

1           51.10 (4m) (a) (intro.) An adult who meets the criteria for voluntary admission  
2 under sub. (4) ~~and whose admission is approved under sub. (1) or (2)~~ may also be  
3 admitted to an inpatient treatment facility if:

NOTE: Deletes the requirement that the voluntary admission of an adult to an inpatient treatment facility who does not indicate a desire to leave the facility be approved by the treatment director of the treatment facility or the director of a center for the developmentally disabled and the county department.

4           **SECTION 40.** 51.10 (8) of the statutes is amended to read:

5           51.10 (8) An adult for whom, because of incompetency, a guardian of the person  
6 has been appointed under ch. 880 ~~because of the subject's incompetency~~ may be  
7 voluntarily admitted to an inpatient treatment facility ~~under this section only~~ if the  
8 guardian consents under the requirements of sub. (4m) (a) 1. or if the guardian and  
9 the ward consent to such the admission under this section.

NOTE: Provides that the guardian of an incompetent adult may provide consent to the voluntary admission of the ward to an inpatient treatment facility, in cases where the ward does not indicate a desire to leave the facility, if the procedures for voluntary admission in ch. 51 are followed.

10           **SECTION 41.** 51.15 (1) (a) 4. of the statutes is amended to read:

11           51.15 (1) (a) 4. Behavior manifested by a recent act or omission that, due to  
12 mental illness or drug dependency, he or she is unable to satisfy basic needs for  
13 nourishment, medical care, shelter, or safety without prompt and adequate  
14 treatment so that a substantial probability exists that death, serious physical injury,  
15 serious physical debilitation, or serious physical disease will imminently ensue  
16 unless the individual receives prompt and adequate treatment for this mental illness  
17 or drug dependency. No substantial probability of harm under this subdivision exists  
18 if reasonable provision for the individual's treatment and protection is available in  
19 the community and there is a reasonable probability that the individual will avail  
20 himself or herself of these services, if the individual ~~can receive protective placement~~

after

are  
satisfied

1 ~~under s. 55.06~~ may be provided protective placement or protective services under ch.  
2 55, or, in the case of a minor, if the individual is appropriate for services or placement  
3 under s. 48.13 (4) or (11) or 938.13 (4). The individual's status as a minor does not  
4 automatically establish a substantial probability of death, serious physical injury,  
5 serious physical debilitation or serious disease under this subdivision. Food, shelter  
6 or other care provided to an individual who is substantially incapable of providing  
7 the care for himself or herself, by any person other than a treatment facility, does not  
8 constitute reasonable provision for the individual's treatment or protection available  
9 in the community under this subdivision.

10 **SECTION 42.** 51.15 (5) of the statutes is amended to read:

11 51.15 (5) DETENTION PROCEDURE; OTHER COUNTIES. In counties having a  
12 population of less than 500,000, the law enforcement officer or other person  
13 authorized to take a child into custody under ch. 48 or to take a juvenile into custody  
14 under ch. 938 shall sign a statement of emergency detention that shall provide  
15 detailed specific information concerning the recent overt act, attempt, or threat to  
16 act or omission on which the belief under sub. (1) is based and the names of persons  
17 observing or reporting the recent overt act, attempt, or threat to act or omission. The  
18 law enforcement officer or other person is not required to designate in the statement  
19 whether the subject individual is mentally ill, developmentally disabled, or drug  
20 dependent, but shall allege that he or she has cause to believe that the individual  
21 evidences one or more of these conditions. The statement of emergency detention  
22 shall be filed by the officer or other person with the detention facility at the time of  
23 admission, and with the court immediately thereafter. The filing of the statement  
24 has the same effect as a petition for commitment under s. 51.20. When, upon the  
25 advice of the treatment staff, the director of a facility specified in sub. (2) determines

1 that the grounds for detention no longer exist, he or she shall discharge the  
2 individual detained under this section. Unless a hearing is held under s. 51.20 (7)  
3 or ~~55.06 (11) (b)~~ 55.135, the subject individual may not be detained by the law  
4 enforcement officer or other person and the facility for more than a total of 72 hours,  
5 exclusive of Saturdays, Sundays, and legal holidays.

6 **SECTION 43.** 51.20 (1) (a) 2. c. of the statutes is amended to read:

7 51.20 (1) (a) 2. c. Evidences such impaired judgment, manifested by evidence  
8 of a pattern of recent acts or omissions, that there is a substantial probability of  
9 physical impairment or injury to himself or herself. The probability of physical  
10 impairment or injury is not substantial under this subd. 2. c. if reasonable provision  
11 for the subject individual's protection is available in the community and there is a  
12 reasonable probability that the individual will avail himself or herself of these  
13 services, if the individual is ~~appropriate for protective placement under s. 55.06~~ may  
14 be provided protective placement or protective services under ch. 55, or, in the case  
15 of a minor, if the individual is appropriate for services or placement under s. 48.13  
16 (4) or (11) or 938.13 (4). The subject individual's status as a minor does not  
17 automatically establish a substantial probability of physical impairment or injury  
18 under this subd. 2. c. Food, shelter or other care provided to an individual who is  
19 substantially incapable of obtaining the care for himself or herself, by a person other  
20 than a treatment facility, does not constitute reasonable provision for the subject  
21 individual's protection available in the community under this subd. 2. c.

22 **SECTION 44.** 51.20 (1) (a) 2. d. of the statutes is amended to read:

23 51.20 (1) (a) 2. d. Evidences behavior manifested by recent acts or omissions  
24 that, due to mental illness, he or she is unable to satisfy basic needs for nourishment,  
25 medical care, shelter or safety without prompt and adequate treatment so that a

1 substantial probability exists that death, serious physical injury, serious physical  
2 debilitation, or serious physical disease will imminently ensue unless the individual  
3 receives prompt and adequate treatment for this mental illness. No substantial  
4 probability of harm under this subd. 2. d. exists if reasonable provision for the  
5 individual's treatment and protection is available in the community and there is a  
6 reasonable probability that the individual will avail himself or herself of these  
7 services, if the individual ~~is appropriate for protective placement under s. 55.06~~ may  
8 be provided protective placement or protective services under ch. 55, or, in the case  
9 of a minor, if the individual is appropriate for services or placement under s. 48.13  
10 (4) or (11) or 938.13 (4). The individual's status as a minor does not automatically  
11 establish a substantial probability of death, serious physical injury, serious physical  
12 debilitation or serious disease under this subd. 2. d. Food, shelter or other care  
13 provided to an individual who is substantially incapable of obtaining the care for  
14 himself or herself, by any person other than a treatment facility, does not constitute  
15 reasonable provision for the individual's treatment or protection available in the  
16 community under this subd. 2. d.

