

**Who makes the decisions about what course or action will be pursued?**

The Department of Health and Human Services makes recommendations regarding the best course of action. These recommendations must be approved by a judge, should the matter proceed to court.

Based on recommendations by a psychiatrist or psychologist, the judge decides on when the initial treatment shall occur. After the initial treatment, the Department of Human Services and the treatment team determine additional treatment options.

Parents may direct any specific questions about the Emergency Detention to the Court and Intervention Unit. Parents will be contacted by a representative from the Department of Health and Human Services to provide information and answer any additional questions.

**Contact Information:**

*Please contact us with any specific questions or concerns.*

La Crosse County Department of Health and Human Services - Court and Intervention Unit:  
(608) 785-6101.

La Crosse County Children with Special Needs Unit: (608) 785-6412.

Office of the Public Defender:  
(608) 785-9531

**Additional Resources:**

**24 Hour Crisis and Community Information Referral:**  
Mobile Crisis - 784-HELP  
Great Rivers 211 - Dial 211

**Advocacy/Parent Support:**  
Wisconsin Family Ties  
(800) 422-7145  
La Crosse Area - Vicky Shanley  
(608) 783-4009  
Western WI - Ann Hager  
(608) 784-4657

National Association for the Mentally Ill (NAMI)  
La Crosse (608) 784-0062

Independent Living Resources  
(608) 787-1111

**Family Concerns/Services:**  
La Crosse County Health and Human Services (608) 785-6202



Prepared by La Crosse County Department of Health and Human Services and the Office of Corporation Counsel 8/2006

Health and Human Services  
300 4th Street North  
La Crosse, WI 54601

Phone: 608-785-6202  
Fax: 608-785-6443

This document is intended to provide general information about Children's Chapter 51 Emergency Detentions. It is not intended to provide legal advice.



La Crosse County  
Department of Health  
and Human Services

**Information for Parents**

**Chapter 51  
Emergency  
Detentions**



*This brochure provides general information about the Emergency Detention procedure outlined in Chapter 51, the Mental Health Act of the Wisconsin Statutes. It is intended to familiarize parents with the procedure for involuntary treatment when a child poses a threat to self or others.*

## What is an Emergency Detention?

An emergency detention occurs when a law enforcement officer takes a child into custody because their recent actions pose a significant risk of harm to self or others. A child can remain under an emergency detention for up to 72 hours during which time he or she will be assessed at a mental health facility. Local law enforcement, the mental health treatment facility, the La Crosse County Office of Corporation Counsel and the Department of Health and Human Services collaborate to ensure the safety of the child and the community.

## Who can initiate an Emergency Detention?

Any person in the community who witnesses a serious mental health act can contact the La Crosse County Mobile Crisis Support Program. A mobile crisis worker will assess the situation and determine if law enforcement needs to be contacted. For life threatening acts law enforcement can be contacted directly. Chapter 51 of the Wisconsin Statutes gives law enforcement officers the authority to place children into secure physical custody when exhibiting dangerous behavior. This does not mean that the child is under arrest. It is also law enforcement's responsibility to bring the child to a mental health treatment facility for further assessment.

## Where will my child be taken?

Children detained in La Crosse County will be taken to a local hospital emergency room. When the medical facility determines the child is medically stable, he or she will be transferred to an alternate location or mental health treatment facility. Depending on availability this location may be outside of La Crosse County.

## What happens once my child arrives at the mental health treatment facility?

A child can remain in custody for up to 72 hours (excluding weekends and holidays) at the designated treatment facility. The treatment team, including a licensed psychiatrist, interviews the child and assesses treatment needs. The treatment team makes recommendations for treatment and determines whether further involuntary treatment is necessary. The treatment team communicates these recommendations to the La Crosse County Office of Corporation Counsel and the Department of Health and Human Services. Possible outcomes include:

- *Discharge from the treatment facility:* The child has been assessed to be stable and safe to return to the community. If he or she requires follow up mental health treatment, the child has agreed to do this on a voluntary basis and his or her needs will be best met by outpatient providers.
- *Voluntary inpatient hospitalization:* The child requires further assessment or mental health treatment and is not ready for discharge to the community. The child is willing to stay in the hospital and receive treatment on a voluntary basis. The child's parent must also consent to this treatment.
- *Court intervention:* The child requires court intervention to comply with recommended mental health treatment.

## What can happen in court?

If the treatment team recommends court intervention, one of the following outcomes will occur.

- *A settlement agreement:* In this type of court order, a child formally agrees to comply with all mental health treatment recommendations and other stated rules for up to 90 days. Compliance with the court order is monitored by a representative of the Department of Health and Human Services. Compliance for 90 days results in dismissal of the court action; non-compliance may result in the continuance of the court process for involuntary treatment.
- *A Probable Cause Hearing:* A hearing is held to determine whether further involuntary treatment is necessary. At this hearing evidence is presented to a judge to determine whether there is probable cause to believe that a child is mentally ill and in need of further involuntary treatment to ensure his or her safety. This court process is used when a child with mental illness continues to refuse treatment and requires protection to remain safe.

Parents will be notified by the Court and Intervention Unit regarding court hearings. Representatives from Corporation Counsel and Human Services will attend the hearing and be available for any questions. The child will be transported to the hearing by the La Crosse County Sheriff's Department. He or she will be assigned legal representation for any hearing.