

## Ch. 51 Extension Checklist

Client: \_\_\_\_\_ Hearing Branch/Date/Time: \_\_\_\_\_

Client phone: \_\_\_\_\_ Client location: \_\_\_\_\_

- Talk to client:
  - How is treatment going?
  - What aspects of treatment do you like/dislike?
  - Do you think you need continued treatment?
  - How does the commitment order affect your life?
- Proper notice and other due process issues? Wis. Stat. §§ 51.20(5), (10)
  - Actual notice (not constructive)
  - Receive info on time (witness lists, reports)
  - Due process and fair treatment
  - Right to counsel
  - Move to dismiss if appropriate
- One of examiners chosen by client? § 51.20(9)(a)2.
  - Get letter with Dr. name, willing to do eval at county rate and testify; timeframe needed to complete report
- Independent doctor at client's expense (or County's, if indigent)? § 51.20(9)(a)3.
- Jury trial? § 51.20(11)
  - Note timing of request and how it impacts final hearing
  - Must request in writing at least 48 hours before final hearing. § 51.20(11)(a)
    - Latest to request = \_\_\_\_\_
- What is the petitioner seeking in an extension order? § 51.20(11)
  - Extension? § 51.20(1)(am)
    - Mentally ill
    - Treatable
    - If not extended, substantial likelihood not continue meds  
AND would decompensate  
AND, as a result, substantially likely to do something sufficiently dangerous  
so as to be a proper subject for a new commitment
  - Length? Up to 1 year. § 51.20(13)(g)1.
  - Inpatient or outpatient?
  - Settlement agreement? § 51.20(8)(bg)
- Get treatment records; do not need release. § 51.30(4)(b)11.
- Reports to counsel 48 hours before hearing? Deadline = \_\_\_\_\_. § 51.20(10)(b)
- Witnesses/evidence: notify within reasonable time before hearing = \_\_\_\_\_. § 51.20(10)(a)

County's potential witnesses:

→ Object to hearsay (fact witness, not just doctor)

Name	Number	Observations

Witnesses client may wish to call:

Name	Number	Observations

Hearing:

- Open or closed? §§ 51.20(5)(a), (12)
- Make request in writing in advance
- Right to remain silent. § 51.20(5)
- Personal appearance? §§ 51.20(5)(b); 885.60
- Object for client's right to be present

Hearing strategy:

- Default defense 1: if client takes meds for the most part without issue, then not substantially likely to go off of meds.
- Default defense 2: if client went off meds but did not do something dangerous, then not substantially likely to commit new dangerous act for future commitment.

Disposition

- Least restrictive placement? § 51.20(c)(3)
- Length of commitment? § 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)