

INSERT 14-5

SECTION #. 55.12(11) of the statutes is created to read:

55.12(11) If the individual subject to a protective placement or protective services order receives the family care benefit under s 46.286, or a benefit under another managed long-term care program that is funded by the Medical Assistance program, the aging and disability resource center and ^{care} care management organization ^{responsible for} administering or providing benefits or services to the individual under ^{the} family care program, or the organization responsible for administering or providing benefits or services to the individual under the managed long-term care program, shall comply with all court orders to ensure that the individual is placed in the least restrictive environment and receives services in the least restrictive manner

Consistent with the individual's needs.

¶ XXXX NOTE. With the addition of this subsection and removal of mention of care management organizations from s. 55.12(1), is there a potential problem with a court ordering the county department or agency to provide something that will be provided by the care management organization? In other words, does the court's order need to be directed at the care management organization in appropriate circumstances? Also, do you want to apply the factors under s. 55.12(4) and the requirements under s. 55.12(6) to care management organizations and other organizations providing long-term care benefits?

Dodge, Tamara

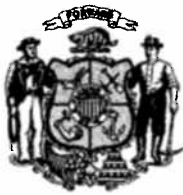
From: Tuschen, Terry
Sent: Thursday, March 08, 2012 2:57 PM
To: Dodge, Tamara
Cc: Tuschen, Terry
Subject: FW: Draft review: LRB 11-2698/P2 Topic: Changes to protective placement laws
Importance: High
Attachments: LRB-2698_P2

Hi Tamara, thanks so very much for your work on this bill. We're ready to have it introduced...want to get it introduced before session ends. So would you send this to the proper folks to have it jacketed for the Senate?

Thanks very much again,
Terry

From: LRB.Legal
Sent: Tuesday, March 06, 2012 4:37 PM
To: Sen.Risser
Subject: Draft review: LRB 11-2698/P2 Topic: Changes to protective placement laws

Following is the PDF version of draft LRB 11-2698/P2.



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-2698/P2
TJD:med:jf
RMR

In: 3/13

Due Wed
3/14

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA

1 AN ACT *to repeal* 55.01 (2r) and 55.175; *to renumber and amend* 55.09 (2),
2 55.10 (2), 55.12 (4), 55.15 (2), 55.15 (7) (d) and 55.195; *to consolidate,*
3 *renumber and amend* 55.01 (6r) (intro.) and (k); *to amend* 55.01 (6y), 55.043
4 (1r) (b) 5., 55.05 (2) (intro.), 55.055 (1) (a), 55.06, 55.075 (1), 55.075 (4) (b), 55.075
5 (5) (a), 55.075 (5) (b), 55.075 (5) (bm), 55.08 (1) (b), 55.08 (2) (a), 55.08 (2) (b),
6 55.10 (3), 55.11 (1) (intro.), 55.11 (3), 55.11 (4), 55.12 (1), 55.12 (2), 55.12 (3),
7 55.12 (5), 55.12 (6), 55.13 (1), 55.13 (2), 55.135 (1), 55.135 (4), 55.135 (6), 55.14
8 (8) (a), 55.14 (9), 55.14 (11), 55.15 (1), 55.15 (3), 55.15 (7) (b), 55.15 (7) (c), 55.15
9 (8) (b), 55.16 (2) (a), 55.16 (4) (a) and (b), 55.17 (1), 55.17 (3) (c) 2., 55.17 (3) (c)
10 3., 55.18 (1) (a) 3., 55.18 (1) (ar), 55.18 (1) (c), 55.18 (2) (f) (intro.) and 55.18 (3)
11 (e) 2.; and *to create* 55.01 (3), 55.01 (4) (d), 55.01 (4k), 55.01 (4p), 55.01 (6r)
12 (km), 55.09 (2) (am) 10., 55.09 (2) (bm), 55.10 (2) (d), 55.12 (11), 55.13 (6), 55.15
13 (2) (a), (b), (c), (d) and (e), 55.15 (7) (d) 1., 2., 3., 4., 5. and 6., 55.17 (1m), 55.18

1 (1) (a) 1. h., 55.18 (3) (e) 1m. and 55.18 (3) (f) 5. of the statutes; **relating to:**
2 protective placement.

Insert
analysis

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

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

3 **SECTION 1.** 55.01 (2r) of the statutes is repealed.

4 **SECTION 2.** 55.01 (3) of the statutes is created to read:

5 55.01 (3) "Guardian" means, in the context of the exercise of a specific right or
6 power, any of the following:

7 (a) A temporary or permanent guardian of the person, as defined in s. 54.01
8 (12), who has been granted the authority to exercise that right or power on behalf of
9 the ward.

10 (b) A temporary or permanent guardian of the estate, as defined in s. 54.01 (11),
11 who has been granted the authority to exercise that right or power on behalf of the
12 ward.

13 **SECTION 3.** 55.01 (4) (d) of the statutes is created to read:

14 55.01 (4) (d) If the individual sought to be protected is receiving the family care
15 benefit under s. 46.286, or a benefit under a managed long-term care program that
16 is funded by the Medical Assistance program, the care management organization or
17 other organization that administers the benefit.

18 **SECTION 4.** 55.01 (4k) of the statutes is created to read:

19 55.01 (4k) "Least restrictive" has the meaning given in s. 54.01 (18).

20 **SECTION 5.** 55.01 (4p) of the statutes is created to read:

1 55.01 (4p) "Most integrated setting" means a setting that enables the
2 individual to interact with persons without disabilities to the fullest extent possible.

3 **SECTION 6.** 55.01 (6r) (intro.) and (k) of the statutes are consolidated,
4 renumbered 55.01 (6r) (intro.) and amended to read:

5 55.01 (6r) (intro.) "Protective services" ~~includes~~ means any of the following:
6 ~~(k)—Any~~ services that, when provided to an individual with developmental
7 disabilities, degenerative brain disorder, serious and persistent mental illness, or
8 other like incapacity, keep the individual safe from abuse, financial exploitation,
9 neglect, or self-neglect or prevent the individual from experiencing deterioration or
10 from inflicting harm on himself or herself or another person. including any of the
11 following:

12 **SECTION 7.** 55.01 (6r) (km) of the statutes is created to read:

13 55.01 (6r) (km) Any other service ordered by the court.

