

Guide to the Civil Commitment process in Wisconsin

The intent of this guide is to outline the steps you can take to help a friend or family member who is in a mental crisis, mostly focusing on the option of civil commitment. When an individual goes from voluntarily asking for help to not seeking help on his or her own, they may require mental health assistance via the civil commitment process. While it is always recommended to encourage the individual to seek out treatment on their own accord, there are times where seeking help through the commitment process is the safest course of action for the individual and his/her loved ones.

In order to be civilly committed an individual must be considered a subject for chapter 51 of the Wisconsin Statutes by either being:

- 1) Mentally ill, drug or alcohol dependent or developmentally disabled; and
- 2) “a proper subject for treatment”
- 3) a danger to themselves or others around them

Important Terms Defined:

Commitment hearing: Involuntary commitment or civil commitment (also known as sectioning in some jurisdictions) is a legal process through which an individual with symptoms of severe mental illness is court-ordered into treatment in a psychiatric hospital (inpatient) or in the community (outpatient).

Emergency Custody Order (ECO): An emergency custody order is a temporary order that only lasts until you go to court and have a full custody hearing. You may request emergency custody if you believe there is danger of serious or immediate injury to you or others around you

“My loved one/friend/neighbor is in a psychiatric crisis and is cooperative, aware of his/her mental state, and interested in getting help from a mental health professional. What should I do?”

In this situation there are many ways to seek out help for the individual. You and the individual can:

- Contact a mental health service provider such as a psychiatrist, therapist, case manager or another mental health worker
- If they have a Wellness Recovery Action Plan (WRAP), an advance directive or any other information that directs attention to a preferred treatment they should obtain and follow through with this
- Contact the community services board to get connected with emergency mental health services if they are worried about not having insurance

My loved one/friend/neighbor is in a psychiatric crisis and is refusing to voluntarily seek help. I am really worried about him/her and think the situation might become dire very soon. What should I do?

While this is a stressful situation for the individual and everyone involved the most important thing is to help ensure that the individual in a psychiatric crisis is being redirected to a safer situation or getting help. If you feel like there is an immediate need for help and that your loved one is in danger of hurting him or herself, immediately call 911 and inform them that they would be dealing with a psychiatric crisis. The police officer, preferably Crisis Intervention Team(CIT) trained, will ensure the safety of the individual and the others upon arrival. They will also evaluate the situation and consider issuing an *Emergency Custody Order*, if the following criteria is met:

1. The person has a mental illness, and there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future
 - a. Cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or
 - b. Suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs, and
2. The person is in need of hospitalization or treatment, and,
3. The person is unwilling to volunteer or incapable of volunteering for hospitalization or treatment.

However, if you are unsure about calling 911 immediately the other option is to contact your local CSB/BHA emergency service program and describe the psychiatric crisis and request assistance on how to proceed. Depending on the information that you provided they might advise you contact the local magistrate at (608) 266-4311 in order to get advice on how to proceed.

Methods of Initiating an involuntary Civil Commitment Proceeding

The issue of whether an individual ought to be committed can be brought before a court in a hearing in one of three ways.

1st

, a law enforcement officer can detain an individual who the officer believes will meet the commitment criteria. If the individual is taken into custody, the individual can be detained for up to 72 hours in a safe facility.

2nd

, a petition may be used to start the commitment process. It must be signed by three adults, at least one of whom has personal knowledge of the facts which support a need for commitment. The local magistrate for the county must be involved in writing and filing the petition. A judge then either can order detention for up to 72 hours if it appears from the petition that the individual may be committable, or the court may set the matter for a hearing with notice of the petition and hearing given orally and in writing to the individual.

3rd

way to start a commitment applies only to persons who are already in a psychiatric hospital. At time of discharge, a patient may be detained by the treatment director or his/her designee if s/he believes that the person meets the standards for commitment.

What is a commitment hearing and what are the possible outcomes?

The commitment hearing is a court process that decides whether the person meets the criteria for involuntary commitment, and ultimately delivers the decision whether the person meets the criteria for involuntary commitment, and ultimately delivers the decision and plan that will be carried out by mental health providers.

Possible outcomes:

- If the judge or court commissioner finds probable cause, either detention can be ordered or the court can permit the individual to remain in the community. If the person is detained, the final commitment hearing must occur within 14 days of the initial detention (21 days if the individual requested a seven-day postponement).
- If the court does not detain the person, then the final hearing must take place within 30 days of the probable cause hearing.
- If the court does not find probable cause, the petition is dismissed and the individual is free to go.
- The court may find that while the individual is not committable, s/he may meet the test for guardianship and provision of protective placement or services.