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TO: Elder-Adult-at-Risk (Lead Elder Abuse) Agency Contacts
Adults-at-Risk Agency Contacts

FROM: Jane A Raymond, Advocacy and Protection Systems Developer *Jane A Raymond*
Bureau of Aging and Disability Resources

RE: New Annual Review (Watts) Requirement per Wis. Stats. § 55.18(4)

Wisconsin State statute 55.18 (4) requires that counties have written procedures for conducting annual (Watts) reviews for persons subject to orders for protective placement under the new Wis. Stats. § 55.12 or orders for protective placement initially issued under the old Wis. Stats. § 55.06 (9) (a), Stats. 2003. The deadline for establishing these written procedures is April 30, 2007.

The following components of a written procedure are taken directly from Wis. Stats. §55. 18. These components address what should be done, but not who should do it. Each county will need to craft procedures based on the organizational structure in the particular county. While this list is offered to assist counties in identifying items that should be considered when developing their policies, it is not represented as complete. If the County Corporation Counsel Office is not involved in initially drafting the county's written policy, the County Corporation Counsel Office should be consulted for final input prior to implementation of the policies and procedures.

WATTS REVIEWS: Wis. Stats. § 55.18

Applies to individuals protectively placed under Wis. Stats. § 55.12, or to an order for protective placement under Wis. Stats. § 55.06 (9) (a), Stats 2003.

The County Department of the individual's county of residence must perform the annual review unless it makes an agreement with another county to do so. The County department (except as otherwise provided) means a county department under 46.215, 46.22, 46.23, 51.42 or 51.437 designated under s. 55.02.

The review shall include:

- ✓ A visit to the individual
- ✓ A written evaluation of the physical, mental and social condition of the individual and the service needs of the individual
- ✓ Any submitted comments solicited (invited from) the Guardian

This review is to be made part of the permanent record of the individual.

A report of the review is to be filed with the court that ordered the protective placement.

The Report filed with the court should include the:

- ✓ Functional abilities and disabilities of the individual including the needs of the individual for health, social and rehabilitative services and the level of supervision needed
- ✓ Ability of community services to provide adequate support for the individual's needs
- ✓ Ability of the individual to live in a less restrictive setting
- ✓ Analysis of whether sufficient services are available in the community and an estimate of the cost of those services including county funds
- ✓ Analysis of whether the protective placement order should be terminated or whether the individual should be placed in another facility with adequate support services that places fewer restrictions on the individual's personal freedom
- ✓ Comments of the individual and guardian and the county's response

A county must file a petition for annual review of the protective placement with the court that protectively placed the individual. The above review cannot be conducted by a person who is an employee of the facility

If the individual has a developmental disability and is protectively placed in an intermediate facility or a nursing facility, the protective placement agency must notify the county department responsible for the Community Integration Program for persons with Developmental Disabilities. The county department must develop a plan for providing home or community-based care in a non-institutional community setting (Wis. Stats. § 46.279), and provide a copy of that plan to the court and the guardian [Wis. Stats. § 55.18 (1) (ar)]. The Department of Health and Family Services (DHFS) recommends that the county's policies include a suggested deadline for the completion of the plan for providing home or community-based care so that the court and the guardian have ample time to review the plan during the annual review of the ward's need for continued protective placement.

For additional assistance in development of the written procedures for the annual review as discussed above, please consult with the DHFS Regional Human Services Area Coordinator for your county.

CC: Developmental Disability Coordinators
Mental Health Coordinators
Human Services Area Coordinators, DHFS/OSF