

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.

1 **SECTION 161.** 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 162.** 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

1 holidays, to establish probable cause that the criteria under s. 55.08 (2) are present.
2 The county department or agency shall provide the individual with written notice
3 and orally inform the individual of the time and place of the preliminary hearing.
4 If the individual is not under guardianship, a petition for guardianship shall
5 accompany the petition under s. 55.08 (2), except in the case of a minor who is alleged
6 to be developmentally disabled.

7 (3) Upon finding probable cause under sub. (2), the court may order emergency
8 protective services to continue to be provided for up to 60 days pending the hearing
9 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.

10 SECTION 163. 55.135 (title) of the statutes is created to read:

11 **55.135 (title) Emergency and temporary protective placement.**

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

12 SECTION 164. 55.14 of the statutes is created to read:

13 **55.14 Involuntary administration of psychotropic medication. (1) In**
14 **this section:**

15 (a) "Involuntary administration of psychotropic medication" means any of the
16 following:

17 1. Placing psychotropic medication in an individual's food or drink with
18 knowledge that the individual protests receipt of the psychotropic medication.

19 2. Forcibly restraining an individual to enable administration of psychotropic
20 medication.

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

1 (c) "Protest" means make more than one discernible negative response, other
2 than mere silence, to the offer of, recommendation for, or other proffering of
3 voluntary receipt of psychotropic medication. "Protest" does not mean a discernible
4 negative response to a proposed method of administration of the psychotropic
5 medication.

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

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

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

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

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

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

1 to administer psychotropic medications to the individual voluntarily is not feasible
2 or is not in the best interests of the individual, the petition must identify specific
3 reasons supporting that allegation.

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

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

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

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

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

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

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

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

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

1 (a) Direct the development of a treatment plan for the individual specifying the
2 protective services, including psychotropic medication as ordered by the treating
3 physician, that the individual should receive. If the individual resides in a nursing
4 home or hospital, the nursing home or hospital shall develop the treatment plan. If
5 the individual resides elsewhere, the county department or an agency with which it
6 contracts under s. 55.02 (2) shall develop the treatment plan. The treatment plan
7 shall include a plan for the involuntary administration of psychotropic medication
8 to the individual. The treatment plan is subject to the approval of the guardian and
9 to review and approval by the court. If the court approves the plan, the court shall
10 order the county department or an agency with which it contracts under s. 55.02 (2)
11 to ensure that psychotropic medication is administered in accordance with the
12 treatment plan.

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

24 (9) If an individual who is subject to an order under this section is not in
25 compliance with the order because he or she refuses to take psychotropic medication

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

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

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

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

24 (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.

1 **SECTION 165.** 55.15 of the statutes is created to read:

2 **55.15 Transfer of an individual under a protective placement order.**

3 **(1) TRANSFERS AUTHORIZED.** An individual under a protective placement order may
4 be transferred between protective placement units, between protective placement
5 facilities, or from a protective placement unit to a medical facility. The individual
6 may not be transferred, under the protective placement order, to any facility for
7 which commitment procedures are required under ch. 51.

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

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

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

21 **(5) NOTICE OF TRANSFER.** (a) *Nonemergency transfer.* A person or entity who
22 initiates a transfer shall provide 10 days' prior written notice of a transfer to the court
23 that ordered the protective placement and to each of the other persons and entities

1 specified in sub. (2) who did not initiate the transfer. The notice of transfer shall
2 include notice of the right of the individual under a protective placement, the
3 individual's attorney, if any, or other interested person to petition the court for a
4 hearing on the transfer.

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

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

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

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

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

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

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

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

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

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

20 (c) Whether the protective placement is in the best interests of the person under
21 protective placement.

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

24 (a) If the court finds that the individual continues to meet the standards under
25 s. 55.08 (1) and the individual's proposed protective placement does not meet the

1 standards for transfer under sub. (8), the court shall issue an order prohibiting the
2 transfer. The court shall include the information relied upon as a basis for the order
3 and shall make findings based on the standards under sub. (8) in support of the
4 denial of the transfer.

5 (b) If the court finds that the individual continues to meet the standards under
6 s. 55.08 (1) and the proposed transfer meets the standard under sub. (8), the court
7 shall approve the proposed transfer. The court may order protective services along
8 with transfer of protective placement. The court shall include the information relied
9 upon as a basis for the order and shall make findings based on the standards in s.
10 55.08 (1) in support of the need for continued protective 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.

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 ~~non-emergency~~ transfers, the purpose of the hearing is to determine whether the proposed placement meets the standards of s. 55.12 (2) and (6) and is in the best interests of the ward. For emergency transfers made without the required prior written notice and without prior written consent of the guardian, the purpose of the hearing is to determine whether there is probable cause to believe that the transfer meets the standards and is necessary for the best interests of the ward.

is in the best restrictive environment or most integrated setting

14 SECTION 166. 55.16 of the statutes is created to read:

1 **55.16 Modification of an order for protective placement or protective**
2 **services. (1) USE OF TRANSFER PROVISIONS.** If a petitioner is an entity authorized
3 under s. 55.15 (2) to transfer an individual under a protective placement and the
4 modification sought is a transfer of an individual between protective placement
5 units, between protective placement facilities, or from a protective placement unit
6 to a medical facility that is not a psychiatric facility, the petitioner may utilize the
7 procedure in s. 55.15 in lieu of the procedure under this subsection.

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

17 **(b) Modification of an order for protective placement; allegations.** A petition for
18 modification of an order for protective placement shall make one of the following
19 allegations:

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

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

24 3. That a protective placement in a different facility with the same level of
25 restrictiveness as the current placement would be more consistent with the

1 requirements of s. 55.12 (3), (4), and (5) for reasons unrelated to the level of
2 restrictiveness.

3 (c) *Modification of an order for protective services; allegations.* 1. A petition for
4 modification of an order for protective services, other than an order under s. 55.14,
5 shall allege that the protective services are not provided in the least restrictive
6 environment or manner that is consistent with the requirements of s. 55.12 (3), (4),
7 and (5).

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

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

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

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

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

23 (a) If the court finds that the individual continues to meet the standards under
24 s. 55.08 (1) and the individual's protective placement is in the least restrictive
25 environment that is consistent with the requirements of s. 55.12 (3), (4), and (5), the

1 court shall order continuation of the protective placement in the facility in which the
2 individual resides at the time of the hearing.

3 (b) If the court finds that the individual continues to meet the standards under
4 s. 55.08 (1) and the protective placement of the individual is not in the least
5 restrictive environment that is consistent with the requirements of s. 55.12 (3), (4),
6 and (5), the court shall order transfer of the individual to a protective placement that
7 is in the least restrictive environment consistent with the requirements of s. 55.12
8 (3), (4), and (5). In lieu of ordering transfer of the individual to a specific facility, the
9 court may order the county department of the individual's residence to develop or
10 recommend a protective placement that is in the least restrictive environment
11 consistent with the requirements of s. 55.12 (3), (4), and (5), and arrange for the
12 individual's transfer to that protective placement within 60 days after the court's
13 order. The court may extend this time period to permit development of a protective
14 placement. The court may order protective services along with transfer of protective
15 placement.

16 (c) If the court finds that the individual no longer meets the standards under
17 s. 55.08 (1), the court shall terminate the protective placement, as provided in s.
18 55.17 (3) (c).

