



WISCONSIN LEGISLATIVE COUNCIL
REPORT TO THE LEGISLATURE

SPECIAL COMMITTEE ON
RECODIFICATION OF CH. 55, STATS.,
PLACEMENT AND SERVICES FOR
PERSONS WITH DISABILITIES

*[2005 ASSEMBLY BILL 539 AND
2005 ASSEMBLY BILL 540]*

September 26, 2005

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Special Committee on Recodification of Ch. 55, Placement and Services for Persons With Disabilities

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PART I

KEY PROVISIONS OF COMMITTEE RECOMMENDATIONS

The Special Committee on Recodification of Ch. 55, Placement and Services for Persons With Disabilities recommended the following proposals which the Joint Legislative Council approved for introduction in the 2005-06 Session of the Legislature. It should be noted that two other drafts (WLC: 0220/2, relating to reorganizing and revising ch. 55 of the statutes and WLC: 0254/1, relating to venue, residency, and county of responsibility for certain proceedings under chs. 51, 55, and 880) recommended by the Special Committee were also introduced by the Joint Legislative Council and are currently awaiting assignment of bill numbers. A separate Report to the Legislature will be prepared for these bills.

2005 Assembly Bill 539, Relating to Adult Protective Services

2005 Assembly Bill 539 makes several revisions to the statutes governing the system of protection of adults at risk of abuse, neglect, and financial exploitation. The bill includes the following provisions:

- Creates new definitions of abuse (physical, sexual, and emotional), financial exploitation, neglect, and self-neglect. These new definitions are designed to achieve logical coherence and consistency within the statutes governing adults at risk.
- Provides for limited required reporting of serious cases of suspected abuse, neglect, or financial exploitation.
- Assures immunity to any individual who either reports suspected abuse or participates in the investigation of such a report.
- Permits all counties to investigate reports of suspected abuse, neglect, and financial exploitation. Currently, only Milwaukee County has this authority.
- Clarifies which agency must investigate allegations involving DHFS-regulated entities.
- Allows explicit exchange of investigative information and reports of investigative findings with other agencies.

2005 Assembly Bill 540, Relating to Consent by a Legal Representative for Participation in Medical Assistance Waiver

2005 Assembly Bill 540 clarifies the term “legal representative” for purposes of the Medical Assistance (MA) waiver programs and clarifies the procedure to determine whether a protectively placed person will participate in the program.

PART II

COMMITTEE ACTIVITY

Assignment

The Joint Legislative Council established the Special Committee on Recodification of Ch. 55, Placement and Services for Persons With Disabilities and appointed the co-chairs by a May 22, 2002 mail ballot. The committee was directed to conduct a recodification of ch. 55, Stats. The recodification included a review of court decisions interpreting various provisions of the chapter and several cases that found provisions of the chapter to be unconstitutional. The committee also examined different interpretations of ch. 55, Stats., that have arisen over time and determined which practices should be applied statewide. Finally, the Special Committee examined areas of ch. 55 that are unclear or vague and considered how best to clarify those provisions.

Membership of the Special Committee, appointed by a July 15, 2002 mail ballot, consisted of one Senator, three Representatives and 10 public members. A list of committee members is included as *Appendix 3* to this report.

Summary of Meetings

The Special Committee held 11 meetings. The first meeting was held in the State Capitol in Madison; subsequent meetings were held at the offices of the Legislative Council staff. The meetings of the committee were held on the following dates:

August 22, 2002	May 19, 2003
September 26, 2002	June 16, 2003
October 30, 2002	July 24, 2003
December 9, 2002	September 22, 2003
January 31, 2003	December 5, 2003
April 4, 2003	

August 22, 2002: At the first meeting, the committee heard testimony from several people familiar with the issues regarding the recodification of ch. 55. Linda Dawson, Deputy Legal Counsel of DHFS, described the changes recommended to ch. 55 by the DHFS' Adult Protective Services Modernization Project. Lynn Breedlove, Executive Director of the Wisconsin Coalition for Advocacy, described the work of the Wisconsin Council on Long Term Care's ADA Title II Advisory Committee, and its recommendations for ch. 55 revisions. Jim Jaeger, an attorney in private practice in Madison, described the State Bar of Wisconsin's project on ch. 880 revisions, relating to guardianship, and how those revisions relate to the work of the committee.

The committee also heard testimony from the Wisconsin Counties Association representatives, Craig Thompson and Attorney Andy Phillips. They provided the Counties Association's perspective on recent Supreme Court cases relating to ch. 55. Finally, Roy Froemming, a Madison attorney with extensive experience with ch. 55, offered recommendations for improvements to ch. 55.

September 26, 2002: At this meeting, the committee began review of Memo No. 2, *Preliminary Outline of Issues Relating to the Recodification of Ch. 55, Stats.*, and gave preliminary drafting instructions for:

- Revising and updating terminology in the Declaration of Policy in ch. 55.
- Clarifying the county and state roles in the protective services system.

- Ensuring consistency between procedures in chs. 55 and 880, relating to guardianship, that relate to payment of fees, duties of the guardian ad litem, and the availability of, and payment for, independent evaluations of a subject of a protective placement petition.
- Codifying certain decisions of the Wisconsin Supreme Court and Court of Appeals.
- Creating a subcommittee to develop draft language that would address issues relating to certain short-term admissions to nursing homes while awaiting a protective placement proceeding.

October 30, 2002: On October 30, the committee continued its review of items in Memo No. 2, *Preliminary Outline of Issues Relating to the Recodification of Ch. 55, Stats.*, which sets forth suggestions for various changes to ch. 55. Based on that discussion, the committee directed staff to prepare a draft relating to annual reviews of protective placements (“Watts” reviews) and a draft relating to transfers of protectively placed persons. The committee then reviewed 18 drafts which had been prepared by staff. The committee made recommendations for changes to several of the drafts, requested further information regarding some of the drafts, and approved the remaining drafts by unanimous consent. The committee also established a working group on issues related to psychotropic medications and asked the group to develop recommendations for consideration by the full committee.

December 9, 2002: At this meeting, the committee reviewed 11 drafts relating to procedures for protective placement and services, statutory definitions, duties of guardians ad litem and annual reviews of protective placement. The committee also received and discussed the report of the Working Group, which met on December 3rd to discuss issues relating to mental health treatment of persons under guardianship. The Working Group advised creating new procedures for admitting persons under guardianship to psychiatric hospitals and administering psychotropic medications to persons under guardianship. The committee directed staff to prepare a draft based on the Working Group’s recommendations. The committee concluded its meeting by reviewing statutory changes to the adult protective services system proposed by DHFS, and asked staff to prepare a draft based on the proposal for its consideration.