17 **SECTION 45.** 51.20 (1) (a) 2. e. of the statutes is amended to read:

18 51.20 (1) (a) 2. e. For an individual, other than an individual who is alleged to  
19 be drug dependent or developmentally disabled, after the advantages and  
20 disadvantages of and alternatives to accepting a particular medication or treatment  
21 have been explained to him or her and because of mental illness, evidences either  
22 incapability of expressing an understanding of the advantages and disadvantages of  
23 accepting medication or treatment and the alternatives, or substantial incapability  
24 of applying an understanding of the advantages, disadvantages, and alternatives to  
25 his or her mental illness in order to make an informed choice as to whether to accept

1 or refuse medication or treatment; and evidences a substantial probability, as  
2 demonstrated by both the individual's treatment history and his or her recent acts  
3 or omissions, that the individual needs care or treatment to prevent further  
4 disability or deterioration and a substantial probability that he or she will, if left  
5 untreated, lack services necessary for his or her health or safety and suffer severe  
6 mental, emotional, or physical harm that will result in the loss of the individual's  
7 ability to function independently in the community or the loss of cognitive or  
8 volitional control over his or her thoughts or actions. The probability of suffering  
9 severe mental, emotional, or physical harm is not substantial under this subd. 2. e.  
10 if reasonable provision for the individual's care or treatment is available in the  
11 community and there is a reasonable probability that the individual will avail  
12 himself or herself of these services or if the individual is ~~appropriate for protective~~  
13 ~~placement under s. 55.06~~ may be provided protective placement or protective  
14 services under ch. 55. Food, shelter, or other care that is provided to an individual  
15 who is substantially incapable of obtaining food, shelter, or other care for himself or  
16 herself by any person other than a treatment facility does not constitute reasonable  
17 provision for the individual's care or treatment in the community under this subd.  
18 2. e. The individual's status as a minor does not automatically establish a substantial  
19 probability of suffering severe mental, emotional, or physical harm under this subd.  
20 2. e.

21 **SECTION 46.** 51.20 (1) (am) of the statutes is amended to read:

22 51.20 (1) (am) If the individual has been the subject of inpatient treatment for  
23 mental illness, developmental disability, or drug dependency immediately prior to  
24 commencement of the proceedings as a result of a voluntary admission or, a  
25 commitment or protective placement ordered by a court under this section or s. 55.06,

1 2003 stats., or s. 971.17, or ch. 975, or a protective placement or protective services  
2 ordered under s. 55.12, or if the individual has been the subject of outpatient  
3 treatment for mental illness, developmental disability, or drug dependency  
4 immediately prior to commencement of the proceedings as a result of a commitment  
5 ordered by a court under this section ~~or~~, s. 971.17, or ch. 975, the requirements of a  
6 recent overt act, attempt or threat to act under par. (a) 2. a. or b., ~~a~~ pattern of recent  
7 acts or omissions under par. (a) 2. c. or e., or recent behavior under par. (a) 2. d. may  
8 be satisfied by a showing that there is a substantial likelihood, based on the subject  
9 individual's treatment record, that the individual would be a proper subject for  
10 commitment if treatment were withdrawn. If the individual has been admitted  
11 voluntarily to an inpatient treatment facility for not more than 30 days prior to the  
12 commencement of the proceedings and remains under voluntary admission at the  
13 time of commencement, the requirements of a specific recent overt act, attempt or  
14 threat to act, or pattern of recent acts or omissions may be satisfied by a showing of  
15 an act, attempt or threat to act, or ~~a~~ pattern of acts or omissions which took place  
16 immediately previous to the voluntary admission. If the individual is committed  
17 under s. 971.14 (2) or (5) at the time proceedings are commenced, or has been  
18 discharged from the commitment immediately prior to the commencement of  
19 proceedings, acts, attempts, threats, omissions, or behavior of the subject individual  
20 during or subsequent to the time of the offense shall be deemed recent for purposes  
21 of par. (a) 2.

22 **SECTION 47.** 51.20 (1m) of the statutes is amended to read:

23 51.20 (1m) ALTERNATE GROUNDS FOR COMMITMENT. For purposes of subs. (2) to  
24 (9), the requirement of finding probable cause to believe the allegations in sub. (1)  
25 (a) or (am) may be satisfied by finding probable cause to believe that the individual

1 satisfies sub. (1) (a) 1. and evidences such impaired judgment, manifested by  
2 evidence of a recent act or omission, that there is a substantial probability of physical  
3 impairment or injury to himself or herself. The probability of physical impairment  
4 or injury may not be deemed substantial under this subsection if reasonable  
5 provision for the individual's protection is available in the community and there is  
6 a reasonable probability that the individual will avail himself or herself of the  
7 services or if the individual is ~~appropriate for protective placement under s. 55.06~~  
8 may be provided protective placement or protective services under ch. 55. The  
9 individual's status as a minor does not automatically establish a substantial  
10 probability of physical impairment or injury under this subsection. Food, shelter or  
11 other care provided to an individual who is substantially incapable of obtaining the  
12 care for himself or herself, by any person other than a treatment facility, does not  
13 constitute reasonable provision for the individual's protection available in the  
14 community under this subsection.

NOTE: SECTIONS 41 and 43 to 47 amend various standards in current law relating to emergency detention and involuntary commitment for treatment, by providing that a showing of a substantial probability of harm to the person does not exist if the person may be provided protective placement or protective services under ch. 55.

15 **SECTION 48.** 51.20 (7) (d) 1. (intro.) of the statutes is amended to read:

16 51.20 (7) (d) 1. (intro.) If the court determines after hearing that there is  
17 probable cause to believe that the subject individual is a fit subject for guardianship  
18 and protective placement or services, the court may, without further notice, appoint  
19 a temporary guardian for the subject individual and order temporary protective  
20 placement or services under ch. 55 for a period not to exceed 30 days, and shall  
21 proceed as if petition had been made for guardianship and protective placement or  
22 services. If the court orders only temporary protective services for a subject  
23 individual under this paragraph, the individual shall be provided care only on an

1 outpatient basis. The court may order psychotropic medication as a temporary  
2 protective service under this paragraph if it finds that there is probable cause to  
3 believe that the allegations under s. ~~880.07 (1m) (e) and (em)~~ 55.14 (3) (e) apply, that  
4 the individual is not competent to refuse psychotropic medication and that the  
5 medication ordered will have therapeutic value and will not unreasonably impair the  
6 ability of the individual to prepare for and participate in subsequent legal  
7 proceedings. An individual is not competent to refuse psychotropic medication if,  
8 because of ~~chronic~~ serious and persistent mental illness, and after the advantages  
9 and disadvantages of and alternatives to accepting the particular psychotropic  
10 medication have been explained to the individual, one of the following is true:

11 **SECTION 49.** 51.20 (7) (d) 1. b. of the statutes is amended to read:

12 51.20 (7) (d) 1. b. The individual is substantially incapable of applying an  
13 understanding of the advantages, disadvantages and alternatives to his or her  
14 ~~chronic~~ serious and persistent mental illness in order to make an informed choice as  
15 to whether to accept or refuse psychotropic medication.

16 **SECTION 50.** 51.35 (4m) (intro.) of the statutes is amended to read:

17 51.35 (4m) **TRANSFER OR DISCHARGE OF PERSONS WITH CHRONIC SERIOUS AND**  
18 **PERSISTENT MENTAL ILLNESS.** (intro.) The department or county department under s.  
19 51.42 or any person authorized to discharge or transfer patients under this section  
20 shall, prior to the discharge of a patient with ~~chronic~~ serious and persistent mental  
21 illness from an inpatient facility, or prior to the transfer of a patient with ~~chronic~~  
22 serious and persistent mental illness from inpatient to outpatient status, with the  
23 patient's permission if the patient is a voluntary patient, do all of the following:

NOTE: SECTIONS 48 to 50 revise the term "chronic mental illness" to "serious and persistent mental illness".



1           **SECTION 51.** 51.39 of the statutes is amended to read:

2           **51.39 Resident patients on unauthorized absence.** If any patient who is  
3 admitted, transferred, or placed under s. 55.06, 2003 stats., or s. 51.13, 51.15, 51.20,  
4 51.35 (3), 51.37, or 51.45 (11) (b), (12) or (13) or ~~55.06~~ or ch. 55, 971, 975, or 980 or  
5 ~~transferred under s. 51.35 (3) or 51.37~~ is on unauthorized absence from a treatment  
6 facility, the sheriff or any other law enforcement agency in the county in which the  
7 patient is found or in which it is believed the patient may be present, upon the  
8 request of the director, shall take charge of and return the patient to the facility. The  
9 costs incident to the return shall be paid out of the facility's operating funds and be  
10 charged back to the patient's county of residence.