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

24 1. If the court finds that the individual continues to meet the standards under
25 s. 55.08 (2) and the current protective services are provided in the least restrictive

1 manner that is consistent with the requirements of s. 55.12 (3), (4), and (5), the court
2 shall continue the order for protective services.

3 2. If the court finds that the individual continues to meet the standards under
4 s. 55.08 (2) and the protective services ordered for the individual are not provided in
5 the least restrictive manner that is consistent with the requirements of s. 55.12 (3),
6 (4), and (5), the court shall order protective services that are more consistent with
7 those requirements. The services shall be provided in the least restrictive manner
8 consistent with the requirements of s. 55.12 (3), (4), and (5).

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

12 (b) After a hearing under sub. (3) on a petition for modification of an order under
13 s. 55.14, the court shall make one of the orders required under s. 55.19 (3) (e) and
14 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 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.

1 **SECTION 167.** 55.17 of the statutes is created to read:

2 **55.17 Termination of an order for protective placement or protective**
3 **services.**

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

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

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

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

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

21 1. The court shall review the needs of the individual with respect to protective
22 services. If the court determines that the individual meets the standards for
23 protective services under s. 55.08 (2), the court may order protective services. The

1 services shall be provided in the least restrictive manner consistent with the
2 requirements of s. 55.12 (3), (4), and (5).

3 2. If the court determines that the individual does not meet the standards for
4 protective services under s. 55.08 (2), and the individual is being transferred or
5 discharged from his or her current residential facility, the county department shall
6 assist the residential facility with discharge planning for the individual, including
7 planning for a proper residential living arrangement and the necessary support
8 services for the individual.

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

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

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

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

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

7 (b) After a hearing under sub. (2) on a petition for termination 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: 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 modification of protective placement or court-ordered protective services
apply to petitions for termination of placement or services. a/s

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.

10 **SECTION 168.** 55.18 of the statutes is created to read:

11 **55.18 Annual review of protective placement.** All of the following shall
12 be performed with respect to any individual who is subject to an order for protective

1 placement under s. 55.12 or to an order for protective placement initially issued
2 under s. 55.06 (9) (a), 2003 stats.:

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

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

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

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

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

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

22 f. The comments of the individual and the individual's guardian during the
23 performance of the review, as summarized by the county department, and the
24 response of the county department to the comments.

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

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

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

8 (b) If, following an annual review of an individual's status under par. (a), the
9 individual or the individual's guardian or guardian ad litem requests modification
10 or termination of the individual's protective placement and a hearing under the
11 requirements of s. 55.10 (4) is provided, or if a hearing under the requirements of s.
12 55.10 (4) is provided pursuant to a petition for modification or termination of the
13 protective placement, the county is not required to initiate a subsequent review of
14 the individual's status under par. (a) until the first day of the 11th month after the
15 date that the court issues a final order after the hearing.

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

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

21 (1m) COUNTY AGREEMENT. The county of residence of an individual whose
22 placement is in a different county may enter into an agreement with that county
23 under which the county of the individual's placement performs all or part of the
24 duties of the county of residence under this section.

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

5 (a) Review the report filed under sub. (1) (a) 1., the report required under s.
6 880.38 (3), and any other relevant reports on the individual's condition and
7 placement.

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

- 10 1. The procedure for review of protective placement.
- 11 2. The right of the individual to appointment of legal counsel under sub. (3) (c).
- 12 3. The right to an evaluation under sub. (3) (b).
- 13 4. The contents of the report under sub. (1) (a) 1.
- 14 5. That a change in or termination of protective placement ~~or protective~~
15 ~~services~~ may be ordered by the court.
- 16 6. The right to a hearing under sub. (3) (d) and an explanation that the
17 individual or the individual's guardian may request a hearing that meets the
18 requirements under s. 55.10 (4).

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

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

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

1 (f) Within 30 days after appointment, file with the court a written report based
2 on information obtained under this subsection and any other evaluations or records
3 of the individual. The report shall discuss whether the individual appears to
4 continue to meet the standards for protective placement under s. 55.08 (1) and
5 whether the protective placement is in the least restrictive environment that is
6 consistent with the individual's needs. The report shall also state whether any of the
7 following apply:

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

10 2. The individual or the individual's guardian requests modification or
11 termination of the protective placement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 shall include in the order the information relied upon as a basis for the order and
2 shall make findings based on the standards under s. 55.08 (1) in support of the need
3 for continued protective placement.

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

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

9 1. The individual.

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

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

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

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

23 (5) REPORT BY REGISTER IN PROBATE. By the first January 31 after the effective
24 date of this subsection [revisor inserts date], and by every January 31 thereafter,
25 the register in probate of each county shall file with the chief judge of the judicial

1 administrative district a statement indicating whether each report and petition
2 required to be filed by the county department under sub. (1) that year has been filed.
3 If the statement indicates that a required report or petition has not been filed, the
4 statement shall include an explanation of the reasons the report or petition has not
5 been filed.

NOTE: Requires annual court review of all orders ^{for protective placement} authorizing involuntary
administration of psychotropic medication, as described in detail in the PREFATORY NOTE.

6 **SECTION 169.** 55.19 of the statutes is created to read:

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

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

1 except as provided in par. (b), and at least annually thereafter, the county
2 department shall do all of the following:

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

5 a. Whether the individual continues to meet the standards for protective
6 services.

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

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

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

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

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

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

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

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

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

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

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

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

23 **(2) GUARDIAN AD LITEM APPOINTMENT AND REPORT.** After a county department has
24 filed a report with a court under sub. (1) (a) 1., the court shall appoint a guardian ad

1 litem in accordance with s. 757.48 (1). The guardian ad litem shall do all of the
2 following:

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

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

7 1. The procedure for review of an order for involuntary administration of
8 psychotropic medication.

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

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

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

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

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

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

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

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

23 (f) Within 30 days after appointment, file with the court a written report based
24 on information obtained under this subsection and any other evaluations or records
25 of the individual. The report shall discuss whether the individual appears to

1 continue to meet the standards for an order under s. 55.14. The report shall also state
2 whether any of the following apply:

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

5 2. The individual or the individual's guardian requests termination of the order
6 under s. 55.14.

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 issued the
14 order under s. 55.14 shall review the report of the guardian ad litem under sub. (2)
15 (f) and the report filed under sub. (1) (a) 1.

16 (b) The court shall order an evaluation, by a person who is not an employee of
17 the county department, of the physical, mental, and social condition of the individual
18 that is relevant to the issue of the continued need for the order under s. 55.14 and
19 that is independent of the review performed under sub. (1) (a) if any of the following
20 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.

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

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).

*authorize involuntary
administration
of
psychotropic
medication*

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

1 SECTION 170. 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 171. 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.

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 172.** 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 173.** 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~~ chronic mental illness serious and persistent” has
13 the meaning given in s. 51.01 (3g) (14t).

14 **SECTION 174.** 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~~ 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.

NOTE: SECTIONS 173 and 174 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 175.** 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 176.** 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,

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 177.** 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 178.** 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 179.** 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 180.** 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 181.** 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.

