# Wis. Stats. § 55.135: Emergency Protective Placement Process

Emergency protective placement (EPP) provides for legal intervention in an emergency situation if it is probable that a client, as a result of an impairment as defined in Chapter 55 of the Wisconsin Statutes, is incapable of providing for his own care or custody so as to create a substantial risk of physical harm to himself or others if EPP is not immediately undertaken.

EPP Criteria:

* The subject of the petition is alleged to have a *permanent impairment* (or combination of impairments), including a developmental disability, degenerative brain disorder, serious and persistent mental illness or other like incapacity. The person is ***alleged*** to be *incompetent* and the subject of a guardianship or a pending guardianship via the EPP process.
* As a result of the impairment a person is so *totally incapable of providing care for his or her own care* and *custody as to create substantial risk of serious harm* to his or herself without placement.
* The person has a *primary need* for residential care and custody.

EPP Community Detention Procedure:

* For purposes of the pilot program, “Clients” are persons in distress and in immediate danger to self/others as identified and detained by **Elder Abuse (EA)/**Adult Protective Services (APS), with the assistance of and transport by law enforcement.
* Upon such identification of the client, the EA/APS worker contacts law enforcement in the appropriate jurisdiction. Identify yourself to law enforcement as an EA/APS worker from County.
* Provide the client’s demographics (name, DOB, address). Explain to law enforcement that you are detaining the client under a Chapter 55 EPP hold and will need assistance in transporting the person to the EPP facility. Describe the client’s conduct/behavior and a brief description of the basis for the detention, particularly regarding the danger posed.
* Detention occurs when the individual is in the physical custody of law enforcement and no longer free to go.
* Page the EPP facility’s Social Worker or RN to notify them that you are bringing in an EPP detention. Provide a summary of the concerns, including medical concerns that must be immediately assessed. Bring a list of current medications to the hospital if possible.
* If a family member is present, ask that person to bring the client’s medications and insurance information to the hospital for the client’s admission and to lock the home.
* If the client’s family members are not present, bring the client’s medications and insurance information to the hospital for the client’s admission and lock the home.
* Meet law enforcement and the client at the hospital to assist with admission.
* Call at Corporation Counsel to notify of EPP. Their numbers are

Arrival at the EPP Facility:

* + Ask triage to page the social worker and explain you are there for the client brought in under a Chapter 55 EPP.
  + If the client’s family is present, use the time in the waiting room to talk with them about what will occur during the EPP, including a probable cause hearing if the client remains at the EPP facility for the full 72 hour period triggered by detention.
  + Complete all paperwork Statement of EPP, Petition for Guardianship, Petition for Protective Placement, Notice of Hearing. (See specific list of forms below) this will need to be served to client with Notice of Rights by EPP SW or designee. **NOTE: these forms must be notarized prior to serving the client. (It may be necessary to file for a guardian of estate if the person has a pension or assets over $10,000)**
  + Assist in checking the person into the EPP facility if necessary by providing additional information on collateral contacts and family contact information.
  + Collaborate with the social worker in the EPP as needed. (This is the individual who will read the client his rights and provide the packet after the EPP facility accepts the client.)
  + Coordinate whether a neuropsychological consult can be requested. (If hospital is unwilling or unable to complete this contact Psychologist for Competency Evaluation)

***Contact EA Prevention Coordinator immediately if criteria is established to complete EPP under Chapter 55 at .***

Tasks After EPP Facility Detention (Before EPP Probable Cause Hearing):

* + - Follow up with the medical social worker in the a.m. following the EPP to obtain the client’s room number and coordinate any presenting medical issues and/or behavioral issues. Request necessary reports (ER report, H&P, demographic face sheet, statement of incapacity, healthcare POA and any other consultations/nurses notes that document the concerns).
    - Obtain psychological assessment/report on client’s cognitive status. Contact corporation counsel to ensure psychologist referral made for assessment report purposes.
    - Determine whether there is a health care power of attorney on record with the EPP facility.
    - Coordinate with the social worker regarding contacting any family members or other involved parties for additional client information as needed.
    - Identify if there is a power of attorney and all interested parties for a potential guardianship and protective placement.
    - Coordinate about a provisional discharge plan with the social worker. Inquire about need for rehabilitation or skilled care and necessity for placement following discharge. Assume the client will be ready for discharge within 72 hours and work with the hospital discharge planners to make referrals for discharge placement.
    - Assess and determine whether further detention required. Speak with family and social worker, corporation counsel as needed.
    - Follow up with hospital staff re: consultations for capacity, medical status, and discharge plan. Determine if hearing is still necessary of if hearing can be dismissed. If case is going to probable cause hearing, determine which doctor will be available for discharge. Determine if client is stable to attend hearing, if not contact GAL and Public Defender to determine if appearance can be waived or if hearing is to be moved to EPP facility.
    - Do a face-to-face assessment of client at the hospital. Ask questions during the interview regarding general orientation, insight, and judgment (i.e., reason for hospitalization, medical issues/medications, recent chronology of events, recent social history, needs leaving the facility, discharge plan). Meet with the social worker to discuss discharge plans, identify if transportation is needed to placement following discharge. ***All hearings will be held at***

