

## **Mental Health Information: Mental illness, Drug Dependence, Developmental Disabilities and Alcohol**

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### **FOR EMERGENCY SITUATIONS, PLEASE CALL 911!**

Involuntary Civil Commitment can be initiated in 2 different ways:

Either by "Emergency Detention" or "A Three-party petition"

1. Emergency Detention: A law enforcement officer is permitted to initiate a civil commitment for involuntary treatment - Wisconsin Statutes Section 51.15. The law enforcement officer may take a juvenile or adult into custody if the officer has cause to believe that :
  - a. An individual is mentally ill, drug dependent or developmentally disabled, and
  - b. There is a substantial probability of physical harm to him/herself or others evidenced by recent acts or omissions, attempts or threats, and
  - c. The individual is a proper subject for treatment

In most situations, law enforcement is alerted as to where the subject is via an emergency phone call to authorities. Law enforcement is dispatched to the scene and assesses the situation. If the law enforcement officer believes that the person may be a potential "Chapter 51" subject, the officer calls the Crisis Center located at North Central Health Care Center in Wausau for aid in determining the need for a "Chapter 51," and the availability of services and placement. If the officer believes that the subject is appropriate for Chapter 51, and the Crisis Center approves the Placement, an emergency detention is initiated.

2. Three-party petition: This type of involuntary commitment is used when there is no emergency; rather there is a pattern of conduct over a period of time that will affect safety unless court intervention occurs.

### **ALL PETITIONS MUST INCLUDE AT LEAST 3 PETITIONERS**

There are two major types of 3-party petitions:

- a. Petition for Involuntary Commitment for Treatment of Mental Illness, Drug Dependency or Developmental Disability. See Wisconsin Statutes § 51.20.
- b. Petition for Involuntary Commitment for Treatment for Alcoholism. See Wisconsin Statutes § 51.45(13)

The court process is the same for both kinds of petitions however, the legal standards are different. Please see below:

- a. Legal Standard for Mental illness, Developmental Disabilities, Drug Dependence Commitment:
  - i) That there is a mental illness, drug dependence or developmental disabilities.
  - ii) That the Subject is a proper subject for treatment

- iii) There is dangerousness to self or others as evidenced by one or more of the following:
- 1) Evidences a substantial probability of physical harm to himself or herself as manifested by evidence of recent threats or attempts at suicide or serious bodily harm.
  - 2) Evidences a substantial probability of physical harm to other individuals as manifested by evidence of recent homicidal or other violent behavior, or by evidence that others are placed in reasonable fear of violent behavior and serious physical harm to them, as evidenced by a recent overt act, attempt or threat to do serious physical harm.
  - 3) Evidences substantial probability of impaired judgment, or injury due to impaired judgment: manifested by evidence of a pattern of recent acts or omissions, that there is a substantial probability of physical impairment or injury to himself or herself.
  - 4) Evidences behavior as manifested by recent acts or omissions due to such mental illness, such that he or she is unable to satisfy basic needs for nourishment, medical care, shelter or safety without prompt and adequate treatment so that a substantial probability exists that **death, serious physical injury, serious physical debilitation, or serious physical disease will imminently ensue** unless the individual receives prompt and adequate treatment for this mental illness.

**\* Please note; if a medical provider is available to support the medical diagnosis of a mental illness, it is important that the medical provider be included as one of the petitioners.**

A petition for commitment for involuntary treatment of mental illness, drug dependence or developmental disability must contain all three statutory elements including dangerousness before a court action can be commenced.

**b. Legal Standard for Involuntary Alcohol Commitments.**

- i. That the subject has a long standing drinking problem- Petitioners must allege that the condition of the subject is such that he/she habitually lacks self-control as to the use of alcoholic beverages.
- ii. Petitioners must allege that the subject's health is substantially impaired by the use of alcohol. *Marathon County Courts have ruled that one of the petitioners must be a physician or a medical provider who has personal knowledge of the cause and effect of alcohol consumption on the subject's physical health.*
- iii. Petitioners must also allege that the subject's social or economic functioning is substantially disrupted by the use of alcohol
- iv. Petitioners must allege that the subject has evidenced a pattern of conduct during the 12-month period immediately preceding the time of petition which is dangerous to the subject or others.

A petition for commitment for involuntary alcohol treatment must contain all the four statutory elements before a court action can be commenced.

**PLEASE NOTE:**

Wisconsin Statutes authorize the Office of Corporation Counsel the discretion to determine if a petition will be filed. Making an appointment does not guarantee the filing of a petition.

All prospective petitions are screened and interviewed by the Paralegal in Marathon County Corporation Counsel Office. –Telephone 715-261-1140.

3. Court Process:

All prospective petitioners MUST schedule appointment with the Paralegal in the Marathon County Corporation Counsel by Telephone call: 715-261-1140. Prospective petitioners/three adults (18 years or older) must meet in person with the paralegal.

At the interview, Facts of the case is discussed with the paralegal.

If a Petition is drafted, the Petitioners are scheduled in for a final review of petitions.

Petitions MUST be sworn, and signed in person before a Notary public.

The sworn petition is first reviewed by the Corporation Counsel and then sent to the Judge for final approval.

Court approval for detention of the subject is sent to the Sheriff's department for service.

Law enforcement serves the detention document like a warrant. They go to the subject's location, take the subject into protective custody, and place the subject at the North Central Health Care Center.

Usually, all subjects are detained at the North Central Health Care Center located on 1100 Lakeview Drive, Wausau, WI 54401.

A Probable Cause Hearing is held within 72 hours of the subject's detention, not including Saturday, Sunday, and Legal Holidays. The subject is appointed a Legal Counsel, who represents the wishes of the subject. Please note that this is a contested hearing where petitioners are routinely called to testify under oath.

Probable Cause Hearings are held on Mondays, Tuesday, and Thursdays at the Marathon County Circuit Court, BRANCH 6 courtroom via Video Conference to the North Central Health Care Center.

If the Judge finds Probable Cause, a Final Hearing is ordered within 14 days of the subject's detention. Usually, the subjects remain at the North Central Health Care Center pending the Final Hearing. The court will appoint two doctors, a physician and a Psychologist (except for alcohol involuntary commitment only 1 doctor is appointed) to examine the subject and send their reports to the court.

At the final hearing, the court or jury may determine whether the subject is to be committed. The court may determine a maximum level of in-patient treatment, and may order involuntary medication, but, the court may not specify any particular treatment. Treatment staff at the North Central Health Care Center determines the treatment plan.

Usually, for all Mental Illness, Drug Dependence and Developmental Disability cases, the subject is committed for 6 months; for Alcohol, the law permits commitment for 90 days.

## **OTHER INFORMATION**

1. For further information regarding treatment and placement, call: The Crisis Center-North Central Health Care, 1100 Lakeview Drive, Wausau, WI 54403, Telephone: 715-848-4600.
2. Emergency Phone numbers for Marathon County- 911

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