1 **SECTION 182.** 809.30 (3) of the statutes is amended to read:

2 809.30 (3) APPEALS BY STATE OR OTHER PARTY; APPOINTMENT OF COUNSEL. In a case
3 in which the state of Wisconsin, the representative of the public, any other party, or
4 any person who may appeal under s. 51.13 (5), 51.20 (15), or ~~55.06 (18)~~ 55.20 appeals
5 and the person who is the subject of the case or proceeding is a child or claims to be
6 indigent, the court shall refer the person who is the subject of the case or proceeding
7 to the state public defender for the determination of indigency and the appointment
8 of legal counsel under ch. 977.

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

9 **SECTION 183.** 813.123 (4) (a) (intro.) of the statutes is amended to read:

10 813.123 (4) (a) (intro.) Unless the vulnerable adult, guardian or guardian ad
11 litem consents in writing and the judge or circuit court commissioner agrees that the
12 contact is in the best interests of the vulnerable adult, a judge or circuit court
13 commissioner shall issue a temporary restraining order ordering the respondent to
14 avoid interference with an investigation of the vulnerable adult under s. 55.043, or
15 the delivery of protective services to or a protective placement of the vulnerable adult
16 ~~under s. 55.05 or a protective placement of the vulnerable adult under s. 55.06~~ ch.
17 55 if all of the following occur:

 NOTE: Changes a cross-reference in current law regarding vulnerable adult
restraining orders, to reflect renumbering and amending of ch. 55.

18 **SECTION 184.** 813.123 (4) (a) 2. of the statutes is amended to read:

19 813.123 (4) (a) 2. The judge or circuit court commissioner finds reasonable
20 grounds to believe that the respondent has interfered with, or, based on prior conduct
21 of the respondent, may interfere with, an investigation of the vulnerable adult under
22 s. 55.043, or the delivery of protective services to or a protective placement of the

1 vulnerable adult under ~~s. 55.05 or a protective placement of the vulnerable adult~~
2 ~~under s. 55.06 ch. 55.~~

NOTE: Changes a cross-reference in current law regarding vulnerable adult
restraining orders, to reflect renumbering and amending of ch. 55.

3 **SECTION 185.** 813.123 (5) (a) (intro.) of the statutes is amended to read:

4 813.123 (5) (a) (intro.) Unless the vulnerable adult, guardian or guardian ad
5 litem consents to that contact in writing and the judge agrees that the contact is in
6 the best interests of the vulnerable adult, a judge may grant an injunction ordering
7 the respondent to avoid interference with an investigation of the vulnerable adult
8 under s. 55.043, or the delivery of protective services to or a protective placement of
9 ~~the vulnerable adult under s. 55.05 or a protective placement of the vulnerable adult~~
10 ~~under s. 55.06 ch. 55~~ if all of the following occur:

NOTE: Changes a cross-reference in current law regarding vulnerable adult
restraining orders, to reflect renumbering and amending of ch. 55.

11 **SECTION 186.** 813.123 (5) (a) 3. b. of the statutes is amended to read:

12 813.123 (5) (a) 3. b. That the respondent has interfered with the delivery ~~to the~~
13 ~~vulnerable adult of protective services under s. 55.05 to~~ or a protective placement of
14 ~~the vulnerable adult under s. 55.06 ch. 55~~ after the offer of services or placement has
15 been made and the vulnerable adult or his or her guardian, if any, has consented to
16 receipt of the protective services or placement.

NOTE: Changes a cross-reference in current law regarding vulnerable adult
restraining orders, to reflect renumbering and amending of ch. 55.

17 **SECTION 187.** 813.123 (6) (c) of the statutes is amended to read:

18 813.123 (6) (c) That the respondent interfered with, or, based on prior conduct
19 of the respondent, may interfere with, an investigation of the vulnerable adult under
20 s. 55.043, or the delivery of protective services to the vulnerable adult under s. 55.05
21 ~~or a protective placement of the vulnerable adult under s. 55.06 ch. 55.~~

NOTE: Changes a cross-reference in current law regarding vulnerable adult restraining orders, to reflect renumbering and amending of ch. 55.

1 **SECTION 188.** 813.123 (7) of the statutes is amended to read:

2 813.123 (7) INTERFERENCE ORDER. Any order under this section directing a
3 person to avoid interference with an investigation of a vulnerable adult under s.
4 55.043, or the delivery of protective services to a ~~vulnerable adult under s. 55.05~~ or
5 a protective placement of a vulnerable adult under s. ~~55.06~~ ch. 55 prohibits the
6 person from intentionally preventing a representative or employee of the county
7 protective services agency from meeting, communicating, or being in visual or audio
8 contact with the vulnerable adult, except as provided in the order.

NOTE: Changes a cross-reference in current law regarding vulnerable adult restraining orders, to reflect renumbering and amending of ch. 55.

9 **SECTION 189.** 813.123 (11) of the statutes is amended to read:

10 813.123 (11) APPLICABILITY. This section does not apply to vulnerable adults
11 who are patients or residents of state-operated or county-operated inpatient
12 institutions unless the alleged interference with an investigation of the vulnerable
13 adult under s. 55.043 or with the delivery ~~to the vulnerable adult~~ of protective
14 services ~~under s. 55.05~~ to or a protective placement of the vulnerable adult under s.
15 55.06 ch. 55 is alleged to have been done by a person other than an employee of the
16 inpatient institution.

NOTE: Changes a cross-reference in current law regarding vulnerable adult restraining orders, to reflect renumbering and amending of ch. 55.

17 **SECTION 190.** 851.72 (11) of the statutes is created to read:

18 851.72 (11) Annually submit to the chief judge of the judicial administrative
19 district the statement required under s. 55.18 (5) regarding the completion of annual
20 reviews of protective placement orders under s. 55.18 (1).

NOTE: Requires the register in probate of each county to submit a statement to the chief judge of the judicial administrative district indicating whether each report and

petition for annual review of protective placement required to be filed by the county department that year has been filed.

1 **SECTION 191.** 880.01 (2) of the statutes is amended to read:

2 880.01 (2) "Developmentally disabled person" means any individual having a
3 disability attributable to mental retardation, cerebral palsy, epilepsy, autism or
4 another neurological condition closely related to mental retardation or requiring
5 treatment similar to that required for mentally retarded individuals, which has
6 continued or can be expected to continue indefinitely, substantially impairs the
7 individual from adequately providing for his or her own care or custody, and
8 constitutes a substantial handicap to the afflicted individual. The term does not
9 include a person affected by senility which is primarily caused by the process of aging
10 or the ~~infirmities of aging~~ degenerative brain disorder.

NOTE: Replaces the term "infirmities of aging" with the term "degenerative brain disorder."

11 **SECTION 192.** 880.01 (4) of the statutes is amended to read:

12 880.01 (4) "Incompetent" means a person adjudged by a court of record to be
13 substantially incapable of managing his or her property or caring for himself or
14 herself by reason of ~~infirmities of aging~~ degenerative brain disorder, developmental
15 disabilities, or other like incapacities. Physical disability without mental incapacity
16 is not sufficient to establish incompetence.

NOTE: Replaces the term "infirmities of aging" with the term "degenerative brain disorder."

17 **SECTION 193.** 880.01 (5) of the statutes is renumbered 880.01 (1t) and amended
18 to read:

19 880.01 (1t) "~~Infirmities of aging~~ Degenerative brain disorder" means ~~organic~~
20 ~~brain damage caused by advanced age or other physical degeneration in connection~~
21 ~~therewith to the extent that the person so afflicted~~ the loss or dysfunction of brain

1 cells to the extent that an individual is substantially impaired in his or her ability
2 to ~~adequately~~ provide adequately for his or her own care or custody.