January 31, 2003: The committee reviewed redrafted versions of several bill drafts covering the following topics:

- Payment of costs and fees in ch. 55 proceedings.
- Procedures for ordering protective services and emergency protective services.
- Specifying a guardian ad litem’s duties in ch. 55 proceedings.
- Procedures for annual reviews of protective placements (“Watts” reviews).
- Procedures for the transfer, modification, and termination of protective placement.

The committee also reviewed issues arising out of the Wisconsin Supreme Court decision on the county shield law: *Dunn County v. Judy K.* Finally, the committee reviewed new bill drafts prepared on voluntary and involuntary psychiatric admissions and voluntary and involuntary administration of medication under ch. 55.

April 4, 2003: The committee approved drafts relating to annual reviews of protective placements (“Watts” reviews); voluntary admissions to treatment facilities and voluntary administration of psychotropic medication to persons who have been adjudicated incompetent; and changing the term “chronic mental illness” to “serious and persistent mental illness.” The committee requested redrafts of proposals relating to modification, termination, and transfer of protectively placed individuals, and involuntary admission to treatment facilities and involuntary administration of psychotropic medication to persons who have been adjudicated incompetent. Drafts relating to adult protective services, and health care agents in ch. 55 proceedings, were distributed, but action was

deferred on these drafts until the next meeting to give committee members the opportunity to review the drafts.

Finally, the court discussed the Wisconsin Supreme Court's recent decision in *Dunn County v. Judy K.*, and decided to take no action regarding the issues raised by the *Judy K.* decision.

May 19, 2003: The committee heard a presentation by Irene Anderson, Bureau of Long Term Care Resources, DHFS, regarding the MA home and community-based services waiver and issues relating to a recipient's freedom of choice for services funded under the waiver. The committee also reviewed and requested changes to bill drafts relating to the following topics: annual reviews of protective placements, transfers, modifications and terminations of protective placements, involuntary administration of psychotropic and other medications, adult protective services, and vulnerable adult restraining orders. The co-chairs assigned a working group to meet to discuss several issues regarding involuntary administration of psychotropic and other medications and to report back to the full committee at its next meeting.

The committee also approved a letter to be sent to the Wisconsin Supreme Court expressing support for a petition before the Court that would require an attorney to receive specialized training in order to act as a guardian ad litem for an adult.

June 16, 2003: The committee reviewed bill drafts pertaining to protective placement procedures; annual reviews of protective placements; the involvement of certain health care agents in those proceedings; statutory changes to the adult protective services system; changes to the law governing vulnerable adult restraining orders; and authorizing a guardian to consent to the involuntary administration of psychotropic medication to a ward. The committee also discussed the provision of public defenders to indigent persons in ch. 55 proceedings and is awaiting a proposal from the state public defenders office on that topic.

July 24, 2003: The committee reviewed bill drafts relating to involvement of certain health care agents in protective placement proceedings; procedures for annual reviews of protective placements; procedures for transfers of protectively placed persons and modification and termination of protective placements and court-ordered protective services; changes to the adult protective services laws; public defender representation in cases involving persons subject to petitions for protective placements or services under ch. 55; consent by a legal representative for participation in the community integration program for residents of state centers; venue, residency, and county of responsibility for certain proceedings under chs. 51, 55, and 880; authorizing a guardian to consent to involuntary administration of psychotropic medication; ordering involuntary administration of psychotropic medication as a protective service; and authority of a guardian to consent to involuntary administration of other medications and involuntary medical treatment.

The committee gave approval to several of these bill drafts, and requested staff to redraft others to reflect changes requested by committee members.

September 22, 2003: The Special Committee heard a presentation from three speakers from DHFS: Mike Peters, Gerard Gierl, and Vaughn Brandt. They discussed issues relating to residency determination of persons in chs. 55, 51, and 880 proceedings.

The committee approved bill drafts relating to the following:

- Venue, residency, and county of responsibility for certain proceedings under chs. 51, 55, and 880; involvement of certain health care agents in protective placement proceedings; annual reviews of protective placements; authorizing a guardian to consent to involuntary administration of psychotropic medication; ordering involuntary administration of psychotropic medication as a protective service; and authority of a guardian to consent to involuntary administration of other medications and involuntary medical treatment; transfers of protectively placed persons and modification and termination of protective placements and court-ordered protective services; adult protective services; annual review of an order authorizing involuntary administration of psychotropic

medication; and public defender representation in cases involving person subject to petitions for protective placement or services under ch. 55.

The committee also approved an amendment to the adult protective services draft to address concerns relating to required reporting of suspected abuse of adults-at-risk.

December 5, 2003: The committee reviewed two bill drafts and made minor changes to each draft. The committee agreed that drafts would be sent out to committee members for a final vote via a mail ballot.

The first draft, WLC: 0220/1, combines all of the bill drafts approved by the Special Committee that affect provisions in ch. 55 of the statutes and related provisions in other chapters.

The second draft, WLC: 0143/7, relates to the system for protection of adults at risk of abuse, neglect and financial exploitation.

It was later determined by the co-chairs that certain provisions in WLC: 0220/1 should be removed and placed in a third and fourth draft.

The third draft, WLC: 0253/1, relates to consent by a legal representative for participation in MA waiver programs.

The fourth draft, WLC: 0254/1, relates to establishing venue, residency, and the county of financial responsibility in proceedings under chs. 51, 55, and 880.

PART III

RECOMMENDATIONS INTRODUCED BY THE JOINT LEGISLATIVE COUNCIL

This part of the report provides background information on, and a description of, the drafts as recommended by the Special Committee on Recodification of Ch. 55, Placement and Services for Persons With Disabilities.

2005 Assembly Bill 539, Relating to Adult Protective Services

Background

Wisconsin's elder abuse law, s. 46.90, Stats., establishes a system in each county for the reporting and investigation of suspected elder abuse, neglect, or material abuse, and the provision of services to elder persons who are being abused or neglected or experiencing material abuse. An "elder person" is defined in s. 46.90 (1) (c), Stats., as a person who is age 60 or older or who is subject to the infirmities of aging. The elder abuse reporting and services system set forth in s. 46.90, Stats., addresses creating public awareness of elder abuse, who is responsible for receiving and responding to reports of suspected abuse and neglect, how services are provided once abuse or neglect is documented, and how information is exchanged among providers of services. There are currently no such statutory protections in place, however, for adults under age 60 who are at risk of experiencing abuse, neglect, and material abuse due to a condition such as developmental disability, chronic mental illness, degenerative brain disorder, or other like incapacity.

