proceedings and the subject's  
19 individual's guardian at all times.

20 (b) The subject's individual's attorney or guardian ad litem, without the  
21 subject's individual's consent and without modification of the records, in order to  
22 prepare for any court proceedings relating to the subject's individual's protective

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1 services or protective placement or relating to the subject's individual's  
2 guardianship.

3 (c) Other persons only with the informed written consent of the subject  
4 individual as provided in s. 51.30 (2) or under an order of the court that maintains  
5 the records.

6 (2) If the subject individual is an adult who has been adjudged incompetent  
7 under ch. 880 or is a minor, consent for release of information from and access to the  
8 court records may be given only as provided in s. 51.30 (5).

9 (3) All treatment and service records pertaining to a person an individual who  
10 is protected under this chapter or for whom application has been made for protection  
11 under this chapter are confidential and ~~privileged to the subject~~. Section 51.30  
12 governs access to treatment and service records.

NOTE: Renumbers a provision in current law relating to records in protective  
placement and services proceedings and makes minor wording changes.

13 **SECTION 155.** 55.06 (18) of the statutes is renumbered 55.20 and amended to  
14 read:

15 **55.20 Appeals.** An appeal may be taken to the court of appeals from a final  
16 judgment or final order under this section chapter within the time period specified  
17 in s. 808.04 (3) and in accordance with s. 809.30 by the subject of the petition or the  
18 individual's guardian, by any petitioner, or by the representative of the public.

19 **SECTION 156.** 55.07 of the statutes is renumbered 55.23, and 55.23 (1) and (2),  
20 as renumbered, are amended to read:

21 55.23 (1) The rights and limitations upon rights, procedures for enforcement  
22 of rights, and penalties prescribed in s. 51.61 apply to persons individuals who  
23 receive services under this chapter, whether on a voluntary or involuntary basis.

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1           (2) A parent who has been denied periods of physical placement under s. 767.24  
2           (4) (b) or 767.325 (4) may not have the rights of a parent or guardian with respect to  
3           access to a child's minor's records under this chapter.

4           **SECTION 157.** 55.075 of the statutes is created to read:

5           **55.075 Protective services or protective placement; petition.** Except as  
6           provided in s. 971.14 (6) (b):

7           (1) WHO MAY PETITION.

8           (2) CONTENTS OF PETITION.

9           (3) PETITION FOR GUARDIANSHIP; REVIEW OF INCOMPETENCY.

10          (4) FEES AND COSTS OF PETITION. (a) The court shall award, from the assets of  
11          the individual sought to be protectively placed or protectively served, payment of the  
12          petitioner's reasonable attorney fees and costs, unless the court finds, after  
13          considering all of the following, that it would be inequitable to do so:

14               1. The petitioner's interest in the matter, including any conflict of interest that  
15               the petitioner may have had in pursuing the guardianship or protective placement  
16               or services.

17               2. The ability of the estate of the individual sought to be protectively placed or  
18               protectively served to pay the petitioner's reasonable attorney fees and costs.

19               3. Whether the petition was contested and, if so, the nature of the contest.

20               4. Whether the individual sought to be protectively placed or protectively  
21               served had executed a durable power of attorney under s. 243.07 or a power of  
22               attorney for health care under s. 155.05 or had provided advance consent to nursing  
23               home admission or engaged in other advance planning to avoid protective placement  
24               or protective services.

25               5. Any other factors that the court considers to be relevant.

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1           **(5)** WHERE A PETITION MAY BE FILED; VENUE; COUNTY OF RESPONSIBILITY.

2           (b) The court in which a petition is first filed under par. (a) shall determine  
3 venue. The court shall direct that proper notice be given to any potentially  
4 responsible or affected county. Proper notice is given to a potentially responsible or  
5 affected county if written notice of the proceeding is sent by certified mail to the  
6 county's clerk and corporation counsel. After all potentially responsible or affected  
7 counties and parties have been given an opportunity to be heard, the court shall  
8 determine that venue lies in the county in which the petition is filed under par. (a)  
9 or in another county, as appropriate. If the court determines that venue lies in  
10 another county, the court shall order the entire record certified to the proper court.  
11 A court in which a subsequent petition is filed shall, upon being satisfied of an earlier  
12 filing in another court, summarily dismiss the subsequent petition.

NOTE: Renumbers and reorganizes provisions relating to a petition for protective placement or services. Adds to ch. 55 provisions similar to those in current s. 880.24 (3), stats., requiring the court to award payment of reasonable attorney fees and costs to a person who petitions for protective services or placement. Also, adds new provisions relating to venue in a protective placement or services proceeding.

13           **SECTION 158.** 55.08 of the statutes is created to read:

14           **55.08 Protective services or protective placement: standards. (1)**

15           PROTECTIVE PLACEMENT. A court may under s. 55.12 order protective placement for  
16 an individual who meets all of the following standards:

17           **(2) PROTECTIVE SERVICES.** A court may under s. 55.12 order protective services  
18 for an individual who meets all of the following standards:

19           (a) The individual has been determined to be incompetent by a circuit court or  
20 is a minor who is alleged to be developmentally disabled and on whose behalf a  
21 petition for a guardianship has been submitted.

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1 (b) As a result of developmental disabilities, degenerative brain disorder,  
2 serious and persistent mental illness, or other like incapacities, the individual will  
3 incur a substantial risk of physical harm or deterioration or will present a  
4 substantial risk of physical harm to others if protective services are not provided.

NOTE: Renumbers and reorganizes provisions relating to standards that a court must consider when determining whether an individual meets the standards for protective placement; adds standards that a court must consider when determining whether an individual meets the standards for court-ordered protective services. Although courts order protective services under current law, there are no specific statutory provisions for courts to follow when ordering protective services.

5 **SECTION 159.** 55.09 of the statutes is created to read:

6 **55.09 Notice of petition and hearing for protective services or**  
7 **placement.**

8 (2) OTHER NOTICE REQUIRED. In addition to the notice required under sub. (1),  
9 notice shall be served, personally or by mail, at least 10 days before the time set for  
10 a hearing, upon all of the following:

11 (a) The guardian ad litem, legal counsel, and guardian, if any, of the individual  
12 sought to be protected.

13 (b) The agent under an activated power of attorney for health care, if any, of the  
14 individual sought to be protected.

15 (c) The presumptive adult heirs, if any, of the individual sought to be protected.

16 (d) Other persons who have physical custody of the individual sought to be  
17 protected whose names and addresses are known to the petitioner or can with  
18 reasonable diligence be ascertained.

19 (e) The county department.

20 (f) Any governmental or private body or group from whom the individual sought  
21 to be protected is known to be receiving aid.

22 (g) Any other persons or entities that the court may require.

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**SECTION 159**

1 (h) The department, if the individual sought to be protected may be placed in  
2 a center for the developmentally disabled.

3 (i) The county department that is participating in the program under s. 46.278  
4 of the county of residence of the individual sought to be protected, if the individual  
5 has a developmental disability and may be placed in an intermediate facility or a  
6 nursing facility, except that, for an individual sought to be protected to whom s.  
7 46.279 (4m) applies, this notice shall instead be served on the department.

8 **(3) NOTICE OF PETITION FOR INVOLUNTARY ADMINISTRATION OF PSYCHOTROPIC**  
9 **MEDICATION.** Notice of a petition under s. 55.14 shall be served personally or by mail  
10 upon the corporation counsel and county department.

NOTE: Creates a new section relating to notice of petition and hearing for protective services or placement, which incorporates and reorganizes provisions in current law regarding who must be served with notice of a hearing for protective services or placement.

11 **SECTION 160.** 55.10 of the statutes is created to read:

12 **55.10 Hearing on petition for protective services or protective**  
13 **placement.**

14 ~~(2) ATTENDANCE. The individual sought to be protected shall be present at the~~  
15 ~~hearing on the petition unless, after a personal interview, the guardian ad litem~~  
16 ~~certifies in writing to the court that the individual is unwilling to participate or~~  
17 ~~unable to participate in a meaningful way or certifies other specific reasons why the~~  
18 ~~individual is unable to attend. If the individual is unable to attend a hearing only~~  
19 ~~because of physical inaccessibility or lack of transportation, the court shall, if~~  
20 ~~requested by the individual, the individual's guardian ad litem, the individual's~~  
21 ~~counsel, or other interested person, hold the hearing in a place where the individual~~  
22 ~~is able to attend.~~

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1           (3) HEARING TO BE OPEN. The hearing shall be open, unless the individual sought  
2 to be protected, or his or her attorney acting with the consent of the individual sought  
3 to be protected, requests that it be closed. If the hearing is closed, only persons in  
4 interest, including representatives of providers of service and their attorneys and  
5 witnesses, may be present.

