**PROCEDURAL STEPS FOR EMERGENCY PROTECTIVE PLACEMENT**

**Wis. Stat. 55 “Chapter 55”**

\*\*This process defines the steps that are needed for a Human or Social Services Agency, as the responsible agency pursuant to Wis. Stat. 55.02(2), to initiate and follow through with an Emergency Protective Placement pursuant to Wis. Stat. 55.

**Initiating an Emergency Protective Placement (EPP)**

1. Obtain copy of **GN-4000** (Statement of Emergency Protective Placement) or draft such form.
   * EPPs may be initiated by law enforcement, Adult Protective Services Worker (APS Worker), or other authorized individual per Wis. Stat. 55.135(1).
   * If APS Worker initiates EPP:
     + APS Worker shall personally observe adult-at-risk before initiation.
     + Verify Wis. Stat. 55.135(1) standards are satisfied. (see end of this document for definition)
     + Draft form **GN-4000**.
     + Collect medical or any relevant documents regarding situation.
     + Consult with Corporation Counsel if assistance is needed on EPP eligibility.
2. Obtain copy of **GN-4010** (Notice of Rights on Emergency Protective Placement) or draft such form.
   * Per statute, the Notice of Rights is to be given to the adult-at-risk by the placement/treatment facility both orally and in writing. However, law enforcement and/or APS Worker is strongly encouraged to provide the Notice of Rights to adult-at-risk of EPP as well.
3. Verify bed availability at protective placement facility and provide assistance in making arrangements for admission of adult-at-risk.
4. Transportation of the EPP adult-at-risk shall be provided by law enforcement or a willing family member of the adult-at-risk as arranged by APS Worker. Law enforcement or family member shall transport the EPP adult-at-risk to the medical facility for medical clearance then transport to the placement facility.
   * Note: Typically, protective placement facility requires the adult-at-risk be medically cleared before admission. Obtain medical clearance PRIOR to initiating an EPP if possible depending on adult-at-risk’s level of cooperation.
   * Upon discharge from medical clearance, ensure a **discharge order** or **admissions order** is provided to protective placement facility.
5. The APS Worker shall make an effort to determine if there is an identified decision maker for the subject of the EPP.
   * Contact with the facility in which the individual is placed may be helpful in determining if there is an identified decision maker (i.e. Power of Attorney, Guardian, etc).
   * If Power of Attorney for Health Care is established, verify if it is activated and make attempts to contact the designated agent.
     + A Power of Attorney for Health Care is “activated” when TWO doctors have evaluated the adult-at-risk and signed a Statement of Incapacitation.
6. If there is a request for involuntary medication orders, contact Corporation Counsel.

**Court Filings**

1. File completed **GN-4000** along with completed **GN-3100** (Permanent Guardianship Petition) and **GN-4040** (Protective Placement Petition) with the court ASAP after initiation of EPP. Provide filed copies to Corporation Counsel.
   * **GN-3100** and **GN-4040** shall be completed and filed by Social/Human Services Agency.
   * If the adult-at-risk does NOT have an identified decision maker, a Temporary Guardianship Petition shall be completed and filed (Permanent Guardianship will follow, separately).
     + Circumstances which warrant a Temporary Guardianship include lack of an identified decision maker or request of the placement facility. Temporary Guardianship petition is part of form **GN-3100**.
     + Temporary (if needed) and Permanent Guardianship Petitions are to be drafted on separate petitions and scheduled separately. Contact Corporation Counsel for assistance.
2. A court hearing shall be scheduled to occur **within** **72 hours** of the initiation of the EPP (excluding holidays and weekends).
   * Contact the court for scheduling when petitions are filed.
   * At this hearing, the EPP and the Temporary Guardianship (if applicable) will be heard.
3. Once a hearing on EPP has been scheduled, the **GN-4020** (Notice of Hearing) should be drafted, filed with the court, and distributed to relevant parties with a copy to the adult-at-risk (and attorney of adult-at-risk) as soon as possible.

1. If Temporary Guardianship Petition is filed, the petition should be heard at EPP hearing with **GN-3110** (Notice of Hearing) drafted for the temporary guardianship hearing, filed with the court, and distributed to all parties.

**Court Preparation**

1. Ensure copy of court filings are provided to all interested parties as soon as possible.
2. Placement facility shall have the adult-at-risk evaluated by a medical doctor **prior to the hearing.**
   * The placement facility and medical doctor shall utilize form **GN-3130** to document a completed medical evaluation by the receiving facility.
     + A copy of such report shall be provided to Social/Human Services Agency **within 24 hours** of admission to the facility.
     + File this report with the court and provide copy to Corporation Counsel as well as GAL and adult-at-risk’s attorney.
     + Evaluating doctor must be available for testimony.
3. Collaborate with Corporation Counsel to ensure medical professional or other individuals familiar with the adult-at-risk are available for testimony.
   * APS Worker shall make efforts to obtain witnesses’ telephone numbers for testimony.
4. APS Worker shall make arrangements for the adult-at-risk to appear at the hearing (i.e. coordinate transportation with service provider or family member; arrange for video/telephonic appearance, etc). \*\*It is essential that the APS Worker make arrangements for the adult-at-risk to attend the hearing.

**Probable Cause (PC) Hearing**

1. For EPP:
   * Need **GN-4030** (Temporary Protective Placement Order) completed.
2. For Temporary Guardianship (if applicable):
   * Need **GN-3250** (Temporary Guardianship Order) completed.
   * Need **GN-3260** and **GN-3265** (Temporary Guardianship Letters) completed.
   * Need **GN-3230** (Temporary Guardianship Consent to Serve) completed by guardian.
3. All orders are preferred to be completed at the time of hearing but not required.

**Scheduling Future Hearings**

1. **IF EPP IS ORDERED**, schedule the hearing on the Permanent Guardianship and Protective Placement **within 30 days** of EPP order.
   * EPP orders expire in 30 days and cannot be extended except in rare cases.
2. Use **GN-3110** (Notice of Hearing) to document date and time of hearing and provide copies to interested parties.

**55.135(1) – EPP Statute**

“If, [upon a credible report to or,] from personal observation of, or a reliable report made by a person who identifies himself or herself to, a sheriff, police officer, fire fighter, guardian, if any, or authorized representative of a county department or an agency with which it contracts under s. [55.02 (2)](https://docs.legis.wisconsin.gov/document/statutes/2005/55.02(2)), it appears probable that an individual is so totally incapable of providing for his or her own care or custody as to create a substantial risk of serious physical harm to himself or herself or others as a result of developmental disabilities, degenerative brain disorder**,** serious and persistent mental illness, or other like incapacitiesif not immediately placed, *the individual* [under this paragraph who received the credible report or] *who personally made the observation* or to whom the report is made *may take into custody and transport the individual to an appropriate medical or protective placement facility*. The person making emergency protective placement shall prepare a statement at the time of detention providing specific factual information concerning the person's observations or reports made to the person and the basis for emergency placement. The statement shall be filed with the director of the facility and with any petition under s. [55.075](https://docs.legis.wisconsin.gov/document/statutes/2005/55.075). At the time of emergency protective placement the individual shall be informed by the director of the facility or the director's designee, orally and in writing, of his or her right to contact an attorney and a member of his or her immediate family and the right to have an attorney provided at public expense, as provided under s. [967.06](https://docs.legis.wisconsin.gov/document/statutes/2005/967.06) and ch. [977](https://docs.legis.wisconsin.gov/document/statutes/2005/ch.%20977), if the individual is a minor or is indigent. The director or designee shall also provide the individual with a copy of the statement by the person making emergency protective placement.”