Vulnerable adults who are under the age of 60 may also be victims of abuse, neglect, or misappropriation of property. However, under current law, Milwaukee County is the only county with explicit authority to investigate suspected abuse, neglect, or misappropriation of property of a vulnerable adult under the age of 60, to determine if there is a need for protective services. A "vulnerable adult" is defined in s. 940.285 (1) (e) as any person 18 years of age or older who either is a developmentally disabled person or has infirmities of aging, mental illness, or other like incapacities and who is either: (1) substantially mentally incapable of providing for his or her needs for food, shelter, clothing, or personal or health care; or (2) unable to report cruel maltreatment without assistance.

The current statutory definitions of abuse, misappropriation of property, neglect, and self-neglect, when these conditions are experienced by elder or vulnerable adults, are inconsistent. For example, the term "material abuse" is used in s. 46.90, Stats., when referring to the misuse of an elder person's property or financial resources. In ch. 55, however, the term "misappropriation of property" is used to refer to misuse of an elder person's property or financial resources.

The statutes governing the release of elder abuse investigation findings to tribal agencies or out-of-state agencies involved in the elder abuse system are also inconsistent. Although these investigation findings may be shared among many different types of agencies, tribal agencies and relevant out-of-state agencies are not included in these provisions. Further, the statutes contain gaps regarding what types of information may be shared, and with whom it may be shared. These gaps and inconsistencies can impede the effective investigation of abuse reports and provision of needed services.

Wisconsin law currently requires the reporting of suspected child abuse and neglect. However, there is no similar requirement for reporting the abuse of elder or vulnerable adults, even in the most egregious cases of suspected abuse or neglect where the elder or vulnerable adult's life may be in danger.

Once a report of suspected abuse, neglect, or material abuse of an elder or vulnerable adult is made, the county agency must investigate the report and, if it is found that the person is being abused

or neglected, services must be offered to the individual. The individual has the option of refusing to accept the services. The services must be offered in the least restrictive manner necessary to achieve the objective of protecting the individual.

Description

Definitions and Scope

The bill revises definitions of several terms in current law, including the terms abuse, neglect, and self-neglect. The term “material abuse” is redefined as “financial exploitation” and made more precise with regard to what constitutes financial exploitation. Some new definitions are created, including “emotional abuse,” “state official” (to whom reports of suspected abuse or neglect may also be made), and “investigative agency.” The bill also deletes reference to the term “elder person.” Under current law, an “elder person” who could receive services under the “elder abuse system” was defined as a person who is age 60 or older or subject to the infirmities of aging. The bill instead refers to an “elder adult-at-risk,” who is defined as “a person age 60 or older who has experienced, is currently experiencing, or is at risk of experiencing abuse, neglect, or financial exploitation.”

The bill authorizes all counties to assist persons under age 60 who are at risk of experiencing abuse, neglect, or financial exploitation (currently, only Milwaukee County has this authority). These persons, who are at risk due to a physical or mental condition, are defined as “adults-at-risk” in ch. 55. An “adult-at-risk” is defined as “any adult who has a physical or mental condition that substantially impairs his or her ability to care for his or her needs who has experienced, is currently experiencing, or is at risk of experiencing abuse, neglect, or financial exploitation.” In addition, the bill creates parallel provisions in ch. 55 to the elder abuse system in ch. 46 to permit abuse investigations and follow-up services to be provided on behalf of these adults-at-risk.

Reports

Wisconsin’s elder abuse system is based on voluntary reporting of suspected abuse, neglect, and material abuse. This bill retains that voluntary system of reporting for the majority of situations of suspected abuse or neglect. However, the bill creates a provision requiring certain categories of persons to file reports in situations where the elder person is facing a serious risk of harm or even death.

Under the bill, the following persons must file a report of suspected abuse or neglect if there is reasonable cause to believe that the elder adult-at-risk or adult-at-risk is at imminent risk of serious bodily harm, death, or significant property loss, and is unable to make an informed judgment about whether to report the risk; or other adults-at-risk, are at risk of serious bodily harm, death, sexual assault, or significant property loss inflicted by the suspected perpetrator:

- An employee of any entity that is licensed, certified, or approved by, or registered with DHFS.
- An employee of a financial institution.
- A health care provider.
- A social worker, professional counselor, or marriage and family therapist.

These persons are not required to file a report, however, if the person believes that filing the report would not be in the best interest of the elder adult-at-risk or adult-at-risk. If the person believes this, the person must document the reasons for this belief in the case file of the person who is the suspected victim. There is a penalty for not complying with this requirement, which is a fine of not more than \$500, imprisonment not more than six months, or both.

Protections for Reporters

The bill applies the immunity protections in current law to the new category of required reporters created in the bill. Therefore, a person required to file a report under the bill may not be discharged or retaliated against for doing so. The person found guilty of retaliating against a reporter is subject to a fine of not more than \$1,000, imprisonment not more than six months, or both. In addition, a person is immune from civil or criminal liability for filing a report.

The bill also increases the penalties for retaliating against a reporter, by increasing the maximum fine to \$10,000. In addition, the bill creates a rebuttable presumption that any discharge of a person or act of retaliation or discrimination that is taken against a person who makes a report, within 120 days after the report is made, establishes a rebuttable presumption that the discharge or act is retaliatory.

Investigation

The bill creates new provisions regarding referral of an investigation to another agency, if the county department, or agency under contract with the county department, determines that there are circumstances that would prevent conducting an independent investigation. In that case, the bill permits the DHFS or another county department to conduct the investigation. In addition, additional investigative tools are provided to investigative agencies, including the ability to interview the elder adult-at-risk or adult-at-risk, with or without the consent of the person's guardian; an interview of the guardian; transporting the person for a medical examination; and a review of the financial records of an elder adult-at-risk or adult-at-risk in cases of suspected financial exploitation. The bill also provides immunity from civil or criminal liability or a finding of unprofessional conduct if any element of an investigation was performed in good faith and under lawful authority.

Offer of Services

Currently, a county agency or investigating agency must determine whether the person who is the subject of the alleged abuse or neglect is in need of services. If the department so determines, the agency must provide the necessary direct services to the person, within the limits of available funds. The bill provides more specificity with regard to what types of services and responses may be made by an agency if a person is found to be the subject of abuse or neglect or financial exploitation. These responses include:

- Requesting immediate assistance in either initiating a protective services action or contacting law enforcement or another public agency as appropriate.
- Taking appropriate emergency action, including emergency protective placement under s. 55.06, if the elder adult-at-risk agency determines that the emergency action is in the elder adult-at-risk's best interests and the emergency action is the least restrictive appropriate intervention.
- Referring the case to local law enforcement officials under sub. (3) (a) for further investigation or to the district attorney, if the elder adult-at-risk agency has reason to believe that a crime has been committed.
- Referring the case to the licensing or certification authorities of the department or to other regulatory bodies if the residence, facility, or program for the elder adult-at-risk is or should be licensed or certified or is otherwise regulated.
- Referring the case to the Department of Regulation and Licensing if the abuse, financial exploitation, neglect or self-neglect involves an individual who is required to hold a credential under chs. 440 to 460.
- Bringing or referring for a petition for a guardianship and protective services or placement if necessary to prevent abuse, financial exploitation, neglect or self-neglect and if the elder adult-at-risk

would otherwise be at risk of serious harm because of an inability to arrange for necessary food, clothing, shelter, or services, or a review of an existing guardianship.

