

1 (3) CORPORATION COUNSEL. The corporation counsel may assist in conducting
 2 proceedings under this chapter, and shall assist in conducting proceedings under
 3 this chapter if requested by the court.

NOTE: Creates a new requirement that each county department must designate an appropriate intake facility for emergency protective placements.

4 SECTION 18. 55.03 of the statutes is renumbered 55.03 (1) and ~~(2)~~ and amended

5 to read:

6 55.03 ~~Status of guardian.~~ PLAIN (1) protective AGENCY AS GUARDIAN. No agency acting as a
 7 guardian appointed under ch. 880 shall ~~may~~ PLAIN be a provider of protective services or
 8 placement for its ward under this chapter.

9 (2) TRANSFER OF GUARDIANSHIP AND LEGAL CUSTODY. Nothing in this chapter shall
 10 may be construed to prohibit the transfer of guardianship and legal custody under
 11 s. 48.427 or s. 48.43.

12 SECTION 19. 55.04 (1) to (3) of the statutes are repealed.

13 SECTION 20. 55.04 (4) of the statutes is renumbered 55.03 (3) and amended to
 14 read:

15 55.03 (3) GUARDIAN AUTHORITY AND RESPONSIBILITY APPLICABLE TO PARENT OF
 16 MINOR. Where any responsibility or authority is created under this chapter upon or
 17 in relation to a guardian, ~~such~~ the responsibility or authority is deemed to apply to a
 18 parent or person in the place of a parent in the case of a minor who is or who is alleged
 19 to be developmentally disabled.

NOTE: The program responsibilities formerly specified in s. 55.04 have been incorporated into newly created definitions of protective services and protective placement in s. 55.01 (6r) and ~~(6m)~~, respectively, and into the ~~amended~~ repealed and recreated version of s. 55.02.

The bill incorporates the provisions of current ss. 55.02 and 55.04 into ss. 55.02 and 55.03. Also, the bill revises the duties of the DHFS and the county departments to more accurately reflect the actual role of each in the protective services and protective placement system.

20 SECTION 21. 55.043 (1) (a) (intro.) of the statutes is amended to read:

(intro.) ✓

1 55.043 (1) (a) If a county protective services agency has probable cause to
 2 believe that there is misappropriation of property or neglect or abuse of a vulnerable
 3 adult, the county protective services agency may conduct an investigation in
 4 Milwaukee County to determine if the vulnerable adult in question is in need of
 5 protective services. The county protective services agency shall conduct the
 6 investigation in accordance with standards established by the department for
 7 conducting the investigations. The investigation shall include at least one of the
 8 following:

9 SECTION 22. 55.043 (1) (a) 1. and 3. of the statutes are amended to read:

10 55.043 (1) (a) 1. Observation of or an interview with the vulnerable adult, in
 11 private to the extent practicable, and with or without consent of his or her guardian
 12 or agent under an activated power of attorney for health care, if any.

13 3. An interview with the guardian or agent under an activated power of
 14 attorney for health care, if any, and with the caretaker, if any, of the vulnerable adult.

15 SECTION 23. 55.043 (1) (b) 1. and ~~2. a. and b.~~ of the statutes ^{is} are amended to read:

16 55.043 (1) (b) 1. The vulnerable adult or his or her guardian or agent under an
 17 activated power of attorney for health care, if any, consents to the examination.

→ SECTION #. AM; 55.043 (1) (b) 2. a. and b. ✓

18 2. a. The vulnerable adult has no guardian or agent under an activated power
 19 of attorney for health care. 55.043 (1) (b)

20 b. The vulnerable adult's guardian or agent under an activated power of
 21 attorney for health care refuses to consent to the examination, but the examination
 22 is authorized by order of a court. ✓

INSERT 36-22

RESTORE TO PLAIN TEXT

23 SECTION 24. 55.05 (title) of the statutes is amended to read:

24 55.05 (title) ~~Protective services~~ Voluntary protective services. ✓

25 SECTION 25. 55.05 (2) (b) of the statutes is amended to read:

INSERT 36-24

1 55.05 (2) (b) ^{An} Any interested person ^{an individual} may ^{requests} request protective services on behalf
 2 of a person in need of services. A guardian may request and consent to protective
 3 services on behalf of the guardian's ward. An agent under an activated power of
 4 attorney for health care may request and consent to protective services on behalf of
 5 the principal.