***Client attendance is required unless waived by the Guardian Ad Litem (GAL).***

* + - Follow up with family regarding court status and discharge recommendations
    - ***Select Permanent guardian (either a family member or corporate guardian). Determine whether you need a Guardian of Estate in addition to Guardian of the Person.*** The proposed guardian will need to be present at the EPP probable cause hearing. The proposed guardian will need to sign an original statement of acts and get it to Corporation Counsel before the hearing. **Note: if a temporary guardian is needed on an emergency protective placement please identify this with the EPP coordinator.**
    - Complete and update referral for guardian with any updated information on family. Follow up with Corporation Counsel to ensure all petitions are signed and documentation is in order for EPP probable cause hearing. Verify time and that EPP probable cause hearing is still on.
    - ***Review case with EA Prevention Coordinator regarding issues that might require funding, i.e, corporate guardian or placement upon discharge from hospital. Coordinate referral for options counseling. Review financial resources, is a LTC programs an option?***
    - Coordinate with Corporation Counsel. Review notes and prepare for testimony.
    - Attend EPP probable cause hearing, including testifying and obtaining any temporary orders.
    - Follow up with EPP facility social worker after the EPP probable cause hearing. Follow up on discharge plans and where client goes next.
    - **Notify Corporation Counsel immediately when client moves to a placement facility.** Notify GAL and Public defender assigned to the case.

**Forms Procedure at EPP Facility**

**Statement of EPP: Form GN-4000** (*dated 1/09*)

* + This form initiates the EPP process.
  + Fill in caption with the client’s name and DOB.
  + Identify yourself in the box designating the individual completing the form. For the pilot program, that individual will be an authorized representative of the county department.
  + Complete the section detailing the specific factual information that is the basis for the EPP based on personal observation or a reliable report by an identified person. List the names of the individuals and their contact information, including phone numbers.
  + List the date and time of the detention and the facility involved. If detention occurs in the community, which is expected, list the location.
* List the subject’s address information in the box provided.
* Sign the statement and include your phone number and the department’s address.
* See attached example of completed form.

**Petition for Protective Placement (*client under guardianship*) (Form GN-4040) (***dated 5/18***)**

* Check box for “Protective Placement” and/or “Protective Services” as needed.
* Complete form with known information.
* Indicate “information currently unknown” as appropriate.
* Sign the form and list your address.
* Make sure your signature is notarized.
* See attached example of completed form.

**Petition for Guardianship and Protective Placement (*client not under guardianship*) (Form GN-3100)** (*dated 5/18*)

* Check box for “Permanent” Guardianship.
* Complete paragraphs of form numbered 1-10 with known information.
* Complete paragraphs of form numbered 11-15 with known information.
* Complete paragraphs of form 16-25 if Guardian of Estate or Temporary Guardian is needed.
* Indicate “information currently unknown” as appropriate.
* Sign the form and list your address.
* Make sure your signature is notarized.
* See attached example of completed form.

**Notice of Rights on EPP: GN-4010***(dated 5/18)*

* + Form must be completed by EPP facility director or designee.
  + EPP facility director or designee must fill in the caption with the client’s name and DOB.
  + EPP facility director or designee must provide the date and time that notice of rights is given.
  + EPP facility director or designee must note time in a.m. or p.m. format.
  + EPP facility director or designee must orally read client his or her rights. .
* EPP facility director or designee must provide the client with a copy of his rights.
* See attached example of completed form.

**Notice of Time and Place of Hearing To Establish Probable Cause for EPP** *(dated 8/18)*

* Write the date (month/day/year) of the hearing in the blank provided on the form.
* EPP facility designee will serve the client with the completed hearing packet. (Forms: GN-4000, GN-4040, GN-3100, GN-4010, Notice of Time and Place of Hearing)
* See attached example of completed packet.

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**Provision of Packet to Corporation Counsel, EPP Facility**

* Provide EPP Facility with a copy of the client’s EPP Packet.
* Deliver packet of ***originals*** to Corp Counsel for efiling.