Confidentiality of Reports and Records

Current law provides for release of reports relating to investigations of suspected abuse, neglect, and material abuse.

The bill creates a distinction between records and reports prepared pursuant to investigations of abuse, neglect and financial exploitation. "Record" is defined as including any document relating to the response, investigation, assessment, and disposition of a report. "Report" is defined as including documentation of an agency's response to a report and the investigation of reported suspected abuse, financial exploitation, neglect, or self-neglect that provides a summary of the case, including the report form submitted to the state with all client identifying information removed.

Reports may be released under the same circumstances as they may be released under current law, with two additions: to a federal, state, or local government agency of this state or any other state that has a need for a report or record in order to carry out its responsibility to protect elder adults-at-risk or adults-at-risk from abuse, neglect, self-neglect, or financial exploitation; or to a reporter who made the report in his or her professional capacity, regarding action to be taken to protect or provide services to the alleged victim of abuse, neglect, financial exploitation, or self-neglect. The bill also provides the agency with the ability to not release reports in certain cases, such as when the agency determines the release might be contrary to the interests of the victim or might cause harm to the victim, or the release might jeopardize an ongoing criminal or civil investigation.

Under the bill, records may be released to the following instances:

- The elder adult-at-risk or adult-at-risk who is the victim named in the record.
- The legal guardian, conservator, or other legal representative of the elder adult-at-risk or adult-at-risk who is the victim named in the record, provided that the legal guardian, conservator, or other legal representative of the victim is not the alleged perpetrator of the abuse, financial exploitation, or neglect.
- Law enforcement officials and agencies or a district attorney, for purposes of investigation or prosecution.
- The DHFS, under s. 51.03 (2); a sheriff, police department, or district attorney for death investigations under s. 51.64 (2) (a); or to the department for death investigations under s. 50.04 (2t) or 50.035 (5).
- An employee of a county department that is providing services to the elder adult-at-risk or adult-at-risk who is the victim named in the record, or to the alleged perpetrator of abuse, to determine whether the victim should be transferred to a less restrictive or more appropriate treatment modality or facility.
- A court, tribal court, or administrative agency for a proceeding relating to the licensure or regulation of an individual or entity regulated or licensed by the department, that was an alleged perpetrator of abuse, financial exploitation, or neglect and the Board on Aging and Long Term Care.
- The department, for management, audit, program monitoring, evaluation, billing, or collection purposes.
- The attorney or guardian ad litem for the elder adult-at-risk or adult-at-risk who is the victim named in the record, to assist in preparing for any proceeding under ch. 48, 51, 55, 880, 971, or 975 pertaining to the victim.

- A coroner, medical examiner, pathologist, or other physician investigating the cause of death of an elder adult-at-risk or adult-at-risk that is unexplained or unusual or is associated with unexplained or suspicious circumstances.

- Staff members of the protection and advocacy agency designated under s. 51.62, for purposes of protecting and advocating for the rights of persons with developmental disabilities and mental illness.

- An agency, including a probation or parole agency, that is legally responsible for the supervision of an alleged perpetrator of abuse, neglect, or exploitation of an elder adult-at-risk or adult-at-risk.

- A grand jury, if it determines that access to specified records is necessary for the conduct of its official business.

- A judge, tribal court, or administrative agency conducting proceedings under s. 968.26.

- Pursuant to a lawful order of a court of record.

Revisions to Vulnerable Adult Restraining Order Statutes

Current law provides for a restraining order for a vulnerable adult who is either a developmentally disabled person or has infirmities of aging, mental illness, or other like incapacities and who is: (1) substantially mentally incapable of providing for his or her needs for food, shelter, clothing, or personal or health care; or (2) unable to report cruel maltreatment without assistance.

The bill revises the definitions and terminology in the vulnerable adult restraining order statute to make them conform to the revised definitions created for the adult-at-risk service system. For example, the term “vulnerable adult” is deleted and replaced with the term “adult-at-risk.” The bill makes other changes in the restraining order provisions, such as allowing a petition for a restraining order to go forward when an adult-at-risk objects; providing for the imposition of greater restrictions on the respondent through the temporary restraining order and injunction than is provided under current law; providing for granting an injunction if a respondent has interfered with an investigation into the abuse of, or delivery of services to, an adult-at-risk; permitting an injunction to be in effect for not more than four years, rather than two years under current law; and requiring arrest and taking a person into custody if a petitioner presents the law enforcement officer with a copy of a temporary restraining order or an injunction, or the law enforcement officer determines that such an order exists through communication with appropriate authorities, and the law enforcement officer has probable cause to believe that the person has violated the temporary restraining order or the injunction.

2005 Assembly Bill 540, Relating to Consent by a Legal Representative for Participation in Medical Assistance Waiver

Background

Current law creates the following MA waiver programs: s. 46.27 (11), the long-term support community options waiver program; s. 46.275, the community integration program for residents of state centers for the developmentally disabled, also known as the “CIP IA” program; s. 46.277, the community integration program for persons relocated or meeting reimbursable levels of care; and s. 46.278, the community integration program and brain injury waiver program for persons with developmental disabilities, also known as the “CIP IB” program. The DHFS is required, pursuant to 42 C.F.R. s. 441.302 (d), in its waiver application to the federal department of health and human services, to provide assurances that persons served under these waiver programs are given the choice of either institutional or community-based services. If the individual cannot make that choice, it must be made by the person’s legal representative. The legal representative is designated in accordance with the laws of the state that is granted the waiver.

Under current law, a guardian must be appointed for an individual who is protectively placed. Although the guardian has authority to make many legal decisions on behalf of the ward, under Wisconsin law the guardian may not make a decision to permanently place a ward in a state center for the developmentally disabled. Under s. 55.06 (9) (a), the circuit court that conducts the hearing on the protective placement decision must make the determination regarding where the ward is placed.

Currently, one of the waiver statutes, s. 46.275 (4) (b) 1., provides that consent for participation in the CIP IA program must be given by the person or the person's guardian, if the person is age 18 or over. That statute also provides, however, that this provision does not limit the authority of the circuit court to order a placement under s. 55.06.

