

Ch. 51 Commitment Checklist

Client: _____ Hearing Branch/Date/Time: _____

Client phone: _____ Client location: _____

- Venue? Wis. Stat. § 51.20(1)(c)
 - Subject is resident or present in county
- Petition sufficient? § 51.20(1)(a)
 - Mentally ill / drug dependent / developmentally disabled; and
 - Proper subject for treatment; and
 - Dangerous
 - Move to dismiss if insufficient
- PC Hearing within 72 hours? § 51.20(7)(a)
 - Subject or counsel may request to postpone to 7 days
 - Move to dismiss if not within 72 hours (excluding weekends and legal holidays)
- Personal appearance? Wis. Stat. § 885.60
 - Object for client's right to be present
- What is County seeking at PC hearing?
 - PC for final hearing? § 51.20(7)(c)
 - Continue detention / least restrictive environment? §§ 51.15(1)(ag), 51.20(8)
 - Involuntary medication order? § 51.20(7)(c)
 - Settlement agreement? § 51.20(8)(bg), Form ME-908A
 - Conversion to:
 - Guardianship and protective placement or services? § 51.20(7)(d)
 - Alcohol commitment? §§ 51.20(7)(dm), 51.45
- Witnesses to alleged dangerousness (or other relevant standard):
 - Object to hearsay (fact witness, not just doctor)

Name	Number	Observations

Witnesses client may wish to call:

Name	Number	Observations

☐ Examiners

- Request 1 court appointed examiner w/in 24 hours of PC hearing? § 51.20(9)(a)2.
 - Request independent examiner? § 51.20(9)(a)3.
 - Reports to counsel 48 hours before hearing? § 51.20(10)(b)
 - Deadline for reports = _____
- Move to exclude report if not timely

☐ Review treatment records

- Counsel does not need release to access client's medical records. § 51.30(4)(b)11.

☐ Negotiation

- Settlement agreement?
 - Placement?
 - Commitment length?
 - Medication order?
- Client's decision whether to accept an offer. SCR 20:1.2(a)

☐ Final hearing

- Held within 14 days if detained or 30 days if not detained? § 51.20(7)(c)
 - Witness list within a reasonable time prior to final hearing? § 51.20(10)(a)
- Move to exclude unlisted witness, but must show prejudice

☐ Jury trial?

- Must request in writing at least 48 hours before final hearing. § 51.20(11)(a)
 - Latest to request = _____
 - If demand within 5 days of detention, hearing within 14 days of detention
 - If demand later than 5 days after detention, hearing within 14 days of demand
- Client's decision regarding jury trial and whether to testify. SCR 20:1.2(a)

☐ Disposition

- Least restrictive placement? § 51.20(c)(3)
 - Length of commitment? Up to 6 months. § 51.20(13)(g)
 - Involuntary medication order? *Virgil D.*, 189 Wis. 2d at 14 (1994)
 - Advantages, disadvantages, and alternatives explained?
 - Client incapable expressing and applying understanding of Adv/Dis/Alt?
- Even if grounds for commitment, argue to protect client's liberty

☐ Appeal?

- File notice of intent to pursue postdisposition relief within 20 days. § 809.30(2)(b)