

Summary of Procedures Probable Cause

The first hearing after an emergency detention is called a "probable cause" hearing. It MUST be held within 72 hours of the emergency detention, excluding holidays and weekends. Ch 51.20(7)(a), Wis. Stats.

At this hearing, the Court must decide if there is probable cause to believe that a person has a mental illness, is dangerous to self or others and is treatable.

The individual can agree that the court can make these findings.

The individual also has a right to contest the matter and require the county to prove the Chapter 51 commitment criteria.

If the doctor recommends and the subject individual agrees to short term agreement (Settlement Agreement), the individual has no further court hearings unless the individual is non-compliant with the terms of the settlement agreement and is a danger to self/others.

If the individual is non-compliant and a danger to self/others, the individual would be detained through a court order and the case can be brought back to court.

When Probable Cause is Found

- If probable cause is found and a longer term of services and supervision is recommended by the doctor, the individual is returned to the hospital.
- The individual would return to Court for a final hearing, which must be scheduled within 14 days from the date of the emergency detention. Ch 51.20(7), Wis Stats.

Final Hearing

- After the probable cause hearing, if the treating doctors determine that further commitment is appropriate, then the corporation counsel is so notified and two licensed psychiatrists or a licensed psychiatrist and a licensed psychologist are appointed to conduct an examination of the individual and complete a report which includes the standards required for a chapter 51 commitment and recommendations as to medication and treatment for the individual.
- At this hearing, the Court must decide if the individual continues to meet the criteria necessary for a Chapter 51 commitment:
 1. Individual suffers from a mental illness
 2. Individual is a danger to self or others
 3. Individual is treatable
- The Court makes these findings based on the reports and/or testimony of the psychiatrists and/or psychologists and any relevant testimony from witnesses.

Final Hearing continued

- The individual can agree that the court can make these findings at the hearing.
- The individual also has a right to contest the matter and require testimony from the doctors and all other relevant witnesses as to the three criteria for a chapter 51 commitment.
- If the Court concludes that the standard for the criteria has been met, the Court enters an order that the individual is under a commitment to get services as are necessary through any and all services providers.
- An initial commitment period cannot exceed 6 months, however it can be extended after the initial period at the recommendation of the doctor.

Order for Involuntary Medication and Services

- At any point during the proceedings, a doctor can request an order for involuntary medication and treatment for the individual. The doctor must have or attempt to have a conversation with the individual to review the advantages and disadvantages of accepting medication and treatment.
- The doctor then makes the determination if the individual is competent or if the individual is substantially incapable of applying an understanding of the advantages, disadvantages and alternatives to his or her chronic mental illness in order to make an informed choice as to whether to accept or refuse psychotropic medications.