Description

This bill clarifies that, pursuant to 42 C.F.R. s. 441.302 (d), the person or his or her legal representative must be informed of the alternatives available under the waiver and given a choice whether to participate in the waiver program. For persons over age 18, the legal representative may be the person, the person's guardian or activated power of attorney for health care, or a court. For persons under age 18, the legal representative may be the person's parent, guardian, legal custodian, or a court. If the person is under guardianship and protective placement but the guardian does not consent to participation, the determination to participate is made under ss. 55.07 to 55.12 by the court that ordered protective placement.

Committee and Joint Legislative Council Votes

This Appendix identifies the votes by the Special Committee on Recodification of Ch. 55, Placement and Services for Persons With Disabilities to the Joint Legislative Council on the proposals that were approved by the Special Committee for recommendation to the Joint Legislative Council for introduction in the 2005-06 Session of the Legislature.

Special Committee Votes

The following drafts were recommended by the Special Committee on Recodification of Ch. 55, Placement and Services for Persons With Disabilities to the Joint Legislative Council for introduction in the 2005-06 Session of the Legislature:

- WLC: 0220/2, relating to reorganizing and revising ch. 55 of the statutes, was recommended by a vote of Ayes, 9 (Senators Wirch and Hansen; Representatives Jeskewitz and Miller; and Public Members Abramson, Greenley, Huelsman, Seltzer, and Thornton); and Noes, 4 (Public Members Barthen, Blackburn, Cox, and Underwood).
- WLC: 0143/7, relating to adult protective services, was recommended by a vote of Ayes, 8 (Senators Wirch and Hansen; Representatives Jeskewitz and Miller; and Public Members Abramson, Greenley, Huelsman, and Seltzer); and Noes, 5 (Public Members Barthen, Blackburn, Cox, Thornton, and Underwood).
- WLC: 0253/1, relating to consent by a legal representative for participation in medical assistance waiver, was recommended by a vote of Ayes, 9 (Senators Wirch and Hansen; Representatives Jeskewitz and Miller; and Public Members Abramson, Greenley, Huelsman, Seltzer, and Thornton); and Noes, 4 (Public Members Barthen, Blackburn, Cox, and Underwood).
- WLC: 0254/1, relating to relating to venue, residency, and county of responsibility for certain proceedings under chs. 51, 55, and 880, was recommended by a vote of Ayes, 9 (Senators Wirch and Hansen; Representatives Jeskewitz and Miller; and Public Members Abramson, Barthen, Greenley, Huelsman, and Seltzer); and Noes, 4 (Public Members Blackburn, Cox, Thornton, and Underwood).

Joint Legislative Council Votes

At its March 9, 2005 meeting, the Joint Legislative Council voted as follows on the recommendations of the Special Committee:

- WLC: 0220/2, relating to reorganizing and revising ch. 55 of the statutes. The motion to introduce was adopted by a vote of *Ayes, 18 (Reps. Wieckert, Ainsworth, Freese, Gard, Huebsch, Kaufert, Nischke, Pocan and Schneider; and Sens. Lasee, Brown, Decker, Kapanke, Miller, Risser, Robson, Schultz and Zien); Noes, 1 (Sen. Grothman); and Excused, 3 (Reps. Kreuser and Travis; and Sen. Fitzgerald).*
- WLC: 0143/7, relating to adult protective services. The motion to introduce was adopted by a vote of *Ayes, 18 (Reps. Wieckert, Ainsworth, Freese, Gard, Huebsch, Kaufert, Nischke, Pocan and Schneider; and Sens. Lasee, Brown, Decker, Kapanke, Miller, Risser, Robson, Schultz and Zien); Noes, 1 (Sen. Grothman); and Excused, 3 (Reps. Kreuser and Travis; and Sen. Fitzgerald).* [Subsequently introduced as 2005 Assembly Bill 539.]
- WLC: 0253/1, relating to consent of a legal representative for participation in Medical Assistance waiver programs. The motion to introduce was adopted by a vote of *Ayes, 18*

(Reps. Wieckert, Ainsworth, Freese, Gard, Huebsch, Kaufert, Nischke, Pocan and Schneider; and Sens. Lasee, Brown, Decker, Kapanke, Miller, Risser, Robson, Schultz and Zien); Noes, 1 (Sen. Grothman); and Excused, 3 (Reps. Kreuser and Travis; and Sen. Fitzgerald). [Subsequently introduced as 2005 Assembly Bill 540.]

- **WLC: 0254/1**, relating to venue, residency, and county of responsibility for certain proceedings under chs. 51, 55, and 880. The motion to introduce was adopted by a vote of *Ayes, 18 (Reps. Wieckert, Ainsworth, Freese, Gard, Huebsch, Kaufert, Nischke, Pocan and Schneider; and Sens. Lasee, Brown, Decker, Kapanke, Miller, Risser, Robson, Schultz and Zien); Noes, 1 (Sen. Grothman); and Excused, 3 (Reps. Kreuser and Travis; and Sen. Fitzgerald).*

[Sen. Fitzgerald and Reps. Kreuser and Travis noted that had they been present, they would have voted "aye" on the four drafts.]

Appendix 2

Joint Legislative Council

[Joint Legislative Council Members Who Selected and Appointed Committee and Its Membership]

Co-Chair

ALAN LASEE

Senate President

2259 Lasee Road
De Pere, WI 54115

Co-Chair

STEVE WIECKERT

Representative

1702 S. Irma Street
Appleton, WI 54915

SENATORS

RONALD W. BROWN

1112 Violet Avenue
Eau Claire, WI 54701

MICHAEL G. ELLIS

1752 County Road GG
Neenah, WI 54956

MARY E. PANZER

Majority Leader

635 Tamarack Drive West
West Bend, WI 53095

G. SPENCER COGGS

3732 North 40th Street
Milwaukee, WI 53216

JON ERPENBACH

Minority Leader

2385 Branch St.
Middleton, WI 53562

FRED A. RISSER

5008 Risser Road
Madison, WI 53705

ALBERTA DARLING

1325 West Dean Road
River Hills, WI 53217

SHEILA HARS DORF

N6627 County Road E
River Falls, WI 54022

ROBERT WELCH

President Pro Tempore

P.O. Box 523
Redgranite, WI 54970

RUSSELL DECKER

6803 Lora Lee Lane
Schofield, WI 54476

REPRESENTATIVES

STEVEN M. FOTI

Majority Leader

351 Lisbon Road
Oconomowoc, WI 53066

JIM KREUSER

Minority Leader

3505 14th Place
Kenosha, WI 53144

DAN SCHOOFF

1955 Pebble Drive
Beloit, WI 53511

STEPHEN J. FREESE

Speaker Pro Tempore

310 East North Street
Dodgeville, WI 53533

MICHAEL LEHMAN

1317 Honeysuckle Road
Hartford, WI 53027

JOHN TOWNSEND

297 Roosevelt Street
Fond du Lac, WI 54935

JOHN GARD

Speaker

481 Aubin Street, P.O. Box 119
Peshtigo, WI 54157

MARLIN D. SCHNEIDER

3820 Southbrook Lane
Wisconsin Rapids, WI 54494

DAVID TRAVIS

5440 Willow Road
Waunakee, WI 53597

DEAN KAUFERT

1360 Alpine Lane
Neenah, WI 54956

This 22-member committee consists of the majority and minority party leadership of both houses of the Legislature, the co-chairs and ranking minority members of the Joint Committee on Finance, and 5 Senators and 5 Representatives appointed as are members of standing committees. [s. 13.81, Stats.]