14 **SECTION 8.** 55.01 (6y) of the statutes is amended to read:

15 55.01 (6y) "Voluntary" means according to an individual's free choice, if
16 competent, ~~or by choice of a~~ an individual's guardian, if adjudicated incompetent or
17 by choice of a person having authority under a power of attorney for health care.

18 **SECTION 9.** 55.043 (1r) (b) 5. of the statutes is amended to read:

19 55.043 (1r) (b) 5. A review of the treatment and patient health care records of
20 the adult at risk if provided under s. 51.30 (4) (b) 17. or 146.82 (2) (a) 7.

21 **SECTION 10.** 55.05 (2) (intro.) of the statutes is amended to read:

22 55.05 (2) CONDITIONS REQUIRED. (intro.) The department or a county
23 department or agency ~~with which the county department contracts~~ designated under
24 s. 55.02 (2) that provides protective services may provide the services under any of
25 the following conditions:

1 **SECTION 11.** 55.055 (1) (a) of the statutes is amended to read:

2 55.055 (1) (a) The guardian of an individual who has been adjudicated
3 incompetent may consent to the individual's admission to a foster home, group home,
4 or community-based residential facility, as defined under s. 50.01 (1g), without a
5 protective placement order under s. 55.12 if the home or facility is licensed for fewer
6 than 16 beds. Prior to providing that consent, and annually thereafter, the guardian
7 shall review the ward's right to the least restrictive residential environment and may
8 consent ~~only~~ to admission only to a home or facility that implements that right.

9 **SECTION 12.** 55.06 of the statutes is amended to read:

10 **55.06 Protective services and protective placement; eligibility.** To be
11 eligible for court-ordered protective placement or protective services, an individual
12 shall have filed a petition to transfer a foreign guardianship, whether present in the
13 state or not, or shall be a resident of the state; and shall have a need for protective
14 placement or protective services. The individual shall have attained the age of 18,
15 but an individual who is alleged to have a developmental disability may receive
16 protective placement or protective services upon attaining the age of 14. Protective
17 placement or protective services may be ordered under this chapter only for an
18 individual who is adjudicated incompetent in this state or for a minor who is alleged
19 to have a developmental disability, and only if there is a finding of a need for
20 protective placement under s. 55.08 (1) or for protective services under s. 55.08 (2),
21 ~~and ss. s. 55.055 (5), 55.13, and 55.135 are~~ is inappropriate or ~~do~~ does not apply. A
22 procedure for court-ordered protective placement or protective services may be
23 initiated 6 months before a minor attains age 18.

24 **SECTION 13.** 55.075 (1) of the statutes is amended to read:

1 55.075 (1) WHO MAY PETITION. The department, the county department or an
2 agency ~~with which the county department contracts~~ designated under s. 55.02 (2),
3 a guardian, or an interested person may file a petition for appointment of a guardian
4 and for protective services or protective placement for an individual. The department
5 shall provide for a schedule of reimbursement for the cost of the proceedings based
6 upon the ability to pay of the proposed ward or individual to be protected.

7 **SECTION 14.** 55.075 (4) (b) of the statutes is amended to read:

8 55.075 (4) (b) If a person seeking to be the guardian of a proposed ward requests
9 the assistance of a county department or an agency ~~with which it contracts~~
10 designated under s. 55.02 (2) in petitioning for guardianship or for protective
11 services or protective placement, the assistance may be considered a service and may
12 be charged for based upon the ability of the person to pay for the service.

13 **SECTION 15.** 55.075 (5) (a) of the statutes is amended to read:

14 55.075 (5) (a) A petition under sub. (1) shall be filed in the county of residence
15 of the individual to be protected, ~~as determined under s. 51.40 or by the individual's~~
16 ~~guardian or where the individual is physically present due to extraordinary~~
17 ~~circumstances including those specified under s. 51.22 (4). If an individual has not~~
18 ~~received services under this chapter or ch. 46 or 51 or if an individual has received~~
19 ~~services under this chapter or ch. 46 or 51 that have been terminated and has~~
20 ~~established residence in a county other than that in which the individual resided~~
21 ~~when the services were received, the court may determine the individual's county of~~
22 ~~residence. The county of residence under this paragraph is the county of~~
23 ~~responsibility.~~

24 **SECTION 16.** 55.075 (5) (b) of the statutes is amended to read:

1 55.075 (5) (b) ~~The If s. 51.40 applies, the county of responsibility under s. 51.40~~
2 ~~is the county of residence. At the request of an interested party, the court in which~~
3 ~~a petition is first filed under par. (a) shall determine venue residence under s. 51.40.~~
4 ~~The court shall direct that proper written notice be given of the proceeding be sent~~
5 ~~by certified mail to the county's clerk and corporation counsel of any potentially~~
6 ~~responsible or affected county. Proper notice is given to a potentially responsible or~~
7 ~~affected county if written notice of the proceeding is sent by certified mail to the~~
8 ~~county's clerk and corporation counsel. After all potentially responsible or affected~~
9 ~~counties and parties have been given an opportunity to be heard, the court shall~~
10 ~~determine that venue lies in the county in which the petition is filed under par. (a)~~
11 ~~or in another county, as appropriate. If the court determines that venue lies in~~
12 ~~another the individual to be protected is a resident of a county other than the one in~~
13 ~~which the petition is filed, the court shall may order the entire record certified to the~~
14 ~~proper court. A court in which a subsequent petition is filed shall, upon being~~
15 ~~satisfied of an earlier filing in another court, summarily dismiss the subsequent~~
16 ~~petition.~~

****NOTE: I believe the cross-reference to s. 51.40 should be kept in the second sentence to clarify what standards the court should use.

17 **SECTION 17.** 55.075 (5) (bm) of the statutes is amended to read:

18 55.075 (5) (bm) The court in which a petition is first filed under par. (a) shall
19 determine venue. The court shall direct that ~~proper written notice be given of the~~
20 ~~proceeding be sent by certified mail to the county clerk and corporation counsel of any~~
21 ~~potentially responsible or affected county. Proper notice is given to a potentially~~
22 ~~responsible or affected county if written notice of the proceeding is sent by certified~~
23 ~~mail to the county's clerk and corporation counsel. After all potentially responsible~~

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

11 **SECTION 18.** 55.08 (1) (b) of the statutes is amended to read:

12 55.08 (1) (b) The individual is a minor 14 years of age or older who is ~~not~~ alleged
13 to have a developmental disability ~~and on whose behalf a petition for guardianship~~
14 ~~has been submitted~~, or is an adult who has been determined to be incompetent by a
15 circuit court.