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37-5

6 SECTION 26. 55.05 (2) (d) of the statutes is repealed.
 7 SECTION 27. 55.05 (3) of the statutes is amended to read:

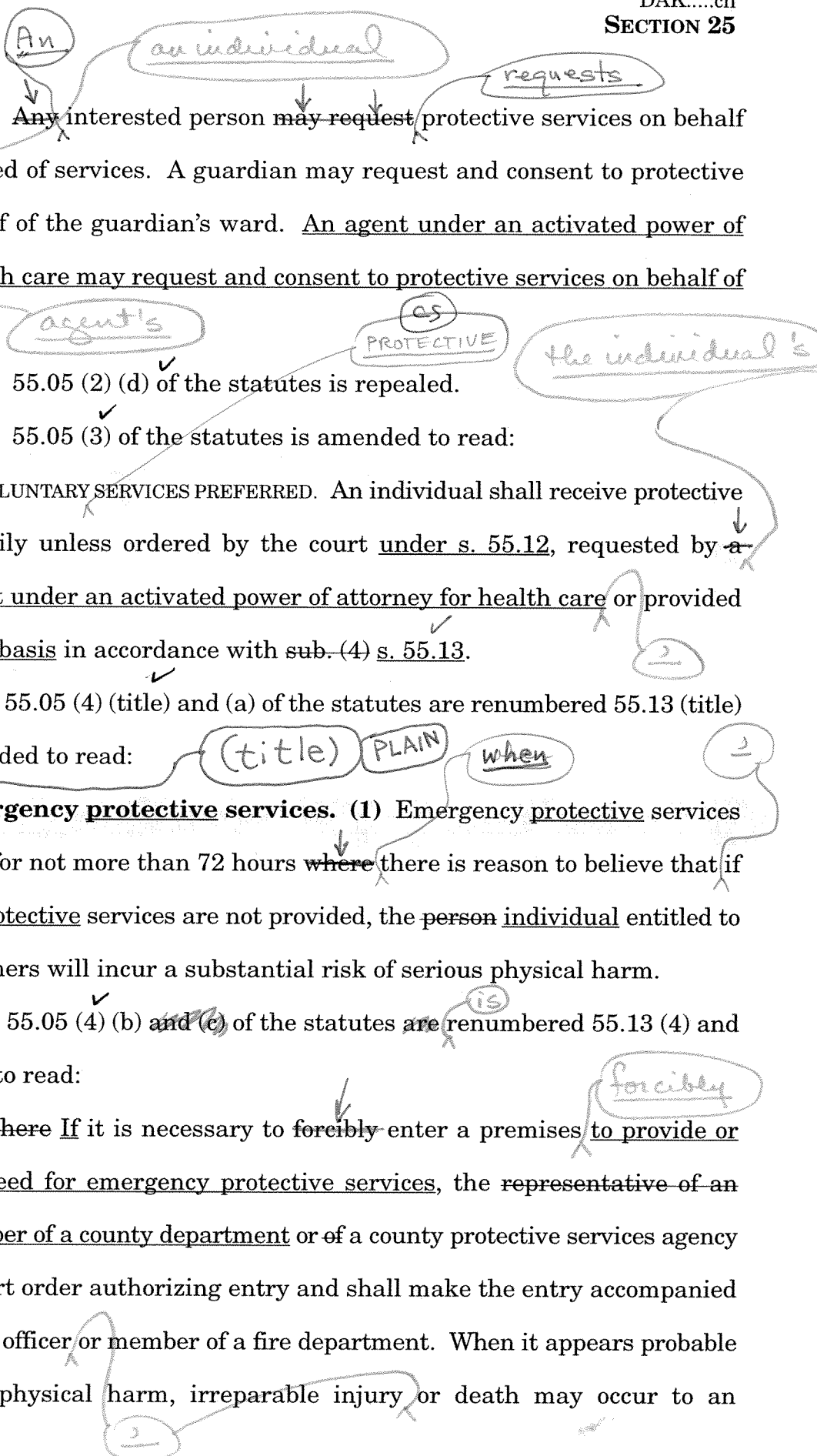
8 55.05 (3) VOLUNTARY SERVICES PREFERRED. An individual shall receive protective
 9 services voluntarily unless ordered by the court under s. 55.12, requested by a
 10 guardian or agent under an activated power of attorney for health care or provided
 11 on an emergency basis in accordance with sub. (4) s. 55.13.

12 SECTION 28. 55.05 (4) (title) and (a) of the statutes are renumbered 55.13 (title)
 13 and (1) and amended to read:

14 **55.13 Emergency protective services.** (1) Emergency protective services
 15 may be provided for not more than 72 hours where there is reason to believe that if
 16 the emergency protective services are not provided, the person individual entitled to
 17 the services or others will incur a substantial risk of serious physical harm.

18 SECTION 29. 55.05 (4) (b) ^{is} and (c) of the statutes are renumbered 55.13 (4) and
 19 (5) and amended to read:

20 55.13 (4) ~~Where~~ If it is necessary to forcibly enter a premises to provide or
 21 investigate the need for emergency protective services, the representative of an
 22 agency staff member of a county department or of a county protective services agency
 23 shall obtain a court order authorizing entry and shall make the entry accompanied
 24 by a sheriff, police officer or member of a fire department. When it appears probable
 25 that substantial physical harm, irreparable injury or death may occur to an



55.13

1

1 individual, the police officer, fire fighter or sheriff may enter a premises without a
2 court order if the time required to obtain such an order would result in greater risk
3 of physical harm to the individual.

SECTION # RA; 55.05(4)(c); 55.13(5)

4 (5) Where If a forcible entry is made under par. (b) sub. (4), a report of the exact
5 circumstances including the date, time, place, factual basis for the need of such the
6 entry and the exact services rendered shall be made and forwarded to the court
7 within 14 days of after entry by the person making such the entry.

8 SECTION 30. 55.05 (5) (title) and (a) of the statutes are renumbered 55.055
9 (title) and (a).

INSERT 38.9

10 SECTION 31. 55.05 (5) (b) 1. of the statutes is renumbered 55.055 (2) (a).

11 SECTION 32. 55.05 (5) (b) 2. of the statutes is renumbered 55.055 (2) (b) and
12 amended to read: The guardian has specified

13 55.055 (2) (b) Guardians of persons who have been found incompetent under
14 s. 880.33 may consent to admission to a nursing home if the person is admitted
15 directly from a hospital inpatient unit for recuperative care or other facility not listed
16 in par. (a) for which protective placement is required for a period not to exceed 3
17 months 60 days, unless the hospital admission was for psychiatric care. In order to
18 be admitted under this paragraph, the person must be in need of recuperative care
19 or be unable to provide for his or her own care or safety so as to create a serious risk
20 of substantial harm to him or herself or others. Prior to providing that consent, the
21 guardian shall review the ward's right to the least restrictive residential
22 environment and consent only to admission to a nursing home facility that
23 implements these rights. Following the 3-month 60-day period, the placement may
24 be extended for an additional 60 days if a placement proceeding under s. 55.06 is
25 required 55.07 has been commenced, or, if no placement proceeding under s. 55.07

an individual individual

The guardian has specified

otherwise

60 days.

RESTORE TO PLAIN TEXT

or other

WFO: Please strike space

PLAINTEXT

that right

himself or brought

55.075

55.075

1 ~~has been commenced~~, for an additional 30 days for the purpose of allowing the
 2 initiation of discharge planning for the person. Placement under this paragraph is
 3 not permitted for a person with a primary diagnosis of mental illness or
 4 developmental disability.

INSERT 39-4

5 **SECTION 33.** 55.05 (5) (c) of the statutes is renumbered 55.055 (5) (intro.) and
 6 amended to read:

7 55.055 (5) (intro.) If a person admitted under par. (b) sub. (2) verbally objects
 8 to or otherwise actively protests such an admission, the person in charge of the home
 9 or facility shall immediately notify the agency county department designated under
 10 s. 55.02 (2) for the county in which the person is living. Representatives of that
 11 agency shall visit the person as soon as possible, but no later than 72 hours after
 12 notification, and do the following:

13 **SECTION 34.** 55.05 (5) (c) 1. of the statutes is renumbered 55.055 (5) (a).

