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To: APS County Contacts

From: Alice Page and Doreen Goetsch

## Guidance Regarding Form GN-4000, Statement of Emergency Protective Placement

### Summary

Pursuant to Wis. Stat. § 55.135, form GN-4000, Statement of Emergency Protective Placement, is the document to use to take an individual into custody in an emergency situation and temporarily protectively place the individual in an appropriate facility.

### Emergency Protective Placements under Wis. Stat. ch. 55

Emergency protective placements are a means of intervening in an emergency situation if it is probable that an individual, as a result of an impairment as defined in ch. 55, is incapable of providing for his or her own care or custody so as to create a substantial risk of physical harm to himself, herself, or others if protective intervention is not immediately taken.

### Form GN-4000

Assuming the requirements for an emergency protective placement are met, form GN-4000, Statement of Emergency Protective Placement, is the document to use to take an individual into custody in an emergency situation and temporarily protectively place the individual in an appropriate facility.

### How is an Emergency Protective Placement Made?

The person making the emergency protective placement must prepare form GN-4000, Statement of Emergency Protective Placement, which includes specific factual information concerning that person's personal observations and/or reports made to that person by others. The completed form GN-4000 must be "filed" with the facility director where the person in need of emergency protective placement is currently in place, meaning the document can be left in the office of the director with a staff person or director designee who can accept the document on the director's behalf and give it to the director.

**There is no requirement of a prior court finding of incompetence and need for guardianship to make an emergency protective placement.**

A Petition for Protective Placement/Protective Services, form GN-4040, and a Petition for Guardianship Due to Incompetency, form GN-3100 (unless the individual is already under guardianship), must be filed in the court along with the Statement of Emergency Protective Placement and the Notice of Rights on Emergency Protective Placement, form GN-4010.

### **To What Facilities can Emergency Protective Placements be Made?**

Wisconsin Stat. § 55.02(2)(b)(4) states that the county department shall “designate at least one appropriate medical facility or protective placement facility as an intake facility for the purpose of emergency protective placements under s. 55.135.”

An individual who requires emergency protective placement may be taken into custody and transported to an appropriate medical facility or to a facility or home of the type to which a court could order a long-term protective placement. Wisconsin Stat. § 55.01(6m) defines a protective placement facility as “a facility to which a court may under s. 55.12 order an individual to be provided protective placement for the primary purpose of residential care and custody.” Pursuant to Wis. Stat. § 55.12(2), “protective placement may be made to nursing homes, public medical institutions, centers for the developmentally disabled under the requirements of s. 51.06(3), foster care services or other home placements, or to other appropriate facilities, but may not be made to units for the acutely mentally ill.” The individual could also remain in a home or facility where the individual is currently residing if appropriate services and supports can be provided.

#### **Contact Information**

If you have questions about the information presented here, please contact either of the individuals listed below.

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