



WAUPACA COUNTY HEALTH AND HUMAN SERVICES

3 - PARTY PETITION for CIVIL COMMITMENT

What is a Civil Commitment?

Civil commitment refers to the court process which can be utilized to require individuals to undergo treatment for a mental illness, either on an inpatient or outpatient basis. Treatment is often most successful if the individual engages on a voluntary basis and has a voice in his or her treatment. However, often individuals with serious mental health illness are unaware of their symptoms or do not have insight into their illness and therefore are unable to recognize the need for treatment. The Civil Commitment aims to ensure mental health services are provided to the individual when they are unable or unwilling to seek services voluntarily and to protect the individual and others from harm due to the mental illness.

If a person is attempting or threatening to harm themselves, or the person is acting in a seriously violent manner or making threats that place a person in reasonable fear for their safety, please contact your local law enforcement immediately and share with them that you have a mental health emergency. The Waupaca County Sheriff Department can be contacted at (715) 258-4466.

Legal Standards for Civil Commitment

In order for the civil commitment process to begin there are certain legal standards that must be met as defined in Wisconsin Statutes Chapter 51. The individual must be:

- 1) mentally ill, developmentally disabled, or drug dependent **AND**
- 2) a proper subject for treatment **AND**
- 3) dangerous because he or she does any of the following:
 - *danger to self* due to recent attempts or threats of suicide or serious bodily harm
 - *danger to others* as shown by recent homicidal or other violent behavior, or by placing others in reasonable fear of violent behavior and serious physical harm due to a recent overt act, attempt, or threat.
 - *impaired judgment* as shown by a pattern of recent acts or omissions such that there is a substantial probability of physical impairment or injury to self.
 - *inability to meet basic needs for food, shelter, medical care, or safety* such that without prompt and adequate treatment, there is a substantial probability 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.

How to Begin the 3 Party Petition Process

To begin the 3 Party Petition Process call (715) 258 - 6300 and request to speak with a Crisis Worker to discuss your request for a 3 party petition. Please be prepared to fully discuss your request with the Crisis Worker, giving complete details on the person who would be the subject of the petition as well as the immediate situation that has led to your request. You will be asked several questions that may include:

- What mental health treatment, including medication and counseling, has been offered to this person on a voluntary basis?
- What is the person's mental health history?
- What has the person been doing/not doing in the last week?
- What other resources have been accessed for assistance?
- What approaches have been attempted by others to get the individual to voluntarily engage in treatment?
- What dangerous actions or threats has the individual taken or made that would lead one to believe that this person would most likely follow through with acts of self harm or harm to others? This may include acts of omission where the person is not meeting their basic needs of daily living.

In a three-party petition, all three petitioners must be adults, and at least one petitioner must have first-hand knowledge of the individual, meaning she/he was present to observe the individual's behavior and/or hear their statements . All three petitioners must be available and willing to testify in person at both the probable cause and final hearings. *The steps for a 3 party petition are as follows:*

1. Prepare three(3) statements (can be hand written or typed) from three individuals that detail what the immediate situation is regarding the person. The above questions can assist you in preparing your statements. Please address these statements to "Dear Honorable Judge."
2. Have these statements witnessed and signed in front of a Notary Public.
3. Provide contact information of the 3 petitioners and any immediate family members that would need to be notified in the event of an involuntary civil commitment.
4. Submit statements to the Crisis Worker at Waupaca County Health and Human Services you have been in contact with.
5. If statements meet the legal standards, the crisis worker will submit the statements to the Waupaca County Corporation Counsel's Office.
6. The Corporation Counsel's office presents the petition to a circuit court judge for review. If the judge believes that there are sufficient grounds alleged in the petition, they will issue an order of detention (involuntary placement to an inpatient psychiatric facility.)
7. The individual will then be located and picked up by law enforcement to be taken to the nearest emergency room for medical clearance before being taken to an available inpatient psychiatric facility. *All efforts are made to place persons in facilities within their insurance plans when open beds are available. Please keep in mind that the individual will be responsible to pay any amount not paid by insurance.*
8. Upon admission to the inpatient psychiatric facility, the facility has 72 hours to assess the individual to determine if the individual meets the statutory requirements and need for involuntary treatment. All efforts will be made to offer the individual treatment on a voluntary basis. The assessing psychiatrist has the option of discharging the individual from the inpatient psychiatric facility if they find that the individual does not meet the statutory requirements.
9. If the treating psychiatrist at the facility does determine the individual is a proper subject for involuntary treatment, a probable cause hearing will be arranged at the Waupaca County Courthouse. You will be notified of this hearing as you may be called on to testify. The psychiatrist will also most likely testify. Furthermore, since Wisconsin is a least restrictive state, the individual will be offered an option of signing an agreement that they will follow treatment conditions for a period of 90 days, often referred to as a settlement agreement.
10. If the individual does not agree to the settlement agreement, the Judge will decide if probable cause has been met. In which case, the individual will return to the inpatient psychiatric facility and a final hearing will be arranged. The final hearing must be held within 14 days of the original detention. The individual will be assessed by two independent evaluators. If probable cause is not found, the matter will be dismissed and the individual is allowed to return home.
11. A final hearing will be held, depending on the two independent evaluator's reports, the individual will be committed to the care of Waupaca County Department of Health and Human Services for a duration of 6 months. During this time supportive services and monitoring will be provided. Based on the individual's needs, they may return to the inpatient setting for longer amount of time or will be discharged home or to community based facility for further stabilization and support.

If you have any questions regarding the commitment process please contact Waupaca County Health and Human Services and request to speak with a crisis worker at (715) 258 - 6300.