6           (4) RIGHTS. The following provisions apply to all hearings under this chapter  
7 except transfers of placement under s. 55.15 and summary hearings under ss. 55.18  
8 (3) (d) and 55.19 (3) (d):

9           (a) *Counsel; costs.* The individual sought to be protected has the right to counsel  
10 whether or not the individual is present at the hearing on the petition. The court  
11 shall require representation by full legal counsel whenever the petition alleges that  
12 the individual is not competent to refuse psychotropic medication under s. 55.14, the  
13 individual sought to be protected requested such representation at least 72 hours  
14 before the hearing, the guardian ad litem or any other person states that the  
15 individual sought to be protected is opposed to the petition, or the court determines  
16 that the interests of justice require it. If the individual sought to be protected or any  
17 other person on his or her behalf requests but is unable to obtain legal counsel, the  
18 court shall appoint legal counsel. Counsel shall be provided at public expense, as  
19 provided under s. 967.06 and ch. 977, if the individual is indigent. If the individual  
20 sought to be protected is an adult who is indigent, and if counsel was not appointed  
21 under s. 977.08, the county in which the hearing is held is liable for any fees due the  
22 individual's legal counsel. If the individual sought to be protected is represented by  
23 counsel appointed under s. 977.08 in a proceeding for the appointment of a guardian  
24 under s. 880.33, the court shall order the counsel appointed under s. 977.08 to  
25 represent under this section the individual sought to be protected.

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1           (c) *Trial by jury; right to cross examine witnesses.* The individual sought to be  
2 protected has the right to a trial by a jury if demanded by the individual sought to  
3 be protected or his or her attorney or guardian ad litem. The number of jurors shall  
4 be determined under s. 756.06 (2) (b). The individual sought to be protected, and the  
5 individual's attorney and guardian ad litem have the right to present and  
6 cross-examine witnesses, including any person making an evaluation or review  
7 under s. 55.11.

8           (e) *Independent evaluation.* The individual sought to be protected has the right  
9 to secure an independent evaluation as provided in s. 55.11 (2).

NOTE: Creates a new section on hearing on the petition for protective placement or services, which incorporates and reorganizes provisions in current law. Also, modifies provision regarding attendance of the individual to be protected at the hearing. Specifies the rights that apply to all hearings under ch. 55. These rights are present under current law, but are contained in ch. 880 and only cross-referenced currently in ch. 55. This provisions specifies these rights within ch. 55 for easier reference.

10           **SECTION 161.** 55.11 of the statutes is created to read:

11           **55.11 Comprehensive evaluation; recommendations; statements.**

12           (2) If requested by the individual sought to be protected, or anyone on the  
13 individual's behalf, the individual sought to be protected has the right at his or her  
14 own expense, or, if indigent, at the expense of the county where the petition is filed,  
15 to secure an independent comprehensive evaluation, if an independent  
16 comprehensive evaluation has not already been made. The individual, or anyone on  
17 the individual's behalf, may present a report of this independent comprehensive  
18 evaluation or the evaluator's personal testimony as evidence at the hearing.

19           (3) A copy of the comprehensive evaluation and any independent  
20 comprehensive evaluation shall be provided to the individual's guardian, agent  
21 under any activated health care power of attorney, and guardian ad litem, and to the



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1 individual or the individual's attorney at least 96 hours in advance of the hearing to  
2 determine protective placement or protective services.

3 (4) Where applicable by reason of the particular disability, the county  
4 department or an agency with which it contracts under s. 55.02 (2) that has  
5 responsibility where the individual has legal residence shall make a  
6 recommendation for protective placement or protective services.

7 (5) If the court is considering protective placement of the individual in a center  
8 for the developmentally disabled, the court shall request a statement or testimony  
9 from the department regarding whether the protective placement is appropriate for  
10 the individual's needs and whether it is consistent with the purpose of the center  
11 under s. 51.06 (1).

12 (6) If the individual has a developmental disability and the court is considering  
13 protective placement of the individual in an intermediate facility or a nursing  
14 facility, the court shall request a statement or testimony from the county department  
15 of the individual's county of residence that is participating in the program under s.  
16 46.278 as to whether the individual's needs could be met in a noninstitutional  
17 setting, except that, if s. 46.279 (4m) applies to the individual, the court shall request  
18 the statement or testimony from the department, rather than the county  
19 department.

NOTE: Creates a new section relating to a comprehensive evaluation in a protective placement or services proceeding, which incorporates and reorganizes provisions in current law. Also, creates a right to request an independent evaluation by a person who is the subject of a protective placement proceeding that is parallel to the right to request an independent evaluation in s. 880.33 (2) (b) when a person is the subject of a guardianship proceeding.

This right to an independent evaluation applies when such an evaluation has not already been made. For example, if a person who is the subject of both a guardianship and protective placement proceeding requested an independent evaluation under s. 880.33 (2) (b), the person would not also be able to request an independent evaluation under s. 55.11.

**ASSEMBLY BILL 785****SECTION 162**

1           **SECTION 162.** 55.12 of the statutes is created to read:

2           **55.12 Order for protective services or protective placement.**

3           **(7)** If an individual to be protectively placed is a resident of a facility licensed  
4 for 16 or more beds, the court may consider whether moving the individual would  
5 create a serious risk of harm to that individual.

6           **(8)** The court may order protective services as an alternative to protective  
7 placement.

8           **(9)** The court may order psychotropic medication as a protective service only  
9 as provided in s. 55.14.

NOTE: Moves provisions in current s. 55.06 (9) (a), relating to orders for protective services or protective placements, to a newly created statutory section, s. 55.12. Also, creates additional provisions that clarify court orders relating to moving an individual who is a resident of a facility licensed for 16 or more beds; court orders for protective services as an alternative to placement; and court orders for psychotropic medication as a protective service.

10           **SECTION 163.** 55.13 (2) and (3) of the statutes are created to read:

11           **55.13 (2)** If the county department or agency with which the county  
12 department contracts under s. 55.02 (2) that is providing emergency protective  
13 services to an individual under sub. (1) has reason to believe that the individual  
14 meets the criteria for protective services under s. 55.08 (2), the county department  
15 or agency may file a petition under s. 55.075. If a petition is filed, a preliminary  
16 hearing shall be held within 72 hours, excluding Saturdays, Sundays, and legal  
17 holidays, to establish probable cause that the criteria under s. 55.08 (2) are present.  
18 The county department or agency shall provide the individual with written notice  
19 and orally inform the individual of the time and place of the preliminary hearing.  
20 If the individual is not under guardianship, a petition for guardianship shall  
21 accompany the petition under s. 55.08 (2), except in the case of a minor who is alleged  
22 to be developmentally disabled.

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1           **(3)** Upon finding probable cause under sub. (2), the court may order emergency  
2 protective services to continue to be provided for up to 60 days pending the hearing  
3 on protective services under s. 55.10.

NOTE: Creates new provisions to provide direction to a county department that is providing emergency protective services to permit the department to file a petition for protective services for an individual who is receiving emergency protective services.

4           **SECTION 164.** 55.135 (title) of the statutes is created to read:

5           **55.135 (title) Emergency and temporary protective placement.**

NOTE: Creates a title for new statutory section on emergency and temporary protective placement.

6           **SECTION 165.** 55.14 of the statutes is created to read:

7           **55.14 Involuntary administration of psychotropic medication.** (1) In  
8 this section:

9           (a) “Involuntary administration of psychotropic medication” means any of the  
10 following:

11           1. Placing psychotropic medication in an individual’s food or drink with  
12 knowledge that the individual protests receipt of the psychotropic medication.

13           2. Forcibly restraining an individual to enable administration of psychotropic  
14 medication.

15           3. Requiring an individual to take psychotropic medication as a condition of  
16 receiving privileges or benefits.

17           (c) “Protest” means make more than one discernible negative response, other  
18 than mere silence, to the offer of, recommendation for, or other proffering of  
19 voluntary receipt of psychotropic medication. “Protest” does not mean a discernible  
20 negative response to a proposed method of administration of the psychotropic  
21 medication.

**ASSEMBLY BILL 785****SECTION 165**

1 (d) “Psychotropic medication” means a prescription drug, as defined in s. 450.01  
2 (20), that is used to treat or manage a psychiatric symptom or challenging behavior.

3 (2) Involuntary administration of psychotropic medication, with consent of a  
4 guardian, may be ordered as a protective service under the requirements of this  
5 section.

6 (3) In addition to the other requirements of this chapter pertaining to petitions  
7 for protective services, a petition under this section shall allege that all of the  
8 following are true:

9 (a) A physician has prescribed psychotropic medication for the individual.

10 (b) The individual is not competent to refuse psychotropic medication.

11 (c) The individual has refused to take the psychotropic medication voluntarily  
12 or attempting to administer psychotropic medication to the individual voluntarily is  
13 not feasible or is not in the best interests of the individual. If the petition alleges that  
14 the individual has refused to take psychotropic medication voluntarily, the petition  
15 shall identify the reasons, if known, for the individual's refusal to take psychotropic  
16 medication voluntarily. The petition also shall provide evidence showing that a  
17 reasonable number of documented attempts to administer psychotropic medication  
18 voluntarily using appropriate interventions that could reasonably be expected to  
19 increase the individual's willingness to take psychotropic medication voluntarily  
20 have been made and have been unsuccessful. If the petition alleges that attempting  
21 to administer psychotropic medications to the individual voluntarily is not feasible  
22 or is not in the best interests of the individual, the petition must identify specific  
23 reasons supporting that allegation.