NOTE: Changes various cross-references regarding protective placement and transfer of a person who is protectively placed.

11           **SECTION 52.** 51.40 (2) (intro.) of the statutes is amended to read:

12           **51.40 (2) DETERMINATION OF RESIDENCE.** (intro.) For purposes of determining  
13 responsibility for funding the provision of services under chs. 46, 51 and 55, the  
14 county of residence of individuals aged 18 or older with developmental disability or  
15 ~~chronic~~ serious and persistent mental illness in state facilities or nursing homes  
16 shall be determined as follows:

NOTE: Revises the term "chronic mental illness" to "serious and persistent mental illness".

17           **SECTION 53.** 51.40 (2) (a) 1. of the statutes is amended to read:

18           **51.40 (2) (a) 1.** 'Commitment or ~~protection~~ protective placement.' If an  
19 individual is under a court order of commitment under this chapter or protective  
20 placement under s. 55.06, 2003 stats., or s. 55.12, the individual remains a resident  
21 of the county in which he or she has residence at the time the commitment or

1 protective placement is made. If the court makes no specific finding of a county of  
2 residence, the individual is a resident of the county in which the court is located.

NOTE: Changes a cross-reference to the procedure for protective placement, the provisions of which are renumbered in this bill.

3 **SECTION 54.** 51.40 (2) (a) 2. of the statutes is amended to read:

4 51.40 (2) (a) 2. 'Placement by a county.' Except for the provision of emergency  
5 services under s. 51.15, 51.42 (1) (b), 51.437 (4) (c), or 51.45 (11) and (12), emergency  
6 protective services under s. 55.13, or 55.06 (11) emergency protective placement  
7 under s. 55.135, if a county department or an agency of a county department  
8 arranges or makes placement of the individual into a state facility or nursing home,  
9 the individual is a resident of the county of that county department. Any agency of  
10 the county department is deemed to be acting on behalf of the county department in  
11 arranging or making placement.

NOTE: Changes a cross-reference to emergency protective placement, the provisions of which are renumbered in this bill.

12 **SECTION 55.** 51.42 (1) (b) of the statutes is amended to read:

13 51.42 (1) (b) *County liability.* The county board of supervisors has the primary  
14 responsibility for the well-being, treatment and care of the mentally ill,  
15 developmentally disabled, alcoholic and other drug dependent citizens residing  
16 within its county and for ensuring that those individuals in need of such emergency  
17 services found within its county receive immediate emergency services. This  
18 primary responsibility is limited to the programs, services and resources that the  
19 county board of supervisors is reasonably able to provide within the limits of  
20 available state and federal funds and of county funds required to be appropriated to  
21 match state funds. County liability for care and services purchased through or  
22 provided by a county department of community programs established under this

1 section shall be based upon the client's county of residence except for emergency  
2 services for which liability shall be placed with the county in which the individual  
3 is found. For the purpose of establishing county liability, "emergency services"  
4 includes those services provided under the authority of s. 55.05 (4), 2003 stats., or  
5 s. 55.06 (11) (a), 2003 stats., or s. 51.15, 51.45 (11) (a) or (b) or (12), ~~55.05 (4) or 55.06~~  
6 (11) (a) ~~55.13, or 55.135~~ for not more than 72 hours. Nothing in this paragraph  
7 prevents recovery of liability under s. 46.10 or any other statute creating liability  
8 upon the individual receiving a service or any other designated responsible party, or  
9 prevents reimbursement by the department of health and family services for the  
10 actual cost of all care and services from the appropriation under s. 20.435 (7) (da),  
11 as provided in s. 51.22 (3).

NOTE: Changes cross-references to emergency protective services, the provisions  
of which are renumbered in this bill.

12 **SECTION 56.** 51.42 (3) (ar) 4. d. of the statutes is amended to read:

13 51.42 (3) (ar) 4. d. Related research and staff in-service training, including  
14 periodic training on emergency detention procedures under s. 51.15, emergency  
15 protective services under s. 55.13, and emergency protective placement procedures  
16 under s. ~~55.06 (11) 55.135~~, for individuals persons within the jurisdiction of the  
17 county department of community programs who are authorized to take ~~persons~~  
18 individuals into custody under ss. 51.15 and ~~55.06 (11) 55.135~~. In developing  
19 in-service training on emergency detention and emergency protective placement  
20 procedures, the county department of community programs shall consult the county  
21 department of developmental disabilities services under s. 51.437 in counties where  
22 these departments are separate.

NOTE: Changes cross-references to emergency protective services and emergency  
protective placement, the provisions of which are renumbered in this bill.

1           **SECTION 57.** 51.42 (3) (e) of the statutes is amended to read:

2           51.42 (3) (e) *Exchange of information.* Notwithstanding ss. 46.2895 (9), 48.78  
3 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), ~~55.06 (17) (e)~~ 55.22 (3), 146.82, 252.11  
4 (7), 253.07 (3) (c) and 938.78 (2) (a), any subunit of a county department of community  
5 programs acting under this section may exchange confidential information about a  
6 client, without the informed consent of the client, with any other subunit of the same  
7 county department of community programs, with a resource center, care  
8 management organization or family care district, or with any person providing  
9 services to the client under a purchase of services contract with the county  
10 department of community programs or with a resource center, care management  
11 organization or family care district, if necessary to enable an employee or service  
12 provider to perform his or her duties, or to enable the county department of  
13 community programs to coordinate the delivery of services to the client.

NOTE: Changes a cross-reference to access to records in protective placement and services cases, the provisions of which are renumbered in this bill.

14           **SECTION 58.** 51.421 (1) of the statutes is amended to read:

15           51.421 (1) **PURPOSE.** In order to provide the least restrictive and most  
16 appropriate care and treatment for persons with ~~chronic~~ serious and persistent  
17 mental illness, community support programs should be available in all parts of the  
18 state. In order to integrate community support programs with other long-term care  
19 programs, community support programs shall be coordinated, to the greatest extent  
20 possible, with the community options program under s. 46.27, with the protective  
21 services system in a county, with the medical assistance program under subch. IV of  
22 ch. 49 and with other care and treatment programs for persons with ~~chronic~~ serious  
23 and persistent mental illness.

1           **SECTION 59.** 51.421 (2) of the statutes is amended to read:

2           51.421 (2) SERVICES. If funds are provided, and within the limits of the  
3 availability of funds provided under s. 51.423 (2), each county department under s.  
4 51.42 shall establish a community support program. Each community support  
5 program shall use a coordinated case management system and shall provide or  
6 assure access to services for persons with chronic serious and persistent mental  
7 illness who reside within the community. Services provided or coordinated through  
8 a community support program shall include assessment, diagnosis, identification of  
9 persons in need of services, case management, crisis intervention, psychiatric  
10 treatment including medication supervision, counseling and psychotherapy,  
11 activities of daily living, psychosocial rehabilitation which may include services  
12 provided by day treatment programs, client advocacy including assistance in  
13 applying for any financial support for which the client may be eligible, residential  
14 services and recreational activities. Services shall be provided to an individual based  
15 upon his or her treatment and psychosocial rehabilitation needs.

