



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0607/P2

EHS:ahe

DOA:.....Stinebrink, BB0035 - Juvenile placements at Mendota Juvenile Treatment Center

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

In 2/15

1. **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

CORRECTIONAL SYSTEM

JUVENILE CORRECTIONAL SYSTEM

INS. A
This bill makes changes to how juveniles may be transferred to the Mendota Juvenile Treatment Center (MJTC) from county and DOC facilities and how the costs of services provided by DHS to a juvenile at MJTC are reimbursed. The bill also eliminates the requirement that DHS obtain the approval of JCF before carrying out construction of an expansion to MJTC required by 2017 Wisconsin Act 185.

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

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

2. **SECTION 1.** 20.435 (2) (gk) of the statutes is amended to read:
3. 20.435 (2) (gk) *Institutional operations and charges.* The amounts in the
4. schedule for care, other than under s. 51.06 (1r), provided by the centers for the

1 developmentally disabled, to reimburse the cost of providing the services and to
2 remit any credit balances to county departments that occur on and after
3 July 1, 1978, in accordance with s. 51.437 (4rm) (c); for care, other than under s.
4 46.043, provided by the mental health institutes, to reimburse the cost of providing
5 the services and to remit any credit balances to county departments that occur on and
6 after January 1, 1979, in accordance with s. 51.42 (3) (as) 2.; for care of juveniles
7 placed at the Mendota juvenile treatment center for whom counties are financially
8 responsible under s. 938.357 (3) (d), to reimburse the cost of providing that care; for
9 maintenance of state-owned housing at centers for the developmentally disabled
10 and mental health institutes; for repair or replacement of property damaged at the
11 mental health institutes or at centers for the developmentally disabled; for
12 reimbursing the total cost of using, producing, and providing services, products, and
13 care; and to transfer to the appropriation account under sub. (5) (kp) for funding
14 centers. All moneys received as payments from medical assistance on and after
15 August 1, 1978; as payments from all other sources including other payments under
16 s. 46.10 and payments under s. 51.437 (4rm) (c) received on and after July 1, 1978;
17 as medical assistance payments, other payments under s. 46.10, and payments
18 under s. 51.42 (3) (as) 2. received on and after January 1, 1979; as payments from
19 counties for the care of juveniles placed at the Mendota juvenile treatment center;
20 as payments for the rental of state-owned housing and other institutional facilities
21 at centers for the developmentally disabled and mental health institutes; for the sale
22 of electricity, steam, or chilled water; as payments in restitution of property damaged
23 at the mental health institutes or at centers for the developmentally disabled; for the
24 sale of surplus property, including vehicles, at the mental health institutes or at
25 centers for the developmentally disabled; and for other services, products, and care

1 shall be credited to this appropriation, except that any payment under s. 46.10
2 received for the care or treatment of patients admitted under s. 51.10, 51.15, or 51.20
3 for which the state is liable under s. 51.05 (3), of forensic patients committed under
4 ch. 971 or 975, admitted under ch. 975, or transferred under s. 51.35 (3), or of patients
5 transferred from a state prison under s. 51.37 (5), to the Mendota Mental Health
6 Institute or the Winnebago Mental Health Institute shall be treated as general
7 purpose revenue — earned, as defined under s. 20.001 (4); and except that moneys
8 received under s. 51.06 (6) may be expended only as provided in s. 13.101 (17).

9 **SECTION 2.** 46.057 (1) of the statutes is amended to read:

10 46.057 (1) The department shall establish, maintain, and operate the Mendota
11 juvenile treatment center on the grounds of the Mendota Mental Health Institute.
12 The department may designate staff at the Mendota Mental Health Institute as
13 responsible for administering, and providing services at, the center.
14 Notwithstanding ss. 301.02, 301.03, and 301.36 (1), the department shall operate the
15 Mendota juvenile treatment center as a juvenile correctional facility, as defined in
16 s. 938.02 (10p). The center shall not be considered a hospital, as defined in s. 50.33
17 (2), an inpatient facility, as defined in s. 51.01 (10), a state treatment facility, as
18 defined in s. 51.01 (15), or a treatment facility, as defined in s. 51.01 (19). The center
19 shall provide psychological and psychiatric evaluations and treatment for juveniles
20 whose behavior presents a serious problem to themselves or others in other juvenile
21 correctional facilities or in secured residential care centers for children and youth
22 and whose mental health needs can be met at the center. With the approval of the
23 department of health services, the department of corrections may transfer to the
24 center any juvenile who has been placed in a juvenile correctional facility or a secured
25 residential care center for children and youth under the supervision of the

