Updated 2/09/2020

**EMERGENCY PROTECTIVE PLACEMENT PROCEDURE**

**Grounds:**

Per WI Statutes 55.135, It appears probable, based on specific reliable information, that an individual is so totally incapable of providing for his or her own care or custody that if not immediately placed he or she will create a substantial risk of serious physical harm to himself or herself or others as a result of developmental disability, degenerative brain disorder, serious and persistent mental illness, or other like incapacities.

**Necessary Forms:**

\_\_\_\_\_ Examining Physician’s or Psychologist’s Report GN-3130

\_\_\_\_\_ Petition for Temporary and Permanent Guardianship GN-3100

\_\_\_\_\_ Petition for Protective Placement GN-4040

\_\_\_\_\_ Notices

\_\_\_\_\_ Statement of Emergency Protective Placement GN-4000

\_\_\_\_\_ Notice of Rights for Emergency Protective Placement GN-4010

\_\_\_\_\_ Statement of Acts and Consent to Serve GN-3140

\_\_\_\_\_ Certificate of Service on the Individual GN-3121

\_\_\_\_\_ Copy of POAHC and Activation form, DPOA (for Guardian of Estate only)

**Process:**

1. Call Probate to inform them that a request for emergency protective placement may be coming soon.

* Coordinate with corporation counsel;
* Coordinate with law enforcement if necessary.

1. Preplan where the person will be placed and how transportation to the facility will be accomplished. Obtain medical clearance paperwork. Preplan how the person will be taken into custody and transferred to a facility. You may request the assistance of law enforcement. If you do, advise the law enforcement officer that you are going to need assistance in taking a vulnerable person into protective custody and the s/he is required to assist you by section **55.043(2)(a)**, which reads as follows:

The adult-at-risk agency may request a sheriff or police officer to accompany the adult-at-risk agency investigator or worker during visits to the residence of the adult at risk or request other assistance as needed. If the request is made, **a sheriff or police officer shall accompany** the adult-at-risk agency investigator or worker to the residence of the adult at risk **and shall provide other assistance as requested or necessary**.

1. Determine if you will also need a temporary guardian.

1. Determine what medical doctor or psychologist is willing to testify.
2. Determine all interested parties and their addresses.
3. Complete as many forms as possible **before** taking the person into custody. Information learned after the documents are typed and before filing can be handwritten in if necessary.
4. Take the person into custody and transport to the emergency placement facility.
5. Sign the **Statement of Emergency Protective Placement and make** **FOUR copies**. Give one copy to the person taken into custody, one to the law enforcement officer, one to the facility taking the person and keep the fourth for court filing.
6. Have the director or representative of the facility where the person is taken complete and sign **the Notice of Rights for Emergency Protective Placement and make THREE copies**. Have them give one copy of the person detained, give one to the facility and keep the remaining copy for court filing.
7. Finish completing the Petition for Guardianship, if there is not already one in place, (filling in the request for a temporary guardian if needed), and the Petition for Protective Placement, including who should receive notice. Where information is not known type or write either, “to be determined” or “unknown at this time.” Amended petitions may need to be filed at a later time.
8. Find a corporation counsel to notarize your signature on petitions, obtain court dates and file all court documents. Advise corporation counsel regarding whether the person can come to the courthouse or if the hearing needs to be held at the facility. **If no corporation counsel is available, you may file the documents, appropriately notarized, electronically as a non-party. However, you must then call the Probate Office to get court dates and also complete additional forms:**

\_\_\_\_\_ Notice and Order for Hearing GN-3110

\_\_\_\_\_ Order and Notice for Hearing on Temporary Protective Placement GN-4020

\_\_\_\_\_ Order Appointing Guardian ad Litem GF-131A

\_\_\_\_\_ Order on Temporary Protective Placement of Protective Services GN-4030

1. Arrange for service of all filed documents on the person temporary placed before the temporary hearing. If the person is at a facility that is too far away to permit this, be sure they have notice of the temporary hearing, then arrange service of all documents before the permanent protective placement hearing.
2. **A temporary hearing will be held within 72 hours of filing;** excluding weekends and holidays.

* Arrange for transportation of the detained person, if necessary, or for a room for a hearing at the facility in the alternative.
* If you need a temporary guardian, have ready for filing the Statement of Acts and Consent to Serve.
* Advise the doctor and other necessary persons of the time and place of the hearing.