

# DHS Forensic Newsletter

July 2018



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

## In This Issue

- Competency Treatment Progress Reviews
- Order to Treat Requests
- New Orders, Changes in Wis. Stat. ch. 971 cases
- Competency Challenges Add Bed Days
- DHS Going Paperless
- Supervised Release Program Changes
- Training Activities



### Competency Treatment Progress Reviews

A progress review for an individual committed under Wis. Stat. § 971.14(5) should be scheduled according to statutory timeframes. Progress reports are due three, six, and nine months as well as 30 days prior to the commitment expiration date. A new commitment order is not necessary when the court makes a finding of not competent, but likely to regain competency. The individual remains committed under the original order.

### Order to Treat Requests

When the court receives a request by the DHS treatment facility for an order to treat for an individual committed under Wis. Stat. § 971.14(5), the court is to conduct a hearing to determine if the involuntary use of medication is necessary. This hearing should be conducted within 10 days of receiving the request. If the request is granted, an amended order form (CR-206) needs to be completed with the appropriate medication boxes checked.

### New Orders, Changes in Wis. Stat. ch. 971 Cases

Any new court orders or changes in the legal status in Wis. Stat. ch. 971 cases should be provided to Wisconsin Community Services Court Liaison and Tracking Services by email or phone. Provide the name, case number, and legal status/title or number of the order form signed. It is not necessary to fax paperwork to Wisconsin Community Services. Distribute the paperwork according to the instructions on the order form.

### Competency Challenges Add Bed Days

In the final quarter of state fiscal year 2018 (April 1–June 30, 2018), the state mental health institutes discharged 87 people who had been committed for inpatient treatment for competency restoration under Wis. Stat. § 971.14(5). There were 19 cases in which the DHS progress report was challenged and doctor's testimony and/or a second independent opinion were requested. The delay in these cases resulted in an additional 583 days under the commitment for these patients, calculated from the date of the challenge to the date of the discharge. Currently, there are eight open cases in challenge status, with an estimated combined total of 457 additional days under the commitment, calculated from the date of the challenge to the date of the next scheduled appearance. Please be mindful to schedule future court dates within a reasonable timeframe. While there are no statutory timeframes that apply after a challenge has been made, your efforts to expedite the proceedings have a significant impact on bed availability, which allows for the treatment of others.

## DHS Going Paperless

DHS is converting to electronic files only. Clerks should scan and email all paperwork to the designated provider according to the instructions in the clerk's guide.

## Supervised Release Program Changes

Counties now have an increased role in securing residences for individuals placed on supervised release from Sand Ridge Secure Treatment Center. Under 2017 Wisconsin Act 184, the court should notify representatives of the individual's county of residence when there is an order for supervised release. The county of residence must form a committee to locate a residence for the individual. The committee must consist of the county department under Wis. Stat. § 51.42, a local probation or parole officer, the county corporation counsel or his or her designee, a representative of the county that is responsible for land use planning or the department of the county that is responsible for land information, and a representative of DHS. The county committee must submit a report to DHS that identifies a residence for the individual that meets all legal criteria. This report must demonstrate that the county committee contacted the landlord for the identified residence and the landlord committed to enter into a lease. DHS must create a supervised release plan that includes the residence identified by the county committee within 30 days of receiving the report. The plan is submitted to the client's committing court. [Visit the DHS website for more information on the Supervised Release Program.](#)

## Training Activities

- A panel of representatives from DHS and providers contracted by DHS presented at the Criminal Law and Sentencing Institute in May.
- A panel of representatives from DHS and providers contracted by DHS will be presenting at the Criminal Defense Conference and Wisconsin Clerks of Circuit Court Association in the fall.

Staff from Wisconsin Community Services Court Liaison and Tracking Services are available to provide training. Use the contact information at the bottom of this page to schedule a training session in your county.

## WCS Court Liaison and Tracking Services Website

Guides and processes related to cases under Wis. Stat. ch. 971, as well as answers to frequently asked questions, are available online to help clerks and judges. [Visit the WCS website.](#)

## 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)