



DEPARTMENT OF HEALTH AND HUMAN SERVICES

Milwaukee County

Geri Lyday, Interim Director

Date: November 15, 2010

To: The Wisconsin Legislative Council
Special Committee on Review of Emergency Detention and Admission of Minors Under Chapter 51

From: Geri Lyday, Interim Director – Department of Health & Human Services

Subject: **Milwaukee County Response on Proposed Chapter 51 Statutory Change**

Background

- Over the past 4 years, Milwaukee County has accounted for 33% of all Emergency Detentions (ED) in the State, totaling approximately 8,000/year. Milwaukee County accounts for 17% of the overall state population.
- In all Wisconsin counties, probable cause hearings must be held within 72 hours of an emergency detention to determine if a chapter 51 commitment is required.
- Only Milwaukee County has an additional requirement to provide a Treatment Director Stipulation (TDS) within the first 24 hours. (The TDS only applies to counties having a population of greater than 500,000, which currently is only Milwaukee County.) The TDS requirement is that a Behavioral Health Division medical staff sees an individual within the first 24 hours of a detention.
- The primary concern with TDS is if a patient requires also medical clearance from a hospital before entering BHD's Psychiatric Crisis Service, the 24 hour TDS time period has likely expired – again - due to either a pre-existing medical condition or as a result of physical harm they have done to themselves that led to the ED. This can result in some of the most serious cases being dismissed that otherwise could have been addressed.
- Requiring Milwaukee County to complete a TDS is redundant and reduces the amount of time the County has to work the cases and secure witnesses to testify at hearings. The cases do not begin the process toward preparation for a hearing until the TDS is completed giving Milwaukee County significantly less time to prepare a case for hearing.

Proposed Change

Eliminate the Treatment Director Supplement Requirement (TDS) that applies only to Milwaukee County from the Wisconsin Statutes as follows:

Under Wis. Stats. 51.15(4)(b), "Upon delivery of the individual the treatment director of the facility, or his or her designee shall determine within 24 hours whether the individual shall be detained, or shall be detained, evaluated, diagnosed and treated." This section of the statute only applies to counties having a population of greater than 500,000 people (Milwaukee County).