16 **SECTION 19.** 55.08 (2) (a) of the statutes is amended to read:

17 55.08 (2) (a) The individual has been determined to be incompetent by a circuit
18 court or is a minor 14 years of age or older who is alleged to have a developmental
19 disability ~~and on whose behalf a petition for a guardianship has been submitted~~.

20 **SECTION 20.** 55.08 (2) (b) of the statutes is amended to read:

21 55.08 (2) (b) As a result of developmental disability, degenerative brain
22 disorder, serious and persistent mental illness, or other like incapacities, the
23 individual will incur a substantial risk of physical harm or deterioration or will
24 present a substantial risk of physical harm to others if protective services are not
25 provided.

1 **SECTION 21.** 55.09 (2) of the statutes is renumbered 55.09 (2) (am), and 55.09
2 (2) (am) (intro.) and 4., as renumbered, are amended to read:

3 55.09 (2) (am) (intro.) In addition to the notice required under sub. (1) and
4 except as provided in par. (bm), notice shall be served, personally or by mail, at least
5 10 days before the time set for a hearing, upon all of the following:

6 4. Other persons who have physical custody of the individual sought to be
7 protected ~~whose names and addresses are known to the petitioner or can with~~
8 ~~reasonable diligence be ascertained.~~

9 **SECTION 22.** 55.09 (2) (am) 10. of the statutes is created to read:

10 55.09 (2) (am) 10. If the individual sought to be protected is receiving a family
11 care benefit under s. 46.286, or other public benefit, using a case management
12 organization, care management organization, or other organization, the
13 organization.

14 **SECTION 23.** 55.09 (2) (bm) of the statutes is created to read:

15 55.09 (2) (bm) 1. The court may waive the notice requirement under par. (am)
16 for a person under par. (am) 2., 3., 4., or 6. if the identity of the person is unknown
17 and not reasonably ascertainable or the address of the person is unknown and not
18 reasonably ascertainable.

19 2. Any person under par. (am) may waive the requirement under par. (am) to
20 receive notice.

21 **SECTION 24.** 55.10 (2) of the statutes is renumbered 55.10 (2) (a) and amended
22 to read:

23 55.10 (2) (a) The petitioner shall ~~ensure that~~ make reasonable arrangements
24 for the transportation of the individual sought to be protected attends to the hearing
25 on the petition.

1 **(b) The individual sought to be protected shall attend the hearing under this**
2 **section** unless, after a personal interview, the guardian ad litem waives the
3 attendance and so certifies in writing to the court the specific reasons why the
4 individual is unable to attend. In determining whether to waive attendance by the
5 individual, the guardian ad litem shall consider the ability of the individual to
6 understand and meaningfully participate, the effect of the individual's attendance
7 on his or her physical or psychological health in relation to the importance of the
8 proceeding, and the individual's expressed desires.

9 **(c) If the individual is unable to attend a hearing on a petition under this section**
10 only because of residency in a nursing home or other facility, physical inaccessibility,
11 or lack of **a reasonable means of** transportation, the court shall, if requested by the
12 individual, the individual's guardian ad litem, the individual's counsel, or **any other**
13 interested person, hold the hearing in a place where the individual is able to attend.

14 **SECTION 25.** 55.10 (2) (d) of the statutes is created to read:

15 55.10 (2) (d) Notwithstanding par. (b), the court may order the individual
16 sought to be protected to attend the hearing on the petition under this section.

17 **SECTION 26.** 55.10 (3) of the statutes is amended to read:

18 55.10 (3) ~~HEARING TO BE OPEN~~ **CLOSED**. The hearing shall be ~~open~~ **closed**, unless
19 the individual sought to be protected, or his or her attorney acting with the consent
20 of the individual sought to be protected, requests that it be ~~closed~~ **open**. If the hearing
21 is closed, only persons in interest, including representatives of providers of service
22 and their attorneys and witnesses, may be present.

23 **SECTION 27.** 55.11 (1) (intro.) of the statutes is amended to read:

24 55.11 (1) (intro.) Before ordering protective placement or protective services for
25 any individual, the court shall require a comprehensive evaluation of the individual

1 sought to be protected, if such an evaluation has not already been made. The court
2 may utilize available multidisciplinary resources in the community in determining
3 the need for protective placement or protective services. The county department or
4 an agency ~~with which it contracts~~ designated under s. 55.02 (2) shall cooperate with
5 the court in securing available resources. The court or the cooperating agency
6 obtaining the evaluation shall request appropriate information which shall include
7 at least the following:

8 **SECTION 28.** 55.11 (3) of the statutes is amended to read:

9 55.11 (3) A copy of the comprehensive evaluation and any independent
10 comprehensive evaluation shall be provided to the individual sought to be protected,
11 the individual's guardian or proposed guardian, the individual's agent under any
12 activated health care power of attorney, and the individual's guardian ad litem, and
13 ~~to the individual or the individual's attorney~~ at least 96 hours in advance of the
14 hearing to determine protective placement or protective services.

15 **SECTION 29.** 55.11 (4) of the statutes is amended to read:

16 55.11 (4) Where applicable by reason of the particular disability, the county
17 department or an agency ~~with which it contracts~~ designated under s. 55.02 (2) that
18 has responsibility where the individual has legal residence shall make a
19 recommendation for protective placement or protective services.

20 **SECTION 30.** 55.12 (1) of the statutes is amended to read:

21 55.12 (1) ~~When~~ Subject to sub. (11), when ordering protective placement under
22 the standards specified in s. 55.08 (1) or protective services under the standards
23 specified in s. 55.08 (2), the court, on the basis of the evaluation and other relevant
24 evidence, shall order the county department or agency ~~with which it contracts~~

1 designated under s. 55.02 (2) to provide protective placement or protective services
2 to the individual.