Joint Legislative Council

[Current Joint Legislative Council Members Receiving Committee Report]

Co-Chair

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Senate President
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De Pere, WI 54115

Co-Chair

STEVE WIECKERT
Representative
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Appleton, WI 54914

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Eau Claire, WI 54701

DAN KAPANKE
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DALE SCHULTZ
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1716 63rd Street
Eau Claire, WI 54703

SCOTT FITZGERALD
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GLENN GROTHMAN
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West Bend, WI 53095

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Beloit, WI 53511

REPRESENTATIVES

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Shawano, WI 54166

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Neenah, WI 54956

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Peshtigo, WI 54157

ANN NISCHKE
202 W. College Avenue
Waukesha, WI 53186

MICHAEL HUEBSCH
Majority Leader
419 West Franklin
West Salem, WI 54669

MARK POCAN
309 North Baldwin St.
Madison, WI 53703

This 22-member committee consists of the majority and minority party leadership of both houses of the Legislature, the co-chairs and ranking minority members of the Joint Committee on Finance, and 5 Senators and 5 Representatives appointed as are members of standing committees. [s. 13.81, Stats.]

**Recodification of Ch. 55, Placement and Services
for Persons With Disabilities**

Senator Dave Hansen
920 Coppens Road
Green Bay, WI 54303

Representative Suzanne Jeskewitz, **Co-Chair**
N80 W15239 Hilltop Drive
Menomonee Falls, WI 53051

Representative Mark Miller
4903 Roigan Terrace
Monona, WI 53716

Senator Robert W. Wirsch, **Co-Chair**
3007 Springbrook Road
Pleasant Prairie, WI 53158

Betsy J. Abramson
Attorney, Elder Law Consultant
16 North Carroll Street, Suite 500
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Larry Barthen
Waukesha Cty. Dept. of Health & Human Services
500 Riverview Avenue
Waukesha, WI 53188-3632

Neal Blackburn
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200 West Alona Lane
Lancaster, WI 53813

Scott Cox
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800 Wilson Avenue
Menominee, WI 54751

Dianne Greenley
WI Coalition for Advocacy
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Joanne B. Huelsman*
1924 Stardust Court
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Dr. Marsha Mailick Seltzer
Waisman Center
UW-Madison
1500 Highland Avenue
Madison, WI 53705-2280

Rosemary Thornton
Milwaukee County Court Commissioner
901 North 9th Street, Room 207
Milwaukee, WI 53233

Kevin C. Underwood
669 McCarthy Drive
Hartford, WI 53027-9736

STUDY ASSIGNMENT: The Committee is directed to conduct a recodification of ch. 55, Stats. The recodification may include a review of court decisions relating to the chapter to determine whether the court decisions should be codified as is or with modifications. The Special Committee should also examine the different interpretations of ch. 55, Stats., that have arisen over time and determine which practices could be applied statewide and examine areas of ch. 55 that are unclear or vague and require clarification.

Established and Co-Chairs appointed by a May 22, 2002 mail ballot; members appointed by a July 15, 2002 mail ballot.

13 MEMBERS: 2 Senators; 2 Representatives; and 9 Public Members.

LEGISLATIVE COUNCIL STAFF: Laura Rose, Deputy Director; Mary Matthias, Senior Staff Attorney; and Rachel Veum, Support Staff.

* Formerly a Senator on the Special Committee; appointed as a Public Member by a December 18, 2002 mail ballot.

Committee Materials List

February 6, 2004 Mail Ballot

[Mail Ballot](#)

[WLC: 0220/1](#), relating to reorganizing and revising ch. 55 of the statutes

[WLC: 0143/7](#), relating to adult protective services

[Memorandum](#), *Revisions to WLC: 0143/6, Relating to Adult Protective Services*, from Laura Rose (2-6-04)

[Memorandum](#), *Proposed Language Changes Concerning A "Legal Representative,"* from Kevin D. Bailey, Attorney, Office of Legal Counsel, Department of Health and Family Services (12-23-03)

December 5, 2003 Meeting

[WLC: 0143/6](#), relating to adult protective services

[WLC: 0220/P1](#), relating to placement and services for persons with disabilities

[Letter](#), *WLC: 0212/1, Revisions to Chapter 55 Regarding Residency, Venue and County of Responsibility*, from Dyann Hafner, Assistant Corporation Counsel, Office of the Corporation Counsel (October 6, 2003)

[Letter](#), *Suggested modifications to the revisions to WLC: 0220/1 proposed by Dyann Hafner, Dane County Assistant Corporation Counsel*, from Michael A. Peters, DHFS Residency Coordinator, Office of the Administrator (December 5, 2003)

September 22, 2003 Meeting

[WLC: 0036/4](#), relating to involvement of certain health care agents in protective placement proceedings

[WLC: 0054/7](#), relating to annual reviews of protective placements

[WLC: 0125/4](#), relating to authorizing a guardian to consent to involuntary administration of psychotropic medication; ordering involuntary administration of psychotropic medication as a protective service; and authority of a guardian to consent to involuntary administration of other medications and involuntary medical treatment

[WLC: 0133/5](#), relating to transfers of protectively placed persons and modification and termination of protective placements and court-ordered protective services

[WLC: 0143/5](#), relating to adult protective services

[WLC: 0217/1](#), relating to annual review of an order authorizing involuntary administration of psychotropic medication

[Letter](#) to **Wisconsin Supreme Court** recommending adoption of SCR chapter 36 (7-30-03)

[Letter](#), from George F. Potaracke, Director and Wisconsin State Ombudsman, State of Wisconsin Board on Aging and Long Term Care (9-18-03)

[Memorandum](#), *Responses to Questions asked by Dianne Greenley as a member of the Legislative Council's Chapter 55 Study Committee*, from Mike Peters, Coordinator of Special Investigations (9-18-03)

[Handout](#), Legal Residency in Wisconsin, prepared by Michael A. Peters, Residency Coordinator, Wisconsin Department of Health and Family Services, Division of Supportive Living

[Handout](#), A Guide to Residency in Wisconsin, prepared by Michael A. Peters, Residency Coordinator, Wisconsin Department of Health and Family Services, Division of Supportive Living