14 **SECTION 35.** 55.05 (5) (c) 2. of the statutes is renumbered 55.055 (5) (b) and
 15 amended to read:

16 55.055 (5) (b) Attempt to have the person released within 72 hours if the protest
 17 is not withdrawn and necessary elements of s. 55.06 (2) or (11) ~~55.08 (1) or 55.135~~ are
 18 not present and provide assistance in identifying appropriate alternative living
 19 arrangements.

20 **SECTION 36.** 55.05 (5) (c) 3. of the statutes is renumbered 55.055 (5) (c) and
 21 amended to read:

22 55.055 (5) (c) Comply with s. 55.06 (11) ~~55.135~~ if all elements are present and
 23 emergency placement in that facility or another facility is necessary or file a petition
 24 for protective placement under s. 55.07. The court, with the permission of the facility,

INSERT 39-13

55.06 (2) 55.075

the individual satisfies all criteria under s. 55.135(1)

SECTION 36

1 may order the individual to remain in the facility pending the outcome of the protective
2 placement proceedings.

3 **SECTION 37.** 55.05 (5) (d) of the statutes is renumbered 55.055 (6). *par. (a) or (b)*

INSERT 40-3

4 **SECTION 38.** 55.055 (2) (c) of the statutes is created to read:

5 55.055 (2) (c) The guardians of a ward who has been found incompetent in a
6 state other than Wisconsin may consent to admission of the ward under par. (a) and
7 (b) if the ward is currently a resident of this state of Wisconsin. A petition for
8 guardianship and protective placement shall be filed in this state within 60 days after
9 the ward's admission under this subdivision.

10 **SECTION 39.** 55.055 (3) of the statutes is created to read:

11 55.055 (3) Whenever a petition for guardianship on the ground of incompetency
12 is filed with respect to a person who resides in a facility licensed for 16 or more beds,
13 a petition for protective placement of the person shall also be filed. The person may
14 continue to reside in the facility until the court issues a decision on the petition for
15 guardianship and protective placement of the person. Thereafter, the individual
16 reside in the facility licensed for 16 or more beds if an order for placement of the
17 individual in the facility licensed for 16 or more beds is made under s. 55.12.

NOTE: Specifies that a guardian may not consent to the continued residence of a person in a facility licensed for 16 or more beds. Specifies that whenever a petition for guardianship on the ground of incompetency is filed with respect to a person who resides in a facility licensed for 16 or more beds, a petition for protective placement of the person shall also be filed. Specifies that the person may continue to reside in the facility if the court orders placement of the person in a facility licensed for 16 or more beds and may continue to reside in the facility pending the court's decision on the placement petition.

only if the court's order under s. 55.12 specifies protective

INSERT 40-17

18 **SECTION 40.** 55.055 (4) of the statutes is created to read:

19 55.055 (4) (A) Wisconsin resident guardians of wards who has been found
20 incompetent in, and reside in, a state other than Wisconsin may consent to
21 admissions under sub (2) if the guardian intends to move the ward to this state of

of the ward

par. (a) or (b)

this state

1 Wisconsin within 30 days ^a of the consent to the admission. A petition for
 2 guardianship and protective placement ^{after} must be filed in this state within 60 days of
 3 the ward's admission under this paragraph. ^{shall}

4 SECTION 41. 55.06 of the statutes is repealed and recreated to read: ^{after}

5 **55.06 Protective services and placement; eligibility.** To be eligible for
 6 protective placement or court-ordered protective services, the person shall be a
 7 resident of the state, or shall be present in the state having a need for protective
 8 placement or services until such time as appropriate protective services can be
 9 established in the person's place of residence. The person shall have attained the age
 10 of 18, but a person who is alleged to be developmentally disabled may receive
 11 placement or services upon attaining the age of 14. No protective placement or
 12 protective services under this chapter may be ordered unless the person has been
 13 determined to be incompetent in accordance with ch. 880, except in the case of a
 14 minor who is alleged to be developmentally disabled, and there is a finding of a need
 15 for protective placement or protective services in accordance with s. 55.12, except as
 16 provided in ss. 55.055 (7) and 55.135. A procedure for adult protective placement or
 17 court-ordered protective services may be initiated 6 months prior to a person's
 18 birthday at which he or she first becomes eligible for placement or services.

19 INSERT 41-18

20 SECTION 42. 55.06 (10) (a) 2. of the statutes, ^{created} as affected by 2003 Wisconsin Act

21 33, is renumbered 55.065 (1g).

22 ~~SECTION 43. 55.06 (12) of the statutes is renumbered 55.055 (7).~~

23 ~~SECTION 44. 55.06 (16) of the statutes is renumbered 55.21.~~

24 ~~SECTION 45. 55.06 (17) of the statutes is renumbered 55.22.~~

25 SECTION 46. 55.06 (18) of the statutes is renumbered 55.20 and amended to

read:

~~as affected by 2003 Wisconsin Act 326~~

INSERT 41-20

chapter

809.30 ← PLAIN

1 **55.20 Appeals.** An appeal may be taken to the court of appeals from a final
 2 judgment or final order under this section within the time period specified in s.
 3 808.04 (3) and in accordance with s. 809.40 by the subject of the petition or the
 4 individual's guardian, by any petitioner or by the representative of the public.

5 ~~SECTION 47. 55.07 of the statutes is renumbered 55.23.~~

INSERT 42-5

6 SECTION 48. 55.07 of the statutes is repealed and recreated to read:

Fix Component

7 **55.07 Protective services or placement; petition.** (1) WHO MAY PETITION.

8 (a) The department, the board designated under s. 55.02 (2) or an agency designated
 9 by it, a guardian or any interested person may petition for appointment of a guardian
 10 and for protective services or placement. The department shall provide for a schedule
 11 of reimbursement for the cost of such proceedings based upon the ability to pay of the
 12 proposed ward or person to be protected.

13 (b) No guardian or temporary guardian may make a permanent protective
 14 placement of his or her ward unless ordered by a court under s. 55.12 but may admit
 15 a ward to certain residential facilities under s. 55.055 or make an emergency
 16 protective placement under s. 55.135.

17 (2) CONTENTS OF PETITION. (a) The petition shall state with particularity the
 18 factual basis for the allegations specified in s. 55.08 (1) or (2).

19 (b) The petition shall be based on personal knowledge of the individual alleged
 20 to need protective placement or services.

