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# Wisconsin Legislative Council

## MINUTES

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### STUDY COMMITTEE ON EMERGENCY DETENTION AND CIVIL COMMITMENT OF MINORS

411 South, State Capitol

Madison, WI

August 21, 2024

10:00 a.m. – 4:25 p.m.

### CALL TO ORDER AND ROLL CALL

Chair James called the meeting to order and it was determined that a quorum was present.

**COMMITTEE MEMBERS**

**PRESENT:**

Sen. Jesse James, Chair; Rep. Patrick Snyder, Vice Chair; Sen. LaTonya Johnson; Rep. Shelia Stubbs; and Public Members Sheila Carlson, Jill Chaffee, Cody Horlacher, Kristen Iniguez, Maryam James, Sharon McIlquham, Tony Thrasher, and Katie York.

**COUNCIL STAFF PRESENT:**

Anne Sappenfield, Director; Margit Kelley and David Moore, Principal Attorneys; and Kelly McGraw, Staff Attorney.

**APPEARANCES:**

John Tuohy, Executive Director, Wisconsin County Human Services Association (WCHSA), Dawn Buchholz, Director, Juneau County Department of Human Services, Dr. Steven Dykstra, Clinical Psychologist, Milwaukee County, and Emily Plahna, Behavioral Health Manager, Ozaukee County; Teresa Steinmetz, Director, Prevention, Treatment and Recovery Bureau, and Joannette Robertson, Mental Health Services Section Manager, Prevention, Treatment and Recovery Bureau, Division of Care and Treatment Services (DCTS), Department of Health Services (DHS); and John Elliot, Administrator, Division of Safety and Permanence, Emily Erickson, Director, Bureau of Permanence and Out-of-Home Care, and Sarah Henery, Administrator, Division of Milwaukee Child Protective Services, Department of Children and Families (DCF).

### OPENING REMARKS BY ANNE SAPPENFIELD, DIRECTOR, LEGISLATIVE COUNCIL STAFF

Chair James welcomed committee members and introduced Anne Sappenfield, Director of the Legislative Council staff. Ms. Sappenfield thanked the members for their service and presented a video featuring Wisconsin legislators discussing the importance of study committees.

## **INTRODUCTORY REMARKS BY CHAIR JAMES AND BRIEF INTRODUCTIONS BY COMMITTEE MEMBERS**

Chair James introduced himself and explained his interest in the topic. At his invitation, committee members introduced themselves and briefly explained their backgrounds.

### **DESCRIPTION OF MATERIAL DISTRIBUTED BY LEGISLATIVE COUNCIL STAFF**

Margit Kelley and David Moore, Principal Attorneys, and Kelly McGraw, Staff Attorney, explained the material contained in Staff Brief 2024-04, [Study Committee on Emergency Detention and Civil Commitment of Minors](#) (August 14, 2024). A copy of their PowerPoint presentation is available on the committee's [website](#).

### **PRESENTATION BY THE WISCONSIN COUNTY HUMAN SERVICES ASSOCIATION**

**John Tuohy, Executive Director, WCHSA, Dr. Steven Dykstra, Clinical Psychologist, Milwaukee County, Dawn Buchholz, Director, Juneau County Department of Human Services, and Emily Plahna, Behavioral Health Manager, Ozaukee County**

Mr. Tuohy provided an overview of minor emergency detention and civil commitment. Dr. Dykstra, Ms. Buchholz, and Ms. Plahna provided comments on their experiences in providing county services. A copy of their PowerPoint and handouts are available on the committee's [website](#).

Mr. Tuohy began by discussing county human services for minors in crisis and the challenges of serving minors in crisis. Mr. Tuohy noted that services under ch. 51, Stats., are designed for emergency situations, are not designed for ongoing services, and do not allow a court to compel residential care or family participation in services. He noted that services under chs. 48 and 938, Stats., are better for providing ongoing services, with family participation, and allow a court to compel residential care, but are not designed for quick action. He also discussed recommendations for the committee to consider, including establishing a mechanism to certify psychiatric residential treatment facilities, and authorizing courts under ch. 51, Stats., to compel minors and parents to participate in mental health treatment services. Mr. Tuohy also recommended changes to Medicaid funding to expand some aspects of existing coverage or provide coverage, particularly for crisis intervention services, a community support program for intensive case management, and respite care.

Dr. Dykstra discussed his experience as a psychologist evaluating minors for emergency detention in Milwaukee County. He recommended that the committee focus on minors who need additional mental health support but whose condition is not severe enough to compel treatment with emergency detention. He also recommended that the committee consider providing a mechanism to establish psychiatric residential treatment facilities in Wisconsin and a way to ensure clinician support for law enforcement officers making emergency detention decisions.

Ms. Buchholz noted that Lutheran Social Services has collaborated with Juneau County and other nearby counties to create an in-home youth diversion program. She noted that the program is a good model, and has led to a 96 percent diversion rate in Juneau County. Ms. Plahna added that it is difficult for the counties to provide mental health services to youth, because of the limited options for Medicaid coverage and the high cost of placement in residential care.