NOTE: Replaces the term “infirmities of aging” with the term “degenerative brain disorder.”

3 **SECTION 194.** 880.01 (7m) of the statutes is renumbered 55.14 (1) (b) and
4 amended to read:

5 55.14 (1) (b) “Not competent to refuse psychotropic medication” means that,
6 ~~because of chronic mental illness, as defined in s. 51.01 (3g)~~ as a result of
7 developmental disabilities, degenerative brain disorder, serious and persistent
8 mental illness, or other like incapacities, and after the advantages and
9 disadvantages of and alternatives to accepting the particular psychotropic
10 medication have been explained to an individual, one of the following is true:

11 1. The individual is incapable of expressing an understanding of the
12 advantages and disadvantages of accepting treatment and the alternatives to
13 accepting treatment.

14 2. The individual is substantially incapable of applying an understanding of
15 the advantages, disadvantages and alternatives to his or her ~~chronic mental illness~~
16 condition in order to make an informed choice as to whether to accept or refuse
17 psychotropic medication.

NOTE: Relocates a provision in ch. 880 that defines “not competent to refuse psychotropic medication” to the newly-created section of ch. 55 that establishes the procedure and requirements for a court order authorizing a guardian to consent to the involuntary administration of psychotropic medication to a ward. Also revises that definition to reflect terminology changes made elsewhere in the bill.

18 **SECTION 195.** 880.01 (8m) of the statutes is created to read:

19 880.01 (8m) “Psychotropic medication” means a prescription drug, as defined
20 in s. 450.01 (20), that is used to treat or manage a psychiatric symptom or challenging
21 behavior.

out

1 SECTION 196. 880.06 (1) of the statutes is amended to read:

2 880.06 (1) ORIGINAL PROCEEDING. The court wherein in which a petition is first
 3 filed under s. 880.07 shall determine venue. If it is determined The court shall direct
 4 that proper notice be given to any potentially responsible or affected county. Proper
 5 notice is given to a potentially responsible or affected county if written notice of the
 6 proceeding is sent by certified mail to the county's clerk and corporation counsel.
 7 After all potentially responsible or affected counties and parties have been given an
 8 opportunity to be heard, the court shall determine that venue lies in the county in
 9 which the petition is first filed or in another county, as appropriate. If the court
 10 determines that venue lies in another county, the court shall order the entire record
 11 certified to the proper court. A court wherein in which a subsequent petition is filed
 12 shall, upon being satisfied of an earlier filing in another court, summarily dismiss
 13 such 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 placements. Also, adds new provisions relating to venue in a protective placement or services proceeding.

14 SECTION 197. 880.07 (1m) of the statutes is repealed.

NOTE: Repeals a provision describing the required contents of a petition alleging that a proposed ward is incompetent to refuse psychotropic medications to reflect that the bill creates a new procedure for these types of petitions in s. 55.14.

15 SECTION 198. 880.07 (2m) of the statutes is created to read:

16 880.07 (2m) Whenever a petition for guardianship on the ground of
 17 incompetency is filed with respect to an individual who resides in a facility licensed
 18 for 16 or more beds, a petition for protective placement of the individual shall also
 19 be filed.

NOTE: Requires the filing of a protective placement petition 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.

1 **SECTION 199.** 880.08 (1) of the statutes is amended to read:

2 880.08 (1) ~~INCOMPETENTS~~ PROPOSED WARD OR WARD. A petitioner shall have
3 notice served of a petition for appointment or change of a guardian upon the a
4 proposed incompetent ward or ward and existing guardian, if any, by personal
5 service at least 10 days before the time set for hearing. If ~~such~~ the proposed
6 incompetent ward or ward is in custody or confinement, a petitioner shall have notice
7 served by registered or certified mail on the proposed incompetent's ward's or ward's
8 custodian, who shall immediately serve it on the proposed incompetent ward or
9 ward. The custodian shall inform the proposed incompetent ward or ward of the
10 complete contents of the notice and, certify ~~thereon~~ on it that the custodian served
11 and informed the proposed incompetent ward or ward, and ~~returned~~ return the
12 certificate and notice to the circuit judge. The notice shall include the names of all
13 persons who are petitioning for guardianship. A copy of the petition shall be attached
14 to the notice. ~~The court shall cause the proposed incompetent, if able to attend, to~~
15 ~~be produced~~ ward or ward shall be present at the hearing. ~~The proposed incompetent~~
16 ~~is presumed able to attend unless, after a personal interview, the guardian ad litem~~
17 ~~certifies in writing to the court~~ that the proposed ward or ward is unwilling to
18 participate or unable to participate in a meaningful way or certifies other specific
19 ~~reasons why the person~~ proposed ward or ward is unable to attend. If the ~~person~~
20 proposed ward or ward is unable to attend a hearing only because of physical
21 inaccessibility or lack of transportation, the court shall ~~hold the hearing in a place~~
22 ~~where the person may attend,~~ if requested by the proposed ward or ward, guardian
23 ad litem, adversary counsel for the proposed ward or ward, or other interested
24 person. ~~Such,~~ hold the hearing in a place where the proposed ward or ward is able
25 to attend. The notice shall also be given personally or by mail at least 10 days before

1 the hearing to the proposed ~~incompetent's~~ ward's or ward's counsel, if any, guardian
2 ad litem, presumptive adult heirs or other persons who have legal or physical custody
3 of the proposed ~~incompetent~~ ward or ward whose names and addresses are known
4 to the petitioner or can with reasonable diligence be ascertained, to any
5 governmental or private agency, charity or foundation from which the proposed
6 ~~incompetent~~ ward or ward is receiving aid and to such other persons or entities as
7 the court may require. The court shall then proceed under s. 880.33.

NOTE: Specifies that the court need not hold a hearing on appointment of a guardian for a person alleged to be incompetent in the presence of the person under certain circumstances. These provisions are identical to provisions inserted into ch. 55 by SECTION 159 of the bill.

8 **SECTION 200.** 880.24 (3) (a) of the statutes is renumbered 880.24 (3), and 880.24
9 (3) (intro.), as renumbered, is amended to read:

10 880.24 (3) (intro.) ~~Except as provided in par. (b), when~~ When a guardian is
11 appointed, the court shall award from the ward's estate payment of the petitioner's
12 reasonable attorney fees and costs, ~~including those fees and costs, if any, related to~~
13 ~~protective placement of the ward,~~ unless the court finds, after considering all of the
14 following, that it would be inequitable to do so:

15 **SECTION 201.** 880.24 (3) (b) of the statutes is renumbered 880.24 (3) (cm) and
16 amended to read:

17 880.24 (3) (cm) ~~If the court finds that~~ Whether the ward had executed a durable
18 power of attorney under s. 243.07 or a power of attorney for health care under s.
19 155.05 or had engaged in other advance planning to avoid guardianship, ~~the court~~
20 ~~may not make the award specified in par. (a).~~

NOTE: Specifies that the court may consider whether the ward engaged in advance planning to avoid guardianship when deciding whether to award payment of the petitioner's attorney fees and costs from the ward's estate.