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1 (d) The individual's condition for which psychotropic medication has been  
2 prescribed is likely to be improved by administration of psychotropic medication and  
3 the individual is likely to respond positively to psychotropic medication.

4 (e) Unless psychotropic medication is administered involuntarily, the  
5 individual will incur an immediate or imminent substantial probability of physical  
6 harm, impairment, injury, or debilitation or will present a substantial probability of  
7 physical harm to others. The substantial probability of physical harm, impairment,  
8 injury, or debilitation shall be evidenced by one of the following:

9 1. The individual's history of at least 2 episodes, one of which has occurred  
10 within the previous 24 months, that indicate a pattern of overt activity, attempts,  
11 threats to act, or omissions that resulted from the individual's failure to participate  
12 in treatment, including psychotropic medication, and that resulted in a finding of  
13 probable cause for commitment under s. 51.20 (7), a settlement agreement approved  
14 by a court under s. 51.20 (8) (bg), or commitment ordered under s. 51.20 (13).

15 2. Evidence that the individual meets one of the dangerousness criteria set  
16 forth in s. 51.20 (1) (a) 2. a. to e.

17 (4) A petition under this section must include a written statement signed by  
18 a physician who has personal knowledge of the individual that provides general  
19 clinical information regarding the appropriate use of psychotropic medication for the  
20 individual's condition and specific data that indicates that the individual's current  
21 condition necessitates the use of psychotropic medication.

22 (5) The guardian ad litem appointed under s. 55.10 (4) (b) for an individual who  
23 is the subject of a petition under this section shall report to the court whether the  
24 allegations in the petition required under sub. (3) are true, and whether involuntary  
25 administration of psychotropic medication is in the best interests of the individual.

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1           (6) If requested by an individual who is the subject of a petition under this  
2 section or anyone on his or her behalf, the individual has the right at his or her own  
3 expense, or if indigent at the expense of the county in which the petition is filed, to  
4 secure an independent medical or psychological examination relevant to the issues  
5 of whether the allegations in the petition required under sub. (3) are true, and  
6 whether involuntary administration of psychotropic medication is in the best  
7 interest of the individual, and to present a report of this independent evaluation or  
8 the evaluator's personal testimony as evidence at the hearing.

9           (7) Upon the filing of a petition under this section, the court shall appoint  
10 counsel as required under s. 55.10 (4) (a). A petition under this section shall be heard  
11 within 30 days after it is filed.

12           (8) The court may issue an order authorizing an individual's guardian to  
13 consent to involuntary administration of psychotropic medication to the individual  
14 and may order involuntary administration of psychotropic medication to the  
15 individual as a protective service, with the guardian's consent, if the court or jury  
16 finds by clear and convincing evidence that the allegations in the petition required  
17 under sub. (3) are true, all other requirements for involuntary administration of  
18 psychotropic medication under this section have been met, psychotropic medication  
19 is necessary for treating the condition described in the statement under sub. (4), and  
20 all other requirements of this chapter for ordering protective services have been met.  
21 An order under this section shall do all of the following:

22           (a) Direct the development of a treatment plan for the individual specifying the  
23 protective services, including psychotropic medication as ordered by the treating  
24 physician, that the individual should receive. If the individual resides in a nursing  
25 home or hospital, the nursing home or hospital shall develop the treatment plan. If

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1 the individual resides elsewhere, the county department or an agency with which it  
2 contracts under s. 55.02 (2) shall develop the treatment plan. The treatment plan  
3 shall include a plan for the involuntary administration of psychotropic medication  
4 to the individual. The treatment plan is subject to the approval of the guardian and  
5 to review and approval by the court. If the court approves the plan, the court shall  
6 order the county department or an agency with which it contracts under s. 55.02 (2)  
7 to ensure that psychotropic medication is administered in accordance with the  
8 treatment plan.

9 (b) Order the individual to comply with the treatment plan under par. (a). The  
10 order shall provide that if the individual fails to comply with provisions of the  
11 treatment plan that require the individual to take psychotropic medications, the  
12 medications may be administered involuntarily with consent of the guardian. The  
13 order shall specify the methods of involuntary administration of psychotropic  
14 medication to which the guardian may consent. An order authorizing the forcible  
15 restraint of an individual shall specify that a person licensed under s. 441.06, 441.10,  
16 or 448.05 (2) or (5) shall be present at all times that psychotropic medication is  
17 administered in this manner and shall require the person or facility using forcible  
18 restraint to maintain records stating the date of each administration, the medication  
19 administered, and the method of forcible restraint utilized.

20 (9) If an individual who is subject to an order under this section is not in  
21 compliance with the order because he or she refuses to take psychotropic medication  
22 as ordered under the treatment plan, and it is necessary for the individual to be  
23 transported to an appropriate facility for forcible restraint for administration of  
24 psychotropic medication, the corporation counsel may file with the court a statement  
25 of the facts of the noncompliance of the individual. The statement shall be sworn to

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1 be true and shall be based upon the information and belief of the person filing the  
2 statement. The statement shall be signed by the individual's guardian and by the  
3 director or designee of the county department or an agency with which it contracts  
4 under s. 55.02 (2) to develop and administer the treatment plan. Upon receipt of the  
5 statement of noncompliance, if the court finds by clear and convincing evidence that  
6 the individual has substantially failed to comply with the administration of  
7 psychotropic medication as ordered under the treatment plan, the court may issue  
8 an order authorizing the sheriff or any other law enforcement agency in the county  
9 in which the individual is found or in which it is believed that the individual may be  
10 present to take the individual into custody and transport him or her to an  
11 appropriate facility for administration of psychotropic medication using forcible  
12 restraint, with consent of the guardian.

13 (10) Nothing in this section prohibits the involuntary administration of  
14 psychotropic medication as an emergency protective service under s. 55.13.

15 (11) The county department or an agency with which it contracts under s. 55.02  
16 (2) shall provide to the department a copy of any order issued under this section that  
17 applies to any protectively placed individual in the county.

18 (12) The department shall annually submit to the legislature under s. 13.172  
19 (2) a report regarding orders under this section.

20 (13) An order under this section is subject to annual review under s. 55.19.

NOTE: Establishes a procedure by which a court may order involuntary  
administration of psychotropic medication, with consent of a guardian, as a protective  
service, as described in detail in the PREFATORY NOTE.

21 **SECTION 166.** 55.15 of the statutes is created to read:

22 **55.15 Transfer of an individual under a protective placement order.**

23 (1) TRANSFERS AUTHORIZED. An individual under a protective placement order may



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1 be transferred between protective placement units, between protective placement  
2 facilities, or from a protective placement unit to a medical facility. The individual  
3 may not be transferred, under the protective placement order, to any facility for  
4 which commitment procedures are required under ch. 51.

5 (2) WHO MAY TRANSFER. A guardian, a county department or agency with which  
6 it contracts under s. 55.03 (2) that provided protective placement to the individual  
7 pursuant to the order of the court, the department, or a protective placement facility  
8 may transfer an individual under a protective placement order under the  
9 requirements of this section, notwithstanding the fact that a court order has named  
10 a specific facility for the protective placement of the individual.

11 (3) CONSENT OF GUARDIAN REQUIRED. No individual may be transferred under  
12 this section without the written consent of the individual's guardian, except in the  
13 case of an emergency transfer under sub. (5) (b).

14 (4) CONSENT OF COUNTY DEPARTMENT. No individual may be transferred under  
15 this section to a facility that is more costly to the county without the written consent  
16 of the county department, except in the case of an emergency transfer under sub. (5)  
17 (b).

18 (5) NOTICE OF TRANSFER. (a) *Nonemergency transfer.* A person or entity who  
19 initiates a transfer shall provide 10 days' prior written notice of a transfer to the court  
20 that ordered the protective placement and to each of the other persons and entities  
21 specified in sub. (2) who did not initiate the transfer. The notice of transfer shall  
22 include notice of the right of the individual under a protective placement, the  
23 individual's attorney, if any, or other interested person to petition the court for a  
24 hearing on the transfer.

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1           (b) *Emergency transfer.* If an emergency makes it impossible to provide the  
2 notice specified in par. (a) or to obtain the prior written consent of the guardian  
3 specified in sub. (3), the individual may be transferred without the prior written  
4 consent of the guardian and without the notice specified in par. (a). Written notice  
5 shall be provided immediately upon transfer to each of the persons and entities  
6 specified under sub. (2) who did not initiate the transfer. Notice shall also be  
7 provided to the court that ordered the protective placement within a reasonable time,  
8 not to exceed 48 hours from the time of transfer. The notice shall include notice of  
9 the right to file with the court under sub. (6) a petition objecting to the emergency  
10 transfer.