16           **SECTION 60.** 51.421 (3) (c) of the statutes is amended to read:

17           51.421 (3) (c) Monitor the establishment and the continuing operation of  
18 community support programs and ensure that community support programs comply  
19 with the standards promulgated by rule. The department shall ensure that the  
20 persons monitoring community support programs to determine compliance with the  
21 standards are persons who are knowledgeable about treatment programs for persons  
22 with chronic serious and persistent mental illness.

NOTE: SECTIONS 58 to 60 revise the term “chronic mental illness” to “serious and persistent mental illness”.

23           **SECTION 61.** 51.437 (4) (c) of the statutes is amended to read:

1           51.437 (4) (c) County liability for care and services purchased through or  
2 provided by a county department of developmental disabilities services established  
3 under this section shall be based upon the client's county of residence except for  
4 emergency services for which liability shall be placed with the county in which the  
5 individual is found. For the purpose of establishing county liability, "emergency  
6 services" means those services provided under the authority of s. 55.05 (4), 2003  
7 stats., or s. 55.06 (11) (a), 2003 stats., or s. 51.15, 55.05 (4) or 55.06 (11) (a), 55.13, or  
8 55.135. Nothing in this paragraph prevents recovery of liability under s. 46.10 or any  
9 other statute creating liability upon the individual receiving a service or any other  
10 designated responsible party.

NOTE: Changes cross-references to emergency protective services and emergency  
protective placement, the provisions of which are renumbered in this bill.

11           **SECTION 62.** 51.437 (4r) (b) of the statutes is amended to read:

12           51.437 (4r) (b) Notwithstanding ss. 46.2895 (9), 48.78 (2) (a), 49.45 (4), 49.83,  
13 51.30, 51.45 (14) (a), ~~55.06 (17) (e)~~ 55.22 (3), 146.82, 252.11 (7), 253.07 (3) (c) and  
14 938.78 (2) (a), any subunit of the county department of developmental disabilities  
15 services acting under this section may exchange confidential information about a  
16 client, without the informed consent of the client, with any other subunit of the same  
17 county department of developmental disabilities services, with a resource center,  
18 care management organization or family care district, or with any person providing  
19 services to the client under a purchase of services contract with the county  
20 department of developmental disabilities services or with a resource center, care  
21 management organization or family care district, if necessary to enable an employee  
22 or service provider to perform his or her duties, or to enable the county department

1 of developmental disabilities services to coordinate the delivery of services to the  
2 client.

NOTE: Changes a cross-reference to access to records in protective placement and services cases, the provisions of which are renumbered in this bill.

3 **SECTION 63.** 51.67 (intro.) of the statutes is amended to read:

4 **51.67 Alternate procedure; protective services.** (intro.) If, after a hearing  
5 under s. 51.13 (4) or 51.20, the court finds that commitment under this chapter is not  
6 warranted and that the subject individual is a fit subject for guardianship and  
7 protective placement or services, the court may, without further notice, appoint a  
8 temporary guardian for the subject individual and order temporary protective  
9 placement or services under ch. 55 for a period not to exceed 30 days. Temporary  
10 protective placement for an individual in a center for the developmentally disabled  
11 is subject to s. 51.06 (3). Any interested party may then file a petition for permanent  
12 guardianship or protective placement or services, including medication, under ch.  
13 55. If the individual is in a treatment facility, the individual may remain in the  
14 facility during the period of temporary protective placement if no other appropriate  
15 facility is available. The court may order psychotropic medication as a temporary  
16 protective service under this section if it finds that there is probable cause to believe  
17 the individual is not competent to refuse psychotropic medication and that the  
18 medication ordered will have therapeutic value and will not unreasonably impair the  
19 ability of the individual to prepare for and participate in subsequent legal  
20 proceedings. An individual is not competent to refuse psychotropic medication if,  
21 because of ~~chronic~~ serious and persistent mental illness, and after the advantages  
22 and disadvantages of and alternatives to accepting the particular psychotropic  
23 medication have been explained to the individual, one of the following is true:

1           **SECTION 64.** 51.67 (2) of the statutes is amended to read:

2           51.67 (2) The individual is substantially incapable of applying an  
3 understanding of the advantages, disadvantages and alternatives to his or her  
4 chronic serious and persistent mental illness in order to make an informed choice as  
5 to whether to accept or refuse psychotropic medication.

NOTE: SECTIONS 63 and 64 revise the term “chronic mental illness” to “serious and persistent mental illness”.

6           **SECTION 65.** 55.001 of the statutes is amended to read:

7           **55.001 Declaration of policy.** The legislature recognizes that many citizens  
8 of the state, because of ~~the infirmities of aging, chronic serious and persistent~~ mental  
9 illness, ~~mental retardation, other degenerative brain disorder,~~ developmental  
10 disabilities, or other like incapacities ~~incurred at any age~~, are in need of protective  
11 services or protective placement. Except as provided in s. 49.45 (30m) (a), these the  
12 protective services or protective placement should, to the maximum degree of  
13 feasibility under programs, services and resources that the county board of  
14 supervisors is reasonably able to provide within the limits of available state and  
15 federal funds and of county funds required to be appropriated to match state funds,  
16 allow the individual the same rights as other citizens, and at the same time protect  
17 the individual from exploitation, abuse, and degrading treatment. This chapter is  
18 designed to establish those protective services and protective placements, to assure  
19 their availability to all ~~persons~~ individuals when in need of them, and to place the  
20 least possible restriction on personal liberty and exercise of constitutional rights  
21 consistent with due process and protection from abuse, exploitation, and neglect.

NOTE: Inserts references to both protective services and protective placements. Also, revises terminology to delete the terms “infirmities of aging” and “mental retardation”; to insert a new term, “degenerative brain disorder” to replace “infirmities of aging”; and to replace the word “chronic” with the term “serious and persistent”.



1           **SECTION 66.** 55.01 (1d) of the statutes is created to read:

2           55.01 (1d) “Activated power of attorney for health care” means a power of  
3 attorney for health care that has taken effect in the manner specified in s. 155.05 (2).

NOTE: Creates a definition of “activated power of attorney for health care”, a term  
which is used in this bill.

4           **SECTION 67.** 55.01 (1v) of the statutes is created to read:

5           55.01 (1v) “Degenerative brain disorder” means the loss or dysfunction of brain  
6 cells to the extent that an individual is substantially impaired in his or her ability  
7 to provide adequately for his or her own care or custody.

NOTE: Creates a definition of “degenerative brain disorder”, which is a new term  
created in this bill to replace the outdated term “infirmities of aging”.

8           **SECTION 68.** 55.01 (2) of the statutes is amended to read:

9           55.01 (2) “Developmentally disabled ~~person~~” means ~~any individual~~ having a  
10 disability attributable to mental retardation, cerebral palsy, epilepsy, autism or  
11 another neurological condition closely related to mental retardation or requiring  
12 treatment similar to that required for mentally retarded individuals, which has  
13 continued or can be expected to continue indefinitely, substantially impairs ~~the an~~  
14 individual from adequately providing for his or her own care or custody, and  
15 constitutes a substantial handicap to the afflicted individual. The term does not  
16 include ~~a person affected by senility which~~ that is primarily caused by the process  
17 of aging or ~~the infirmities of aging~~ degenerative brain disorder.

NOTE: Revises the term “infirmities of aging” to “degenerative brain disorder”.

18           **SECTION 69.** 55.01 (3) of the statutes is repealed.

NOTE: SECTION 67 creates a new definition of “degenerative brain disorder”, which  
is created to replace the repealed definition “infirmities of aging”.