21 **SECTION 202.** 880.33 (1) of the statutes is amended to read:

1 880.33 (1) Whenever it is proposed to appoint a guardian on the ground of
2 incompetency, a licensed physician or licensed psychologist, or both, shall furnish a
3 written statement concerning the mental condition of the proposed ward, based upon
4 examination. The privilege under s. 905.04 shall not apply to this statement. A copy
5 of the statement shall be provided to the proposed ward, guardian ad litem, and
6 attorney. ~~Prior to the examination, under this subsection, of a person alleged to be~~
7 ~~not competent to refuse psychotropic medication under s. 880.07 (1m), the person~~
8 ~~shall be informed that his or her statements may be used as a basis for a finding of~~
9 ~~incompetency and an order for protective services, including psychotropic~~
10 ~~medication. The person individual shall also be informed that he or she has a right~~
11 ~~to remain silent and that the examiner is required to report to the court even if the~~
12 ~~person individual remains silent. The issuance of such a warning to the person~~
13 ~~individual prior to each examination establishes a presumption that the person~~
14 ~~individual understands that he or she need not speak to the examiner.~~

15 **SECTION 203.** 880.33 (2) (a) 1. of the statutes is amended to read:

16 880.33 (2) (a) 1. The proposed ward has the right to counsel whether or not
17 present at the hearing on determination of competency. The court shall in all cases
18 require the appointment of an attorney as guardian ad litem in accordance with s.
19 757.48 (1) and shall in addition require representation by full legal counsel ~~whenever~~
20 ~~the petition contains the allegations under s. 880.07 (1m) or if, at least 72 hours~~
21 ~~before the hearing, the alleged incompetent requests; the guardian ad litem or any~~
22 ~~other person states that the alleged incompetent is opposed to the guardianship~~
23 ~~petition; or the court determines that the interests of justice require it. The proposed~~
24 ~~ward has the right to a trial by a jury if demanded by the proposed ward, attorney,~~
25 ~~or guardian ad litem, except that if the petition contains the allegations under s.~~

1 880.07 (1m) and if notice of the time set for the hearing has previously been provided
2 to the proposed ward and his or her counsel, a jury trial is deemed waived unless
3 demanded at least 48 hours prior to the time set for the hearing. The number of
4 jurors shall be determined under s. 756.06 (2) (b). The proposed ward, attorney, or
5 guardian ad litem shall have the right to present and cross-examine witnesses,
6 including the physician or psychologist reporting to the court under sub. (1). The
7 attorney or guardian ad litem for the proposed ward shall be provided with a copy
8 of the report of the physician or psychologist at least 96 hours in advance of the
9 hearing. Any final decision of the court is subject to the right of appeal.

10 **SECTION 204.** 880.33 (2) (a) 2. of the statutes is amended to read:

11 880.33 (2) (a) 2. If the person proposed ward requests but is unable to obtain
12 legal counsel, the court shall appoint legal counsel. If the person proposed ward is
13 represented by counsel appointed under s. 977.08 in a proceeding for under a petition
14 for protective placement brought under s. 55.06 or for the appointment of a guardian
15 under s. 880.07 (1m) 55.075, the court shall order the counsel appointed under s.
16 977.08 to represent the person proposed ward.

17 **SECTION 205.** 880.33 (2) (d) of the statutes is repealed.

18 **SECTION 206.** 880.33 (2) (e) of the statutes is repealed.

NOTE: SECTIONS 202 to 206 replace the term "person" with individual (check wording of other NOTES describing this change) (***)Revise NOTE to reflect repeal of language pertaining to petitions alleging incompetency to refuse psych meds if that is what we decide to do.)***

19 **SECTION 207.** 880.33 (2) (f) of the statutes is created to read:

20 880.33 (2) (f) An interested person may participate in the hearing on the
21 petition at the court's discretion.

NOTE: This provision is taken from the decision of the Wisconsin Court of Appeals in *Coston v. Joseph P.*, 222 Wis. 2d 1, 586 N.W.2d 52 (Ct. App. 1998).

1 **SECTION 208.** 880.33 (3) of the statutes is amended to read:

2 880.33 (3) In a finding of limited incompetency, guardianship of the person
3 shall be limited in accordance with the order of the court accompanying the finding
4 of incompetence. If the proposed incompetent has executed a power of attorney for
5 health care under ch. 155, the court shall give consideration to the appointment of
6 the health care agent for the individual as the individual's guardian. The court shall
7 make a specific finding as to which legal rights the ~~person~~ individual is competent
8 to exercise. Such rights include but are not limited to the right to vote, to marry, to
9 obtain a motor vehicle operator's license or other state license, to hold or convey
10 property, and the right to contract. The findings of incompetence must be based upon
11 clear and convincing evidence. The court shall determine if additional medical or
12 psychological testimony is necessary for the court to make an informed decision
13 respecting competency to exercise legal rights and may obtain assistance in the
14 manner provided in s. ~~55.06(8)~~ 55.11 whether or not protective placement is made.
15 The guardian, ward, or any interested person may at any time file a petition with the
16 court requesting a restoration of any such legal right, and specifying the reasons
17 therefor. ~~Such~~ The petition may request that a guardianship of the person be
18 terminated and a guardianship of property be established.

NOTE: Replaces the term "person" with individual and amends a cross-reference
to reflect renumbering if ch. 55 in the bill.

19 **SECTION 209.** 880.33 (4m) of the statutes is repealed.

NOTE: Repeals a provision in ch. 880 authorizing a court to appoint a guardian to
consent to or refuse psychotropic medications on behalf of a ward to reflect that the bill
creates a new procedure in s. 55.14 authorizing a guardian to make these decisions.

20 **SECTION 210.** 880.33 (4r) of the statutes is repealed.

NOTE: Repeals a provision in ch. 880 under which a court may authorize a guardian
to consent to forcible administration of psychotropic medications to a ward under certain
circumstances, to reflect that the bill creates a new procedure in s. 55.14 for a court to
provide this authorization.

1 **SECTION 211.** 880.33 (6) of the statutes is amended to read:

2 880.33 (6) All court records pertinent to the finding of incompetency are closed
3 but subject to access as provided in s. ~~55.06 (17)~~ 55.22. The fact that a person an
4 individual has been found incompetent is accessible to any person who demonstrates
5 to the custodian of the records a need for that information.

NOTE: Amends a cross-reference to reflect renumbering and amendment of ch. 55
in a provision of current law pertaining to guardianship.

6 **SECTION 212.** 880.33 (7) of the statutes is amended to read:

7 880.33 (7) A finding of incompetency and appointment of a guardian under this
8 subchapter is not grounds for involuntary protective placement. Such placement A
9 protective placement may be made only in accordance with s. ~~55.06~~ ch. 55.

NOTE: Amends a cross-reference to reflect renumbering and amendment of ch. 55
in a provision of current law pertaining to guardianship.

10 **SECTION 213.** 880.331 (1) of the statutes is amended to read:

11 880.331 (1) **APPOINTMENT.** The court shall appoint a guardian ad litem
12 whenever it is proposed that the court appoint a guardian on the ground of
13 incompetency under s. 880.33, ~~protectively place a person~~ provide protective
14 placement to an individual or order protective services under s. ~~55.06~~ ch. 55, review
15 any protective placement or protective service order under s. ~~55.06~~ 55.18, or
16 terminate a protective placement under s. ~~55.06~~ 55.17.