Mr. Tuohy and Dr. Dykstra responded to a variety of questions from committee members, including questions related to the following: respite care service expansion options; the difficulty addressing onset

of psychosis without voluntary treatment; clinician collaboration with law enforcement; mental health provider workforce challenges; and medical clearance timelines for an incapacitated individual.

### **PRESENTATION BY DHS**

**Teresa Steinmetz, Director, Prevention, Treatment and Recovery Bureau, and Joannette Robertson, Mental Health Services Section Manager, Prevention, Treatment and Recovery Bureau, DCTS**

Ms. Steinmetz and Ms. Robertson described the emergency detention and involuntary commitment procedures, and provided an overview of DHS crisis services and psychiatric facilities. Their PowerPoint and handout are available on the committee's [website](#).

Ms. Steinmetz described the "Crisis Now" model that emphasizes the need for someone to talk to, someone to respond, and a safe place to be. She noted that the best practice for mental health treatment is to provide community-based resources.

Ms. Robertson described current emergency detention procedure and the types of facilities that are available for minors, including the state's three youth crisis stabilization facilities. Ms. Robertson also noted that pursuant to 2023 Wisconsin Act 249, the agency is proceeding with rulemaking for certification of crisis urgent care and observation facilities.

Ms. Steinmetz and Ms. Robertson explained that the agency's initial recommendations are to continue to embrace Crisis Now best practices, fund the agency's grants for community programs, and distribute funds to support psychiatric residential treatment facilities.

### **PRESENTATION BY DCF**

**John Elliot, Administrator, Division of Safety and Permanence, Emily Erickson, Director, Bureau of Permanence and Out-of-Home Care, and Sarah Henery, Administrator, Division of Milwaukee Child Protective Services, DCF**

Mr. Elliot and Ms. Erickson provided an overview of the child welfare system and congregate care stays, and Ms. Henery described the child welfare system in Milwaukee County. Their PowerPoint and handouts are available on the committee's [website](#).

Mr. Elliot and Ms. Erickson described current and recent out-of-state placement statistics for minors in Wisconsin, noting that about 23 percent of minors placed out-of-state are in psychiatric residential treatment facilities. They briefly described the different types of facilities that are available in Wisconsin and other states, and how the child's needs must match the care and services that a facility provides. Mr. Elliot emphasized building the continuum of care and community-based supports to prevent the need for a higher level of care.

Ms. Henery described how the child protective services system intersects with minors experiencing mental health crises. In describing some of the challenges in determining what services would be most appropriate for a minor, she noted several situations when a minor's crisis does not meet the criteria for emergency detention under ch. 51, Stats., but the minor would benefit from the care provided under those procedures. She also stated that some of the services sought from inpatient care could be provided voluntarily in outpatient settings.

Mr. Elliot, Ms. Erickson, and Ms. Henery made various recommendations to support the behavioral health system, in partnership with DHS. These included providing additional community help supports

for early intervention, establishing a mechanism to certify psychiatric residential treatment facilities for inpatient treatment service options, and, overall, ensuring better intersections with child-serving systems at the state and local level. They also recommended supporting specialized congregate care facilities, such as Chileda and Genesee, for individuals with co-occurring needs.

## **QUESTION AND ANSWER SESSION WITH THE REPRESENTATIVES OF DHS AND DCF**

DHS and DCF staff provided a shared question and answer session, and received questions on a variety of topics, including the following: out-of-state placement statistics; funding for inpatient mental health treatment; and policy and procedure at various facility types, including youth crisis stabilization facilities, crisis urgent care and observation facilities, psychiatric residential treatment facilities, Winnebago Mental Health Institute, and hospital psychiatric facilities.

## **ROUNDTABLE ON MEMBERS' PRIORITIES AND SPEAKER SUGGESTIONS FOR THE COMMITTEE**

Following presentations from the invited speakers, Chair James invited committee members to discuss the information they received and provide suggestions for future meetings. Building on questions posed to DHS and DCF regarding emergency detention and involuntary commitment, members commented that they would be interested in exploring ways to address the following issues: clinician shortage, lack of residential treatment options, the cost of transporting a minor to a facility, current barriers to data collection, standard emergency detention timelines for minors with no physical health concerns or serious physical health concerns, service provider collaboration to prevent emergency detention, and the law enforcement role in emergency detention.

Committee members suggested that additional information in the following areas may be helpful: shortcomings in the continuum of care for particular communities, data sharing practices across counties, facility policies in admitting patients, and strategies other states use to address emergency detention and involuntary commitment of minors.

Committee members expressed interest in receiving testimony from the following: hospitals, advocates for people with mental illness, law enforcement, juvenile court judges, the CA:tCH program, the U.S. Department of Health and Human Services, and the National Conference of State Legislatures (NCSL).

## **PLANS FOR FUTURE MEETINGS**

Chair James informed members that the committee has scheduled the following subsequent meetings:

- September 25, 2024, in Room 411 South, State Capitol Building.
- October 30, 2024, in Room 411 South, State Capitol Building.
- November 21, 2024, in Room 411 South, State Capitol Building.
- December 18, 2024, in Room 411 South, State Capitol Building.

## **ADJOURNMENT**

The committee adjourned at 4:25 p.m.

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