11           (6) **PETITION.** An individual under protective placement, the individual's  
12 guardian, the individual's attorney, if any, or any other interested person may file a  
13 petition with the court objecting to a proposed transfer or to an emergency transfer  
14 made under sub. (5) (b). The petition shall specify the reasons for the person's  
15 objection to the transfer.

16           (7) **HEARING.** (a) The court shall order a hearing within 10 days after the filing  
17 of a petition under sub. (6).

18           (b) The court shall notify the petitioner, the individual under protective  
19 placement, the individual's guardian, the individual's attorney, if any, and the county  
20 department of the time and place of the hearing.

21           (c) A guardian ad litem shall be appointed to represent the individual under  
22 protective placement at the hearing. If the individual is an adult who is indigent, the  
23 county in which the hearing is held shall be liable for guardian ad litem fees. If the  
24 individual is a minor, the individual's parents or the county in which the hearing is  
25 held shall be liable for guardian ad litem fees as provided in s. 48.235 (8).

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1 (cm) The court shall appoint counsel for the individual under protective  
2 placement if the individual, the individual's guardian ad litem, or anyone on the  
3 individual's behalf requests that counsel be appointed for the individual

4 (d) The petitioner, individual under protective placement, the individual's  
5 guardian, the individual's guardian ad litem, and the individual's attorney, if any,  
6 have the right to attend the hearing and to present and cross-examine witnesses.

7 **(8) STANDARD FOR TRANSFER.** In determining whether to approve a proposed  
8 transfer or an emergency transfer made under sub. (5) (b), the court shall consider  
9 all of the following:

10 (a) Whether the requirements of s. 55.12 (2) and (6) are met.

11 (b) Whether the protective placement is in the least restrictive environment  
12 consistent with the requirements of s. 55.12 (3), (4), and (5) or, if the transfer is to an  
13 intermediate facility or nursing facility, is in the most integrated setting, as defined  
14 in s. 46.279 (1) (bm).

15 (c) Whether the protective placement is in the best interests of the person under  
16 protective placement.

17 **(9) ORDER RELATING TO TRANSFER.** Following the hearing under sub. (7), the  
18 court shall do one of the following:

19 (a) If the court finds that the individual continues to meet the standards under  
20 s. 55.08 (1) and the individual's proposed protective placement does not meet the  
21 standards for transfer under sub. (8), the court shall issue an order prohibiting the  
22 transfer. The court shall include the information relied upon as a basis for the order  
23 and shall make findings based on the standards under sub. (8) in support of the  
24 denial of the transfer.

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1 (b) If the court finds that the individual continues to meet the standards under  
2 s. 55.08 (1) and the proposed transfer meets the standard under sub. (8), the court  
3 shall approve the proposed transfer. The court may order protective services along  
4 with transfer of protective placement. The court shall include the information relied  
5 upon as a basis for the order and shall make findings based on the standards in s.  
6 55.08 (1) in support of the need for continued protective placement.

7 (c) If the court finds that the individual no longer meets the standards under  
8 s. 55.08 (1), the court shall terminate the protective placement, as provided in s.  
9 55.17.

NOTE: Revises the provisions in current law regarding transfers of protective placements. Provides that transfers between placement units, between placement facilities, or from a placement facility to a medical facility (provided that the medical facility is not a psychiatric facility), may be made by a county or the Department of Health and Family Services (DHFS), in addition to a guardian or placement facility. However, if such a transfer is made, 10 days' prior written notice must be given by the transferring entity to the guardian, the county, the department, and the placement facility. Further, this bill requires that a county, the department, or placement facility making such a transfer must obtain the prior written consent of the guardian. If an emergency precludes providing the required prior written notice, or precludes obtaining the guardian's prior written consent, written notice must be provided immediately upon transfer. Under the bill, if a guardian, ward or attorney, or other interested person files a petition specifying objections to a transfer, the court must order a hearing within 10 days after filing the petition, or within 96 hours after filing of the petition in the case of an emergency transfer made without the required prior written notice and prior written consent of the guardian.

For nonemergency transfers, the purpose of the hearing is to determine whether the proposed placement meets the standards of s. 55.12 (2) and (6), is in the least restrictive environment or most integrated setting, and is in the best interests of the ward.

10 **SECTION 167.** 55.16 of the statutes is created to read:

11 **55.16 Modification of an order for protective placement or protective**  
12 **services.** (1) USE OF TRANSFER PROVISIONS. If a petitioner is an entity authorized  
13 under s. 55.15 (2) to transfer an individual under a protective placement and the  
14 modification sought is a transfer of an individual between protective placement  
15 units, between protective placement facilities, or from a protective placement unit

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1 to a medical facility that is not a psychiatric facility, the petitioner may utilize the  
2 procedure in s. 55.15 in lieu of the procedure under this subsection.

3 (2) PETITION. (a) *Filing; services.* An individual under protective placement  
4 or receiving protective services, the individual's guardian, the individual's legal  
5 counsel or guardian ad litem, if any, the department, the county department that  
6 placed the individual or provided the protective services under an order of the court,  
7 an agency with which the county department contracts under s. 55.02 (2), or any  
8 interested person may file a petition at any time for modification of an order for  
9 protective services or protective placement. The petition shall be served on the  
10 individual, the individual's guardian, the individual's legal counsel and guardian ad  
11 litem, if any, and the county department.

12 (b) *Modification of an order for protective placement; allegations.* A petition for  
13 modification of an order for protective placement shall make one of the following  
14 allegations:

15 1. That the protective placement is not in the least restrictive environment that  
16 is consistent with the requirements of s. 55.12 (3), (4), and (5).

17 2. That a protective placement in a facility with a higher level of restrictiveness  
18 would be more consistent with the requirements of s. 55.12 (3), (4), and (5).

19 3. That a protective placement in a different facility with the same level of  
20 restrictiveness as the current placement would be more consistent with the  
21 requirements of s. 55.12 (4) and (5) for reasons unrelated to the level of  
22 restrictiveness.

23 (c) *Modification of an order for protective services; allegations.* 1. A petition for  
24 modification of an order for protective services, other than an order under s. 55.14,  
25 shall allege that the protective services are not provided in the least restrictive

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1 environment or manner that is consistent with the requirements of s. 55.12 (3), (4),  
2 and (5).

3 2. A petition for modification of an order under s. 55.14 shall allege that  
4 modification of the order or the treatment plan for the individual would be in his or  
5 her best interests.

6 (3) HEARING. (a) The court shall order a hearing within 21 days after the filing  
7 of a petition under sub. (2), except that the court is not required to order a hearing  
8 if a hearing on a court-ordered protective placement for the individual or on a  
9 petition for court-ordered protective services or transfer of protective placement  
10 with respect to the individual has been held within the previous 6 months.

11 (b) The court may extend the 21-day limitation in par. (a) if requested by the  
12 individual or the individual's guardian, guardian ad litem, or legal counsel.

13 (c) The hearing shall be subject to s. 55.10 (4).

14 (4) ORDER MODIFICATION FOR INDIVIDUAL UNDER PROTECTIVE PLACEMENT. After a  
15 hearing under sub. (3) on a petition for modification of an order for protective  
16 placement, the court shall make one of the following orders and shall include in the  
17 order the information relied on as a basis for that order:

18 (a) If the court finds that the individual continues to meet the standards under  
19 s. 55.08 (1) and the individual's protective placement is in the least restrictive  
20 environment that is consistent with the requirements of s. 55.12 (3), (4), and (5), the  
21 court shall order continuation of the protective placement in the facility in which the  
22 individual resides at the time of the hearing.

23 (b) If the court finds that the individual continues to meet the standards under  
24 s. 55.08 (1) and the protective placement of the individual is not in the least  
25 restrictive environment that is consistent with the requirements of s. 55.12 (3), (4),

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1 and (5), the court shall order transfer of the individual to a protective placement that  
2 is in the least restrictive environment consistent with the requirements of s. 55.12  
3 (3), (4), and (5). In lieu of ordering transfer of the individual to a specific facility, the  
4 court may order the county department of the individual's residence to develop or  
5 recommend a protective placement that is in the least restrictive environment  
6 consistent with the requirements of s. 55.12 (3), (4), and (5), and arrange for the  
7 individual's transfer to that protective placement within 60 days after the court's  
8 order. The court may extend this time period to permit development of a protective  
9 placement. The court may order protective services along with transfer of protective  
10 placement.

11 (c) If the court finds that the individual no longer meets the standards under  
12 s. 55.08 (1), the court shall terminate the protective placement, as provided in s.  
13 55.17 (3) (c).

14 **(5) ORDER MODIFICATION FOR INDIVIDUAL RECEIVING COURT-ORDERED PROTECTIVE**  
15 **SERVICES.** (a) After a hearing under sub. (3) on a petition for modification of an order  
16 for protective services, other than an order under s. 55.14, the court shall make one  
17 of the following orders and shall include in the order the information relied on as a  
18 basis for that order:

19 1. If the court finds that the individual continues to meet the standards under  
20 s. 55.08 (2) and the current protective services are provided in the least restrictive  
21 manner that is consistent with the requirements of s. 55.12 (3), (4), and (5), the court  
22 shall continue the order for protective services.

