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### **Distribution of forensic court orders and supporting documentation**

Send all forensic-related court orders and supporting documents (criminal complaints and reports from examiners) to:

[DHSMMHladmissions@dhs.wisconsin.gov](mailto:DHSMMHladmissions@dhs.wisconsin.gov)

Additionally, distribute paperwork according to the instructions provided on the order form. CR-270, Order for Examination under Wis. Stat. § 971.16, and CR-277, Order for Examination under Wis. Stat. § 971.17(4)(c), must also be distributed directly to the court-appointed evaluator. This is not the responsibility of DHS.

### **Waiting for paperwork**

Please complete the appropriate form(s) for the court-ordered task(s) in a timely manner and send the form(s) and the supporting documents to the DHS email address listed above. DHS cannot begin the court-ordered treatment without the appropriate documentation. Court orders are time sensitive.

### **14(5) process: Who does what?**

To avoid delays in proceedings under Wis. Stat. § 971.14(5), please consider the following.

- Upon receiving a progress report that a person is being opined as competent or not competent and not likely to become competent, the court will schedule a competency hearing within 14 days of the report being e-filed.
- Both attorneys assigned to the matter will review the report ahead of the hearing date and subpoena the examiner for the competency hearing if there are questions regarding the report.
- Upon receiving notice that the competency hearing date has been set, the District Attorney's office will generate a writ, allowing enough time for the transport agency to have the person picked-up from the state mental health institute and returned to your county jail for the court appearance.
- If either party disagrees with the opinion and requests a second examination by an independent examiner, schedule the return on this report within a reasonable timeframe.

### **Commitment expiration date on misdemeanor case**

Form CR-206, Order of Commitment for Treatment, must include day's credit and any penalty enhancer(s) that will be applied in order for DHS to calculate the commitment expiration date accurately.

### **Kudos on your collaborative effort**

In the first half of state fiscal year 2021 (July 1, 2020-Dec 31, 2020), the state mental health institutes discharged 151 people who had been committed for inpatient treatment for competency restoration under Wis. Stat. §971.14(5). There were 38 cases in which court personnel moved up the return to court date, per the request of DHS. If this had not happened, these 38 people collectively could have spent 733 additional days at a state mental health institute, preventing others in need of treatment from being admitted.

### **Impact of delays**

In the first half of state fiscal year 2021 (July 1, 2020-Dec 31, 2020), the state mental health institutes discharged 151 people who had been committed for inpatient treatment for competency restoration under Wis. Stat. § 971.14(5). There were 18 cases in which the opinion in the DHS progress report was questioned and either doctor's testimony and/or a second independent opinion were requested. The delay in these cases resulted in total of an additional 684 days under the commitment for these 18 people. Please schedule doctor's testimony and/or second opinions in a timely manner.

### **Wisconsin forensic treatment innovations**

DHS is working to reduce the time individuals wait for court-ordered treatment.

- **Community treatment:** Twenty-eight county jails have partnered with the DHS Bureau of Community Forensic Services to offer competency treatment in the county jail for clients waiting for a treatment bed at the state mental health institutions. This allows patients to get a head start on competency treatment.
- **Inpatient treatment:** Portions of the Sand Ridge Secure Treatment Center in Mauston are being utilized for patients found not guilty by reason of mental disease or defect (Wis. Stat. § 971.17). Currently, 36 patients are being treated at Sand Ridge Secure Treatment Center, which allows more treatment to competency patients to be served at Mendota Mental Health Institute.

### **Training events**

A panel assembled by the DHS Bureau of Community Forensic Services presented at the virtual State Public Defender Criminal Defense Conference in November. More than 300 people attended the presentation.

A panel assembled by Wisconsin Community Services presented virtually to the Waukesha County Clerk of Circuit Court office this month.

To request a training in your county, [visit the WCS Court Liaison and Tracking Service website](#).

## **Contact Us**

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