1 department of corrections under s. 938.183, 938.34 (4h) or (4m), or 938.357 (3), (4),
2 or (5) (e) in the same manner that the department of corrections transfers juveniles
3 between other juvenile correctional facilities. ~~Upon the recommendation of Subject~~
4 to s. 938.357 (3) (c), with the approval of the department of health services, a court
5 may place a juvenile at the center in a proceeding for a change in placement order
6 under s. 938.357 (3).

7 **SECTION 3.** 46.057 (1) of the statutes, as affected by 2017 Wisconsin Act 185,
8 section 15, is amended to read:

9 46.057 (1) The department shall establish, maintain, and operate the Mendota
10 juvenile treatment center on the grounds of the Mendota Mental Health Institute.
11 The department may designate staff at the Mendota Mental Health Institute as
12 responsible for administering, and providing services at, the center.
13 Notwithstanding ss. 301.02, 301.03, and 301.36 (1), the department shall operate the
14 Mendota juvenile treatment center as a juvenile correctional facility, as defined in
15 s. 938.02 (10p). The center shall not be considered a hospital, as defined in s. 50.33
16 (2), an inpatient facility, as defined in s. 51.01 (10), a state treatment facility, as
17 defined in s. 51.01 (15), or a treatment facility, as defined in s. 51.01 (19). The center
18 shall provide psychological and psychiatric evaluations and treatment for juveniles
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20 correctional facilities or in secured residential care centers for children and youth
21 and whose mental health needs can be met at the center. With the approval of the
22 department of health services, the department of corrections may transfer to the
23 center any juvenile who has been placed in a juvenile correctional facility or a secured
24 residential care center for children and youth under the supervision of the
25 department of corrections under s. 938.183, 938.34 (4h), or 938.357 (3), (4), or (5) (e)

1 in the same manner that the department of corrections transfers juveniles between
2 other juvenile correctional facilities. ~~Upon the recommendation of Subject to s.~~
3 ~~938.357 (3) (c), with the approval of the~~ department of health services, a court may
4 place a juvenile at the center in a proceeding for a change in placement order under
5 s. 938.357 (3).

6 **SECTION 4.** 46.057 (1m) of the statutes is created to read:

7 46.057 (1m) Only the director of the Mendota Mental Health Institute, or his
8 or her designee, is authorized to make decisions regarding the admission of juveniles
9 to and treatment of juveniles at the center and the release and return of juveniles
10 to the appropriate state or county facility.

11 **SECTION 5.** 46.057 (2) of the statutes is amended to read:

12 46.057 (2) From the appropriation ~~account~~ accounts under s. 20.410 (3) (ba)
13 and (hm), the department of corrections shall transfer to the appropriation account
14 under s. 20.435 (2) (kx) ~~\$1,365,500 in each fiscal year and, from the appropriation~~
15 ~~account under s. 20.410 (3) (hm), the department of corrections shall transfer to the~~
16 ~~appropriation account under s. 20.435 (2) (kx) \$2,869,200 in fiscal year 2017-18 and~~
17 ~~\$2,932,600 in fiscal year 2018-19, payments~~ for services for juveniles placed at the
18 Mendota juvenile treatment center. The department of health services may charge
19 the department of corrections ~~not more than the actual cost of providing those~~
20 services for the care provided at the center for a juvenile who is under the supervision
21 of the department of corrections at a rate that the department of health services sets.