23 2. If the court finds that the individual continues to meet the standards under  
24 s. 55.08 (2) and the protective services ordered for the individual are not provided in  
25 the least restrictive manner that is consistent with the requirements of s. 55.12 (3),

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1 (4), and (5), the court shall order protective services that are more consistent with  
2 those requirements. The services shall be provided in the least restrictive manner  
3 consistent with the requirements of s. 55.12 (3), (4), and (5).

4 3. If the court finds that the individual no longer meets the standards for  
5 protective services under s. 55.08 (2), the court shall terminate the order for  
6 protective services, as provided in s. 55.17 (4) (a) 3.

7 (b) After a hearing under sub. (3) on a petition for modification of an order under  
8 s. 55.14, the court shall make one of the orders required under s. 55.19 (3) (e) and  
9 shall include in the order the information relied on as a basis for that order.

NOTE: Revises the limited provisions in current law regarding modification of an order for a protective placement. A petition for modification of an order for protective placement may be filed by an individual subject to a protective placement; the individual's guardian, legal counsel, or guardian ad litem; the DHFS; the county department that placed the individual; a contractual agency; or any interested person. The petition must be served on the individual; the individual's guardian; the individual's legal counsel and guardian ad litem, if any; and the county department. The petition must contain specific allegations, depending on whether the individual is under a protective placement order or court-ordered protective services. A hearing on the petition must be held within 21 days after the filing of the petition, if a hearing on a protective placement petition or transfer has not been held within the previous 6 months. The order must contain specific findings regarding whether the person currently meets the standard for protective placement or court-ordered protective services. If the person continues to meet the standard for protective placement or court-ordered protective services, the court must continue the order or modify the order so that the placement or service are consistent with the person's needs if the person's needs have changed. If the person does not currently meet the standard for protective placement or protective services, the order must require termination of the protective placement or court-ordered protective services. Notice of the order must be provided to the individual; the individual's guardian, guardian ad litem, and legal counsel, if any; and the residential facility, if the person receives services in such a facility. The transfer provisions may be used if the modification sought is transfer of an individual between placement units, between placement facilities, or from a placement unit to a medical facility, and if the petitioner is an entity authorized to initiate such a transfer.

10 **SECTION 168.** 55.17 of the statutes is created to read:

11 **55.17 Termination of an order for protective placement or protective**  
12 **services.**

13 (2) HEARING. A hearing under this section shall comply with s. 55.16 (3).



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1           **(3) ORDER FOR INDIVIDUAL UNDER PROTECTIVE PLACEMENT.** After a hearing under  
2 sub. (2) on a petition for termination of an order for protective placement, the court  
3 shall make one of the following orders and shall include in the order the information  
4 relied on as a basis for that order:

5           (a) If the court finds that the individual continues to meet the standards under  
6 s. 55.08 (1) and the individual's protective placement is in the least restrictive  
7 environment that is consistent with the requirements of s. 55.12 (3), (4), and (5), the  
8 court shall order continuation of the individual's protective placement in the facility  
9 in which he or she resides at the time of the hearing.

10          (b) If the court finds that the individual continues to meet the standards under  
11 s. 55.08 (1) and the protective placement of the individual is not in the least  
12 restrictive environment that is consistent with the requirements of s. 55.12 (3), (4),  
13 and (5), the court shall make an order specified in s. 55.16 (4) (b).

14          (c) If the individual no longer meets the standards under s. 55.08 (1), the court  
15 shall terminate the protective placement. If the protective placement is terminated,  
16 all of the following shall apply:

17           1. The court shall review the needs of the individual with respect to protective  
18 services. If the court determines that the individual meets the standards for  
19 protective services under s. 55.08 (2), the court may order protective services. The  
20 services shall be provided in the least restrictive manner consistent with the  
21 requirements of s. 55.12 (3), (4), and (5).

22           2. If the court determines that the individual does not meet the standards for  
23 protective services under s. 55.08 (2), and the individual is being transferred or  
24 discharged from his or her current residential facility, the county department shall  
25 assist the residential facility with discharge planning for the individual, including

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1 planning for a proper residential living arrangement and the necessary support  
2 services for the individual.

3 3. Any individual whose protective placement is terminated under this  
4 paragraph may reside in his or her current protective placement facility for up to 60  
5 days after a determination under subd. 1. or 2. in order to arrange for an alternative  
6 living arrangement. If the protective placement facility has fewer than 16 beds, the  
7 individual may remain in the protective placement facility as long as the  
8 requirements of s. 55.055 are met. Admission by the individual, if an adult, to  
9 another residential facility shall be made under s. 55.055.

10 (4) ORDER FOR INDIVIDUAL RECEIVING COURT-ORDERED PROTECTIVE SERVICES. (a)  
11 After a hearing under sub. (2) on a petition for termination of an order for protective  
12 services, other than an order under s. 55.14, the court shall make one of the following  
13 orders and shall include in the order the information relied on as a basis for that  
14 order:

15 1. If the individual continues to meet the standards under s. 55.08 (2) and the  
16 protective services ordered for the individual are provided in the least restrictive  
17 manner that is consistent with the requirements of s. 55.12 (3), (4), and (5), the court  
18 shall continue the order for protective services.

19 2. If the individual continues to meet the standards under s. 55.08 (2) and the  
20 protective services ordered for the individual are not provided in the least restrictive  
21 manner that is consistent with the requirements of s. 55.12 (3), (4), and (5), the court  
22 shall make an order for protective services as provided in s. 55.16 (5) (a) 2.

23 3. If the individual no longer meets the standards for protective services under  
24 s. 55.08 (2), the court shall terminate the order for protective services.

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1 (b) After a hearing under sub. (2) on a petition for termination of an order under  
2 s. 55.14, the court shall make one of the orders required under s. 55.19 (3) (e) and  
3 shall include in the order the information relied on as a basis for that order.

NOTE: Establishes procedures for the termination of a protective placement or court order for protective services. The provisions pertaining to who may petition, the contents of the petition, service of the petition, and requirement for conducting the hearing for a modification of protective placement or court-ordered protective services apply to petitions for a termination of placement or services.

The court may make one of the following orders after a hearing on a petition for termination of protective placement or services:

1. If the individual continues to meet the statutory standards for protective placement and the placement is in the least restrictive environment consistent with the person's needs and with the statutory factors, order continuation of the person's protective placement in the same facility.

2. If the individual continues to meet the statutory standards for protective placement but the placement is not in an environment consistent with the person's needs and with the statutory factors, the court shall transfer the person to a facility that is in the least restrictive environment consistent with the person's needs and with the factors. In addition to this option, the court may also order protective services.

3. If the individual no longer meets the statutory standard for protective placement, the court shall terminate the protective placement. If the placement is terminated, the court must either order protective services or ensure the development of a proper living arrangement for the person if the individual is being transferred or discharged from his or her current residential facility. If the person who is the subject of the petition is under an order for protective services, the court may order continuation of the protective services order if the person continues to meet the statutory standard for court-ordered protective services; order that the protective services be provided in a manner more consistent with the person's needs; or terminate the order for protective services if the person no longer meets the standard.

4 **SECTION 169.** 55.18 of the statutes is created to read:

5 **55.18 Annual review of protective placement.** All of the following shall  
6 be performed with respect to any individual who is subject to an order for protective  
7 placement under s. 55.12 or to an order for protective placement initially issued  
8 under s. 55.06 (9) (a), 2003 stats.:

9 **(1) COUNTY DEPARTMENT PERFORMANCE OF REVIEW.** (a) 1. File a report of the  
10 review with the court that ordered the protective placement. The report shall include  
11 information on all of the following:

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1           a. The functional abilities and disabilities of the individual at the time the  
2 review is made, including the needs of the individual for health, social, or  
3 rehabilitation services, and the level of supervision needed.

4           b. The ability of community services to provide adequate support for the  
5 individual's needs.

6           c. The ability of the individual to live in a less restrictive setting.

7           d. Whether sufficient services are available to support the individual and meet  
8 the individual's needs in the community and if so, an estimate of the cost of the  
9 services, including the use of county funds.

10           e. Whether the protective placement order should be terminated or whether the  
11 individual should be placed in another facility with adequate support services that  
12 places fewer restrictions on the individual's personal freedom, is closer to the  
13 individual's home community, or more adequately meets the individual's needs,  
14 including any recommendation that is made during the reporting period by the  
15 county department with respect to termination of the protective placement or  
16 placement of the individual in another facility.

17           f. The comments of the individual and the individual's guardian during the  
18 performance of the review, as summarized by the county department, and the  
19 response of the county department to the comments.

20           g. The comments, if any, of a staff member at the facility in which the individual  
21 is placed that are relevant to the review of the individual's placement.

22           2. File with the court under subd. 1. a petition for annual review by the court  
23 of the protective placement ordered for the individual.

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1           3. Provide the report under subd. 1. to the individual and the guardian of the  
2 individual, and to the individual's agent under an activated power of attorney for  
3 health care, if any.

