

Legal procedures for voluntary and *involuntary* admission, treatment and rehabilitation of individuals (adults and minor children) affected with mental illness, developmental disability, drug dependency and alcoholism may be appropriate. You will hear them referred to as Chapter 51 actions.

For *involuntary* civil commitment you must meet the following criteria:

- The individual has a mental illness, developmental disability or drug/alcohol dependence, and
- The individual's illness/disability/dependence is treatable, and
- The individual is dangerous to him/herself or others, due to the illness/disability/dependence.

The definition of drug dependence for involuntary civil commitment is:

A disease which is characterized by the dependency of an individual who uses one or more drugs to the extent that the individual's health is substantially impaired, *or* his/her social or economic functioning is substantially disrupted.

Legal standards of *dangerousness* required for *involuntary* civil commitment:

- Recent acts, attempts or threats of suicide or serious bodily harm to self, or
- Recent acts, attempts, or threats of bodily harm to others, or violent behavior which places others in reasonable fear of serious physical harm, or
- A pattern of recent acts or omission which evidences impaired judgment causing the individual to be an inadvertent danger to self, or
- Mental illness causes the individual to be so gravely disabled that he/she is unable to satisfy life's basic needs for nourishment, medical care, shelter or safety, or
- Individual's psychiatric treatment history, coupled with his/her present mental deterioration due to incompetent decision to refuse psychotropic medication, causes likelihood that the individual will to function independently in the community.

Methods of Initiating an Involuntary Civil Commitment Proceeding:

- Law enforcement emergency detention, or
- Treatment director emergency detention, or
- Three Party – Petition for Examination
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A Three Party Petition:

- Three adults sign a sworn petition drafted by Dane County Corporation Counsel.
- At least one of the petitioners must have personal knowledge of the individual's dangerous behavior and the petition must allege that the individual is mentally ill,

developmentally disabled, or drug dependent and dangerous to self or others and a proper subject for treatment.

- Petitioners who have not directly observed the individual's dangerous behavior must provide a basis for their belief that the allegations are true.
- The County Corporation Counsel files the petition with the court. After review, the judge may order detention of the individual by law enforcement to a mental health facility, or may just set the case for a probable cause hearing *without* detention.
- **This process may take several days or more and should not be used in emergency situations.**

Chapter 51 Court Hearings: Right of Minors

- To be represented by adversary counsel (at public expense)
- To have a closed hearing
- To request an open hearing
- To remain silent
- To present and cross-examine witnesses
- To have a jury trial

Chapter 51 Court Hearings: Rights of Parents or Legal Guardians of Minors

- To participate in court hearings
- To be represented by counsel (at your own expense)

The Order For Involuntary Commitment:

If proven by clear and convincing evidence, an individual may be committed by court order to the care and custody of the county department of community programs for inpatient and/or outpatient treatment for up to 6 months. (Prior to the end of the 6 months, the county can file a recommendation to extend the commitment.)

Additional Information

- Alcohol and drug commitments for minor children are rarely done because it is difficult to prove the legal standards for commitment.
- Requires established pattern of use, which causes substantial impairment of health and functioning and which causes dangerousness to self or others.
- Wisconsin law allows parents of minor children to be admitted to a psychiatric hospital for treatment without the child's consent.