3 **SECTION 31.** 55.12 (2) of the statutes is amended to read:

4 55.12 (2) Subject to s. 46.279, protective placement may be made to nursing
5 homes, public medical institutions, centers for the developmentally disabled under
6 the requirements of s. 51.06 (3), foster care services or other home placements, or to
7 other appropriate facilities, but may not be made to units for the acutely mentally
8 ill. An individual who is subject to an order for protective placement or protective
9 services may be detained on an emergency basis under s. 51.15 or involuntarily
10 committed under s. 51.20 or may be voluntarily admitted to a treatment facility for
11 inpatient care under s. 51.10 (8). No individual who is subject to an order for
12 protective placement or services may be involuntarily transferred to, detained in, or
13 committed to ~~a treatment facility~~ an inpatient facility, as defined in s. 51.01 (10), for
14 care except under s. 51.15 ~~or~~, 51.20, or 51.45 (13). Protective placement in a locked
15 unit shall require a specific finding of the court as to the need for the action.

16 **SECTION 32.** 55.12 (3) of the statutes is amended to read:

17 55.12 (3) Protective placement or protective services provided by a county
18 department or an agency ~~with which it contracts~~ designated under s. 55.02 (2) are
19 subject to s. 46.279 and shall be provided in the least restrictive environment and in
20 the least restrictive manner consistent with the needs of the individual to be
21 protected and with the resources of the county department.

22 **SECTION 33.** 55.12 (4) of the statutes is renumbered 55.12 (4) (intro.) and
23 amended to read:

1 55.12 (4) (intro.) ~~Factors that a~~ A county department or an agency designated
2 under s. 55.02 (2) shall ~~consider in, when~~ providing protective placement or
3 protective services ~~shall include, consider~~ the following factors:

4 (a) The needs of the individual to be protected for health, social, or
5 rehabilitative services; ~~the,~~

6 (b) The level of supervision needed; ~~the,~~

7 (c) The reasonableness of the placement or services given the cost and the
8 actual benefits in the level of functioning to be realized by the individual; ~~the,~~

9 (d) The limits of available state and federal funds and of county funds required
10 to be appropriated to match state funds; ~~and the,~~

11 (e) The reasonableness of the protective placement or protective services given
12 the number or projected number of individuals who will need protective placement
13 or protective services and given the limited funds available.

14 **SECTION 34.** 55.12 (5) of the statutes is amended to read:

15 55.12 (5) Except as provided in s. 49.45 (30m), the county may not be required
16 to provide funding, in addition to its funds that are required to be appropriated to
17 match state funds, in order to provide protective placement or protective services to
18 an individual. ~~Protective placement under this section does not replace commitment~~
19 ~~of an individual in need of acute psychiatric treatment under s. 51.20 or 51.45 (13).~~

20 **SECTION 35.** 55.12 (6) of the statutes is amended to read:

21 55.12 (6) If the county department or agency ~~with which it contracts~~ designated
22 under s. 55.02 (2) proposes to provide protective placement to an individual who has
23 a developmental disability in an intermediate facility or a nursing facility under an
24 order under this section, the county department or agency, or, if s. 46.279 (4m) applies
25 to the individual, the department or the department's contractor shall develop a plan

1 under s. 46.279 (4) and furnish the plan to the county department or agency and to
2 the individual's guardian. The county department or agency ~~with which it contracts~~
3 designated under s. 55.02 (2) shall provide protective placement to the individual in
4 a noninstitutional community setting in accord with the plan unless the court finds
5 that protective placement in the intermediate facility or nursing facility is the most
6 integrated setting, ~~as defined in s. 46.279 (1) (bm)~~, that is appropriate to the needs
7 of the individual, taking into account information presented by all affected parties.

8 **SECTION 36.** 55.12 (11) of the statutes is created to read:

9 55.12 (11) If the individual subject to a protective placement or protective
10 services order receives the family care benefit under s. 46.286, or a benefit under
11 another managed long-term care program that is funded by the Medical Assistance
12 program, the aging and disability resource center and care management
13 organization responsible for administering or providing benefits or services to the
14 individual under the family care program, or the organization responsible for
15 administering or providing benefits or services to the individual under the managed
16 long-term care program, shall comply with all court orders to ensure that the
17 individual is placed in the least restrictive environment and receives services in the
18 least restrictive manner consistent with the individual's needs.

****NOTE: With the addition of this subsection and removal of mention of care management organizations from s. 55.12 (1), is there a potential problem with a court ordering the county department or agency to provide something that will be provided by the care management organization? In other words, does the court's order need to be directed at the care management organization in appropriate circumstances? Also, do you want to apply the factors under s. 55.12 (4) and the requirements under s. 55.12 (6) to care management organizations and other organizations providing long-term care benefits?

19 **SECTION 37.** 55.13 (1) of the statutes is amended to read:

20 55.13 (1) Emergency protective services may be provided ~~for not more than 72~~
21 hours without the consent of the individual when there is reason to believe that, if

1 the emergency protective services are not provided, the individual entitled to the
2 services or others will incur a substantial risk of serious ~~physical~~ harm. Emergency
3 protective services may be provided initially for not more than 72 hours unless a
4 preliminary hearing is scheduled on a petition filed under sub. (2).

5 **SECTION 38.** 55.13 (2) of the statutes is amended to read:

6 55.13 (2) If the county department or agency ~~with which the county~~
7 ~~department contracts~~ designated under s. 55.02 (2) that is providing emergency
8 protective services to an individual under sub. (1) has reason to believe that the
9 individual meets the criteria for protective services under s. 55.08 (2), the county
10 department or agency may file a petition under s. 55.075. If a petition is filed, a
11 preliminary hearing shall be held within 72 hours, excluding Saturdays, Sundays,
12 and legal holidays, to establish probable cause that the criteria under s. 55.08 (2) are
13 present. The county department or agency shall provide the individual with written
14 notice and orally inform the individual of the time and place of the preliminary
15 hearing. If the individual is not under guardianship, a petition for guardianship
16 shall accompany the petition under s. 55.08 (2), except in the case of a minor who is
17 alleged to have a developmental disability.

18 **SECTION 39.** 55.13 (6) of the statutes is created to read:

19 55.13 (6) A person is not liable for any actions performed in good faith in
20 accordance with this section.