4           (b) If, following an annual review of an individual's status under par. (a), the  
5 individual or the individual's guardian or guardian ad litem requests modification  
6 or termination of the individual's protective placement and a hearing under the  
7 requirements of s. 55.10 (4) is provided, or if a hearing under the requirements of s.  
8 55.10 (4) is provided pursuant to a petition for modification or termination of the  
9 protective placement, the county is not required to initiate a subsequent review of  
10 the individual's status under par. (a) until the first day of the 11th month after the  
11 date that the court issues a final order after the hearing.

12           (bm) If the individual is subject to an order for involuntary administration of  
13 psychotropic medication under s. 55.14, the review under par. (a) shall be conducted  
14 simultaneously with the review under s. 55.19.

15           (c) The review under par. (a) may not be conducted by a person who is an  
16 employee of the facility in which the individual resides.

17           **(1m) COUNTY AGREEMENT.** The county of residence of an individual whose  
18 placement is in a different county may enter into an agreement with that county  
19 under which the county of the individual's placement performs all or part of the  
20 duties of the county of residence under this section.

21           **(2) GUARDIAN AD LITEM APPOINTMENT AND REPORT.** After a county department has  
22 filed a report with a court under sub. (1) (a) 1., the court shall appoint a guardian ad  
23 litem in accordance with s. 757.48 (1). The guardian ad litem shall do all of the  
24 following:

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1 (a) Review the report filed under sub. (1) (a) 1., the report required under s.  
2 880.38 (3), and any other relevant reports on the individual's condition and  
3 placement.

4 (b) Meet with the individual and contact the individual's guardian and orally  
5 explain to the individual and guardian all of the following:

6 1. The procedure for review of protective placement.

7 2. The right of the individual to appointment of legal counsel under sub. (3) (c).

8 3. The right to an evaluation under sub. (3) (b).

9 4. The contents of the report under sub. (1) (a) 1.

10 5. That a change in or termination of protective placement may be ordered by  
11 the court.

12 6. The right to a hearing under sub. (3) (d) and an explanation that the  
13 individual or the individual's guardian may request a hearing that meets the  
14 requirements under s. 55.10 (4).

15 (c) Provide the information required under par. (b) to the individual and to the  
16 individual's guardian in writing.

17 (d) Review the individual's condition, placement, and rights with the  
18 individual's guardian.

19 (e) Ascertain whether the individual wishes to exercise any of his or her rights  
20 under sub. (3) (b), (c), or (d)

21 (f) Within 30 days after appointment, file with the court a written report based  
22 on information obtained under this subsection and any other evaluations or records  
23 of the individual. The report shall discuss whether the individual appears to  
24 continue to meet the standards for protective placement under s. 55.08 (1) and  
25 whether the protective placement is in the least restrictive environment that is

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1 consistent with the individual's needs. The report shall also state whether any of the  
2 following apply:

3 1. An evaluation under sub. (3) (b) is requested by the individual or the  
4 individual's guardian ad litem or guardian.

5 2. The individual or the individual's guardian requests modification or  
6 termination of the protective placement.

7 3. The individual or the individual's guardian requests or the guardian ad litem  
8 recommends that legal counsel be appointed for the individual.

9 4. The individual or the individual's guardian or guardian ad litem requests a  
10 full due process hearing under this section for the individual.

11 (g) Certify to the court that he or she has complied with the requirements of  
12 pars. (a) to (e).

13 **(3) COURT REVIEW OF REPORTS; HEARING; ORDER.** (a) The court that ordered  
14 protective placement for an individual under s. 55.12 shall review the report of the  
15 guardian ad litem under sub. (2) (f), the report filed under sub. (1) (a) 1., and the  
16 report required under s. 880.38 (3).

17 (b) The court shall order an evaluation, by a person who is not an employee of  
18 the county department of the physical, mental, and social condition of the individual  
19 and the service needs of the individual that is independent of the review performed  
20 under sub. (1) (a) if any of the following apply:

21 1. The report required under sub. (1) (a) 1. is not timely filed, or the court  
22 determines that the report fails to meet the requirements of sub. (1) (c).

23 2. Following review of the guardian ad litem's report under sub. (2) (f), the court  
24 determines that an independent evaluation for the individual is necessary.

25 3. The individual or the individual's guardian or guardian ad litem so requests.

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1 (bm) If an evaluation is ordered under par. (b), it shall be performed at the  
2 expense of the individual or, if the individual is indigent, at the expense of the county  
3 under sub. (1) (a).

4 (br) The court shall order that the county department obtain any other  
5 necessary information with respect to the individual.

6 (c) The court shall order legal counsel for an individual and, if the individual  
7 appears to be indigent, refer him or her to the authority for indigency determinations  
8 under s. 977.07 (1) if any of the following apply:

9 1. Following review of the guardian ad litem's report under sub. (2) (f), the court  
10 determines that legal counsel for the individual is necessary.

11 2. The individual or the individual's guardian or guardian ad litem so requests.

12 (d) The court shall order either a summary hearing or a hearing under the  
13 requirements of s. 55.10 (4). A summary hearing shall be held on the record, may  
14 be held in court or by other means, including by telephone or videoconference, is not  
15 an evidentiary hearing, and does not require attendance by the individual. The court  
16 shall hold a hearing under the requirements of s. 55.10 (4) if any of the following  
17 apply:

18 1. The individual or the individual's guardian or guardian ad litem so requests.

19 2. The report under sub. (2) (f) indicates that the individual no longer meets the  
20 standards for protective placement under s. 55.08 (1).

21 3. The report under sub. (2) (f) indicates that the current protective placement  
22 is not in the least restrictive environment consistent with the individual's needs.

23 4. The report under sub. (2) (f) indicates that the individual objects to the  
24 current protective placement.

25 (e) Following the hearing under par. (d), the court shall do one of the following:



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1           1. If the court finds that the individual continues to meet the standards under  
2           s. 55.08 (1) and the protective placement of the individual is in the least restrictive  
3           environment that is consistent with the requirements of s. 55.12 (3), (4), and (5), the  
4           court shall order the continuation of the protective placement in the facility in which  
5           the individual resides at the time of the hearing. The court shall include in the order  
6           the information relied upon as a basis for the order and shall make findings based  
7           on the standards under s. 55.08 (1) in support of the need for continuation of the  
8           protective placement.

9           2. If the court finds that the individual continues to meet the standards under  
10          s. 55.08 (1) and the protective placement of the individual is not in the least  
11          restrictive environment that is consistent with the requirements of s. 55.12 (3), (4),  
12          and (5), the court shall order transfer of the individual to a protective placement that  
13          is in the least restrictive environment consistent with the requirements of s. 55.12  
14          (3), (4), and (5). In lieu of ordering transfer of the individual to a specific facility, the  
15          court may order the county department of residence to develop or recommend a  
16          protective placement that is in the least restrictive environment consistent with the  
17          requirements of s. 55.12 (3), (4), and (5) and arrange for the individual's transfer to  
18          that protective placement within 60 days after the court's order. The court may  
19          extend this period to permit development of a protective placement. The court may  
20          order protective services as well as a transfer of protective placement. The court  
21          shall include in the order the information relied upon as a basis for the order and  
22          shall make findings based on the standards under s. 55.08 (1) in support of the need  
23          for continued protective placement.

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1           3. If the court finds that the individual no longer meets the standards under  
2 s. 55.08 (1), the court shall terminate the protective placement. If the protective  
3 placement is terminated, s. 55.17 (3) (c) 1. to 3. shall apply.

4           (f) The court shall provide a copy of the order made under par. (e) to all of the  
5 following:

6           1. The individual.

7           2. The individual's guardian, guardian ad litem, and legal counsel, if any, and  
8 the individual's agent under an activated power of attorney for health care, if any.

9           3. The facility in which the individual resided when the petition for annual  
10 review was filed.

11           4. The county department under sub. (1) (a) and, if relevant, sub. (1m).

12           (4) ESTABLISHMENT OF COUNTY POLICY. The county department shall ensure that  
13 no later than 180 days after the effective date of this subsection ... [revisor inserts  
14 date], the county establishes a written policy that specifies procedures to be followed  
15 in the county that are designed to ensure that annual reviews of all individuals who  
16 are subject to orders for protective placement under s. 55.12 or to orders for protective  
17 placement initially issued under s. 55.06 (9) (a), 2003 stats., residing in the county  
18 are conducted as required by this section. The county department shall maintain a  
19 copy of the written policy and shall make the policy available for public inspection.

20           (5) REPORT BY REGISTER IN PROBATE. By the first January 31 after the effective  
21 date of this subsection ... [revisor inserts date], and by every January 31 thereafter,  
22 the register in probate of each county shall file with the chief judge of the judicial  
23 administrative district a statement indicating whether each report and petition  
24 required to be filed by the county department under sub. (1) that year has been filed.  
25 If the statement indicates that a required report or petition has not been filed, the

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1 statement shall include an explanation of the reasons the report or petition has not  
2 been filed.