19           **SECTION 70.** 55.01 (4) of the statutes is renumbered 55.01 (4) (intro.) and  
20 amended to read:

1 55.01 (4) (intro.) “Interested person” means any adult of the following:

2 (a) An adult relative or friend of a person an individual sought to be protected  
3 under this subchapter; or any chapter.

4 (b) Any official or representative of a public or private agency, corporation or  
5 association concerned with the person’s individual’s welfare.

NOTE: Revises the term “interested person”.

6 SECTION 71. 55.01 (4) (c) of the statutes is created to read:

7 55.01 (4) (c) A health care agent, as defined in s. 155.01 (4).

NOTE: Includes a health care agent in the definition of “interested person”.

8 SECTION 72. 55.01 (4g) of the statutes is amended to read:

9 55.01 (4g) “Intermediate facility” has the meaning given in s. 46.279 (1) (a) (b).

10 SECTION 73. 55.01 (4t) of the statutes is amended to read:

11 55.01 (4t) “Nursing facility” has the meaning given in s. 46.279 (1) (b) (c).

12 SECTION 74. 55.01 (6), (6m), (6p) and (6r) of the statutes are created to read:

13 55.01 (6) “Protective placement” means a placement that is made to provide for  
14 the care and custody of an individual.

NOTE: <sup>not</sup> Creates a definition of protective placement. This definition is derived from  
the first sentence of s. 55.06 (1).

15 (6m) “Protective placement facility” means a facility to which a court may  
16 under s. 55.12 order an individual to be provided protective placement for the  
17 primary purpose of residential care and custody.

18 (6p) “Protective placement unit” means a ward, wing, or other designated part  
19 of a placement facility.

20 (6r) “Protective services” includes any of the following:

21 (a) Outreach.

22 (b) Identification of individuals in need of services.

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- 1 (c) Counseling and referral for services.
- 2 (d) Coordination of services for individuals.
- 3 (e) Tracking and follow-up.
- 4 (f) Social services.
- 5 (g) Case management.
- 6 (h) Legal counseling or referral.
- 7 (i) Guardianship referral.
- 8 (j) Diagnostic evaluation.
- 9 (k) Any services that, when provided to an individual with developmental
- 10 disabilities, degenerative brain disorder, serious and persistent mental illness, or
- 11 other like incapacity, keep the individual safe from abuse, neglect, or
- 12 misappropriation of property or prevent the individual from experiencing
- 13 deterioration or from inflicting harm on himself or herself or another person.

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NOTE: ~~Creates~~ a definition of protective services. This definition incorporates the noninclusive list of possible services from current s. 55.04 (1) (a), and specifies that “protective services” includes any services that are intended to keep specified individuals safe from abuse, neglect, or misappropriation of property, or prevent the individual from inflicting harm on himself or herself or another person.

14 **SECTION 75.** 55.01 (6t) of the statutes is created to read:

15 55.01 (6t) “Residence” means the voluntary concurrence of an individual’s

16 physical presence with his or her intent to remain in a place of fixed habitation.

17 Physical presence is prima facie evidence of intent to remain.

NOTE: Creates a definition of “residence” for use in ch. 55. This definition is based on the definition of “residence” in s. 49.001.

18 **SECTION 76.** 55.01 (6v) of the statutes is created to read:

19 55.01 (6v) “Serious and persistent mental illness” has the meaning given in s.

20 51.01 (14t).

NOTE: Creates a definition of “serious and persistent mental illness”, which is used in this bill and replaces the outdated term “chronic mental illness”.

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1           **SECTION 77.** 55.01 (6x) of the statutes is created to read:

2           **55.01 (6x)** “Treatment facility” has the meaning given in s. 51.01 (19).

NOTE: Provides that in ch. 55, “treatment facility” has the same definition as in ch. 51: “any publicly or privately operated facility or unit thereof providing treatment of alcoholic, drug dependent, mentally ill or developmentally disabled persons, including but not limited to inpatient and outpatient treatment programs, community support programs and rehabilitation programs”.

3           **SECTION 78.** 55.01 (6y) of the statutes is created to read:

4           **55.01 (6y)** “Voluntary” means according to an individual’s free choice, if  
5 competent, or by choice of a guardian, if adjudicated incompetent.

NOTE: Creates a definition of “voluntary”, a term which is used in this bill.

6           **SECTION 79.** 55.02 of the statutes is repealed and recreated to read:

7           **55.02 Protective services and protective placement: duties. (1)**

8           DEPARTMENT DUTIES. (a) The department shall do all of the following:

- 9           1. Cooperate with county departments to develop and operate a coordinated,  
10 statewide system for protective services and protective placement.
- 11           2. Monitor and supervise the implementation and operation of the protective  
12 services and protective placement system.
- 13           3. Provide technical assistance to county departments providing protective  
14 services and protective placement.
- 15           4. Evaluate the protective services and protective placement system.

16           (b) The department may provide protective services and protective placement  
17 directly or contract for the provision of protective services or protective placement.

18           **(2) COUNTY DEPARTMENT DUTIES.** (a) The chairperson of each county board of  
19 supervisors shall designate a county department under s. 46.215, 46.22, 46.23, 51.42,  
20 or 51.437 that is providing services in the county on its own or through a joint  
21 mechanism with another county department or county to have the responsibility for

1 planning for the provision of protective services and protective placement and for  
2 directly providing protective services, protective placement, or both, or entering into  
3 a contract under s. 46.036 with a responsible agency for the provision of protective  
4 services, protective placement, or both.

5 (b) In addition to the responsibilities specified in par. (a), the county  
6 department shall:

7 1. Monitor and evaluate protective services and protective placements.

8 2. Prepare and submit reports required by the department, or by a court if  
9 protective services or protective placement are ordered by a court.

10 3. Develop requirements for submittal by guardians of the person of reports to  
11 the county department under s. 880.38 (3).

12 4. Designate at least one appropriate medical facility or protective placement  
13 facility as an intake facility for the purpose of emergency protective placements  
14 under s. 55.135.

NOTE: Revises the duties of the DHFS and the county departments to more accurately reflect the actual role of each in the protective services and protective placement system. Also, creates a new requirement that each county department must designate an appropriate intake facility for emergency protective placements.

15 **SECTION 80.** 55.03 of the statutes is renumbered 55.03 (1) and amended to read:

16 55.03 (1) AGENCY AS GUARDIAN. No agency acting as a guardian appointed under  
17 ch. 880 shall may be a provider of protective services or protective placement for its  
18 ward under this chapter.

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

22 **SECTION 81.** 55.04 (title) and (1) to (3) of the statutes are repealed.

1           **SECTION 82.** 55.04 (4) of the statutes is renumbered 55.03 (3) and amended to  
2 read:

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

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

The bill incorporates the provisions of current ss. 55.02 and 55.04 into ss. 55.02 and 55.03.

8           **SECTION 83.** 55.043 (1) (a) (intro.) of the statutes is amended to read:

9           **55.043 (1) (a) (intro.)** If a county protective services agency has probable cause  
10 to believe that there is misappropriation of property or neglect or abuse of a  
11 vulnerable adult, the county protective services agency may conduct an  
12 investigation ~~in Milwaukee County~~ to determine if the vulnerable adult in question  
13 is in need of protective services. The county protective services agency shall conduct  
14 the investigation in accordance with standards established by the department for  
15 conducting the investigations. The investigation shall include at least one of the  
16 following:

NOTE: Deletes a reference to Milwaukee County in the statute that confers authority on a county protective services agency to conduct an investigation into alleged abuse of a vulnerable adult. The effect of this amendment is to permit all counties in the state to exercise this authority.