22 **SECTION 6.** 938.357 (3) (a) of the statutes is amended to read:

23 938.357 (3) (a) Subject to subs. (4) (b), (c), and (d) and (5) (e), if the proposed
24 change in placement would involve placing a juvenile in a juvenile correctional
25 facility or a secured residential care center for children and youth, notice shall be

1 given as provided in sub. (1) (am) 1. A hearing shall be held, unless waived by the
2 juvenile, parent, guardian, and legal custodian, before the court makes a decision on
3 the request. The juvenile is entitled to counsel at the hearing, and any party
4 opposing or favoring the proposed new placement may present relevant evidence and
5 cross-examine witnesses. The department of corrections shall have the opportunity
6 to object to a change of placement of a juvenile from a secured residential care center
7 for children and youth to a Type 1 juvenile correctional facility, except for the
8 Mendota juvenile treatment center, under par. (b). The proposed new placement may
9 be approved only if the court finds, on the record, that the conditions set forth in s.
10 938.34 (4m) (a) and (b) have been met.

11 **SECTION 7.** 938.357 (3) (c) of the statutes is amended to read:

12 938.357 (3) (c) ~~Upon the recommendation of~~ If the department of health
13 services approves, the court may order the placement of a juvenile under par. (b) at
14 the Mendota juvenile treatment center. A court may not order the department of
15 health services to accept a juvenile placement under par. (b) at the Mendota juvenile
16 treatment center that the department has not approved. A juvenile under the
17 supervision of a county in a secured residential care center for children and youth
18 who is transferred to Mendota juvenile treatment center under this paragraph
19 remains under the supervision of that county.

20 **SECTION 8.** 938.357 (3) (d) of the statutes is amended to read:

21 938.357 (3) (d) A juvenile who is placed in a Type 1 juvenile correctional facility
22 under par. (b) or (c) is the financial responsibility of the county department of the
23 county where the juvenile was adjudicated delinquent ~~and that.~~ The county
24 department shall reimburse the department of corrections at the rate specified
25 under s. 301.26 (4) (d) 2. or 3., whichever is applicable, for the cost of the a juvenile's

1 care while placed in a Type 1 juvenile correctional facility other than the Mendota
2 juvenile treatment center. The county department shall reimburse the department
3 of health services at a rate specified by that department for the cost of a juvenile's
4 care while placed at the Mendota juvenile treatment center and these payments
5 shall be deposited in the appropriation account under s. 20.435 (2) (gk).

6 **SECTION 9.** 2017 Wisconsin Act 185, section 110 (7g) is amended to read:

7 [2017 Wisconsin Act 185] Section 110 (7g) MENDOTA JUVENILE TREATMENT
8 CENTER. The department of health services shall construct an expansion of the
9 Mendota juvenile treatment center to accommodate no fewer than 29 additional
10 juveniles, subject to the approval of the joint committee on finance.

11 **SECTION 9319. Initial applicability; Health Services.**

12 (1) MENDOTA JUVENILE TREATMENT CENTER. The treatment of ^{ss. 46.057(1m) and} s. 938.357 (3) (a),
13 (c), and (d), with respect to a county department's supervision of a juvenile, first
14 applies to a juvenile adjudicated delinquent by the court of the county and placed at
15 that county's secured residential care center for children and youth under s. 938.34
16 (4m) on the effective date of this subsection.

17 **SECTION 9419. Effective dates; Health Services.**

18 (1) MENDOTA JUVENILE TREATMENT CENTER. The treatment of s. 46.057 (1) (by
19 SECTION 3) takes effect on the effective date specified in 2017 Wisconsin Act 185,
20 section 112 (1).

21 (END)

2019-2020 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0607/P3ins

EHS:...

Title (bold/italics): Closing Lincoln Hills and Copper Lake Schools

INSERT A

2017 Wisconsin Act 185 requires, by January 1, 2020, the closure of the Lincoln Hills School and Copper Lake School, which is a Type 1 juvenile correctional facility (Type 1 facility) operated by DOC, and the establishment of new DOC-operated Type 1 facilities and new county-operated secured residential care centers for children and youth (SRCCCYs) for juveniles with correctional placements under the Juvenile Justice Code. Under the act, a juvenile under the supervision of a county at an SRCCCY may be transferred to the Mendota Juvenile Treatment Center (MJTC), which is a Type 1 facility operated by DHS, on the recommendation of DHS and after a court hearing. Under this bill, a court may only place such a juvenile at MJTC if DHS approves. In addition, only the Mendota Mental Health Institute director or his or her designee may make decisions regarding the admission of juveniles to and the treatment of juveniles at MJTC and the release and return of juveniles to the appropriate state or county facility.