NOTE: Requires annual court review of all orders for protective placement, as described in detail in the PREFATORY NOTE.

3 **SECTION 170.** 55.19 of the statutes is created to read:

4 **55.19 Annual review of order authorizing involuntary administration**  
5 **of psychotropic medication.** All of the following shall be performed with respect  
6 to any individual who is subject to an order under s. 55.14 or an order initially issued  
7 under s. 880.33 (4r), 2003 stats., authorizing involuntary administration of  
8 psychotropic medication:

9 (1) COUNTY DEPARTMENT PERFORMANCE OF REVIEW. (a) The county department  
10 of the individual's county of residence shall, except as provided in sub. (1m), review,  
11 in compliance with the requirements of this section, the status of each individual who  
12 is the subject of the order. The review shall include a visit to the individual and a  
13 written evaluation of the physical, mental, and social condition of the individual that  
14 is relevant to the issue of the continued need for the order. The review shall be made  
15 a part of the permanent record of the individual. The county department shall inform  
16 the guardian of the individual of the review at the time the review is made and shall,  
17 before completing a report of the review invite the individual and the guardian to  
18 submit comments or information concerning the individual's need for involuntary  
19 administration of psychotropic medication or other protective services. Not later  
20 than the first day of the 11th month after the initial order is made for an individual,  
21 except as provided in par. (b), and at least annually thereafter, the county  
22 department shall do all of the following:

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1           1. File a report of the review with the court that issued the order. The report  
2 of the review shall include information on all of the following:

3           a. Whether the individual continues to meet the standards for protective  
4 services.

5           b. Whether the individual is not competent to refuse psychotropic medication,  
6 as defined in s. 55.14 (1) (b).

7           c. Whether the individual continues to refuse to take psychotropic medication  
8 voluntarily; and whether attempting to administer psychotropic medication to the  
9 individual voluntarily is not feasible or is not in the best interests of the individual,  
10 including all information required to be specified under s. 55.14 (3) (c).

11           d. Whether the individual's condition for which psychotropic medication has  
12 been prescribed has been improved by psychotropic medication and the individual  
13 has responded positively to psychotropic medication.

14           e. If the petitioner alleged under s. 55.14 (3) (e) 2. that the individual met one  
15 of the dangerousness criteria set forth in s. 51.20 (1) (a) 2. a. to e., whether the  
16 individual continues to meet the criterion.

17           f. The comments of the individual and the individual's guardian during the  
18 performance of the review, as summarized by the county department, and the  
19 response of the county department to the comments.

20           g. The comments, if any, of a staff member at the facility at which the individual  
21 is placed or receives services or at which psychotropic medication is administered to  
22 the individual that are relevant to the review of the continued need for the order.

23           2. File with the court under subd. 1. a petition for annual review by the court  
24 of the order.

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1           3. Provide the report under subd. 1. to the individual and the guardian of the  
2 individual.

3           (b) If, following an annual review of an individual's status under par. (a), the  
4 individual or the individual's guardian or guardian ad litem requests termination of  
5 the order and a hearing under the requirements of s. 55.10 (4) is provided, or if a  
6 hearing under the requirements of s. 55.10 (4) is provided pursuant to a petition for  
7 modification or termination of the order, the county department is not required to  
8 initiate a subsequent review under par. (a) until the first day of the 11th month after  
9 the date that the court issues a final order after the hearing.

10           (bm) If the individual is subject to a protective placement order, the review  
11 under par. (a) shall be conducted simultaneously with the review under s. 55.18 of  
12 the individual's protective placement.

13           (c) The review under par. (a) may not be conducted by a person who is an  
14 employee of a facility in which the individual resides or from which the individual  
15 receives services.

16           **(1m) COUNTY AGREEMENT.** The county of residence of an individual who is  
17 subject to an order under s. 55.14 and is provided protective placement in a different  
18 county may enter into an agreement with that county under which the county of the  
19 individual's placement performs all or part of the duties of the county of residence  
20 under this section.

21           **(2) GUARDIAN AD LITEM APPOINTMENT AND REPORT.** After a county department has  
22 filed a report with a court under sub. (1) (a) 1., the court shall appoint a guardian ad  
23 litem in accordance with s. 757.48 (1). The guardian ad litem shall do all of the  
24 following:

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1 (a) Review the report filed under sub. (1) (a) 1., and any other relevant reports  
2 on the individual's condition and continued need for the order under s. 55.14.

3 (b) Meet with the individual and contact the individual's guardian and orally  
4 explain to the individual and guardian all of the following:

5 1. The procedure for review of an order for involuntary administration of  
6 psychotropic medication.

7 2. The right of the individual to appointment of legal counsel under sub. (3) (c).

8 3. The right to an evaluation under sub. (3) (b).

9 4. The contents of the report under sub. (1) (a) 1.

10 5. That a termination or modification of the order or modification of the  
11 treatment plan for involuntary administration of psychotropic medication may be  
12 ordered by the court.

13 6. The right to a hearing under sub. (3) (d) and an explanation that the  
14 individual or the individual's guardian may request a hearing that meets the  
15 requirements under s. 55.10 (4).

16 (c) Provide the information required under par. (b) to the individual and to the  
17 individual's guardian in writing.

18 (d) Review the individual's condition and rights with the individual's guardian.

19 (e) Ascertain whether the individual wishes to exercise any of his or her rights  
20 under sub. (3) (b), (c), or (d).

21 (f) Within 30 days after appointment, file with the court a written report based  
22 on information obtained under this subsection and any other evaluations or records  
23 of the individual. The report shall discuss whether the individual appears to  
24 continue to meet the standards for an order under s. 55.14. The report shall also state  
25 whether any of the following apply:

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1           1. An evaluation under sub. (3) (b) is requested by the guardian ad litem, the  
2 individual, or the individual's guardian.

3           2. The individual or the individual's guardian requests termination of the order  
4 under s. 55.14.

5           3. The individual or the individual's guardian requests or the guardian ad litem  
6 recommends that legal counsel be appointed for the individual.

7           4. The individual or the individual's guardian or guardian ad litem requests a  
8 full due process hearing under this section for the individual.

9           (g) Certify to the court that he or she has complied with the requirements of  
10 pars. (a) to (e).

11           **(3) COURT REVIEW OF REPORTS; HEARING; ORDER.** (a) The court that issued the  
12 order under s. 55.14 shall review the report of the guardian ad litem under sub. (2)  
13 (f) and the report filed under sub. (1) (a) 1.

14           (b) The court shall order an evaluation, by a person who is not an employee of  
15 the county department, of the physical, mental, and social condition of the individual  
16 that is relevant to the issue of the continued need for the order under s. 55.14 and  
17 that is independent of the review performed under sub. (1) (a) if any of the following  
18 apply:

19           1. The report required under sub. (1) (a) 1. is not timely filed, or the court  
20 determines that the report fails to meet the requirements of sub. (1) (c).

21           2. Following review of the guardian ad litem's report under sub. (2) (f), the court  
22 determines that an independent evaluation for the individual is necessary.

23           3. The individual or the individual's guardian or guardian ad litem so requests.

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1 (bm) If an evaluation is ordered under par. (b), it shall be performed at the  
2 expense of the individual or, if the individual is indigent, at the expense of the county  
3 under sub. (1) (a).

4 (br) The court shall order that the county department obtain any other  
5 necessary information with respect to the individual.

6 (c) The court shall order legal counsel for an individual and, if the individual  
7 appears to be indigent, refer him or her to the authority for indigency determinations  
8 under s. 977.07 (1) if any of the following apply:

9 1. Following review of the guardian ad litem's report under sub. (2) (f), the court  
10 determines that legal counsel for the individual is necessary.

11 2. The individual or the individual's guardian or guardian ad litem so requests.

12 (d) The court shall order either a summary hearing or a hearing under the  
13 requirements of s. 55.10 (4). A summary hearing shall be held on the record, may  
14 be held in court or by other means, including by telephone or videoconference, is not  
15 an evidentiary hearing, and does not require attendance by the individual. The court  
16 shall hold a hearing under the requirements of s. 55.10 (4) if any of the following  
17 apply:

18 1. The individual or the individual's guardian or guardian ad litem so requests.

19 2. The report under sub. (2) (f) indicates that the individual no longer meets the  
20 standards for an order under s. 55.14 (8).

21 3. The report under sub. (2) (f) indicates that the individual objects to the order.

22 (e) Following the hearing under par. (d), the court shall do one of the following:

23 1. If the court finds that the individual continues to meet the standards for an  
24 order under s. 55.14 (8), the court shall order the continuation of the order. The court  
25 shall include in the order the information relied upon as a basis for the order and



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1 shall make findings based on the requirements for allegations of a petition under s.  
2 55.14 (3) in support of the need for continuation of the order.