21 **SECTION 40.** 55.135 (1) of the statutes is amended to read:

22 55.135 (1) If, from personal observation of, or a reliable report made by a person
23 who identifies himself or herself to, a sheriff, police officer, fire fighter, guardian, if
24 any, or authorized representative of a county department or an agency ~~with which~~
25 ~~it contracts~~ designated under s. 55.02 (2), it appears probable that an individual is

1 so totally incapable of providing for his or her own care or custody as to create a
2 substantial risk of serious physical harm to himself or herself or others as a result
3 of developmental disability, degenerative brain disorder, serious and persistent
4 mental illness, or other like incapacities if not immediately placed, the individual
5 who personally made the observation or to whom the report is made may take into
6 custody and transport the individual to an appropriate medical or protective
7 placement facility. The person making emergency protective placement shall
8 prepare a statement at the time of detention providing specific factual information
9 concerning the person's observations or reports made to the person and the basis for
10 emergency placement. The statement shall be filed with the director of the facility
11 and with any petition under s. 55.075. At the time of emergency protective placement
12 the individual shall be informed by the director of the facility or the director's
13 designee, orally and in writing, of his or her right to contact an attorney and a
14 member of his or her immediate family and the right to have an attorney provided
15 at public expense, as provided under s. 55.105. The director or designee shall also
16 provide the individual with a copy of the statement by the person making emergency
17 protective placement.

18 **SECTION 41.** 55.135 (4) of the statutes is amended to read:

19 55.135 (4) When an individual is detained under this section, a petition shall
20 be filed under s. 55.075 by the person making the emergency protective placement
21 and a preliminary hearing shall be held within 72 hours of detention, excluding
22 Saturdays, Sundays and legal holidays, to establish probable cause to believe the
23 grounds for protective placement under s. 55.08 (1). The sheriff or other person
24 making emergency protective placement under sub. (1) shall provide the individual
25 with written notice and orally inform him or her of the time and place of the

1 preliminary hearing. If the detainee is not under guardianship, a petition for
2 guardianship shall accompany the protective placement petition, except in the case
3 of a minor who is alleged to have a developmental disability. In the event that
4 protective placement is not appropriate, the court may elect to treat a petition for
5 protective placement as a petition for commitment under s. 51.20 or 51.45 (13).

6 **SECTION 42.** 55.135 (6) of the statutes is amended to read:

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

14 **SECTION 43.** 55.14 (8) (a) of the statutes is amended to read:

15 55.14 (8) (a) Direct the development of a treatment plan for the individual
16 specifying the protective services, including psychotropic medication as ordered by
17 the treating physician, that the individual should receive. If the individual resides
18 in a nursing home or hospital, the nursing home or hospital shall develop the
19 treatment plan. If the individual resides elsewhere, the county department or an
20 agency ~~with which it contracts~~ designated under s. 55.02 (2) shall develop the
21 treatment plan. The treatment plan shall include a plan for the involuntary
22 administration of psychotropic medication to the individual. The treatment plan is
23 subject to the approval of the guardian and to review and approval by the court. If
24 the court approves the plan, the court shall order the county department or an agency

1 with which it contracts under s. 55.02 (2) to ensure that psychotropic medication is
2 administered in accordance with the treatment plan.

3 **SECTION 44.** 55.14 (9) of the statutes is amended to read:

4 55.14 (9) If an individual who is subject to an order under this section is not
5 in compliance with the order because he or she refuses to take psychotropic
6 medication as ordered under the treatment plan, and it is necessary for the
7 individual to be transported to an appropriate facility for forcible restraint for
8 administration of psychotropic medication, the corporation counsel may file with the
9 court a statement of the facts that constitute the basis of the noncompliance of the
10 individual. The statement shall be sworn to be true and shall be based upon the
11 information and belief of the person filing the statement. The statement shall be
12 signed by the individual's guardian and by the director or designee of the county
13 department or an agency ~~with which it contracts~~ designated under s. 55.02 (2) to
14 develop and administer the treatment plan. Upon receipt of the statement of
15 noncompliance, if the court finds by clear and convincing evidence that the
16 individual has substantially failed to comply with the administration of psychotropic
17 medication as ordered under the treatment plan, the court may issue an order
18 authorizing the sheriff or any other law enforcement agency in the county in which
19 the individual is found or in which it is believed that the individual may be present
20 to take the individual into custody and transport him or her to an appropriate facility
21 for administration of psychotropic medication using forcible restraint, with consent
22 of the guardian.

23 **SECTION 45.** 55.14 (11) of the statutes is amended to read:

24 55.14 (11) The county department or an agency ~~with which it contracts~~
25 designated under s. 55.02 (2) shall provide to the department a copy of any order

1 issued under this section that applies to any protectively placed individual in the
2 county.

3 **SECTION 46.** 55.15 (1) of the statutes is amended to read:

4 55.15 (1) TRANSFERS AUTHORIZED. An individual under a protective placement
5 order may be transferred between protective placement units, between protective
6 placement facilities, from an unlocked unit to a locked unit, or from a protective
7 placement unit to a medical facility. The individual may not be transferred, under
8 the protective placement order, to any an inpatient facility for which commitment
9 procedures are required under ch. 51, as defined in s. 51.01 (10).

10 **SECTION 47.** 55.15 (2) of the statutes is renumbered 55.15 (2) (intro.) and
11 amended to read:

12 55.15 (2) WHO MAY TRANSFER. (intro.) ~~A guardian, a county department or~~
13 ~~agency with which it contracts under s. 55.02 (2) that provided protective placement~~
14 ~~to the individual pursuant to the order of the court, the department, or a protective~~
15 ~~placement facility~~ Any of the following persons may transfer an individual under a
16 protective placement order under the requirements of this section, notwithstanding
17 the fact that a court order has named a specific facility for the protective placement
18 of the individual.:

19 **SECTION 48.** 55.15 (2) (a), (b), (c), (d) and (e) of the statutes are created to read:

20 55.15 (2) (a) The guardian of the individual.

21 (b) A county department or agency designated under s. 55.02 (2) that provided
22 protective placement to the individual under order of the court.

23 (c) The department.

24 (d) A protective placement facility.

1 (e) If the individual is eligible for a family care benefit under s. 46.286, the care
2 management organization under s. 46.284 in which the individual is enrolled.

****NOTE: This draft substitutes "in which the individual is enrolled" for "that supports the individual" as it is more consistent with the way the relationship between the individual and the care management organization is described in ch. 46.

