

## 2007 ASSEMBLY BILL 612

December 4, 2007 – Introduced by LAW REVISION COMMITTEE. Referred to Committee on Aging and Long Term Care.

1     **AN ACT** *to repeal* 51.13 (4) (g) 4.; and *to amend* 51.13 (4) (g) (intro.) of the  
2             statutes; **relating to:** approval of a court order for a minor’s placement in or  
3             transfer to an inpatient facility (suggested as remedial legislation by the  
4             Department of Health and Family Services).

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### ***Analysis by the Legislative Reference Bureau***

Under current law, if a court finds that a minor’s therapy or treatment for mental illness, developmental disability, alcoholism, or drug abuse in a particular inpatient facility is not appropriate or consistent with the minor’s needs, the court is authorized to order placement in or transfer to another more appropriate or less restrictive facility. However, if the minor is ordered to be placed in the northern or southern center for the developmentally disabled, the placement or transfer must first be approved by the minor’s parent (if the minor is under 14 years of age), or the minor and his or her parent (if the minor is aged 14 years or older), except that if the minor refuses approval, the parent may provide approval on behalf of the minor. The placement or transfer also must first be approved by the treatment director of the facility, the director of the appropriate county department of developmental disabilities or community programs (if the county department is responsible for the costs of the therapy or treatment), and the Department of Health and Family Services (DHFS).

This bill changes required approval for a court order to place or transfer a minor from one inpatient facility to another, more appropriate or less restrictive inpatient facility so as to require that any such placement or transfer be approved by the

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minor's parent (for a minor under age 14); the minor and his or her parent (for a minor aged 14 or older), except that the parent may provide approval on behalf of the minor; the facility treatment director; and the director of the appropriate county department (if the county is responsible for the costs). In addition, if the court order is to transfer or place a minor in a center for the developmentally disabled, DHFS must approve the placement or transfer.

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Health and Family Services and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

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

2       51.13 **(4)** (g) (intro.) If the court finds, under a hearing under par. (d), that the  
3       minor is in need of psychiatric services or services for developmental disability,  
4       alcoholism, or drug abuse in an inpatient facility, that the inpatient facility to which  
5       the minor is admitted offers therapy or treatment that is appropriate for the minor's  
6       needs and that is the least restrictive therapy or treatment consistent with the  
7       minor's needs, the court shall permit admission. If the court finds that the therapy  
8       or treatment in the inpatient facility to which the minor is admitted is not  
9       appropriate or is not the least restrictive therapy or treatment consistent with the  
10      minor's needs, the court may order placement in or transfer to another more  
11      appropriate or less restrictive inpatient facility, ~~except that the placement in or~~  
12      ~~transfer to the northern or southern centers for the developmentally disabled of a~~  
13      ~~minor shall first be~~ if the placement or transfer is first approved by all of the  
14      following, except that placement in or transfer to a center for the developmentally  
15      disabled shall first be approved by all of the following and the department:

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1           **SECTION 2.** 51.13 (4) (g) 4. of the statutes is repealed.

NOTE: This bill requires that a placement of a minor in, or transfer to, an inpatient facility must be first approved by the treatment director of the facility or his or her designee, and the director of the appropriate county department under s. 51.42 or 51.437 if the county department is to be responsible for the cost of the minor's therapy or treatment. In addition, if the placement or transfer is to a center for the developmentally disabled, the placement or transfer must also be approved by the Department of Health and Family Services. According to the Department of Health and Family Services, this bill corrects an error in 2005 Wisconsin Act 444 that provided that a minor could be placed in an inpatient facility without the approval of the treatment director of the facility or his or her designee, and without the approval of the director of the county department.

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**(END)**