

51.15 Changes over the Years

This is a synopsis created by NWC. Review the actual Acts and Statutes to better understand these changes.

Effective June 2009(2009-WI Act 28-See page 262)-the addition of this language was added to 51.15 regarding approval of facility for detention requiring approval by the county that a detention is needed. **SECTION 1424y.** 51.15 (2) (intro.) of the statutes is amended to read: 51.15 (2) FACILITIES FOR DETENTION. (intro.) The law enforcement officer or other person authorized to take a child into custody under ch. 48 or to take a juvenile into custody under ch. 938 shall transport the individual, or cause him or her to be transported, for detention, **if the county department of community programs in the county in which the individual was taken into custody approves the need for detention**, and for evaluation, diagnosis, and treatment if permitted under sub. (8) to any of the following facilities:

Effective March 2014(2013-WI Act 158-see page 2) makes the following changes to several provisions of the laws relating to emergency detention of, and involuntary commitment for treatment of, persons with who are mentally ill, developmentally disabled, or drug dependent. Here are bullet points related to each:

- Modifies the emergency detention statute to require that when an emergency detention is being contemplated, a determination must be made “...that taking the person into custody is the least restrictive alternative appropriate to the person’s needs.”
- Creates a “purpose” statement for the emergency detention statute which provides that the purpose of emergency detention is to provide, on an emergency basis, treatment by the least restrictive means possible, to individuals who meet all of the following criteria: (a) are mentally ill, drug dependent, or developmentally disabled; (b) evidence one of the statutory standards of dangerousness; and (c) are reasonably believed to be unable or unwilling to cooperate with voluntary treatment.
- Provides that the required approval by a county department of an emergency detention may only be given if the county department reasonably believes the individual will not voluntarily consent to evaluation, diagnosis, and treatment that is necessary to stabilize the individual and remove a substantial probability of physical harm, impairment, or injury to himself, herself, or others.
- Deletes the reference to drug dependency from the fourth standard of emergency detention, to make this standard

Taking an Individual into Custody (when the 72 hours begins):

- Consolidates the references to facilities that may be used for emergency detention to provide that detention may occur in a treatment facility approved by the Department of Health Services (DHS) or the county department, if the facility agrees to detain the individual, or in a state treatment facility.
- Provides that an individual is deemed to be in custody when the individual is under the physical control of the law enforcement officer, or other person authorized to take a child or juvenile into custody, for the purposes of emergency detention.

Effective July 2016(2015 WI Act 55 Page 332): the county department of community programs in the county in which the individual was taken into custody approves the need for detention, and for evaluation, diagnosis, and treatment if permitted under sub. (8). The county department may approve the **detention only if a physician who has completed a residency in psychiatry, a psychologist licensed under ch. 455, or a mental health professional, as determined by the department, has performed a crisis assessment on the individual and agrees with the need for detention and the county department reasonably believes the individual will not voluntarily consent to evaluation, diagnosis, and treatment necessary to stabilize the individual and remove the substantial probability of physical harm, impairment, or injury to himself, herself, or others. For purposes of this subsection, a crisis assessment may be conducted in person, by telephone, or by telemedicine or video conferencing technology.** Detention may only be in a treatment facility approved by the department or the county department, if the facility agrees to detain the individual, or a state treatment facility.