3 2. If the court finds that the individual continues to meet the standards for an  
4 order under s. 55.14 (8) but that modification of the order or the treatment plan would  
5 be in the best interests of the individual, the court shall modify the order, order  
6 modifications to the individual's treatment plan, or both. Any modifications to the  
7 treatment plan are subject to the approval of the guardian. The court shall include  
8 in the order the information relied upon as a basis for its order and shall make  
9 findings based on the requirements for allegations of a petition under s. 55.14 (3) in  
10 support of the need for authorizing the guardian to consent to involuntary  
11 administration of psychotropic medication.

12 3. If the court finds that the individual no longer meets the standards for an  
13 order under s. 55.14 (8), the court shall terminate the order. If the order is  
14 terminated, the court shall review the needs of the individual with respect to other  
15 protective services. If the court determines that the individual meets the standards  
16 for other protective services under s. 55.08 (2) that are not currently being provided  
17 to the individual, the court may order those protective services for the individual.

18 (f) The court shall provide a copy of the order made under par. (e) to all of the  
19 following:

- 20 1. The individual.
- 21 2. The individual's guardian, guardian ad litem, and legal counsel, if any.
- 22 3. The facility in which the individual resided, if any, when the petition for  
23 annual review was filed.
- 24 4. The county department under sub. (1) (a) and, if relevant, sub. (1m).

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NOTE: Requires annual court review of all orders authorizing involuntary administration of psychotropic medication, as described in detail in the PREFATORY NOTE.

1       **SECTION 171.** 165.85 (4) (b) 1d. b. of the statutes is amended to read:

2       165.85 (4) (b) 1d. b. Training on emergency detention standards and  
3 procedures under s. 51.15, emergency protective placement standards and  
4 procedures under s. ~~55.06 (11)~~ 55.135, and information on mental health and  
5 developmental disabilities agencies and other resources that may be available to  
6 assist the officer in interpreting the emergency detention and emergency protective  
7 placement standards, making emergency detentions and emergency protective  
8 placements, and locating appropriate facilities for the emergency detentions and  
9 emergency protective placements of persons.

NOTE: Changes a cross-reference in current law specifying required elements of law enforcement training programs to reflect renumbering and amending of ch. 55.

10       **SECTION 172.** 165.86 (2) (b) of the statutes is amended to read:

11       165.86 (2) (b) Organize a program of training, which shall encourage  
12 utilization of existing facilities and programs through cooperation with federal,  
13 state, and local agencies and institutions presently active in this field. Priority shall  
14 be given to the establishment of the statewide preparatory and recertification  
15 training programs described in sub. (1), but the department shall cooperate in the  
16 creation and operation of other advanced and special courses, including courses  
17 relating to emergency detention of persons under s. 51.15 and emergency protective  
18 placement under s. ~~55.06 (11)~~ 55.135, that meet the curriculum standards  
19 recommended by the board. The department may satisfy the requirement for  
20 cooperating in the development of special courses relating to emergency detention  
21 and emergency protective placement by cooperating with county departments of  
22 community programs in the development of these courses under s. 51.42 (3) (ar) 4.

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1 d. The department shall keep appropriate records of all such training courses given  
2 in the state and the results thereof in terms of persons attending, agencies  
3 represented, and, where applicable, individual grades given.

4 **SECTION 173.** 301.01 (2) (intro.) of the statutes is amended to read:

5 301.01 (2) (intro.) “Prisoner” means any person who is either arrested,  
6 incarcerated, imprisoned, or otherwise detained in excess of 12 hours by any law  
7 enforcement agency of this state, except when detention is pursuant to s. 55.06 (11)  
8 (a), 2003 stats., or s. 51.15, 51.20, 51.45 (11) (b), or ~~55.06 (11) (a)~~ 55.135 or ch. 980.

9 “Prisoner” does not include any of the following:

NOTE: Changes a cross-reference in current law defining “prisoner” in chapter 301  
of the statutes, pertaining to the department of corrections, to reflect renumbering and  
amending of ch. 55.

10 **SECTION 174.** 560.9811 (1) of the statutes, as affected by 2005 Wisconsin Act  
11 25, is amended to read:

12 560.9811 (1) In this section, “chronic mental illness serious and persistent” has  
13 the meaning given in s. 51.01 (3g) (14t).

14 **SECTION 175.** 560.9811 (2) of the statutes, as affected by 2005 Wisconsin Act  
15 25, is amended to read:

16 560.9811 (2) From the appropriation under s. 20.143 (2) (fr), the department  
17 may not award more than \$45,000 in each fiscal year to applying public or nonprofit  
18 private entities for the costs of providing certain mental health services to homeless  
19 individuals with chronic serious and persistent mental illness. Entities that receive  
20 funds awarded by the department under this subsection shall provide the mental  
21 health services required under 42 USC 290cc-24. The amount that the department  
22 awards to an applying entity may not exceed 50% of the amount of matching funds  
23 required under 42 USC 290cc-23.

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NOTE: SECTIONS 174 and 175 delete the word "chronic" and replace it with the term "serious and persistent" to modify the term "mental illness", which is more up-to-date terminology.

1           **SECTION 176.** 609.65 (1) (intro.) of the statutes is amended to read:

2           609.65 (1) (intro.) If an enrollee of a limited service health organization,  
3 preferred provider plan, or defined network plan is examined, evaluated, or treated  
4 for a nervous or mental disorder pursuant to a court order under s. 880.33 (4m) or  
5 (4r), 2003 stats., an emergency detention under s. 51.15, a commitment or a court  
6 order under s. 51.20 ~~or 880.33 (4m) or (4r)~~, an order under s. 55.14 or 55.19 (3) (e),  
7 or an order under ch. 980, then, notwithstanding the limitations regarding  
8 participating providers, primary providers, and referrals under ss. 609.01 (2) to (4)  
9 and 609.05 (3), the limited service health organization, preferred provider plan, or  
10 defined network plan shall do all of the following:

NOTE: Changes a cross-reference in current law regarding insurance coverage for court-ordered services for the mentally ill, to reflect renumbering and amending of ch. 55.

11           **SECTION 177.** 757.69 (1) (h) of the statutes is amended to read:

12           757.69 (1) (h) Hear petitions for commitment and conduct probable cause  
13 hearings under ss. 51.20, 51.45, 55.13, and ~~55.06 (11)~~ 55.135, conduct reviews of  
14 guardianships and protective placements and protective services under chs. 55 and  
15 880, advise a person alleged to be mentally ill of his or her rights under the United  
16 States and Wisconsin constitutions, and, if the person claims or appears to be unable  
17 to afford counsel, refer the person to the authority for indigency determinations  
18 specified under s. 977.07 (1) or, if the person is a child, refer that child to the state  
19 public defender who shall appoint counsel for the child without a determination of  
20 indigency, as provided in s. 48.23 (4).

NOTE: Changes a cross-reference in current law authorizing circuit court commissioners to conduct probable cause hearings on emergency protective placements,

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to reflect renumbering and amending of ch. 55 and authorizes commissioners to conduct probable cause hearings for emergency protective services, which are created in the bill.

1       **SECTION 178.** 767.24 (7) (b) of the statutes is amended to read:

2           767.24 (7) (b) A parent who has been denied periods of physical placement with  
3 a child under this section is subject to s. 118.125 (2) (m) with respect to that child's  
4 school records, s. 51.30 (5) (bm) with respect to the child's court or treatment records,  
5 s. ~~55.07~~ 55.23 with respect to the child's records relating to protective services, and  
6 s. 146.835 with respect to the child's patient health care records.

NOTE: Changes a cross-reference in current law regarding access to a child's records relating to protective services by a parent who has been denied periods of physical placement with a child, to reflect renumbering and amending of ch. 55.

7       **SECTION 179.** 808.075 (4) (c) 1. of the statutes is amended to read:

8           808.075 (4) (c) 1. Review Protective placement review under s. 55.18,  
9 modification under s. 55.16, or termination of protective placement under s. 55.06  
10 ~~(10)~~ 55.17.

NOTE: Changes a cross-reference in current law regarding permitted court actions pending appeal, to reflect renumbering and amending of ch. 55.

11       **SECTION 180.** 808.075 (4) (c) 2. of the statutes is amended to read:

12           808.075 (4) (c) 2. Hearing required upon transfer under s. ~~55.06~~ ~~(9)~~ 55.15.

NOTE: Changes a cross-reference in current law regarding permitted court actions pending appeal, to reflect renumbering and amending of ch. 55.

13       **SECTION 181.** 808.075 (4) (c) 3. of the statutes is amended to read:

14           808.075 (4) (c) 3. Enforcement of patient's rights under s. ~~55.07~~ 55.23.

NOTE: Changes a cross-reference in current law regarding permitted court actions pending appeal, to reflect renumbering and amending of ch. 55.

15       **SECTION 182.** 809.30 (1) (b) 5. of the statutes is amended to read:

16           809.30 (1) (b) 5. Any other person who may appeal under ss. 51.13 (5), 51.20  
17 ~~(15),~~ or ~~55.06~~ ~~(18)~~ 55.20.

NOTE: Changes a cross-reference in current law regarding appeal procedures in cases under ch. 55, to reflect renumbering and amending of ch. 55.