Under current law, a county pays DOC a daily rate for each juvenile from that county placed at a Type 1 facility under DOC supervision. DOC may transfer juveniles from a Type 1 facility to MJTC and DOC is required to transfer an amount specified by statute each fiscal year to DHS for services DHS provides for those juveniles. Under Act 185, if a juvenile is transferred from an SRCCCY to MJTC, the juvenile is under DOC supervision just as if the juvenile were at a DOC-operated Type 1 facility, and the county pays DOC a daily rate for that juvenile. Similarly, DOC reimburses DHS for the juvenile's care at MJTC the same way it pays for other juveniles under its supervision at MJTC. Under this bill, such a juvenile remains under the supervision of the county and DHS may directly charge the county a rate that DHS sets for care provided to such juveniles at MJTC.

Act 185 requires DHS to construct an expansion of MJTC to accommodate no fewer than 29 additional juveniles, subject to the approval of JCF. This bill eliminates the requirement that DHS obtain approval of JCF before constructing the expansion.



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2019 - 2020 LEGISLATURE

LRB-0607/P3
EHS:ahe

DOA:.....Stinebrink, BB0035 - Juvenile placements at Mendota Juvenile Treatment Center

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1 **AN ACT ...; relating to:** the budget.

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CORRECTIONAL SYSTEM

JUVENILE CORRECTIONAL SYSTEM

1. Closing Lincoln Hills and Copper Lake Schools

2017 Wisconsin Act 185 requires, by January 1, 2020, the closure of the Lincoln Hills School and Copper Lake School, which is a Type 1 juvenile correctional facility (Type 1 facility) operated by DOC, and the establishment of new DOC-operated Type 1 facilities and new county-operated secured residential care centers for children and youth (SRCCCYs) for juveniles with correctional placements under the Juvenile Justice Code. Under the act, a juvenile under the supervision of a county at an SRCCCY may be transferred to the Mendota Juvenile Treatment Center (MJTC), which is a Type 1 facility operated by DHS, on the recommendation of DHS and after a court hearing. Under this bill, a court may only place such a juvenile at MJTC if DHS approves. In addition, only the Mendota Mental Health Institute director or his or her designee may make decisions regarding the admission of juveniles to and the treatment of juveniles at MJTC and the release and return of juveniles to the appropriate state or county facility.

Under current law, a county pays DOC a daily rate for each juvenile from that county placed at a Type 1 facility under DOC supervision. DOC may transfer

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Act 185 requires DHS to construct an expansion of MJTC to accommodate no fewer than 29 additional juveniles, subject to the approval of JCF. This bill eliminates the requirement that DHS obtain approval of JCF before constructing the expansion.

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

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

1 **SECTION 1.** 20.435 (2) (gk) of the statutes is amended to read:
2 20.435 (2) (gk) *Institutional operations and charges.* The amounts in the
3 schedule for care, other than under s. 51.06 (1r), provided by the centers for the
4 developmentally disabled, to reimburse the cost of providing the services and to
5 remit any credit balances to county departments that occur on and after
6 July 1, 1978, in accordance with s. 51.437 (4rm) (c); for care, other than under s.
7 46.043, provided by the mental health institutes, to reimburse the cost of providing
8 the services and to remit any credit balances to county departments that occur on and
9 after January 1, 1979, in accordance with s. 51.42 (3) (as) 2.; for care of juveniles
10 placed at the Mendota juvenile treatment center for whom counties are financially
11 responsible under s. 938.357 (3) (d), to reimburse the cost of providing that care; for
12 maintenance of state-owned housing at centers for the developmentally disabled
13 and mental health institutes; for repair or replacement of property damaged at the
14 mental health institutes or at centers for the developmentally disabled; for