3 **SECTION 49.** 55.15 (3) of the statutes is amended to read:

4 55.15 (3) CONSENT OF GUARDIAN REQUIRED. No individual may be transferred
5 under this section without the written consent of the individual's guardian of the
6 person, except in the case of an emergency transfer under sub. (5) (b) or as ordered
7 under sub. (9).

8 **SECTION 50.** 55.15 (7) (b) of the statutes is amended to read:

9 55.15 (7) (b) The court shall notify the petitioner, the individual under
10 protective placement, the individual's guardian of the person, the individual's
11 attorney, if any, and the county department, and, if the individual is eligible for a
12 family care benefit under s. 46.286, the care management organization under s.
13 46.284 in which the individual is enrolled of the time and place of the hearing.

14 **SECTION 51.** 55.15 (7) (c) of the statutes is amended to read:

15 55.15 (7) (c) A guardian ad litem shall be appointed ~~to represent~~ for the
16 individual ~~under protective placement at the hearing.~~ In addition to the duties
17 specified in s. 54.40 (3) and (4), the guardian ad litem shall meet with the individual
18 and advise the court whether the individual meets the standard for transfer under
19 sub. (8). If the individual is an adult who is indigent, the county in which the hearing
20 is held shall be liable for guardian ad litem fees. If the individual is a minor, the
21 individual's parents or the county in which the hearing is held shall be liable for
22 guardian ad litem fees as provided in s. 48.235 (8).

1 **SECTION 52.** 55.15 (7) (d) of the statutes is renumbered 55.15 (7) (d) (intro.) and
2 amended to read:

3 55.15 (7) (d) (intro.) ~~The petitioner, individual under protective placement, the~~
4 ~~individual's guardian, the individual's guardian ad litem, and the individual's~~
5 ~~attorney, if any, following persons~~ have the right to attend the hearing and to present
6 and cross-examine witnesses.:

7 **SECTION 53.** 55.15 (7) (d) 1., 2., 3., 4., 5. and 6. of the statutes are created to read:

8 55.15 (7) (d) 1. The petitioner.

9 2. The individual under protective placement.

10 3. The guardian of the individual under protective placement.

11 4. The guardian ad litem of the individual under protective placement.

12 5. The attorney of the individual under protective placement.

13 6. If the individual under protective placement is eligible for a family care
14 benefit under s. 46.286, the care management organization under s. 46.284 in which
15 the individual is enrolled.

16 **SECTION 54.** 55.15 (8) (b) of the statutes is amended to read:

17 55.15 (8) (b) Whether the protective placement is in the least restrictive
18 environment consistent with the requirements of s. 55.12 (3), (4), and (5) or, if the
19 transfer is to an intermediate facility or nursing facility, is in the most integrated
20 setting, ~~as defined in s. 46.279 (1) (bm).~~

21 **SECTION 55.** 55.16 (2) (a) of the statutes is amended to read:

22 55.16 (2) (a) *Filing; services.* Subject to par. (d), an individual under protective
23 placement or receiving protective services, the individual's guardian, the
24 individual's legal counsel or guardian ad litem, if any, the department, the county
25 department that placed the individual or provided the protective services under an

1 order of the court, an agency ~~with which the county department contracts~~ designated
2 under s. 55.02 (2), or any interested person may file a petition at any time for
3 modification of an order for protective services or protective placement. The petition
4 shall be served on the individual, the individual's guardian, the individual's legal
5 counsel and guardian ad litem, if any, and the county department.

6 **SECTION 56.** 55.16 (4) (a) and (b) of the statutes are amended to read:

7 55.16 (4) (a) If the court finds that the individual continues to meet the
8 standards under s. 55.08 (1) and the individual's protective placement is in the least
9 restrictive environment that is consistent with the requirements of s. 55.12 (3), (4),
10 ~~and (5), and (6)~~, the court shall order continuation of the protective placement in the
11 facility in which the individual resides at the time of the hearing.

12 (b) If the court finds that the individual continues to meet the standards under
13 s. 55.08 (1) and the protective placement of the individual is not in the least
14 restrictive environment that is consistent with the requirements of s. 55.12 (3), (4),
15 ~~and (5), and (6)~~, the court shall order transfer of the individual to a protective
16 placement that is in the least restrictive environment consistent with the
17 requirements of s. 55.12 (3), (4), ~~and (5), and (6)~~. In lieu of ordering transfer of the
18 individual to a specific facility, the court may order the county department of the
19 individual's residence or, if the individual is eligible for a family care benefit under
20 s. 46.286, the care management organization under s. 46.284 in which the individual
21 is enrolled to develop or recommend a protective placement that is in the least
22 restrictive environment consistent with the requirements of s. 55.12 (3), (4), ~~and (5),~~
23 ~~and (6)~~, and arrange for the individual's transfer to that protective placement within
24 60 days after the court's order. The court may extend this time period to permit

1 development of a protective placement. The court may order protective services
2 along with transfer of protective placement.

3 **SECTION 57.** 55.17 (1) of the statutes is amended to read:

4 55.17 (1) PETITION. An individual, the individual's guardian or guardian ad
5 litem, the department, a county department or agency ~~with which it contracts~~
6 designated under s. 55.02 (2), or any other interested person may file a petition at
7 any time for termination of an order for protective placement or protective services.
8 The petition shall be served on the individual; the individual's guardian; the
9 individual's attorney and guardian ad litem, if any; and the county department; and,
10 if the individual is receiving a family care benefit under s. 46.286, the care
11 management organization under s. 46.284 in which the individual is enrolled. The
12 petition shall allege that the individual no longer meets the standards under s. 55.08
13 (1) for court-ordered protective placement or under s. 55.08 (2) for court-ordered
14 protective services.

15 **SECTION 58.** 55.17 (1m) of the statutes is created to read:

16 55.17 (1m) DUTIES OF GUARDIAN AD LITEM. When a guardian ad litem files a
17 petition under sub. (1) or when a guardian ad litem receives notice of a petition filed
18 under sub. (1), the guardian ad litem shall do all of the following:

19 (a) Interview the ward to explain to the ward the procedure under this section
20 and the rights of the ward under s. 55.10 (4).

21 (b) Provide the information under par. (a) to the ward in writing.

22 (c) If necessary, request that the court order an additional medical,
23 psychological, or other evaluation of the ward.

24 (d) Review the annual report and relevant reports on the ward's condition and
25 protective services.