NOTE: Amends a cross-reference to reflect renumbering and amendment of ch. 55
in a provision in current law that requires the court to appoint a guardian ad litem in
incompetency cases.

17 **SECTION 214.** 880.331 (4) (am) and (ar) of the statutes are created to read:

18 880.331 (4) (am) Interview the proposed guardian and any other person
19 seeking appointment as guardian.

20 (ar) Make a recommendation to the court regarding the fitness of the proposed
21 guardian.

NOTE: Adds two items to the list of duties of a guardian ad litem in incompetency cases: the duty to interview the proposed guardian and any other person seeking appointment as a guardian and the duty to make a recommendation to the court regarding the fitness of the proposed guardian.

1 SECTION 215. 880.331 (4) (dm), (dr) and (ds) of the statutes are created to read:

2 880.331 (4) (dm) Inform the court and the petitioner or petitioner's counsel, if
3 any, if the proposed ward requests representation by counsel.

4 (dr) Attend all court proceedings related to the guardianship.

5 (ds) Notify the guardian of the right to be present at and participate in the
6 hearing, to present and cross-examine witnesses, to receive a copy of any evaluation
7 under s. 55.11 (1) (intro.) or (2), and to secure and present a report on an independent
8 evaluation under s. 880.33 (2) (b).

NOTE: Adds three items to the list of duties of a guardian ad litem in incompetency cases: the duty to inform the court and the petitioner or his or her counsel if the proposed ward requests representation by counsel; the duty to attend all court proceedings relating to the guardianship; and the duty to notify the guardian of certain rights of the guardian.

9 SECTION 216. 880.331 (5) (intro.) of the statutes is amended to read:

10 880.331 (5) DUTIES IN PROTECTIVE SERVICES REVIEWS. (intro.) In any review of
11 a protective placement under s. ~~55.06~~ or of a protective service services order made
12 under s. ~~55.05~~ 55.12, the guardian ad litem shall do all of the following:

NOTE: Amends cross-references to reflect renumbering and amendment of ch. 55 in a provision in current law that sets forth the duties of a guardian ad litem in incompetency cases.

13 SECTION 217. 880.34 (6) of the statutes is repealed.

NOTE: Repeals provisions in current law pertaining to annual review of an order authorizing a guardian to consent to forcible administration of psychotropic medications to a ward under certain circumstances, to reflect that the bill creates a new annual review procedure of that type of authorization in s. 55.19.

14 SECTION 218. 880.38 (1) of the statutes is amended to read:

15 880.38 (1) A guardian of the person of an incompetent, upon order of the court,
16 may have custody of the person ward, may receive all notices on behalf of the person
17 ward, and may act in all proceedings as an advocate of the person ward, but may not

1 have the power to bind the ward or the ward's property, or to represent the ward in
2 any legal proceedings pertaining to the property, unless the guardian of the person
3 is also the guardian of the property. A guardian of the person of an incompetent or
4 a temporary guardian of the person of an incompetent may not make a permanent
5 protective placement of the ward unless ordered by a court under s. 55.06 55.12 but
6 may admit a ward to certain residential facilities under s. 55.05 (5) 55.055 or make
7 an emergency protective placement under s. 55.06 (11) 55.135. The guardian of the
8 person ~~has the power to apply~~ may petition for protective placement under s. 55.06
9 55.075 (1) and for commitment under s. 51.20 or 51.45 (13).

NOTE: Amends cross-references to reflect renumbering and amendment of ch. 55
in a provision of current law that sets forth the rights and duties of guardians.

10 **SECTION 219.** 880.38 (2) of the statutes is amended to read:

11 880.38 (2) A guardian of the person shall endeavor to secure necessary care,
12 services, or appropriate protective placement on behalf of the ward. Subject to any
13 limitation imposed by the court under s. 880.33 (8) (b), a guardian may consent,
14 without further court involvement, to involuntary administration of medication,
15 other than psychotropic medication, and involuntary medical treatment that is in
16 the ward's best interest. A guardian may consent to involuntary administration of
17 psychotropic medication only under a court order under s. 55.14. In determining
18 whether medication, other than psychotropic medication, or medical treatment is in
19 the ward's best interest, the guardian shall consider the invasiveness of the
20 medication or treatment and the likely benefits and side effects of the medication or
21 treatment.

NOTE: Authorizes a guardian to consent, without further court involvement, to
involuntary administration of medication, other than psychotropic medication, and
involuntary medical treatment that is in the ward's best interest. In determining
whether medication or medical treatment is in the ward's best interest, the guardian
shall consider the invasiveness of the medication or treatment and the likely benefits and

side effects of the medication or treatment. A guardian may not consent to involuntary administration of psychotropic medication unless the guardian has been authorized to do so under s. 55.14 (8).

1 **SECTION 220.** 880.38 (3) of the statutes is amended to read:

2 880.38 (3) A guardian of the person of an incompetent appointed under s.
3 880.33 shall make an annual report on the condition of the ward to the court that
4 ordered the guardianship and to the county department designated under s. 55.02
5 (2). That county department shall develop reporting requirements for the guardian
6 of the person. The report shall include, but not be limited to, the location of the ward,
7 the health condition of the ward, any recommendations regarding the ward, and a
8 statement of whether or not the ward is living in the least restrictive environment
9 consistent with the needs of the ward. ~~The guardian may fulfill the requirement~~
10 ~~under this subsection by submitting the report required under s. 55.06 (10).~~

NOTE: Amends cross-references to reflect renumbering and amendment of ch. 55
in a provision of current law that requires a guardian to make an annual report on the
condition of the ward to the court and the county.

11 **SECTION 221.** 880.38 (4) of the statutes is created to read:

12 880.38 (4) (a) In this subsection, “protest” means make more than one
13 discernible negative response, other than mere silence, to the offer of,
14 recommendation for, or other proffering of voluntary receipt of psychotropic
15 medication. “Protest” does not mean a discernible negative response to a proposed
16 method of administration of the psychotropic medication.

17 (b) A guardian may, without court approval, give an informed consent to the
18 voluntary receipt by the guardian’s ward of medication, including any appropriate
19 psychotropic medication, if the guardian has first made a good-faith attempt to
20 discuss with the ward the voluntary receipt of the medication and if the ward does
21 not protest.

NOTE: Creates a definition of "protest" and creates a provision under which a guardian may provide informed consent to voluntary receipt of medication, including psychotropic medication, by a ward.

1 SECTION 222. 940.285 (1) (a) of the statutes is renumbered 940.285 (1) (am).

2 SECTION 223. 940.285 (1) (b) of the statutes is renumbered 940.285 (1) (ag) and
3 amended to read:

4 940.285 (1) (ag) "~~Infirmities of aging~~ "Degenerative brain disorder" has the
5 meaning specified in ~~s. 55.01 (3)~~ given in s. 55.01 (1v).

NOTE: Replaces the term "infirmities of aging" with the term "degenerative brain disorder" and amends cross-references to reflect renumbering and amendment of ch. 55, in the statute that establishes certain crimes related to the maltreatment of vulnerable adults.

6 SECTION 224. 940.285 (1) (e) (intro.) of the statutes is amended to read:

7 940.285 (1) (e) (intro.) "~~Vulnerable adult~~" means any person 18 years of age or
8 older who either is a developmentally disabled person or has ~~infirmities of aging~~
9 degenerative brain disorder, mental illness or other like incapacities and who is:

NOTE: Replaces the term "infirmities of aging" with the term "degenerative brain disorder" and amends cross-references to reflect renumbering and amendment of ch. 55, in the statute that establishes certain crimes related to the maltreatment of vulnerable adults.