; REVIEW OF INCOMPETENCY

21 (3) PETITION FOR GUARDIANSHIP REQUIRED. A petition for guardianship if
 22 required under s. 55.08 (1) (b) or (2) (a) must be heard prior to ordering protective
 23 placement or services. If incompetency has been determined under s. 880.33 more
 24 than one year preceding the filing of an application for protective placement or
 25 services, the court shall review the finding of incompetency.

assets

individual

protectively placed or protectively served

1 (4) FEES AND COSTS OF PETITION. (a) Except as provided in par. (b), the court shall
 2 award, from the ~~estate~~ of the ~~person~~ sought to be placed or served, payment of the
 3 petitioner's reasonable attorney fees and costs, unless the court finds, after
 4 considering all of the following, that it would be inequitable to do so:

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

8 2. The ability of the ward's estate to pay the petitioner's reasonable attorney
 9 fees and costs.

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

11 4. Whether the person sought to be placed or served had executed a durable
 12 power of attorney under s. 243.07 or a power of attorney for health care under s.
 13 155.05 or had provided advance consent to nursing home admission or engaged in
 14 other advance planning to avoid protective placement or services.

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

16 (b) If a person seeking to be the guardian of a proposed ward requests the
 17 assistance of a county department designated under s. 55.02 (2) or an agency
 18 designated by it in petitioning for guardianship or for protective services or
 19 placement, such assistance may be considered a service and may be charged for
 20 based upon the ability of such person to pay for the service.

21 (5) ^{2.c.} VENUE. (a) The petition shall be filed in the county of residence of the person
 22 to be protected or under extraordinary circumstances requiring medical and or the
 23 prevention of harm to the person or others, in the county in which the person to be
 24 protected is physically present.

WHERE A PETITION MAY BE FILED; CS

of the individual sought to be protectively placed or protectively served

individual

protectively

protective

The court shall determine that venue lies in the county in which the petition is filed under par. (a) or in another county, as appropriate. LRB-4212/P2 DAK:...:ch SECTION 48

If the court

the county of responsibility

under

1 (b) The court in which a petition is filed shall determine venue. The court shall
 2 direct that proper notice be given to any potentially responsible or affected county.
 3 After all potentially responsible or affected counties and parties have been given an
 4 opportunity to be heard, ~~if it is determined~~ that venue lies in another county, the
 5 court shall order the entire record certified to the proper court. A court in which a
 6 subsequent petition is filed shall, upon being satisfied of an earlier filing in another
 7 court, summarily dismiss such petition. If any county or party objects to the court's
 8 finding of venue, the issue shall be referred to the department pursuant to s. 51.40
 9 (2) (g) ~~The court~~ shall suspend ruling on the motion for change of venue until the
 10 determination under s. 51.40 (2) (g) is final.

INSERT 44-10

SECTION 49. 55.08 of the statutes is created to read:

55.08 Protective services or placement: standards and allegations. (1)

13 PROTECTIVE PLACEMENT. A court may ~~protectively place~~ an individual who meets the
 14 standards set forth in this subsection. A petition for protective placement of an
 15 individual shall allege that the individual satisfies all of the following criteria:

- 16 (a) Has a primary need for residential care and custody,
- 17 (b) Except in the case of a minor who is alleged to be developmentally disabled,
 18 has either been determined to be incompetent by a circuit court or has had submitted
 19 on the minor's behalf a petition for a guardianship.
- 20 (c) As a result of developmental disabilities, degenerative brain disorder,
 21 serious and persistent mental illness or other like incapacities, is so totally incapable
 22 of providing for his or her own care or custody as to create a substantial risk of serious
 23 harm to him or herself or others. Serious harm may be occasioned by overt acts or
 24 acts of omission.
- 25 (d) Has a disability which is permanent or likely to be permanent.

INSERT 44-25

under s. 55.12

all

an individual

1 (2) PROTECTIVE SERVICES. A court may order protective services for a person who
 2 meets ~~the standards in this subsection. A petition for protective services for an~~
 3 ~~individual shall allege that the individual satisfies both~~ of the following criteria: *Standards*

4 (a) *The individual* Has been determined to be incompetent by a circuit court or is a minor who
 5 is alleged to be developmentally disabled and on whose behalf a petition for a
 6 guardianship has been submitted.

the individual

7 (b) As a result of developmental disabilities, degenerative brain disorder,
 8 serious and persistent mental illness, or other like incapacities, will incur a
 9 substantial risk of physical harm or deterioration or will present a substantial risk
 10 of physical harm to others if protective services are not provided.

11 SECTION 50. 55.09 of the statutes is created to read:

12 **55.09 Notice of petition and hearing for protective services or**
 13 **placement. (1) PERSON SOUGHT TO BE PROTECTED.** Notice of a petition for placement

14 or services shall be served upon the person sought to be protected, by personal
 15 service, at least 10 days prior to the time set for a hearing. Upon service of the notice,
 16 the person sought to be protected shall be informed of the complete contents of the
 17 notice. The person serving the notice shall return a certificate to the circuit judge
 18 verifying that the petition has been delivered and notice given. The notice shall
 19 include the names of all petitioners.

20 (2) OTHER NOTICE REQUIRED. Notice shall also be served personally or by mail
 21 upon the person's guardian ad litem, legal counsel, and guardian, if any; agent under
 22 an activated power of attorney for health care, if any; presumptive adult heirs; other
 23 persons who have physical custody of the person to be protected whose names and
 24 addresses are known to the petitioner or can with reasonable diligence be
 25 ascertained; the county department; any governmental or private body or group from

1 whom the person to be protected is known to be receiving aid; and to such other
 2 persons or entities as the court may require. Notice shall also be served personally
 3 or by mail upon the department at least 10 days prior to the time set for hearing if
 4 the person sought to be protected may be placed in a center for the developmentally
 5 disabled. Notice shall also be served personally or by mail, at least 10 days before
 6 the time set for hearing, upon the county department that is participating in the
 7 program under s. 46.278 of the county of residence of the person sought to be
 8 protected, if the person has a developmental disability and may be placed in an
 9 intermediate facility or a nursing facility, except that, for a person sought to be
 10 protected to whom s. 46.279 (4m) applies, this notice shall instead be served on the
 11 department.