17           **SECTION 84.** 55.043 (1) (a) 1. and 3. of the statutes are amended to read:

18           **55.043 (1) (a) 1.** Observation of or an interview with the vulnerable adult, in  
19 private to the extent practicable, and with or without consent of his or her guardian  
20 or agent under an activated power of attorney for health care, if any.

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

3           **SECTION 85.** 55.043 (1) (b) 1. of the statutes is amended to read:

4           55.043 (1) (b) 1. The vulnerable adult or his or her guardian or agent under an  
5 activated power of attorney for health care, if any, consents to the examination.

6           **SECTION 86.** 55.043 (1) (b) 2. a. and b. of the statutes are amended to read:

7           55.043 (1) (b) 2. a. The vulnerable adult has no guardian or agent under an  
8 activated power of attorney for health care.

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

NOTE: SECTIONS 84 to 86 insert a reference to an agent under an activated power of attorney for health care, in the event that a vulnerable adult under ch. 55 has such an agent who may act on his or her behalf in protective services or protective placement proceedings.

12           **SECTION 87.** 55.043 (4) (a) of the statutes is amended to read:

13           55.043 (4) (a) Offer services, including protective services ~~under s. 55.05, a,~~  
14 ~~protective placement under s. 55.06,~~ relocation assistance, or other services.

15           **SECTION 88.** 55.043 (4) (b) of the statutes is amended to read:

16           55.043 (4) (b) Take appropriate emergency action, including provision of  
17 emergency protective services under s. 55.13 or emergency protective placement  
18 under s. ~~55.06~~ 55.135, if the county protective services agency considers that the  
19 emergency action is in the vulnerable adult's best interests and the emergency action  
20 is the least restrictive appropriate intervention.

NOTE: Changes cross-references to emergency protective services and emergency protective placement, the provisions of which are renumbered in this bill.

21           **SECTION 89.** 55.045 of the statutes is amended to read:

1           **55.045 Funding.** Except as provided in s. 49.45 (30m) (a), the appropriate  
2 county department ~~designated under s. 55.02~~ shall within the limits of available  
3 state and federal funds and of county funds required to be appropriated to match  
4 state funds, provide for the reasonable program needs of ~~persons~~ individuals who are  
5 ~~protectively placed~~ provided protective placement or who receive protective services  
6 under this chapter, including reasonable expenses for the evaluations required by s.  
7 ~~55.06 (8)~~ 55.11. Payment and collections for protective placement or protective  
8 services provided in public facilities specified in s. 46.10 shall be governed in  
9 accordance with s. 46.10. The department may require that ~~a person~~ an individual  
10 who is ~~protectively placed~~ provided protective placement or receives protective  
11 services under this chapter provide reimbursement for services or care and custody  
12 received, based on the ability of the ~~person~~ individual to pay for such costs.

13           **SECTION 90.** 55.05 (title) of the statutes is amended to read:

14           **55.05 (title) Protective Voluntary protective services.**

15           **SECTION 91.** 55.05 (2) (intro.) of the statutes is amended to read:

16           55.05 (2) (intro.) The department or ~~an~~ a county department or agency  
17 providing with which the county department contracts under s. 55.02 (2) that  
18 provides protective services ~~under s. 55.04~~ may provide ~~such~~ the services under any  
19 of the following conditions:

20           **SECTION 92.** 55.05 (2) (a) of the statutes is amended to read:

21           55.05 (2) (a) ~~The person~~ An individual who needs or believes he or she needs  
22 protective ~~service~~ may seek such service services requests the services.

23           **SECTION 93.** 55.05 (2) (b) of the statutes is amended to read:

24           55.05 (2) (b) ~~Any~~ An interested person ~~may request~~ requests protective services  
25 on behalf of ~~a person~~ an individual in need of services. A guardian may request and



1 consent to protective services on behalf of the guardian's ward. An agent under an  
2 activated power of attorney for health care may request and consent to protective  
3 services on behalf of the agent's principal.

4 SECTION 94. 55.05 (2) (c) of the statutes is repealed.

5 SECTION 95. 55.05 (2) (d) of the statutes is repealed.

6 SECTION 96. 55.05 (3) of the statutes is amended to read:

7 55.05 (3) VOLUNTARY PROTECTIVE SERVICES PREFERRED. An individual shall  
8 receive protective services voluntarily unless ordered by the court under s. 55.12,  
9 requested by –a– the individual's guardian or agent under an activated power of  
10 attorney for health care, or provided on an emergency basis in accordance with sub-  
11 (4) s. 55.13.

NOTE: Amends current law relating to voluntary protective services, to provide a separate statutory section for voluntary protective services and to insert references to an agent under an activated power of attorney for health care, who may, in some situations, be authorized to request and consent to protective services for a principal.

12 SECTION 97. 55.05 (4) (title) and (a) of the statutes are renumbered 55.13 (title)  
13 and (1) and amended to read:

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

19 SECTION 98. 55.05 (4) (b) of the statutes is renumbered 55.13 (4) and amended  
20 to read:

21 55.13 (4) ~~Where~~ If it is necessary to foreibly enter a premises forcibly to provide  
22 or investigate the need for emergency protective services, the representative of an  
23 agency or staff member of a county protective services agency department shall

1 obtain a court order authorizing entry and shall make the entry accompanied by a  
2 sheriff, police officer, or member of a fire department. When it appears probable that  
3 substantial physical harm, irreparable injury, or death may occur to an individual,  
4 the police officer, fire fighter, or sheriff may enter a premises without a court order  
5 if the time required to obtain such an order would result in greater risk of physical  
6 harm to the individual.

7 **SECTION 99.** 55.05 (4) (c) of the statutes is renumbered 55.13 (5) and amended  
8 to read:

9 55.13 (5) ~~Where~~ If a forcible entry is made under ~~par. (b) sub. (4)~~, a report of  
10 the exact circumstances, including the date, time, place, factual basis for the need  
11 of ~~such~~ the entry, and the exact services rendered, shall be made and forwarded to  
12 the court within 14 days ~~of~~ after entry by the person making ~~such~~ the entry.

13 **SECTION 100.** 55.05 (5) (title) of the statutes is renumbered 55.055 (title) and  
14 amended to read:

15 **55.055 (title) Admissions initially made without court involvement.**

16 **SECTION 101.** 55.05 (5) (a) of the statutes is repealed.

NOTE: This statute is repealed because it is unnecessary; moreover, it is misleading, because an individual who is legally and actually capable of consenting may consent to enter *any* regulated residential, medical, or treatment facility, not just those specified.

17 **SECTION 102.** 55.05 (5) (b) 1. of the statutes is renumbered 55.055 (1) (a) and  
18 amended to read:

19 55.055 (1) (a) ~~Guardians of persons~~ The guardian of an individual who have  
20 has been found incompetent under s. 880.33 may consent to the individual's  
21 admission to a foster home, group home, or community-based residential facility, as  
22 defined under s. 50.01 (1g), without a protective placement order under s. 55.06 55.12  
23 if the home or facility is licensed for fewer than 16 beds. Prior to providing that

1 consent, and annually thereafter, the guardian shall review the ward's right to the  
2 least restrictive residential environment and may consent only to admission to a  
3 home or facility that implements ~~those rights~~ that right.

NOTE: Changes a cross-reference to the procedure for protective placement, the provisions of which are renumbered in this bill.