10 SECTION 225. 940.295 (1) (hm) of the statutes is renumbered 940.295 (1) (cg)
11 and amended to read:

12 940.295 (1) (cg) "~~Infirmities of aging~~ Degenerative brain disorder" has the
13 meaning given in s. 55.01 (3) (1v).

NOTE: Replaces the term "infirmities of aging" with the term "degenerative brain disorder" and amends a cross-reference to reflect renumbering and amendment of ch. 55, in the statute that establishes crimes related to the abuse and neglect of patients and residents of certain facilities.

14 SECTION 226. 940.295 (1) (t) (intro.) of the statutes is amended to read:

15 940.295 (1) (t) (intro.) "~~Vulnerable person~~" means any person who either is a
16 developmentally disabled person or has ~~infirmities of aging~~ degenerative brain
17 disorder, mental illness or other like incapacities and who is:

NOTE: Replaces the term “infirmities of aging” with the term “degenerative brain disorder” in the statute that establishes crimes related to the abuse and neglect of patients and residents of certain facilities.

1 **SECTION 227.** 971.14 (6) (b) of the statutes is amended to read:

2 971.14 (6) (b) When the court discharges a defendant from commitment under
3 par. (a), it may order that the defendant be taken immediately into custody by a law
4 enforcement official and promptly delivered to a facility specified in s. 51.15 (2), an
5 approved public treatment facility under s. 51.45 (2) (c), or an appropriate medical
6 or protective placement facility. Thereafter, detention of the defendant shall be
7 governed by s. 51.15, 51.45 (11), or ~~55.06 (11)~~ 55.135, as appropriate. The district
8 attorney or corporation counsel may prepare a statement meeting the requirements
9 of s. 51.15 (4) or (5), 51.45 (13) (a), or ~~55.06 (11)~~ 55.135 based on the allegations of the
10 criminal complaint and the evidence in the case. This statement shall be given to the
11 director of the facility to which the defendant is delivered and filed with the branch
12 of circuit court assigned to exercise criminal jurisdiction in the county in which the
13 criminal charges are pending, where it shall suffice, without corroboration by other
14 petitioners, as a petition for commitment under s. 51.20, or 51.45 (13) or ~~55.06 (2)~~ a
15 petition for protective placement under s. 55.075. This section does not restrict the
16 power of the branch of circuit court in which the petition is filed to transfer the matter
17 to the branch of circuit court assigned to exercise jurisdiction under ch. 51 in the
18 county. Days spent in commitment or protective placement pursuant to a petition
19 under this paragraph shall not be deemed days spent in custody under s. 973.155.

NOTE: Amends cross-references to reflect renumbering and amendment of ch. 55
in a provision of current law pertaining to detention of a criminal defendant found to be
incompetent.

20 **SECTION 228.** 977.05 (4) (i) 8. of the statutes is created to read:

1 977.05 (4) (i) 8. Cases involving individuals who are subject to petitions for
2 protective placement under ch. 55.

NOTE: Requires the state public defender to provide legal services in cases involving individuals who are subject to petitions for protective placement.

3 **SECTION 229. Nonstatutory provisions.**

4 (1) REVIEW OF ORDER; INVOLUNTARY ADMINISTRATION OF PSYCHOTROPIC MEDICATION.

5 For an individual who is subject to an order appointing a guardian under section
6 880.33 (4m), 2003 stats., and to an order initially issued under section 880.33 (4r),
7 2003 stats., that is in effect on the effective date of this subsection, the county
8 department of the individual's county of residence shall, no later than 9 months after
9 the effective date of this subsection, review the individual's status under the
10 requirements of section 55.19 of the statutes, as created by this act.

11 (2) TRANSITION; INVOLUNTARY ADMINISTRATION OF PSYCHOTROPIC MEDICATION.

12 Notwithstanding the treatment of sections 55.05 (2) (d) and 880.33 (4m) and (4r) of
13 the statutes by this act, all orders issued under sections 55.05 (2) (d), 2003 stats., and
14 880.33 (4m) and (4r), 2003 stats., in effect on the effective date of this subsection,
15 remain in effect until modified or terminated by a court order under section 55.16,
16 55.17, or 55.19 of the statutes, as created by this act.

17 (3) TRANSITION; ORDERS FOR PROTECTIVE PLACEMENT AND PROTECTIVE SERVICES.

18 Notwithstanding the treatment of sections 55.05 and 55.06 of the statutes by this act,
19 all orders issued under section 55.05 (2) (d), 2003 stats., or section 55.06 (9) (a) or (11)
20 (c), 2003 stats., in effect on the effective date of this subsection, remain in effect until
21 modified or terminated by a court order under section 55.16, 55.17, 55.18, or 55.19
22 of the statutes, as created by this act or section 55.175 or 55.20 of the statutes, as
23 affected by this act.

1 (4) RULES; INVOLUNTARY ADMINISTRATION OF PSYCHOTROPIC MEDICATION. The
2 department of health and family services shall submit in proposed form the rules
3 required under section 50.02 (2) (ad) of the statutes, as created by this act, to the
4 legislative council staff under section 227.15 (1) of the statutes no later than the first
5 day of the 6th month beginning after the effective date of this subsection.

6 **SECTION 230. Initial applicability.**

7 (1) EMERGENCY PROTECTIVE SERVICES OR EMERGENCY AND TEMPORARY PROTECTIVE
8 PLACEMENT. The treatment of sections 46.011 (2), 46.10 (2), 46.279 (4) (e) and (5),
9 49.001 (5m), 49.45 (30m) (b), 51.15 (5), 51.39, 51.40 (2) (a) 2., 51.42 (1) (b) and (3) (ar)
10 4. d., 51.437 (4) (c), 55.01 (4g), (4t), and (6x), 55.02 (2) (b) 4., 55.043 (4) (b), 55.05 (3),
11 (4) (title), (a), (b), and (c), and (5) (c) 2. and 3., 55.06 (1) (intro.) and (d), (11) (a), (am),
12 (ar), (b), (c), and (d), and (12), 55.13 (2) and (3), 55.135 (title), 165.85 (4) (b) 1d. b.,
13 165.86 (2) (b), 301.01 (2) (intro.), 757.69 (1) (h), 880.38 (1), and 971.14 (6) (b) of the
14 statutes first applies to emergency protective services provided and emergency and
15 temporary protective placements made on the effective date of this subsection.