INSERT 46-11

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

15 SECTION 51. 55.10 of the statutes is created to read:

16 **55.10 Hearing on petition for protective services or placement. (1)**

(B)
protective

17 TIME LIMITS. A petition for protective services or placement shall be heard within 60
 18 days after it is filed unless an extension of this time is requested by the petitioner,
 19 the person sought to be protected or his or her guardian ad litem, or the county
 20 department, in which case the court may extend the date for hearing by up to 45 days.
 21 If an individual under s. 50.06 (3) alleges that an individual is making a health care
 22 decision under s. 50.06 (5) (a) that is not in the best interests of the incapacitated
 23 individual or if the incapacitated individual verbally objects to or otherwise actively
 24 protests the admission, the petition shall be heard as soon as possible within the
 25 60-day period.

individual

1 (2) ATTENDANCE. The person sought to be protected shall be present at the
 2 hearing on the petition unless, after a personal interview, the guardian ad litem
 3 certifies in writing to the court specific reasons why the person is unable to attend
 4 or certifies in writing that the person is unwilling to participate or unable to
 5 participate in a meaningful way. If the person is unable to attend a hearing because
 6 of physical inaccessibility or lack of transportation, the court shall hold the hearing
 7 in a place where the person may attend if requested by the person sought to be
 8 protected, guardian ad litem, adversary counsel, or other interested person. The
 9 court is not required to hold the hearing in the presence of the person sought to be
 10 protected if the guardian ad litem, after a personal interview with the person,
 11 certifies in writing to the court that the person is unwilling to participate or unable
 12 to participate in a meaningful way.

INSERT 47-12

requests

individual

13 (3) HEARING TO BE OPEN. The hearing shall be open, unless the person sought
 14 to be protected, or his or her attorney acting with the consent of the person sought
 15 to be protected, moves that it be closed. If the hearing is closed, only persons in
 16 interest, including representatives of providers of service and their attorneys and
 17 witnesses, may be present.

INSERT 47-17

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and witness

interested persons

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18 (4) RIGHTS. The following provisions apply to all hearings under this chapter
 19 except transfers of placement under s. 55.15:

INSERT 47-19

the individual is

individual

20 (a) Counsel; costs. The person sought to be protected has the right to counsel
 21 whether or not present at the hearing on the petition. The court shall require
 22 representation by full legal counsel whenever the petition alleges that the person is
 23 not competent to refuse psychotropic medication under s. 55.14 or the person sought
 24 to be protected requested such representation at least 72 hours before the hearing,
 25 the guardian ad litem or any other person states that the person sought to be

and summary hearings under ss. 55.18 (3)(d) and 55.19(3)(d)

individual

1 protected is opposed to the petition, or the court determines that the interests of
 2 justice require it. If the person sought to be protected, or any other person on his or
 3 her behalf, requests but is unable to obtain legal counsel, the court shall appoint legal
 4 counsel. Counsel shall be provided at public expense, as provided under s. 967.06
 5 and ch. 977, if the person is indigent. If the person who is sought to be protected is
 6 an adult who is indigent, and if counsel was not appointed under s. 977.08, the county
 7 in which the hearing is held is liable for any fees due the person's legal counsel. If
 8 the person sought to be protected is represented by counsel appointed under s. 977.08
 9 in a proceeding for the appointment of a guardian under s. 880.33, the court shall
 10 order the counsel appointed under s. 977.08 to represent the person sought to be
 11 protected.

under this section

12 (b) *Guardian ad litem; costs.* The court shall in all cases require the
 13 appointment of an attorney as guardian ad litem in accordance with s. 757.48 (1).
 14 The responsibilities and duties of a guardian ad litem specified in s. 880.331 (3) and
 15 (4) apply to a guardian ad litem appointed in a proceeding for protective services or
 16 placement . The guardian ad litem shall be present at all hearings under this chapter
 17 if the person sought to be protected does not have full legal counsel. The court may,
 18 however, excuse a personal appearance by a guardian ad litem based on information
 19 contained in a written report by the guardian ad litem to the court. If the person
 20 sought to be protected is an adult who is indigent, the county in which the hearing
 21 is held shall be liable for any fees due the guardian ad litem. If the person sought
 22 to be protected is a minor, the parents of the person sought to be protected or the
 23 county in which the hearing is held shall be liable for any fees due the guardian ad
 24 litem as provided in s. 48.235 (8).

individual

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

7 (d) *Standard of proof.* Before placement or services may be ordered under s.
 8 55.12, the court or jury must find by clear and convincing evidence that the
 9 individual to be protected is in need of placement as provided in s. 55.08 (1) or
 10 services as provided in s. 55.08 (2). ^{individual}

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

13 SECTION 52. 55.11 of the statutes is created to read:

14 **55.11 Comprehensive evaluation; recommendations; statements. (1)**

15 Before ordering the protective placement of or services for any individual, the court
 16 shall direct a comprehensive evaluation of the person in need of placement or
 17 services, if such an evaluation has not already been made. The court may utilize
 18 available multidisciplinary resources in the community in determining the need for
 19 placement or services. The county department designated under s. 55.02 (2) or an
 20 agency designated by it shall cooperate with the court in securing available
 21 resources. The court or the cooperating agency obtaining the evaluation shall
 22 request appropriate information which shall include at least the following:

23 (a) The address of the place where the person is residing and the person or
 24 agency who is providing services at present, if any.

sought to be protected

1 (b) A resume of professional treatment and services provided to the person by
2 the department or agency, if any, in connection with the problem creating the need
3 for placement or services.

4 (c) A medical, psychological, social, vocational and educational evaluation and
5 review, where necessary, and any recommendations for or against maintenance of
6 partial legal rights as provided in s. 880.33. Such evaluation and review shall
7 include recommendations for placement or services consistent with the least
8 restrictive environment required.

individual

individual's

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

comprehensive

individual's

any

comprehensive

16 (3) A copy of the comprehensive evaluation and the independent evaluation
17 if any shall be provided to the guardian, the agent under any activated health care
18 power of attorney, the guardian ad litem, and to the individual or the individual's
19 attorney at least 96 hours in advance of the hearing to determine placement or
20 services.

and

protective

21 (4) Where applicable by reason of the particular disability, the county
22 department or an agency designated by it having responsibility for the place of legal
23 residence of the individual, as provided in s. 49.001 (6) shall make a recommendation
24 for placement or services.