[Memorandum](#), Emergency Detention Services for Non-Wisconsin Residents and Procedures for Reimbursement Authorization, from Sinikka McCabe, Administrator, Division of Supportive Living, and Laura Flood, Administrator, Division of Care and Treatment Facilities, submitted by Michael A. Peters, Residency Coordinator, Wisconsin Department of Health and Family Services, Division of Supportive Living (11-14-02)

[Excerpt](#), Section 51.22, Stats., Care and custody of persons, submitted by Michael A. Peters, Residency Coordinator, Wisconsin Department of Health and Family Services, Division of Supportive Living

[Excerpt](#), Material Taken From Emergency Detention of Non-Wisconsin Residents Memo Series Document, submitted by Michael A. Peters, Residency Coordinator, Wisconsin Department of Health and Family Services, Division of Supportive Living

[Draft Memo](#), Residency Determinations Pursuant to s. 51.40, Stats. and Administrative Determinations, from Sinikka McCabe, Administrator, Division of Disability and Elder Services, submitted by Michael A. Peters, Residency Coordinator, Wisconsin Department of Health and Family Services, Division of Supportive Living

July 24, 2003 Meeting

[WLC: 0036/3](#), relating to involvement of certain health care agents in protective placement proceedings

[WLC: 0054/6](#), relating to annual reviews of protective placements.

[WLC: 0133/4](#), relating to transfers of protectively placed persons and modification and termination of protective placements and court-ordered protective services

[WLC: 0143/4](#), relating to adult protective services

[WLC: 0206/1](#), an amendment to WLC: 0143/4 (Working Group Recommendation #1), relating to adult protective services

[WLC: 0207/1](#), an amendment to WLC: 0143/4 (Working Group Recommendation #2), relating to adult protective services

[WLC: 0208/1](#), an amendment to WLC: 0027/1, relating to certain procedural rights in a hearing for protective placement

[WLC: 0209/1](#), an amendment to WLC: 0031/4, relating to participation of an interested person in a guardianship and protective placement proceeding

[WLC: 0210/1](#), relating to public defender representation in cases involving person subject to petitions for protective placement or services under ch. 55

[WLC: 0211/1](#), relating to consent by a legal representative for participation in the community integration program for residents of state centers

[WLC: 0212/1](#), relating to venue, residency, and county of responsibility for certain proceedings under chs. 51, 55, and 880

June 16, 2003 Meeting

[WLC: 0036/2](#), relating to involvement of certain health care agents in protective placement proceedings

[WLC: 0054/5](#), relating to annual reviews of protective placements

[WLC: 0125/3](#), relating to authorizing a guardian to consent to involuntary administration of psychotropic medication; ordering involuntary administration of psychotropic medication as a protective service; and authority of a guardian to consent to involuntary administration of other medications and involuntary medical treatment

[WLC: 0133/3](#), relating to transfers of protectively placed persons and modification and termination of protective placements and court-ordered protective services

[WLC: 0143/3](#), relating to adult protective services

[WLC: 0145/2](#), relating to vulnerable adult restraining orders

[WLC: 0160/2](#), relating to requiring counties to establish a policy and requiring a register in probate to file annual statements regarding annual reviews of protective placements

[Memorandum](#), **Watts Reviews and Tribal Courts**, to Linda Dawson, Deputy Chief Legal Counsel, Department of Health and Family Services (DHFS), from Smith Carlson, Legal Counsel, DHFS (06-11-03)

[Letter](#) to Representative Mark Miller, from Helen Marks Dicks, Director, Elder Law Center (06-12-03)

[Chart](#), **Signs of Adult Abuse, Who Must Report and to Whom Must They Report?**, submitted by Helen Marks Dicks, Director, Elder Law Center (10-00)

May 19, 2003 Meeting

[WLC: 0036/2](#), relating to involvement of certain health care agents in protective placement proceedings

[WLC: 0054/4](#), relating to annual reviews of protective placement

[WLC: 0122/2](#), relating to involuntary transfers of protectively placed individuals to treatment facilities, voluntary admissions to treatment facilities, and voluntary receipt of medication by persons who are adjudicated incompetent

[WLC: 0125/2](#), relating to authorizing a guardian to consent to involuntary administration of psychotropic medication; ordering involuntary administration of psychotropic medication as a protective service; and authority of a guardian to consent to involuntary administration of other medications and involuntary medical treatment

[WLC: 0133/2](#), relating to transfers of protectively placed persons and modification and termination of protective placements and court-ordered protective services

[WLC: 0143/2](#), relating to adult protective services

[WLC: 0145/1](#), relating to vulnerable adult restraining orders

[WLC: 0160/1](#), relating to requiring counties to establish a policy regarding annual reviews of protective placements

[Letter](#) to **Wisconsin Supreme Court** recommending adoption of SCR chapter 36 (5-12-03)

[Petition](#), **In re creation of SCR Chapter 36**, related to required training for guardians ad litem of adults, from Betsy Abramson (undated)

[Packet](#), **Watts Reviews and Family Care**, from Dianne Greenley (4-15-03)

[Letter](#) from **Brown County Vulnerable Adults Interdisciplinary Team** (4-2-03)

[Handout](#), **42 CFR 441.302 - Waiver Requirements for Medical Assistance Home and Community-**

Based Services, submitted by Kevin Underwood

[Packet](#) containing documents re: "guardian" and "legal representative," submitted by Kevin Underwood

[Handout](#), **Freedom of Choice in Home and Community-Based Waiver Services**, submitted by Irene Anderson, Bureau of Aging and Long Term Care, DHFS

April 4, 2003 Meeting

[WLC: 0031/4](#), relating to specifying the procedures for ordering protective services and emergency protective services

[WLC: 0036/2](#), relating to involvement of certain health care agents in protective placement proceedings

[WLC: 0054/3](#), relating to annual reviews of protective placements

[WLC: 0122/1](#), relating to involuntary transfers of protectively placed individuals to treatment facilities, voluntary admissions to treatment facilities, and voluntary receipt of medication by persons who are adjudicated incompetent

[WLC: 0125/1](#), relating to a court order for involuntary administration of medication as a protective service

[WLC: 0133/1](#), relating to transfers of protectively placed persons and modification and termination of protective placements and court-ordered protective services

[WLC: 0140/1](#), relating to changing the term chronic mental illness to serious and persistent mental illness

[WLC: 0143/1](#), relating to adult protective services

[Memorandum](#), **Chapter 55 Placements at the Mental Health Institutes**, from Dianne Greenley (2-11-03)

[Memorandum](#), **WCA Objectives in Any Amendments to 55.06**, from Dianne Greenley, Lynn Breedlove, Mitchell Hagopian, Wisconsin Coalition for Advocacy (2-20-03)