16 (2) PROTECTIVE PLACEMENT OR PROTECTIVE SERVICES. The treatment of sections
17 46.10 (2), 46.275 (4) (b) 1., 46.279 (2), (4) (c), (d), and (e), 49.001 (8), 49.45 (30m) (b),
18 50.03 (5m) (c), 51.20 (1) (am), 51.39, 51.40 (2) (a) 1., 55.001, 55.01 (1d), (4g), (4t), (6),
19 (6m), (6p), (6r), (6t), (6v), (6x), and (6y), 55.02, 55.03, 55.04 (title), (1), (2), (3), and (4),
20 55.045, 55.05 (3), and (5) (b) 2. and (c) 3., 55.055 (2), 55.06 (1) (intro.), (a), (b), (c), and
21 (d), (2) (intro.), (a), (b), (c), and (d), (3) (a), (b), and (c), (4), (5), (5m), (6), (7), (8) (intro.),
22 (a), (b), and (c), (9) (a), (11) (b) and (c), (15), (16), and (18), 55.075, 55.08, 55.09, 55.10,
23 55.11, 55.12, 609.65 (1) (intro.), 809.30 (1) (b) 5. and (3), 880.07 (2m), 880.33 (2) (a) 2.,
24 (3), and (7), 880.331 (1), and (5) (intro.), 971.14 (6) (b), and 977.05 (4) (i) 8. of the
25 statutes, the renumbering and amendment of section 55.01 (4) of the statutes, and

just a repeal - does it need to be here?

not in draft

1 the creation of section 55.01 (4) (c) of the statutes first apply to petitions for protective
2 placement or protective services brought on the effective date of this subsection.

3 (3) DIAGNOSES OF SERIOUS AND PERSISTENT MENTAL ILLNESS. The treatment of
4 sections 46.27 (6r) (b) 2., 46.972 (3) (a) and (b), 49.43 (10v), 49.45 (6m) (i) 2. and (25)
5 (am) 2., 51.01 (3g) and (3s), 51.20 (7) (d) 1. (intro.) and b., 51.35 (4m) (intro.), 51.40
6 (2) (intro.), 51.421 (1), (2), and (3) (c), 51.67 (intro.) and (2), 55.001, 55.01 (6r) and (6v),
7 55.06 (2) (c), and (11) (a), 55.08 (2) (b), and 880.01 (7m) of the statutes first applies
8 to diagnoses of serious and persistent mental illness made on the effective date of this
9 subsection.

10 (4) DIAGNOSES OF DEGENERATIVE BRAIN DISORDER. The treatment of sections
11 46.286 (1) (intro.) and (3) (a) (intro.), 46.90 (1) (c) and (d), 51.01 (2g) (b), (3g), and (5)
12 (a), 55.001, 55.01 (1v), (2), (3), and (6r), 55.06 (2) (c) and (11) (a), 55.08 (2) (b), 880.01
13 (2), (4), (5), and (7m), 940.285 (1) (a), (b), and (e) (intro.), and 940.295 (1) (hm) and
14 (t) (intro.) of the statutes first applies to diagnoses of degenerative brain disorder
15 made on the effective date of this subsection.

16 (5) REQUEST FOR VOLUNTARY PROTECTIVE SERVICES. The treatment of sections
17 55.05 (title), (2) (intro.), (a), (b), and (c), and (3) of the statutes first applies to a
18 request made on the effective date of this subsection.

19 (6) ADMISSIONS. The treatment of sections 46.10 (2), 51.10 (4m) (a) (intro.), 51.10
20 (8), 51.39, 55.05 (5) (title), (a), (b) 1. and 2., (c) (intro.), 1., 2., and 3. and (d), 55.055
21 (1) (c) and (d) and (2), 55.06 (1) (d) and (12), and 880.38 (1) of the statutes first applies
22 to admissions made on the effective date of this subsection.

23 (7) INVOLUNTARY ADMINISTRATION OF PSYCHOTROPIC MEDICATION. The treatment
24 of sections 50.02 (2) (ad), 51.03 (3) (a) 6., 55.05 (2) (d), 55.09 (3), 55.10 (4) (a), 55.14,
25 55.16 (2) (c) 1. and 2., 55.17 (4) (b), 55.18 (1) (bm), 609.65 (1) (intro.), 880.01 (7m) and

remove

p. 22 rulemaking

p. 38 DHS duty.

p. 94 r/s. that apply to all ch. 55 hrgp.

Do these need to be included here?

Keep

amend to specify old psych-med orders remain valid p. 146

1 (8m), 880.07 (1m), 880.33 (1), (2) (a) 1. and 2., (d), (e), and (f), (4m), and (4r), 880.34
2 (6), and 880.38 (2) of the statutes first applies to a petition for the involuntary
3 administration of psychotropic medication brought on the effective date of this
4 subsection.

5 (8) ANNUAL REVIEW OF ORDER FOR PROTECTIVE PLACEMENTS. The treatment of
6 sections 46.279 (2) and (4) (d), 49.45 (30m) (c) 2., 55.02 (2) (b) 3., 55.06 (4) and (10)
7 (a) 1. and 2., 55.18, 609.65 (1) (intro.), 808.075 (4) (c) 1., 851.72 (11), 880.331 (1) and
8 (5) (intro.), and 880.38 (3) of the statutes first applies to a review conducted on the
9 effective date of this subsection.

10 (9) PROTECTIVE PLACEMENT TRANSFER. The treatment of sections 20.435 (2) (gk),
11 51.39, 55.06 (9) (b), (c), (d), and (e), 55.15, and 808.075 (4) (c) 2. of the statutes first
12 applies to a transfer of an individual under a protective placement order made on the
13 effective date of this subsection.

14 (10) MODIFICATION OF ORDERS FOR PROTECTIVE PLACEMENT OR PROTECTIVE SERVICES.
15 The treatment of sections 55.16 and 808.075 (4) (c) 1. of the statutes first applies to
16 a petition for modification of an order for protective placement or protective services
17 brought on the effective date of this subsection.

18 (11) TERMINATION OF PROTECTIVE PLACEMENTS OR PROTECTIVE SERVICES. The
19 treatment of sections 55.06 (10) (b) and (c) and (14), 55.17, 808.075 (4) (c) 1., and
20 880.331 (1) of the statutes first applies to a petition for termination of an order for
21 protective placement or protective services brought on the effective date of this
22 subsection.

23 (12) PETITIONS FOR GUARDIANSHIP. The treatment of sections 880.06 (1), 880.07
24 (1m) and (2m), 880.08 (1), 880.24 (3) (a) and (b), 880.33 (2) (a) 1. and 2., (d), (e), and
25 (f), (3), (4m), (4r), (6), and (7), 880.331 (4) (am), (ar), (dm), (dr), and (ds), 880.34 (6),

1 and 880.38 (1), (2), (3), and (4) of the statutes first applies to petitions for
2 guardianship made on the effective date of this subsection.

3 (13) ADMISSIONS OF INCAPACITATED INDIVIDUALS. The treatment of section 50.06
4 (2) (c) and (d) of the statutes first applies to an admission of an incapacitated
5 individual made on the effective date of this subsection.

6 (14) INVESTIGATIONS BY COUNTY PROTECTIVE SERVICES AGENCIES. The treatment
7 of sections 55.043 (1) (a) (intro.), 1., and 3. and (b) 1. and 2. a. and b. and (4) (a) and
8 (b) and 813.123 (4) (a) (intro.) and 2., (5) (a) (intro.) and 3. b., (6) (c), (7), and (11) of
9 the statutes first applies to conduct of an investigation made on the effective date of
10 this subsection.

11 (13) RECORDS. The treatment of sections 46.21 (2m) (c), 46.215 (1m), 46.22 (1)
12 (dm), 46.23 (3) (e), 46.283 (7) (b), 46.284 (7) (b), 51.42 (3) (e), 51.437 (4r) (b), 55.06 (17),
13 55.22 (title), 767.24 (7) (b), and 880.33 (6) of the statutes first applies to a record made
14 on the effective date of this subsection.

15 (END)