



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2013 Wisconsin Act 161
[2013 Senate Bill 126]

**Inpatient Mental Health Treatment
of Minors**

2013 Wisconsin Act 161 makes several changes to s. 51.13, Stats., relating to inpatient mental health treatment of minors. The Act creates subsection and paragraph titles within s. 51.13, Stats., to provide guidance to the reader regarding the subject matter of the subsections and paragraphs and eliminates some redundant language in s. 51.13, Stats. In addition, the Act makes the following changes:

Petition Requirements

- Eliminates the need to file a petition for review of an admission of a minor under age 14 for treatment of mental illness, alcoholism or drug abuse, or developmental disability, since parents already have the authority to consent to inpatient admission for minors under age 14 without the minor joining in the petition. A petition would still be required if the minor wanted treatment but the parent refused; if a parent with legal custody or guardian cannot be found; or if there is no parent or guardian.
- Eliminates the need to file a petition for a minor age 14 or older who voluntarily participates in inpatient treatment for mental illness. A petition would still have to be filed if the minor age 14 to 17 refused to join in the application, or if the parent with legal custody or guardian cannot be found, or there is no parent with legal custody or guardian. A petition would also still be required if the minor wanted treatment but the parent refused. It should be noted that a minor age 14 or older may request discharge from the inpatient facility at any time. If the request is denied, there is a procedure for determining the continued appropriateness of the admission. This procedure is retained, and provides protection of the minor's rights if the minor withdraws his or her consent to the treatment.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.

Short-Term Admissions

Under prior law, a minor could be admitted to an inpatient treatment facility on a short-term basis (for no longer than 12 days) without following the review procedures for diagnosis and evaluation or for dental, medical, or mental health services. A minor's parent or guardian was required to execute the application for short-term admission. The treatment director had to review an application for short-term admission. It could be approved only if the treatment director determined that the admission provided the least restrictive means of providing the diagnosis or evaluation, or provision of dental, medical, or mental health services. The minor had to be released at the end of the 12-day period unless a regular application for admission had been filed. In addition, only one short-term admission under this procedure could be made every 120 days.

For a minor age 14 or older, the minor was required to join in the application if it was for mental health or developmental disability services or treatment. If the minor refused to join the application, then the parent or guardian could execute the application without the minor. In that case, procedures for court review of the petition applied, and the facility's treatment director had to file a petition for review of the short-term admission.

2013 Wisconsin Act 161:

- Eliminates the petition requirement at the expiration of the 12-day time period if the admission was voluntary on the part of the minor and the parent.
- Eliminates the provision that allowed for no more than one short-term (up to 12 days) voluntary admission of a minor every 120 days.

Effective date: March 29, 2014.

Prepared by: Laura Rose, Deputy Director

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