SET: leave as typed

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where the individual has

(under 5.55.02 (2))

INSERT 50-24

protective

protective

individual's

1 (5) If the court is considering placement of the individual in a center for the
 2 developmentally disabled, the court shall request a statement or testimony from the
 3 department regarding whether the placement is appropriate for the person's needs
 4 and whether it is consistent with the purpose of the center under s. 51.06 (1). ✓

5 (6) If the individual has a developmental disability and the court is considering
 6 placement of the individual in an intermediate facility or a nursing facility, the court
 7 shall request a statement or testimony from the county department of the
 8 individual's county of residence that is participating in the program under s. 46.278 ✓
 9 as to whether the individual's needs could be met in a noninstitutional setting, except
 10 that, if s. 46.279 (4m) ✓ applies to the individual, the court shall request the statement
 11 or testimony from the department, rather than the county department.

12 SECTION 53. 55.12 of the statutes is created to read:

B

protective

13 **55.12 Order for protective services or placement.** (1) When ordering
 14 placement or services, the court, on the basis of the evaluation and other relevant
 15 evidence, shall order the county department or an agency designated by it to
 16 protectively place the individual or to provide protective services to the individual.

17 (2) Subject to s. 46.279, placement may be made to such facilities as nursing
 18 homes, public medical institutions, centers for the developmentally disabled under
 19 the requirements of s. 51.06 (3), foster care services and other home placements, or
 20 to other appropriate facilities but may not be made to units for the acutely mentally
 21 ill. An individual who is subject to an order for protective placement or services may
 22 be detained on an emergency basis under s. 51.15 or involuntarily committed under
 23 s. 51.20 or may be voluntarily admitted to a treatment facility for inpatient care
 24 under s. 51.10 (8). No individual who is subject to an order for protective placement
 25 or services may be involuntarily transferred to, detained in, or committed to a

1 psychiatric facility for care except under s. 51.15 or 51.20. Placement in a locked unit
2 shall require a specific finding of the court as to the need for such action.

3 (3) Placement or services provided by the county department or designated
4 agency is subject to s. 46.279 and shall be provided in the least restrictive
5 environment consistent with the needs of the person to be placed and with the
6 placement resources of the county department specified under s. 55.02 (2).

7 (4) Factors to be considered in providing protective placement or services shall
8 include the needs of the person to be protected for health, social, or rehabilitative
9 services; the level of supervision needed; the reasonableness of the placement or
10 services given the cost and the actual benefits in the level of functioning to be realized
11 by the individual; the limits of available state and federal funds and of county funds
12 required to be appropriated to match state funds; and the reasonableness of the
13 placement or services given the number or projected number of individuals who will
14 need protective placement or services and given the limited funds available.

15 (5) Except as provided in s. 49.45 (30m), the county may not be required to
16 provide funding, in addition to its funds that are required to be appropriated to
17 match state funds, in order to protectively place or serve an individual. Placement
18 under this section does not replace commitment of a person in need of acute
19 psychiatric treatment under s. 51.20 or 51.45 (13).

20 (6) If the county department or designated agency proposes to place an
21 individual who has a developmental disability in an intermediate facility or a
22 nursing facility under an order under this paragraph, the county department, or, if
23 s. 46.279 (4m) applies to the individual, the department or the department's
24 contractor shall develop a plan under s. 46.279 (4) and furnish the plan to the county
25 department or designated agency and to the individual's guardian. The county

with which the county department contracts

1 department or designated agency shall place the individual in a noninstitutional
 2 community setting in accord with the plan unless the court finds that placement in
 3 the intermediate facility or nursing facility is the most integrated setting, as defined
 4 in s. 46.279 (1) (bm), that is appropriate to the needs of the individual taking into
 5 account information presented by all affected parties. *an individual*

6 (7) If a ~~person~~ to be placed is a resident of a facility licensed for 16 or more beds,
 7 the court may consider whether moving the ~~person~~ would create a serious risk of
 8 harm to that ~~person~~. *protectively* *individual* *protective*

9 (8) The court may order protective services as an alternative to placement.

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

12 SECTION 54. 55.13 (2) and (3) of the statutes are created to read:

with which the county department contracts that is

13 55.13 (2) If the county department or ~~other~~ agency providing emergency
 14 protective services to an individual under sub. (1) has reason to believe that the
 15 individual meets the criteria for protective services under s. 55.08 (2), the county

under s. 55.02 (2)

16 department or agency may file a petition under s. ~~55.08 (2)~~. If a petition is filed, a
 17 preliminary hearing shall be held within 72 hours, excluding Saturdays, Sundays,
 18 and legal holidays, to establish probable cause that the criteria under s. 55.08 (2) are
 19 present. The county department or agency shall provide the individual with written
 20 notice and orally inform the individual of the time and place of the preliminary
 21 hearing. If the individual is not under guardianship, a petition for guardianship
 22 shall accompany the petition under s. 55.08 (2), except in the case of a minor who is
 23 alleged to be developmentally disabled.

55.075

emergency

continue to

under s. 55.10

1 (3) Upon a finding of probable cause under sub. (2), the court may order
2 protective services to be provided for up to 60 days pending the hearing on
3 court-ordered protective services.

USER 54-3

and temporary

4 SECTION 55. 55.135 of the statutes is created to read:

5 55.135 **Emergency protective placement.** (1) If from personal observation

6 of, or a reliable report made to, a sheriff, police officer, fire fighter, guardian, if any,
7 or authorized representative of a county department under s. 55.02 (2) or an agency
8 designated by it it appears probable that an individual is so totally incapable of
9 providing for his or her own care or custody as to create a substantial risk of serious
10 physical harm to himself or herself or others as a result of developmental disabilities,
11 degenerative brain disorder, serious and persistent mental illness, or other like
12 incapacities if not immediately placed, the person making the observation may take
13 into custody and transport the individual to an appropriate medical or protective
14 placement facility. The person making placement shall prepare a statement at the
15 time of detention providing specific factual information concerning the person's
16 observations or reports made to the person and the basis for emergency placement.
17 The statement shall be filed with the director of the facility and shall also be filed
18 with any petition under s. 55.07. At the time of placement the individual shall be
19 informed by the director of the facility or the director's designee, both orally and in
20 writing, of his or her right to contact an attorney and a member of his or her
21 immediate family and the right to have an attorney provided at public expense, as
22 provided under s. 967.06 and ch. 977, if the individual is a child or is indigent. The
23 director or designee shall also provide the individual with a copy of the statement by
24 the person making emergency placement.