4 **SECTION 103.** 55.05 (5) (b) 2. of the statutes is renumbered 55.055 (1) (b) and  
5 amended to read:

6 55.055 (1) (b) Guardians The guardian of persons an individual who have has  
7 been found incompetent under s. 880.33 may consent to the individual's admission  
8 to a nursing home if the person is admitted directly from a hospital inpatient unit  
9 for recuperative care or other facility not specified in par. (a) for which protective  
10 placement is otherwise required for a period not to exceed 3 months, unless the  
11 hospital admission was for psychiatric care 60 days. In order to be admitted under  
12 this paragraph, the individual must be in need of recuperative care or be unable to  
13 provide for his or her own care or safety so as to create a serious risk of substantial  
14 harm to himself or herself or others. Prior to providing that consent, the guardian  
15 shall review the ward's right to the least restrictive residential environment and  
16 consent only to admission to a nursing home or other facility that implements these  
17 rights that right. Following the 3-month 60-day period, the admission may be  
18 extended for an additional 60 days if a petition for protective placement proceeding  
19 under s. 55.06 is required 55.075 has been brought, or, if no petition for protective  
20 placement under s. 55.075 has been brought, for an additional 30 days for the  
21 purpose of allowing the initiation of discharge planning for the individual.  
22 Admission under this paragraph is not permitted for an individual with a primary  
23 diagnosis of mental illness or developmental disability.

NOTE: Renumbers and amends a provision in current law that permits a person to be admitted to a nursing home prior to a protective placement proceeding on a short term basis. This provision permits individuals to be admitted to a facility only directly from a hospital inpatient unit, as under current law, but also in cases where the individual is in need of recuperative care or unable to provide for his or her own care or safety so as to create a serious risk of substantial harm to himself or herself or others. In addition, this provision is revised to permit a 60 day admission, rather than a 3 month admission; however, the provision permits the placement to be extended for an additional 60 days if a protective placement petition has been brought, or, if no petition has been brought, for an additional 30 days to allow the initiation of discharge planning.

1           **SECTION 104.** 55.05 (5) (c) (intro.) of the statutes is renumbered 55.055 (3)  
2 (intro.) and amended to read:

3           55.055 (3) (intro.) If ~~a person~~ an individual admitted under ~~par. (b) sub. (1)~~  
4 verbally objects to or otherwise actively protests such an admission, the person in  
5 charge of the home, nursing home, or other facility shall immediately notify the  
6 ~~agency designated under s. 55.02~~ county department for the county in which the  
7 ~~person~~ individual is living. Representatives of that ~~agency~~ county department shall  
8 visit the ~~person~~ individual as soon as possible, but no later than 72 hours after  
9 notification, and do the following:

10           **SECTION 105.** 55.05 (5) (c) 1. of the statutes is renumbered 55.055 (3) (a) and  
11 amended to read:

12           55.055 (3) (a) Determine whether the protest persists or has been voluntarily  
13 withdrawn and consult with the ~~person's~~ individual's guardian regarding the  
14 reasons for the admission.

15           **SECTION 106.** 55.05 (5) (c) 2. of the statutes is renumbered 55.055 (3) (b) and  
16 amended to read:

17           55.055 (3) (b) Attempt to have the ~~person~~ individual released within 72 hours  
18 if the protest is not withdrawn and ~~necessary elements of s. 55.06 (2) or (11) are not~~  
19 present the individual does not satisfy all standards under s. 55.08 (1) or criteria

1 under 55.135 (1) and provide assistance in identifying appropriate alternative living  
2 arrangements.

NOTE: Changes a cross-reference to the standards for protective placement and emergency protective placement, the provisions of which are renumbered in this bill.

3 **SECTION 107.** 55.05 (5) (c) 3. of the statutes is renumbered 55.055 (3) (c) and  
4 amended to read:

5 55.055 (3) (c) Comply with s. ~~55.06 (11)~~ 55.135, if all elements are present the  
6 individual satisfies all criteria under s. 55.135 (1) and emergency placement in that  
7 home, nursing home, or other facility or another home, nursing home, or other  
8 facility is necessary, or file a petition for protective placement under s. ~~55.06 (2)~~  
9 55.075. The court, with the permission of the home, nursing home, or facility, may  
10 order the ~~person~~ individual to remain in the home, nursing home, or other facility  
11 pending the outcome of the protective placement proceedings.

NOTE: Changes a cross-reference to emergency protective placement, the provisions of which are renumbered in this bill.

12 **SECTION 108.** 55.05 (5) (d) of the statutes is renumbered 55.055 (4) and  
13 amended to read:

14 55.055 (4) The admission to a health care facility, as defined in s. 155.01 (6),  
15 of a principal by a health care agent under the terms of a power of attorney for health  
16 care instrument and in accordance with ch. 155 or the admission of an individual to  
17 a nursing home or community-based residential facility under the requirements of  
18 s. 50.06 is not a protective placement under this chapter.

19 **SECTION 109.** 55.055 (1) (c) of the statutes is created to read:

20 55.055 (1) (c) The guardian of a ward who has been found incompetent in a state  
21 other than this state may consent to admission of the ward under par. (a) or (b) if the  
22 ward is currently a resident of this state. A petition for guardianship and protective

1 placement shall be filed in this state within 60 days after the ward's admission under  
2 this paragraph.

NOTE: Provides that the procedure for admissions to facilities that are initially made without court involvement may be initiated by an out-of-state guardian if the ward is currently a resident of this state provided the petition for guardianship and protective placement is filed within 60 days after the ward's admission to the facility.

3 **SECTION 110.** 55.055 (1) (d) of the statutes is created to read:

4 55.055 (1) (d) A resident of this state who is the guardian of a ward who has  
5 been found incompetent in, and resides in, a state other than this state may consent  
6 to an admission of the ward under par. (a) or (b) if the guardian intends to move the  
7 ward to this state within 30 days after the consent to the admission. A petition for  
8 guardianship and protective placement shall be filed in this state within 60 days  
9 after a ward's admission under this paragraph.

NOTE: Provides that an in-state guardian of an out-of-state ward ~~must~~ consent to an admission to a facility that is initially made without court involvement if the guardian intends to move the ward to this state within 30 days after the consent to the admission, provided the petition for guardianship and protective placement is filed within 60 days after the ward's admission to the facility. *may* ✓

10 **SECTION 111.** 55.055 (2) of the statutes is created to read:

11 55.055 (2) (a) In this subsection, "facility" means any of the following:

- 12 1. A group home.
- 13 2. A foster home.
- 14 3. A community-based residential facility, as defined in s. 50.01 (1g).
- 15 4. An adult family home, as defined in s. 50.01 (1).
- 16 5. A nursing home, as defined in s. 50.01 (3).

17 (b) Whenever a petition for guardianship on the ground of incompetency is filed  
18 with respect to an individual who resides in a facility licensed for 16 or more beds,  
19 a petition for protective placement of the individual shall also be filed. The  
20 individual may continue to reside in the facility until the court issues a decision on

1 the petition for guardianship and protective placement of the individual. Thereafter,  
2 the individual may continue to reside in the facility only if the court's order under s.  
3 55.12 specifies protective placement of the individual in a facility licensed for 16 or  
4 more beds.