1 (e) Review the ward's condition, protective services, and rights with the
2 guardian.

3 (f) If relevant or if there is ambiguity about the ward's position on these
4 matters, report to the court the present or proposed protective services, the position
5 of the guardian, or the recommendation of the guardian ad litem as to the best
6 interests of the ward.

7 (g) Provide a summary written report to the court, including a recommendation
8 on whether the protective placement order should be terminated or whether the
9 individual should be placed in another facility with adequate support services that
10 places fewer restrictions on the individual's personal freedom, is closer to the
11 individual's home community, or more adequately meets the individual's needs,
12 including any recommendation that is made during the reporting period by the
13 county department with respect to termination of the protective placement or
14 placement of the individual in another facility.

15 (h) If relevant, report to the court that the ward requests the appointment of
16 counsel.

17 (i) Attend the hearing under sub. (2).

18 **SECTION 59.** 55.17 (3) (c) 2. of the statutes is amended to read:

19 55.17 (3) (c) 2. If the court determines that the individual does not meet the
20 standards for protective services under s. 55.08 (2), and the individual is being
21 transferred or discharged from his or her current residential facility, the county
22 department or, if the individual is receiving a family care benefit under s. 46.286, the
23 care management organization under s. 46.284 in which the individual is enrolled
24 shall assist the residential facility with discharge planning for the individual,

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

3 **SECTION 60.** 55.17 (3) (c) 3. of the statutes is amended to read:

4 55.17 (3) (c) 3. ~~Any~~ Unless the court allows a greater period of continued
5 residence, any individual whose protective placement is terminated under this
6 paragraph may reside in his or her current protective placement facility for up to 60
7 days after a determination under subd. 1. or 2. in order to arrange for an alternative
8 living arrangement. If the protective placement facility has fewer than 16 beds, the
9 individual may remain in the protective placement facility as long as the
10 requirements of s. 55.055 are met. ~~Admission by the individual, if an adult, to~~
11 ~~another residential facility shall be made under s. 55.055.~~

12 **SECTION 61.** 55.175 of the statutes is repealed.

13 **SECTION 62.** 55.18 (1) (a) 1. h. of the statutes is created to read:

14 55.18 (1) (a) 1. h. If the individual is receiving a family care benefit under s.
15 46.286, information from the care management organization under s. 46.284 in
16 which the individual is enrolled.

17 **SECTION 63.** 55.18 (1) (a) 3. of the statutes is amended to read:

18 55.18 (1) (a) 3. Provide the report under subd. 1. to the individual and the
19 guardian of the individual, ~~and~~ to the individual's agent under an activated power
20 of attorney for health care, if any, ~~and, if the individual is receiving a family care~~
21 benefit under s. 46.286, to the care management organization under s. 46.284 in
22 which the individual is enrolled.

23 **SECTION 64.** 55.18 (1) (ar) of the statutes is amended to read:

24 55.18 (1) (ar) If the individual has a developmental disability and is
25 protectively placed in an intermediate facility or a nursing facility, the agency that

1 is responsible for the protective placement shall notify in writing the county
2 department of the county of residence of the individual that is participating in the
3 program under s. 46.278 or, if s. 46.279 (4m) applies to the individual, the
4 department, at least 120 days before the review. The county department so notified
5 or, if s. 46.279 (4m) applies, the department's contractor, shall develop a plan under
6 s. 46.279 (4), consulting with the care management organization under s. 46.284 in
7 which the individual is enrolled if the individual is receiving a family care benefit
8 under s. 46.286, and furnish the plan to the court that ordered the protective
9 placement and to the individual's guardian. ~~The court shall order that the individual~~
10 ~~be transferred to the noninstitutional community setting in accordance with the plan~~
11 ~~unless the court finds that protective placement in the intermediate facility or~~
12 ~~nursing facility is the most integrated setting, as defined in s. 46.279 (1) (bm), that~~
13 ~~is appropriate to the needs of the individual taking into account information~~
14 ~~presented by all affected parties.~~

15 **SECTION 65.** 55.18 (1) (c) of the statutes is amended to read:

16 55.18 (1) (c) The review under par. (a) may not be conducted by a person who
17 is an employee of the facility in which the individual resides or, if the individual is
18 receiving a family care benefit under s. 46.286, by the care management organization
19 under s. 46.284 in which the individual is enrolled.

20 **SECTION 66.** 55.18 (2) (f) (intro.) of the statutes is amended to read:

21 55.18 (2) (f) (intro.) Within 30 days after appointment, file with the court a
22 written report based on information obtained under this subsection and any other
23 evaluations or records of the individual. The report shall discuss whether the
24 individual appears to continue to meet the standards for protective placement under
25 s. 55.08 (1) ~~and~~; whether the protective placement is in the least restrictive

1 environment that is consistent with the individual's needs; and, if the individual has
2 a developmental disability, whether the placement meets the requirements of s.
3 46.279. The report shall also state whether any of the following apply:

4 **SECTION 67.** 55.18 (3) (e) 1m. of the statutes is created to read:

5 55.18 (3) (e) 1m. If the individual has a developmental disability and is in an
6 intermediate facility or nursing facility, the court shall order the individual to be
7 transferred to the noninstitutional community setting in accordance with the plan
8 developed under sub. (1) (ar) unless the court finds that protective placement in the
9 intermediate facility or nursing facility is the most integrated setting that is
10 appropriate to the needs of the individual taking into account information presented
11 by all affected parties.

12 **SECTION 68.** 55.18 (3) (e) 2. of the statutes is amended to read:

13 55.18 (3) (e) 2. If the court finds that the individual continues to meet the
14 standards under s. 55.08 (1) and the protective placement of the individual is not in
15 the least restrictive environment that is consistent with the requirements of s. 55.12
16 (3), (4), and (5), the court shall order transfer of the individual to a protective
17 placement that is in the least restrictive environment consistent with the
18 requirements of s. 55.12 (3), (4), and (5). In lieu of ordering transfer of the individual
19 to a specific facility, the court may order the county department of residence or, if the
20 individual is receiving a family care benefit under s. 46.286, the care management
21 organization under s. 46.284 in which the individual is enrolled, or both to develop
22 or recommend a protective placement that is in the least restrictive environment
23 consistent with the requirements of s. 55.12 (3), (4), and (5) and arrange for the
24 individual's transfer to that protective placement within 60 days after the court's
25 order. The court may extend this period to permit development of a protective

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

5 **SECTION 69.** 55.18 (3) (f) 5. of the statutes is created to read:

6 55.18 (3) (f) 5. If the individual is receiving a family care benefit under s. 46.286,
7 the care management organization under s. 46.284 in which the individual is
8 enrolled.