1 (2) Whoever signs a statement under sub. (1) knowing the information
2 contained therein to be false is guilty of a Class H felony.

3 (3) A person who acts in accordance with this subsection is not liable for any
4 actions performed in good faith.

5 (4) Upon detention, a petition shall be filed under s. 55.07 by the person making
6 such emergency placement and a preliminary hearing shall be held within 72 hours,
7 excluding Saturdays, Sundays and legal holidays, to establish probable cause to
8 believe the grounds for protective placement under s. 55.08 (1). The sheriff or other
9 person making placement under sub. (1) shall provide the individual with written
10 notice and orally inform him or her of the time and place of the preliminary hearing.
11 If the detainee is not under guardianship, a petition for guardianship shall
12 accompany the placement petition, except in the case of a minor who is alleged to be
13 developmentally disabled. In the event that protective placement is not appropriate,
14 the court may elect to treat a petition for placement as a petition for commitment
15 under s. 51.20 or 51.45 (13).

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

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

8 SECTION 56. 55.14 of the statutes is created to read:

9 **55.14 Involuntary administration of psychotropic medication.** (1)

10 (1) Involuntary administration of psychotropic medication, with consent of a guardian,
 11 may be ordered as a protective service pursuant to the requirements of this section.

12 (2) In this section, "involuntary administration of psychotropic medication"
 13 means any of the following: placing psychotropic medication in a person's food or
 14 drink with knowledge that the person protests receipt of the psychotropic
 15 medication; forcibly restraining a person to enable administration of psychotropic
 16 medication; or requiring a person to take psychotropic medication as a condition of
 17 receiving privileges or benefits.

18 (3) In this section, "psychotropic medication" means a prescription drug, as
 19 defined in s. 450.01 (20), that is used to treat or manage a psychiatric symptom or
 20 challenging behavior.

21 (4) In addition to the other requirements of ch. 55 pertaining to petitions for
 22 protective services, a petition under this section shall allege the following:

23 (a) A physician has prescribed psychotropic medication for the person.

24 (b) The person is not competent to refuse psychotropic medication. "Not

25 competent to refuse psychotropic medication" means that as a result of

an individual's

under

IN SECT 56.17

are true

this chapter

that all of

individual

1 developmental disabilities, degenerative brain disorder, serious and persistent
 2 mental illness, or other like incapacities, and after the advantages and
 3 disadvantages of and alternatives to accepting the particular psychotropic
 4 medication have been explained to the individual, the individual is incapable of
 5 expressing an understanding of the advantages and disadvantages of accepting
 6 treatment, and the alternatives to accepting treatment, or the individual is
 7 substantially incapable of applying an understanding of the advantages,
 8 disadvantages, and alternatives to treatment to his or her condition in order to make
 9 an informed choice as to whether to accept or refuse psychotropic medication.

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

INSERT
57-21

22 (d) The ~~person's~~ condition for which psychotropic medication has been
 23 prescribed is likely to be improved by administration of psychotropic medication and
 24 the ~~person~~ is likely to respond positively to psychotropic medication.

individual's

1 (e) That unless psychotropic medication is administered involuntarily, the
 2 person will incur an immediate or imminent substantial probability of physical
 3 harm, impairment, injury, or debilitation or will present a substantial probability of
 4 physical harm to others. The substantial probability of physical harm, impairment,
 5 injury, or debilitation shall be evidenced by either the person's history of at least 2
 6 episodes, one of which has occurred within the previous 24 months, that indicate a
 7 pattern of overt activity, attempts, threats to act or omissions that resulted from the
 8 person's failure to participate in treatment, including psychotropic medication, and
 9 that resulted in a finding of probable cause for commitment under s. 51.20 (7), a
 10 settlement agreement approved by a court under s. 51.20 (8) (bg) or commitment
 11 ordered under s. 51.20 (13) or by evidence that the subject individual meets one of
 12 the dangerousness criteria set forth in s. 51.20 (1) (a) 2. a. through e.

one of the following # 1.

13 (5) A petition under this section must include a written statement signed by
 14 a physician who has personal knowledge of the person that provides general clinical
 15 information regarding the appropriate use of psychotropic medication for the
 16 person's condition and specific data that indicates that the person's current
 17 symptoms necessitate the use of psychotropic medication.

18 (6) The guardian ad litem appointed under s. 55.10 (4) (b) for a person who is
 19 the subject of a petition under this section shall report to the court whether the
 20 allegations in the petition required under sub. (4) are true, and whether involuntary
 21 administration of psychotropic medication is in the best interests of the person.

22 (7) If requested by the person who is the subject of a petition under this section
 23 or anyone on his or her behalf, the person has the right at his or her own expense,
 24 or if indigent at the expense of the county where the petition is filed, to secure an
 25 independent medical or psychological examination relevant to the issue of whether

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1 the allegations in the petition required under sub. (4) are true, and whether
2 involuntary administration of psychotropic medication is in the best interest of the
3 ~~person~~, and to present a report of this independent evaluation or the evaluator's
4 personal testimony as evidence at the hearing.

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

an individual's

individual

8 (9) The court may issue an order authorizing a ~~person's~~ guardian to consent
9 to involuntary administration of psychotropic medication to the ~~person~~ and may
10 order involuntary administration of psychotropic medication to the ~~person~~ as a
11 protective service, with the guardian's consent, ~~as provided below~~, if the court or jury
12 finds by clear and convincing evidence that the allegations in the petition required
13 under sub. (4) are true, all other requirements for involuntary administration of
14 psychotropic medication under this section have been met, psychotropic medication
15 is necessary for treating the condition outlined ^{e described} in the statement under sub. (5), and
16 all other requirements of this chapter for ordering protective services have been met.