[Letter](#), **Special Committee on Recodification of Chapter 55**, from Todd Liebman (3-3-03)

[Memorandum](#), **Removal of Protective Placements & Community Based Service Waivers Program for Individuals With Developmental Disabilities**, submitted by Public Member Kevin Underwood

January 31, 2003 Meeting

[WLC: 0025/3](#), relating to responsibility for certain costs related to a petition for protective services or placement

[WLC: 0026/3](#), relating to requiring a protective placement petition to be filed when a guardian is appointed for a person residing in a facility licensed for 16 or more beds

[WLC: 0031/3](#), relating to specifying the procedures for ordering protective services and emergency protective services

[WLC: 0032/3](#), relating to specifying the duties of a guardian ad litem in a proceeding to order protective placement or protective services

[WLC: 0054/2](#), relating to annual reviews of protective placements

[WLC: 0071/2](#), relating to providing notice of transfers of protective placements

[WLC: 0072/2](#), relating to the modification and termination of protective placement

[WLC: 0122/1](#), relating to mental health treatment

[WLC: 0125/1](#), relating to involuntary administration of medication

[Handout](#), Proposal to Amend Wisconsin Laws Related to Vulnerable Adults Restraining Orders - secs. 813.123 and 55.043, Stats., Betsy Abramson

[Handout](#), Residency, Venue and County of Responsibility, Betsy Abramson

[Memorandum](#), Opposition to WLC: 0025/2, Relating to Involuntary Payment of Petitioner's Attorney's Fees by Ward Who Opposes the Guardianship, prepared by Bob Andersen, Legal Action of Wisconsin, Inc.

[Handout](#), Fees and Costs of the Petitioner in a Guardianship Case, prepared by Patricia Jursik

[Memorandum](#), Senate Bill 257 - Payment of Attorney Fees in Guardianship Cases, prepared by Dianne Greenley

[E-mail](#), from Ed Fischer (January 16, 2003)

December 9, 2002 Meeting

[WLC: 0024/2](#), relating to requiring a court to hold a hearing on a petition for protective placement or services within 60 days

[WLC: 0025/2](#), relating to responsibility for certain costs related to a petition for protective services or placement

[WLC: 0026/2](#), relating to requiring a protective placement petition to be filed when a guardian is appointed for a person residing in a nursing home licensed for 16 or more beds

[WLC: 0031/2](#), relating to specifying the procedures for ordering protective services and emergency protective services

[WLC: 0032/2](#), relating to specifying the duties of a guardian ad litem in a proceeding to order protective placement or protective services

[WLC: 0035/2](#), relating to permitting the subject of a protective placement proceeding to secure an independent evaluation

[WLC: 0037/2](#), relating to creating definitions of degenerative brain disorder, protective services, and protective placement

[WLC: 0041/2](#), relating to admissions without court involvement

[WLC: 0054/1](#), relating to annual reviews of protective placements

[WLC: 0071/1](#), relating to providing notice of transfers of protective placements

[WLC: 0072/1](#), relating to the modification and termination of protective placement

[Handout](#), **Adult Protective Services (APS) Modernization Project - Proposed Statutory Changes**, Department of Health and Family Services

[Handout](#), **Kevin Underwood**

December 3, 2002 Working Group Meeting

[Memo No. 5](#), **Attorney General Opinion (OAG 5-99), Relating to Psychotropic Medication (9-18-02)**

[Draft memorandum](#) of the DHFS Forcible Administration of Medication Workgroup (11-7-01)

[LRB-1358/3](#), relating to involuntary transfers of protectively placed individuals to treatment facilities, voluntary admissions to treatment facilities, and voluntary receipt of medication by persons who are adjudicated incompetent

[Memorandum](#), Issues relating to mental health treatment for persons under guardianship, prepared by Dianne Greenley

[Notice](#) of **Working Group** meeting

October 30, 2002 Meeting

[WLC: 0024/1](#), relating to requiring a court to hold a hearing on a petition for protective placement or services within 60 days

[WLC: 0025/1](#), responsibility for certain costs related to a petition for protective services or placement

[WLC: 0026/1](#), requiring a protective placement petition to be filed when a guardian is appointed for a person residing in a nursing home licensed for 16 or more beds

[WLC: 0027/1](#), certain procedural rights in a hearing for protective placement

[WLC: 0028/1](#), the attendance of the person sought to be placed at a hearing on protective placement

[WLC: 0028/2](#), the attendance of the person sought to be placed at a hearing on protective placement

[WLC: 0029/1](#), replacing the term county of legal settlement with the county in which the hearing is held

[WLC: 0030/1](#), specifying the duties of the Department of Health and Family Services and county departments in the protective services and protective placement system

[WLC: 0031/1](#), specifying the procedures for ordering protective services

[WLC: 0032/1](#), requiring the guardian ad litem to notify the guardian of a ward who is subject to a protective placement proceeding of the guardian's right to participate in the proceedings

[WLC: 0033/1](#), transfers from a locked unit to a less restrictive environment

[WLC: 0034/1](#), participation of an interested person in a guardianship and protective placement proceeding

[WLC: 0035/1](#), permitting a ward who is the subject of a protective placement proceeding to secure an independent medical or psychological evaluation

[WLC: 0036/1](#), including a health care agent in the definition of interested person

[WLC: 0037/1](#), creating definitions of degenerative brain disorder, protective services, and protective placement

[WLC: 0038/1](#), revising the declaration of policy in chapter 55 of the statutes

[WLC: 0041/1](#), relating to admissions without court involvement

[WLC: 0042/1](#), relating to objections to short-term nursing home admissions

[WLC: 0043/1](#), relating to emergency protective placements

September 26, 2002 Meeting

[Memo No. 2](#), **Preliminary Outline of Issues Relating to the Recodification of Ch. 55, Stats.** (9-18-02)

[Memo No. 3](#), **The Olmstead Decision** (9-18-02)

[Memo No. 4](#), **Ch. 880, Guardians and Wards** (9-18-02)

[Memo No. 5](#), **Attorney General Opinion (OAG 5-99), Relating to Psychotropic Medication** (9-18-02)

[Memo No. 6](#), **Selected Provisions of Ch. 51, Stats., Mental Health Act** (9-25-02)

August 22, 2002 Meeting

[Staff Brief 02-3](#), **Background Information on the Recodification of Ch. 55, Stats.** (8-15-02)

[Memo No. 1](#), **Ch. 55, Protective Service System** (8-15-02)

[Testimony](#), **Linda Dawson**, Deputy Legal Counsel, Department of Health and Family Services, and [handout](#)

[Testimony](#), **Lynn Breedlove**, Wisconsin Council on Long Term Care, ADA Title II Advisory Committee

[Testimony](#), **Roy Froemming**, Housing Trust Attorney, Movin' Out, Inc.