

# DHS Forensic Newsletter

## November 2021



Provided by Wisconsin Community Services (WCS), supporting the Wisconsin Department of Health Services (DHS)

### In This Issue

- Distribution of Forensic Court Orders and Supporting Documents
- Accuracy of Court Orders
- Progress Report Intervals
- No Decision on Competency
- Kudos on Your Collaborative Effort
- Impact of delays
- Direct Court Conditional Releases
- Subpoenas
- Training events



#### **Distribution of Forensic Court Orders**

Send criminal complaints, reports from examiners, and supporting documentation to: [DHSMMHIadmissions@dhs.wisconsin.gov](mailto:DHSMMHIadmissions@dhs.wisconsin.gov).

Send information attached to forms CR-270 and CR-277 to the court-appointed evaluator. This is not the responsibility of DHS.

#### **Accuracy of Court Orders**

There's been an increase in the number of court orders submitted to DHS with inaccurate or missing information. Having the correct name, case number(s), date of birth, and current contact information for the defendant and both attorneys is essential to complete the court-ordered task. When any of this information is inaccurate or missing, the process is delayed, due to the extra effort required to check, confirm, and/or try to track down information. When contacting a Clerk of Courts office, DHS providers experience delays at times in receiving follow-up and in some cases are now being redirected to contact the appointed attorneys. DHS relies on courts to provide all the information needed when the order and supporting documents are emailed, so the provider can efficiently execute the court-ordered task.

#### **Progress Report Intervals**

Under Wis. Stat. ch 971.14(5)(b), "written reports of examination shall be furnished to the court 3 months after commitment, 6 months after commitment, 9 months after commitment and within 30 days prior to the expiration of commitment." The court should be scheduling the "review" or "doctor report return" date in accordance with the statutory timelines.

#### **No Decision on Competency**

There has been an increase in courts choosing not to make a competency determination at the hearing, after receiving a progress report from DHS that opines the person as "competent" or "not competent and not likely to become" under Wis. Stat. ch 971.14(5)(c). This delays the person from being discharged from the DHS commitment, which impacts the admission of people who have been waiting for competency restoration treatment services.

#### **Kudos on Your Collaborative Effort**

From April 1, 2021, through June 30, 2021, the state mental health institutes discharged 89 people committed for inpatient treatment for competency restoration under Wis. Stat. § 971.14(5). There were 70 cases in which the court personnel coordinated to move-up or set the return to court date at the request of DHS. These cases resulted in a reduction of 839 days these people could have spent at the mental health institutes under the commitment. Thank you!

## **Impact of Delays**

From April 1, 2021, through June 30, 2021, the state mental health institutes discharged 89 people committed for inpatient treatment for competency restoration under Wis. Stat. § 971.14(5). There were two cases in which the DHS progress report was challenged and either doctor's testimony and/or a second independent opinion was requested. The delay in these cases resulted in an additional 127 days under the commitment.

## **Direct Court Conditional Releases**

After a finding of not guilty by reason of mental disease or defect has been made and the decision that conditional release is appropriate, DHS asks that the court complete in full and sign the Order of Commitment, CR-271; Order for Conditional Release Plan, CR-274; and Order for Placement, CR-275. The CR-275 form directs the person to report to the Department of Corrections, where the person will sign the rules of supervision, which ensures the person is supervised while the conditional release plan is being developed by DHS. After these orders are signed, DHS has 21 days to prepare and submit a conditional release plan at which time the court will have the opportunity to approve or reject the plan. If any or all of these orders are signed but not complete, there may be a delay in writing the conditional release plan.

## **Subpoenas**

During proceedings on a petition for conditional release, under Wis. Stat, ch 971.17(4)(d), if the court or either attorney has questions regarding the petitioner's progress in treatment, the treating doctor should be subpoenaed, not the social worker.

## **Training Events**

The court liaison has worked with Waukesha County Circuit Judge Jennifer Dorow, chief judge of Wisconsin's Third Judicial Administrative District, to develop a two-part webinar series.

The first part focuses on the basic overview of the processes, order forms, and legal considerations that arise in proceedings under Wis. Stat. ch. 971.14(2), competency examinations, and Wis. Stat. ch. 971.14(5), commitment for treatment to competency. A panel consisting of Judge Dorow, Court Commissioner Kevin Costello, Adam Oldenburg (court liaison), and Vicki Shequen (assistant court liaison) presented the first session on July 19 as part of a "Lunch and Learn" session sponsored by the Office of Judicial Education, which was offered to judges statewide.

The second part focuses on a basic overview of the processes, order forms, and legal considerations that arise in proceedings under Wis. Stat. ch. 971.16, not guilty by reason of mental disease or defect plea and examination, and Wis. Stat. ch. 971.17, not guilty by reason of mental disease or defect commitment, placement, and petition for conditional release. This session is scheduled for November 22. The Office of Judicial Education is accepting registration from judges for this webinar. Questions regarding the presentation can be directed to the court liaison. The court liaison contact information is listed below.

Visit the [WCS Court Liaison and Tracking Service website](#) if you would like to schedule a training in your county.

## **Contact Us**

Adam Oldenburg  
Court Liaison  
414-750-3519  
[aoldenburg@wiscs.org](mailto:aoldenburg@wiscs.org)

Vicki Shequen  
Assistant Court Liaison  
414-303-7547  
[vshequen@wiscs.org](mailto:vshequen@wiscs.org)