17 An order under this section shall do all of the following:

individual

18 (a) Direct the development of a treatment plan for the ~~person~~ specifying the
19 protective services, including psychotropic medication as ordered by the treating
20 physician, that the ~~person~~ should receive. If the ~~person~~ resides in a nursing home
21 or hospital, the nursing home or hospital shall develop the treatment plan. If the
22 ~~person~~ resides elsewhere, the county department or an agency designated by it shall
23 develop the treatment plan. The treatment plan shall include a plan for the
24 involuntary administration of psychotropic medication to the ~~person~~. The treatment
25 plan is subject to the approval of the guardian. ~~The court shall review the plan and~~

and to review and approval by the court

with which the contract is under s. 55.02(2)

SECTION 56

with which ~~the~~
~~county department~~
it contracts,

under s. 55.02 (2)

approves the plan, the court

1 approve or disapprove the plan. The court shall order the county department or an
2 agency designated by it to ensure that psychotropic medication is administered in
3 accordance with the treatment plan.

individual

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

an individual

an individual

individual

15 (10) If a person who is subject to an order under this section is not in compliance
16 with the order because he or she refuses to take psychotropic medication as ordered
17 under the treatment plan, and it is necessary for the person to be transported to an
18 appropriate facility so that the person may be forcibly restrained for administration
19 of psychotropic medications, the corporation counsel may file with the court a
20 statement of the facts which constitute the basis for the belief that the person is not
21 in compliance. The statement shall be sworn to be true and shall be based upon the
22 information and belief of the person filing the statement. The statement shall be
23 signed by the person's guardian and by the director or designee of the county
24 department or an agency designated by it to develop and administer the treatment
25 plan. Upon receipt of the statement of noncompliance, if the court finds by clear and

for forcible restraint

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~~county department~~
it contracts under s. 55.02 (2)

individual

1 convincing evidence that the person has substantially failed to comply with the
2 administration of psychotropic medication as ordered under the treatment plan, the
3 court may issue an order authorizing the sheriff or any other law enforcement agency
4 in the county in which the person is found or in which it is believed that the person
5 may be present to take the person into custody and transport the person to an
6 appropriate facility for administration of psychotropic medication using forcible
7 restraint, with consent of the guardian.

him
or
her

INSERT 61-7

8 (11) Nothing in this section prohibits the involuntary administration of
9 psychotropic medication as an emergency protective service under s. 55.13.

10 (12) The county department or an agency designated by it shall provide to the
11 department a copy of any order issued under this section that applies to any
12 protectively placed person in the county.

with which the county
it
contracts
under s. 55.02(2)

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

protective

15 (14) An order under this section is subject to annual review under s. 55.19.

SECTION 57. 55.15 of the statutes is created to read:

55.15 Transfer of an individual under a protective placement order.

18 (1) TRANSFERS AUTHORIZED. An individual under a protective placement order may
19 be transferred between placement units, between placement facilities, or from a
20 placement unit to a medical facility provided that the medical facility is not a
21 psychiatric facility.

INSERT
61-21

22 (2) WHO MAY TRANSFER. A guardian, a county department or agency designated
23 by it that placed the individual pursuant to the order of the court, the department,
24 or a placement facility may seek the transfer of an individual under a protective
25 placement order as provided in this section. Transfers may be made pursuant to this

protectively

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under s. 55.02(2)

protective

under

1 ² ~~section~~ notwithstanding ^{the fact that a} ~~any~~ court order ^{has} that named a specific facility for the
 2 protective placement of the individual.

3 (3) CONSENT OF GUARDIAN REQUIRED. An entity in sub. (2), other than the
 4 guardian, ^{may make} who seeks a transfer of an individual under a protective placement order
 5 shall obtain the written consent of the guardian ^{prior} prior to making the transfer, except
 6 in the case of an emergency transfer.

7 (4) CONSENT OF COUNTY DEPARTMENT. Except in the case of an emergency
 8 transfer, a person or entity ^{specified} in sub. (2) who seeks a transfer of an individual under a
 9 protective placement shall obtain the written consent of the county department prior
 10 to making the transfer if the transfer is to a facility that is more costly to the county.

INSERT 62-10

11 (5) NOTICE OF TRANSFER. (a) *Nonemergency transfer.* A person or entity who
 12 initiates a transfer shall provide 10 days' prior written notice of a transfer to the court
 13 that ordered the ^{protective} placement and to ^{each} any of the other persons ^{and} or entities specified in
 14 sub. (2) who did not initiate the transfer. The notice of transfer shall include notice
 15 of the right of the ~~guardian, the~~ individual under a protective placement, the
 16 individual's attorney, if any, or other interested person to petition the court for a
 17 hearing on the transfer.

INSERT 62-17

18 (b) *Emergency transfer.* If an emergency ~~precludes providing~~ the notice
 19 specified in par. (a), or ^{to} obtaining the prior written consent of the ^{prior written} guardian specified
 20 in sub. (3), the individual may be transferred, ^{without the consent of the guardian} and the written notice shall be
 21 provided immediately upon transfer. Notice of emergency transfers shall also be
 22 provided to the court that ordered the placement within a reasonable time, not to
 23 exceed 48 hours from the time of transfer. ^{protective}

24 (6) PETITION. An individual under protective placement, the individual's
 25 guardian, the individual's attorney, if any, or other interested person may file a

to ~~any~~ each of the persons and entities specified under sub. (2) who did not initiate the transfer

The notice shall include notice of the right to file ^{with the court} (c) a petition ~~with the court~~ objecting to the emergency transfer.

without

and without the notice being provided specified in par. (a)

or to an emergency transfer made under sub. (5)(b)

1 petition with the court objecting to the proposed transfer. The petition shall specify
2 the reasons for the person's objection to the transfer.

INSERT
63-2

3 (7) HEARING. (a) The court shall order a hearing within 10 days after filing of
4 a petition in sub. (6).

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

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

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

16 (d) The petitioner, individual under protective placement, the individual's
17 guardian, and the individual's attorney, if any, have the right to attend the hearing
18 and to present and cross-examine witnesses.

INSERT
63-18

19 (8) STANDARD FOR TRANSFER. In determining whether to approve a proposed
20 transfer, the court shall consider all of the following:

INSERT
63-21

21 (a) Whether the proposed placement meets the standards of s. 55.12

22 (b) Whether the proposed placement is in the least restrictive environment
23 consistent with the person's needs and with the factors in s. 55.12 (3), (4), and (5) or,
24 if the transfer is to an intermediate facility or nursing facility, is in the most
25 integrated setting as defined in s. 46.279 (1) (bm).

(2) and (6)

or an emergency transfer made under sub. (5)(b)

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