1 reimbursing the total cost of using, producing, and providing services, products, and
2 care; and to transfer to the appropriation account under sub. (5) (kp) for funding
3 centers. All moneys received as payments from medical assistance on and after
4 August 1, 1978; as payments from all other sources including other payments under
5 s. 46.10 and payments under s. 51.437 (4rm) (c) received on and after July 1, 1978;
6 as medical assistance payments, other payments under s. 46.10, and payments
7 under s. 51.42 (3) (as) 2. received on and after January 1, 1979; as payments from
8 counties for the care of juveniles placed at the Mendota juvenile treatment center;
9 as payments for the rental of state-owned housing and other institutional facilities
10 at centers for the developmentally disabled and mental health institutes; for the sale
11 of electricity, steam, or chilled water; as payments in restitution of property damaged
12 at the mental health institutes or at centers for the developmentally disabled; for the
13 sale of surplus property, including vehicles, at the mental health institutes or at
14 centers for the developmentally disabled; and for other services, products, and care
15 shall be credited to this appropriation, except that any payment under s. 46.10
16 received for the care or treatment of patients admitted under s. 51.10, 51.15, or 51.20
17 for which the state is liable under s. 51.05 (3), of forensic patients committed under
18 ch. 971 or 975, admitted under ch. 975, or transferred under s. 51.35 (3), or of patients
19 transferred from a state prison under s. 51.37 (5), to the Mendota Mental Health
20 Institute or the Winnebago Mental Health Institute shall be treated as general
21 purpose revenue — earned, as defined under s. 20.001 (4); and except that moneys
22 received under s. 51.06 (6) may be expended only as provided in s. 13.101 (17).

23 **SECTION 2.** 46.057 (1) of the statutes is amended to read:

24 46.057 (1) The department shall establish, maintain, and operate the Mendota
25 juvenile treatment center on the grounds of the Mendota Mental Health Institute.

1 The department may designate staff at the Mendota Mental Health Institute as
 2 responsible for administering, and providing services at, the center.
 3 Notwithstanding ss. 301.02, 301.03, and 301.36 (1), the department shall operate the
 4 Mendota juvenile treatment center as a juvenile correctional facility, as defined in
 5 s. 938.02 (10p). The center shall not be considered a hospital, as defined in s. 50.33
 6 (2), an inpatient facility, as defined in s. 51.01 (10), a state treatment facility, as
 7 defined in s. 51.01 (15), or a treatment facility, as defined in s. 51.01 (19). The center
 8 shall provide psychological and psychiatric evaluations and treatment for juveniles
 9 whose behavior presents a serious problem to themselves or others in other juvenile
 10 correctional facilities or in secured residential care centers for children and youth
 11 and whose mental health needs can be met at the center. With the approval of the
 12 department of health services, the department of corrections may transfer to the
 13 center any juvenile who has been placed in a juvenile correctional facility or a secured
 14 residential care center for children and youth under the supervision of the
 15 department of corrections under s. 938.183, 938.34 (4h) or (4m), or 938.357 (3), (4),
 16 or (5) (e) in the same manner that the department of corrections transfers juveniles
 17 between other juvenile correctional facilities. ~~Upon the recommendation of Subject~~
 18 to s. 938.357 (3) (c), with the approval of the department of health services, a court
 19 may place a juvenile at the center in a proceeding for a change in placement order
 20 under s. 938.357 (3). *and 2019 Wisconsin Act ... (this act),*

21 *change*
 22 *conjoined*
 SECTION 3. 46.057 (1) of the statutes, as affected by 2017 Wisconsin Act 185,
 section 15, *is* amended *repealed and recreated* to read:

23 46.057 (1) The department shall establish, maintain, and operate the Mendota
 24 juvenile treatment center on the grounds of the Mendota Mental Health Institute.
 25 The department may designate staff at the Mendota Mental Health Institute as

1 responsible for administering, and providing services at, the center.
2 Notwithstanding ss. 301.02, 301.03, and 301.36 (1), the department shall operate the
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15 in the same manner that the department of corrections transfers juveniles between
16 other juvenile correctional facilities. Upon the recommendation of Subject to s.
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18 place a juvenile at the center in a proceeding for a change in placement order under
19 s. 938.357 (3).