9 **SECTION 70.** 55.195 of the statutes is renumbered 55.16 (2m), and 55.16 (2m)
10 (intro.), (a), (b), (g) and (i), as renumbered, are amended to read:

11 55.16 (2m) DUTIES OF GUARDIAN AD LITEM FOR ~~PROTECTIVE SERVICES REVIEWS.~~
12 (intro.) ~~In any review of a protective services order made under s. 55.12, except as~~
13 ~~provided in s. 55.19~~ Upon receipt of notice under sub. (2) (a), the guardian ad litem
14 shall do all of the following:

15 (a) Interview the ward to explain the review procedure, under this section and
16 the right to an independent evaluation, the right to counsel, and the right to a
17 hearing ward's rights under s. 55.10 (4).

18 (b) Provide the information under sub. (1) par. (a) to the ward in writing.

19 (g) Provide a summary written report to the court, including a recommendation
20 on whether the protective placement order should be terminated or whether the
21 individual should be placed in another facility with adequate support services that
22 places fewer restrictions on the individual's personal freedom, is closer to the
23 individual's home community, or more adequately meets in the individual's needs,
24 including any recommendation that is made during the reporting period by the

1 county department with respect to termination of the protective placement or
2 placement of the individual in another facility.

3 (i) Attend the hearing under sub. (3).

4 (END)

1

INSERT ANALYSIS

This bill makes various changes to the laws of protective placement and protective services, including all of the following:

* 1. The bill defines for purposes of protective placement and ^{protective} services a guardian, ^{or power} in the context of the exercise of a specific right, as a temporary or permanent guardian of the person, or a temporary or permanent guardian of the estate, who has been granted the authority to exercise that right or power on behalf of the ward. ✓

* 2. Under current law, protective services are defined as a list of services. The bill specifies that protective services are any services that, when provided to an individual with developmental disabilities, degenerative brain disorder, serious and persistent mental illness, or other like incapacity, keep the individual safe from abuse, financial exploitation, neglect, or self-neglect or prevent the individual from experiencing deterioration or from inflicting harm on himself or herself or another person including services such as outreach, counseling and referral for services, case management, and diagnostic evaluation. ✓

* 3. The bill makes various changes to the determination of venue and county of responsibility for a petition for protective services or protective placement. ✓

* 4. The bill includes, for an individual receiving the family care benefit, the care management organization in which the individual is enrolled to receive the family care benefit as an interested person and for other purposes such as receiving ^e notice of a petition for protective services or placement and notice of the time and place of a hearing about protective placement or protective services and having the right to attend a transfer of placement hearing and present and examine witnesses at that hearing. ✓ An aging and disability resource center ^e and a care management organization, or an organization responsible for administering or providing benefits or services under a long-term care program, is required to comply with all court orders regarding an individual the center or organization provides services to ensure that the individual is placed in the least restrictive environment and receives services in the least restrictive manner consistent with the individual's needs. ✓

* 5. Under current law, a hearing on protective services or protective placement is required to be open, unless the individual sought to be protected, or his or her attorney, ^{requests} request the hearing be closed. In a closed hearing, only persons in interest, including representatives of providers of service and their attorneys and witnesses, may be present. The bill requires that the hearing be closed, unless the individual ^{requests} sought to be protected, or his or her attorney, request the hearing be open. ✓

* 6. Under current law, emergency protective services may be provided for not more than 72 hours when there is reason to believe that, if the emergency protective services are not provided, the individual entitled to the services or others will incur a substantial risk of serious physical harm. Under current law, if it is necessary to enter a premises forcibly to provide or investigate the need for emergency protective services, the county department must obtain a court order for the entry except when it appears probable that substantial physical harm, irreparable injury, or death may occur to the individual and the time required to obtain an order would result in

administering
the family
care benefit

to whom

* greater risk of physical harm to the individual. The bill specifies that the emergency protective services may be provided without the individual's consent. Under the bill, the emergency protective services may be provided even if the risk of serious harm is not a risk of serious physical harm and may be provided for not more than 72 hours unless a preliminary hearing is scheduled on a petition for protective services. Under the bill, a person is not liable for any actions performed in good faith related to emergency protective services.

7. Under current law, an individual under a protective placement may be transferred between protective placement units, between protective placement facilities, or from a protective placement unit to a medical facility. In a hearing, under current law, to contest a transfer of an individual under a protective placement, a guardian ad litem must be appointed for the individual. The bill allows an individual to be transferred from an unlocked unit to a locked unit. Under the bill, in a hearing to contest a transfer, the guardian ad litem is required, among other duties, to meet with the individual to be transferred and advise the court whether the individual meets the standard for transfer.

* 8. Under current law, the individual, the individual's guardian or guardian ad litem, the Department of Health Services, a certain county department or agency, or any other interested person may petition to terminate an order for protective placement or protective services and a hearing is held to determine termination.

* Under the bill, when a guardian ad litem files the petition for termination, the guardian ad litem is required to do all of the following: interview the ward to explain the procedures for termination and the rights of the ward and provide that information to the ward in writing; require that the court order additional medical, psychological, or other evaluation of the ward, if necessary; review the annual report and relevant reports on the ward's condition and protective services; review the ward's condition, protective services, and rights with the guardian; if relevant or if there is ambiguity about the ward's position, report to the court the present or proposed protective services, the position of the guardian, or the recommendation of the guardian ad litem as to the best interests of the ward; provide a summary written report to the court on certain aspects of the individual's placement and needs; and if relevant, report to the court that the ward requests the appointment of counsel.

or receive notice a petition for termination

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

(END INSERT ANALYSIS)

request

Basford, Sarah

From: Tuschen, Terry
Sent: Wednesday, March 14, 2012 1:18 PM
To: LRB.Legal
Cc: Tuschen, Terry
Subject: Draft Review: LRB 11-2698/1 Topic: Changes to protective placement laws

Please Jacket LRB 11-2698/1 for the SENATE.