



Assembly Committee on Health
October 22, 2013
Assembly Bill 435 and Senate Bill 126

Good afternoon committee members. I had the pleasure serving as Chair of the Joint Legislative Council Special Study Committee on Review of Emergency Detention and Admission of Minors under Chapter 51. The Study Committee met eight times between August 31, 2010, and October 30, 2012. Four bills came out of the Study Committee with a unanimous 16-0 vote, three committee members not voting. Assembly Bill 435 (AB 435) and Senate Bill 126 (SB 126) improve the procedure for obtaining Chapter 51 in-patient treatment for minors.

Current law requires the treatment of a minor be preceded by a petition for review before mental health or substance abuse treatment may commence involuntarily. The petition includes reasons the petitioner believes the minor does not consent to treatment. A parent may bypass this requirement by signing an application for treatment for short term inpatient treatment not to exceed 12 days. If a minor is 14 or older, the minor must consent to the short term treatment to avoid the petition for review process. Current law limits the number of short term inpatient treatment to one 12 day period every 120 days.

Testimony provided to the Joint Legislative Council indicated some areas of the state found these provisions confusing and were not utilizing the procedures to provide the most efficient care to minors. AB 435 and SB 126 streamline the process.

First, AB 435 and SB 126 eliminate the need to file a petition for review for a minor under 14 years old. Parents or guardians of minors under 14 may admit the minor for treatment without the minor's consent. Because the parents' ability to obtain treatment already exists, the requirement of filing a petition for review is unnecessary.

Second, AB 435 and SB 126 eliminate the need to file a petition for minors between the ages of 14 and 17 consenting to treatment. AB 435 also allows the minor to withdraw the request and seek discharge of inpatient treatment.

Third, AB 435 and SB 126 removes impediments to treatment by removing the requirement a petition be filed for voluntary treatment that exceeds 12 days, and removes the limit of one voluntary short term placement in a 120 day period.

AB 435 and SB 126 clarify treatment may be provided while maintaining the same civil liberty protections available to minors under current law. The end result will be a system more receptive to providing treatment to minors in a simplified, dignified manner.

I ask the committee approve AB 435 and SB 126. Thank you for your attention to AB 435 and SB 126.





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41ST ASSEMBLY DISTRICT

AB 435: Admission of minors for inpatient treatment.

AB 436: Requiring county community programs board appointees to include consumers, family members of consumers, law enforcement personnel, and hospital employees or representatives and increasing the size of county community programs boards.

Testimony of State Representative Joan Ballweg

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Thank you, Chair Severson and members of the Health Committee for hearing Assembly Bills 435 and 436. Both of these bills were part of the Legislative Council Special Committee on Chapter 51, which originally began work on this topic during the 2010 interim.

Assembly Bill 435 does the following:

- Eliminates the need to file a petition for review of an admission of a minor under age 14 for treatment of mental illness, alcoholism or drug abuse, or developmental disability. A petition would still be required if a parent refused to consent to treatment; if a parent with legal custody or guardian cannot be found; or if there is no parent or guardian.
- Eliminates the need to file a petition for a minor age 14 to 17 who is voluntarily participating in inpatient treatment for mental illness. A petition would still have to be filed if the minor refused to join in the application; if the parent with legal custody or the guardian could not be found; or if there were no parent with legal custody or guardian. A petition would also still be required if the minor wanted treatment but the parent refused.
- Eliminates the petition requirement at the time that a short-term admission of 12 days expires, if the admission was voluntary on the part of the minor and the parent.
- Eliminates the provision that allows for no more than one short-term (up to 12 days) voluntary admission of a minor every 120 days.

Creates subsection and paragraph titles within s. 51.13, Stats., to provide guidance to the reader regarding the subject matter of the subsections and paragraphs, and eliminates some redundant language in s. 51.13, Stats.

Assembly Bill 436 will:

- Requires the members appointed to a single- or multicounty community programs board to include each of the following:

- A person who has received services for mental illness, developmental disability, alcoholism, or drug dependence.
 - A family member of a person who has received services for mental illness, developmental disability, alcoholism, or drug dependence.
 - A law enforcement officer.
 - A hospital employee or representative.
- Increases the maximum number of members for a single-county department to 17. The number of members for a multicounty department is increased to 13, with three additional members for each county in the multicounty department in excess of two.

The Speaker's Task Force on Mental Health then reviewed the Legislative Council special committee and recommended legislation. Six of the ten representatives on this committee were part of this task force and can attest to how thoroughly we vetted the Chapter 51 Legislative Council bills. I ask for your support today to further this important legislation.

Thank you for your time and to the office of Senator Lazich for her work on this issue. I'm happy to answer any questions.