20 **SECTION 4.** 46.057 (1m) of the statutes is created to read:

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22 or her designee, is authorized to make decisions regarding the admission of juveniles
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25 **SECTION 5.** 938.357 (3) (a) of the statutes is amended to read:

1 938.357 (3) (a) Subject to subs. (4) (b), (c), and (d) and (5) (e), if the proposed
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3 facility or a secured residential care center for children and youth, notice shall be
4 given as provided in sub. (1) (am) 1. A hearing shall be held, unless waived by the
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10 for children and youth to a Type 1 juvenile correctional facility, except for the
11 Mendota juvenile treatment center, under par. (b). The proposed new placement may
12 be approved only if the court finds, on the record, that the conditions set forth in s.
13 938.34 (4m) (a) and (b) have been met.

14 **SECTION 6.** 938.357 (3) (c) of the statutes is amended to read:

15 938.357 (3) (c) ~~Upon the recommendation of~~ If the department of health
16 services approves, the court may order the placement of a juvenile under par. (b) at
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21 who is transferred to Mendota juvenile treatment center under this paragraph
22 remains under the supervision of that county.

23 **SECTION 7.** 938.357 (3) (d) of the statutes is amended to read:

24 938.357 (3) (d) A juvenile who is placed in a Type 1 juvenile correctional facility
25 under par. (b) or (c) is the financial responsibility of the county department of the

1 county where the juvenile was adjudicated delinquent and ~~that~~. The county
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9 **SECTION 8.** 2017 Wisconsin Act 185, section 110 (7g) is amended to read:

10 [2017 Wisconsin Act 185] Section 110 (7g) MENDOTA JUVENILE TREATMENT
11 CENTER. The department of health services shall construct an expansion of the
12 Mendota juvenile treatment center to accommodate no fewer than 29 additional
13 juveniles, ~~subject to the approval of the joint committee on finance.~~

14 **SECTION 9319. Initial applicability; Health Services.**

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16 and 938.357 (3) (a), (c), and (d), with respect to a county department's supervision of
17 a juvenile, first applies to a juvenile adjudicated delinquent by the court of the county
18 and placed at that county's secured residential care center for children and youth
19 under s. 938.34 (4m) on the effective date of this subsection.

20 **SECTION 9419. Effective dates; Health Services.**

21 (1) MENDOTA JUVENILE TREATMENT CENTER. The treatment of s. 46.057 (1) (by
22 SECTION 3) takes effect on the effective date specified in 2017 Wisconsin Act 185,
23 section 112 (1).

24 (END)



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

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

1 **SECTION 1.** 20.435 (2) (gk) of the statutes is amended to read:

2 20.435 (2) (gk) *Institutional operations and charges.* The amounts in the
3 schedule for care, other than under s. 51.06 (1r), provided by the centers for the
4 developmentally disabled, to reimburse the cost of providing the services and to
5 remit any credit balances to county departments that occur on and after
6 July 1, 1978, in accordance with s. 51.437 (4rm) (c); for care, other than under s.
7 46.043, provided by the mental health institutes, to reimburse the cost of providing
8 the services and to remit any credit balances to county departments that occur on and
9 after January 1, 1979, in accordance with s. 51.42 (3) (as) 2.; for care of juveniles
10 placed at the Mendota juvenile treatment center for whom counties are financially
11 responsible under s. 938.357 (3) (d), to reimburse the cost of providing that care; for
12 maintenance of state-owned housing at centers for the developmentally disabled
13 and mental health institutes; for repair or replacement of property damaged at the
14 mental health institutes or at centers for the developmentally disabled; for

