

GUARDIANSHIP

THE LAW

"In the case of a **minor**, the written, **informed consent** [for medication or treatment] of the **parent or guardian** is required. Except as provided under an order issued [by a mental health review officer or a court] under s. 51.14(3)(h) or (4)(g), if the minor is **14 years of age or older**, the written, **informed consent** of the **minor and the minor's parent or guardian** is required. A refusal of either a minor or 14 years of age or older or the minor's parent or guardian to provide written, informed consent for outpatient mental health treatment is reviewable under s. 51.14." § 51.61(6), Wis. Stats. [Emphasis added.]

"Any **informed consent** which is required under [sec.51.61] sub. (1)(a) to (i) **may be exercised by the patient's legal guardian** if the patient has been adjudicated incompetent and the guardian is so empowered, or by the **parent** of the patient if the patient is a minor." § 51.61(8), Wis. Stats. [Emphasis added.]

DECISIONS

1. The individual's right to treatment includes specific protocols as necessary to ensure health and sanitary living conditions. The treatment needs of the client need to be considered and clearly documented in the contract between the county and any contract agencies, with a plan for monitoring and updating those treatment goals. Any barriers to achieving these needs must be documented, the guardian must be informed, and a plan to resolve such issues needs to be implemented. These treatment protocols are an essential feature for the treatment and management of the client, and they are an integral part of the client's right to prompt and adequate treatment. (Level III Decision in Case No. 03-SGE-04 on 6/15/04.)
2. [Note from the Client Rights Office: A person under guardianship may still file his or her own patient rights complaints. The guardian's consent is not required. The guardian should, however, be informed of any complaint involving the guardian's ward.]

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