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

5 **SECTION 112.** 55.06 (1) (intro.) of the statutes is renumbered 55.06 and  
6 amended to read:

7 **55.06 Protective services and protective placement; eligibility.** A  
8 ~~protective placement under this section is a placement of a ward for the primary~~  
9 ~~purpose of providing care and custody.~~ To be eligible for court-ordered protective  
10 placement or protective services, an individual shall be a resident of or present in the  
11 state and have a need for protective placement or protective services. The individual  
12 shall have attained the age of 18, but an individual who is alleged to be  
13 developmentally disabled may receive protective placement or protective services  
14 upon attaining the age of 14. ~~No protective~~ Protective placement under this section  
15 or protective services may be ordered unless under this chapter there is a  
16 determination of incompetency only for an individual who is determined to be  
17 incompetent in accordance with ch. 880, ~~except in the case of or for~~ a minor who is  
18 alleged to be developmentally disabled, and only if there is a finding of a need for  
19 protective placement ~~in accordance with sub. (2) except as provided in subs. (11) and~~  
20 ~~(12) under s. 55.12, and ss. 55.055 (5), 55.13, and 55.135 are inappropriate or do not~~  
21 apply. A procedure for adult court-ordered protective placement or protective

1 ~~services~~ may be initiated 6 months prior to an individual's birthday at which he or  
2 she first becomes eligible for placement before a minor attains age 18.

NOTE: Amends the current provision on eligibility for protective placement to include eligibility for court-ordered protective services.

3 SECTION 113. 55.06 (1) (a) of the statutes is renumbered 55.075 (1) and  
4 amended to read:

5 55.075 (1) The board designated under s. 55.02 department, the county  
6 department or an agency designated by it with which the county department  
7 contracts under s. 55.02 (2), a guardian, or an interested person may file a petition  
8 for appointment of a guardian and for protective services or protective placement for  
9 an individual. The department shall provide for a schedule of reimbursement for the  
10 cost of such the proceedings based upon the ability to pay of the proposed ward or  
11 person individual to be protected.

NOTE: Renumbers provisions in current law relating to petitioning for protective services or placement and revises who may file a petition.

12 SECTION 114. 55.06 (1) (b) of the statutes is renumbered 55.075 (4) (b) and  
13 amended to read:

14 55.075 (4) (b) If a person seeking to be the guardian of a proposed ward requests  
15 the assistance of a board designated under s. 55.02 county department or an agency  
16 designated by it with which it contracts under s. 55.02 (2) in petitioning for  
17 guardianship or for protective service or placement, such services or protective  
18 placement, the assistance may be considered a service and may be charged for based  
19 upon the ability of such the person to pay for the service.

\*\*\*\*NOTE: As written in s. 55.075 (4) (a), this par. (b) is an exception to the requirement under par. (a) that the court must, unless it is inequitable, award payment of the petitioner's costs from the assets of the person sought to be provided protective placement or protective services. Therefore, it seems that the court can't have these petitioner's costs paid from the person's assets. Is that the result that you want?



NOTE: Creates an exception to the requirement in s. 55.075 (4) (a), created in this bill, that the court must, unless it is inequitable, award payment of the petitioner's costs from the assets of the person sought to be provided protective placement or services.

1           **SECTION 115.** 55.06 (1) (c) of the statutes is renumbered 55.02 (3) and amended  
2 to read:

3           **55.02 (3) CORPORATION COUNSEL.** ~~If requested by the court, the~~ The corporation  
4 counsel of the county in which the petition is brought may or, if requested by the  
5 court, shall assist in conducting proceedings under this chapter.

NOTE: Amends current law to provide that the corporation counsel for the county in which the petition for protective placement or services is brought may assist in conducting proceedings under this chapter. The corporation counsel must assist if requested by the court, as under current law.

6           **SECTION 116.** 55.06 (1) (d) of the statutes is renumbered 55.03 (4) and amended  
7 to read:

8           **55.03 (4) GUARDIAN AUTHORITY FOR MAKING PROTECTIVE PLACEMENT.** No guardian  
9 or temporary guardian may make a permanent protective placement of his or her  
10 ward unless ordered by a court under ~~this section s. 55.12,~~ but a guardian or  
11 temporary guardian may admit a ward to certain residential facilities under s. 55.05  
12 ~~(5) 55.055~~ or make an emergency protective placement under s. 55.06 ~~(11) 55.135.~~

NOTE: Renumbers and amends a provision in current law relating to a guardian's authority to make a protective placement of a ward, admit the ward to certain residential facilities, or make an emergency protective placement.

13           **SECTION 117.** 55.06 (2) (intro.) of the statutes is repealed.

NOTE: Repeals a provision in current law; this provision is recreated in a new section of the bill.

14           **SECTION 118.** 55.06 (2) (a) of the statutes is renumbered 55.08 (1) (a) and  
15 amended to read:

16           **55.08 (1) (a)** ~~Has~~ The individual has a primary need for residential care and  
17 custody;

1           **SECTION 119.** 55.06 (2) (b) of the statutes is renumbered 55.08 (1) (b) and  
2 amended to read:

3           55.08 (1) (b) Except in the case of a minor who is alleged to be developmentally  
4 disabled, the individual has either been determined to be incompetent by a circuit  
5 court or has had submitted on the minor's behalf a petition for a guardianship;

6           **SECTION 120.** 55.06 (2) (c) of the statutes is renumbered 55.08 (1) (c) and  
7 amended to read:

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

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

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

16           55.08 (1) (d) ~~Has~~ The individual has a disability ~~which~~ that is permanent or  
17 likely to be permanent.

18           **SECTION 122.** 55.06 (3) (a) of the statutes is renumbered 55.075 (2) (a) and  
19 amended to read:

20           55.075 (2) (a) ~~The~~ A petition shall allege that the individual meets the  
21 standards specified in s. 55.08 (1) or (2) and state with particularity the factual basis  
22 for the allegations ~~specified in sub. (2).~~

extraordinary

1 SECTION 123. 55.06 (3) (b) of the statutes is renumbered 55.075 (2) (b) and  
2 amended to read:

3 55.075 (2) (b) The petition ~~under sub. (2)~~ shall be based on personal knowledge  
4 of the individual alleged to need protective placement or protective services.

requiring medical aid  
and preventing harm to  
the individual or others

5 SECTION 124. 55.06 (3) (c) of the statutes is renumbered 55.075 (5) (a) and  
6 amended to read:

7 55.075 (5) (a) The A petition under sub. (1) shall be filed in the county of  
8 residence of the person individual to be protected, except that the petition may be  
9 filed in the county in which the individual is physically present due to circumstances,  
10 including those specified in s. 51.22 (4). The county of residence, as determined by  
11 the court, under s. 51.40, or by the guardian, is the county of responsibility.

NOTE: Clarifies where the petition for protective placement or services shall be  
filed. The petition must be filed in the county of residence of the individual to be  
protected, or where the person is present due to circumstances ~~specified in s. 51.22 (4)~~

extraordinary

12 SECTION 125. 55.06 (4) of the statutes is renumbered 55.075 (3) and amended  
13 to read:

14 55.075 (3) A petition for guardianship ~~if required under sub. (2) (b)~~ must  
15 described in s. 55.08 (1) (b) or (2) (a) shall be heard prior to ordering protective  
16 placement under this section or protective services. If incompetency has been the  
17 individual is determined incompetent under s. 880.33 more than ~~one year~~ preceding  
18 12 months before the filing of an application for protective placement or protective  
19 services on his or her behalf, the court shall review the finding of incompetency.

20 SECTION 126. 55.06 (5) of the statutes is renumbered 55.09 (1) and amended  
21 to read:

22 55.09 (1) NOTICE TO INDIVIDUAL. Notice of a petition for protective placement  
23 or protective services shall be served upon the person individual sought to be placed

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