1 reimbursing the total cost of using, producing, and providing services, products, and
2 care; and to transfer to the appropriation account under sub. (5) (kp) for funding
3 centers. All moneys received as payments from medical assistance on and after
4 August 1, 1978; as payments from all other sources including other payments under
5 s. 46.10 and payments under s. 51.437 (4rm) (c) received on and after July 1, 1978;
6 as medical assistance payments, other payments under s. 46.10, and payments
7 under s. 51.42 (3) (as) 2. received on and after January 1, 1979; as payments from
8 counties for the care of juveniles placed at the Mendota juvenile treatment center;
9 as payments for the rental of state-owned housing and other institutional facilities
10 at centers for the developmentally disabled and mental health institutes; for the sale
11 of electricity, steam, or chilled water; as payments in restitution of property damaged
12 at the mental health institutes or at centers for the developmentally disabled; for the
13 sale of surplus property, including vehicles, at the mental health institutes or at
14 centers for the developmentally disabled; and for other services, products, and care
15 shall be credited to this appropriation, except that any payment under s. 46.10
16 received for the care or treatment of patients admitted under s. 51.10, 51.15, or 51.20
17 for which the state is liable under s. 51.05 (3), of forensic patients committed under
18 ch. 971 or 975, admitted under ch. 975, or transferred under s. 51.35 (3), or of patients
19 transferred from a state prison under s. 51.37 (5), to the Mendota Mental Health
20 Institute or the Winnebago Mental Health Institute shall be treated as general
21 purpose revenue — earned, as defined under s. 20.001 (4); and except that moneys
22 received under s. 51.06 (6) may be expended only as provided in s. 13.101 (17).

23 **SECTION 2.** 46.057 (1) of the statutes is amended to read:

24 46.057 (1) The department shall establish, maintain, and operate the Mendota
25 juvenile treatment center on the grounds of the Mendota Mental Health Institute.

1 The department may designate staff at the Mendota Mental Health Institute as
2 responsible for administering, and providing services at, the center.
3 Notwithstanding ss. 301.02, 301.03, and 301.36 (1), the department shall operate the
4 Mendota juvenile treatment center as a juvenile correctional facility, as defined in
5 s. 938.02 (10p). The center shall not be considered a hospital, as defined in s. 50.33
6 (2), an inpatient facility, as defined in s. 51.01 (10), a state treatment facility, as
7 defined in s. 51.01 (15), or a treatment facility, as defined in s. 51.01 (19). The center
8 shall provide psychological and psychiatric evaluations and treatment for juveniles
9 whose behavior presents a serious problem to themselves or others in other juvenile
10 correctional facilities or in secured residential care centers for children and youth
11 and whose mental health needs can be met at the center. With the approval of the
12 department of health services, the department of corrections may transfer to the
13 center any juvenile who has been placed in a juvenile correctional facility or a secured
14 residential care center for children and youth under the supervision of the
15 department of corrections under s. 938.183, 938.34 (4h) or (4m), or 938.357 (3), (4),
16 or (5) (e) in the same manner that the department of corrections transfers juveniles
17 between other juvenile correctional facilities. Upon the recommendation of Subject
18 to s. 938.357 (3) (c), with the approval of the department of health services, a court
19 may place a juvenile at the center in a proceeding for a change in placement order
20 under s. 938.357 (3).

21 **SECTION 3.** 46.057 (1) of the statutes, as affected by 2017 Wisconsin Act 185,
22 section 15, and 2019 Wisconsin Act ... (this act), is repealed and recreated to read:

23 46.057 (1) The department shall establish, maintain, and operate the Mendota
24 juvenile treatment center on the grounds of the Mendota Mental Health Institute.
25 The department may designate staff at the Mendota Mental Health Institute as

1 responsible for administering, and providing services at, the center.
2 Notwithstanding ss. 301.02, 301.03, and 301.36 (1), the department shall operate the
3 Mendota juvenile treatment center as a juvenile correctional facility, as defined in
4 s. 938.02 (10p). The center shall not be considered a hospital, as defined in s. 50.33
5 (2), an inpatient facility, as defined in s. 51.01 (10), a state treatment facility, as
6 defined in s. 51.01 (15), or a treatment facility, as defined in s. 51.01 (19). The center
7 shall provide psychological and psychiatric evaluations and treatment for juveniles
8 whose behavior presents a serious problem to themselves or others in other juvenile
9 correctional facilities or in secured residential care centers for children and youth
10 and whose mental health needs can be met at the center. With the approval of the
11 department of health services, the department of corrections may transfer to the
12 center any juvenile who has been placed in a juvenile correctional facility or a secured
13 residential care center for children and youth under the supervision of the
14 department of corrections under s. 938.183, 938.34 (4h), or 938.357 (3), (4), or (5) (e)
15 in the same manner that the department of corrections transfers juveniles between
16 other juvenile correctional facilities. Subject to s. 938.357 (3) (c), with the approval
17 of the department of health services, a court may place a juvenile at the center in a
18 proceeding for a change in placement order under s. 938.357 (3).

19 **SECTION 4.** 46.057 (1m) of the statutes is created to read:

20 46.057 (1m) Only the director of the Mendota Mental Health Institute, or his
21 or her designee, is authorized to make decisions regarding the admission of juveniles
22 to and treatment of juveniles at the center and the release and return of juveniles
23 to the appropriate state or county facility.

24 **SECTION 5.** 938.357 (3) (a) of the statutes is amended to read:

1 938.357 (3) (a) Subject to subs. (4) (b), (c), and (d) and (5) (e), if the proposed
2 change in placement would involve placing a juvenile in a juvenile correctional
3 facility or a secured residential care center for children and youth, notice shall be
4 given as provided in sub. (1) (am) 1. A hearing shall be held, unless waived by the
5 juvenile, parent, guardian, and legal custodian, before the court makes a decision on
6 the request. The juvenile is entitled to counsel at the hearing, and any party
7 opposing or favoring the proposed new placement may present relevant evidence and
8 cross-examine witnesses. The department of corrections shall have the opportunity
9 to object to a change of placement of a juvenile from a secured residential care center
10 for children and youth to a Type 1 juvenile correctional facility, except for the
11 Mendota juvenile treatment center, under par. (b). The proposed new placement may
12 be approved only if the court finds, on the record, that the conditions set forth in s.
13 938.34 (4m) (a) and (b) have been met.

14 **SECTION 6.** 938.357 (3) (c) of the statutes is amended to read:

15 938.357 (3) (c) ~~Upon the recommendation of~~ If the department of health
16 services approves, the court may order the placement of a juvenile under par. (b) at
17 the Mendota juvenile treatment center. A court may not order the department of
18 health services to accept a juvenile placement under par. (b) at the Mendota juvenile
19 treatment center that the department has not approved. A juvenile under the
20 supervision of a county in a secured residential care center for children and youth
21 who is transferred to Mendota juvenile treatment center under this paragraph
22 remains under the supervision of that county.

23 **SECTION 7.** 938.357 (3) (d) of the statutes is amended to read:

24 938.357 (3) (d) A juvenile who is placed in a Type 1 juvenile correctional facility
25 under par. (b) or (c) is the financial responsibility of the county department of the

1 county where the juvenile was adjudicated delinquent and that. The county
2 department shall reimburse the department of corrections at the rate specified
3 under s. 301.26 (4) (d) 2. or 3., whichever is applicable, for the cost of the a juvenile's
4 care while placed in a Type 1 juvenile correctional facility other than the Mendota
5 juvenile treatment center. The county department shall reimburse the department
6 of health services at a rate specified by that department for the cost of a juvenile's
7 care while placed at the Mendota juvenile treatment center and these payments
8 shall be deposited in the appropriation account under s. 20.435 (2) (gk).

9 **SECTION 8.** 2017 Wisconsin Act 185, section 110 (7g) is amended to read:

10 [2017 Wisconsin Act 185] Section 110 (7g) MENDOTA JUVENILE TREATMENT
11 CENTER. The department of health services shall construct an expansion of the
12 Mendota juvenile treatment center to accommodate no fewer than 29 additional
13 juveniles, subject to the approval of the joint committee on finance.

14 **SECTION 9319. Initial applicability; Health Services.**

15 (1) MENDOTA JUVENILE TREATMENT CENTER. The treatment of ss. 46.057 (1m)
16 and 938.357 (3) (a), (c), and (d), with respect to a county department's supervision of
17 a juvenile, first applies to a juvenile adjudicated delinquent by the court of the county
18 and placed at that county's secured residential care center for children and youth
19 under s. 938.34 (4m) on the effective date of this subsection.

20 **SECTION 9419. Effective dates; Health Services.**

21 (1) MENDOTA JUVENILE TREATMENT CENTER. The treatment of s. 46.057 (1) (by
22 SECTION 3) takes effect on the effective date specified in 2017 Wisconsin Act 185,
23 section 112 (1).

24 (END)