

### **Three-Party Petitions – Wisconsin Statute § 51.20 (1)**

These actions occur if there are recent dangerous conducts/behaviors present AND one or more of the following disabilities exists: mental illness, drug dependency and/or developmental disabilities.

To substantiate mental illness, drug dependency or developmental disability, you will need to provide information on the current physician, diagnoses, medications and dates of last treatment. The person also must be a proper subject for treatment.

Dangerous conduct/behavior is defined as specific acts, attempts or threats which constitute a substantial risk of physical harm to self and/or others, according to the following standards:

1. Danger to oneself (for ex., suicidal thoughts/actions)
  2. Danger to others (for ex., homicidal thoughts/actions)
  3. Impaired judgment in that the person is not able to make decisions that are appropriate and potentially dangerous (for ex., believing that they possess super powers and that they can fly if they jump off a building)
  4. Behavior indicating the person can't take care of themselves or meet their own basic needs (for ex., person refuses to eat or does not dress appropriately for the weather conditions) so that *substantial probability exists* that death, serious physical injury, debilitation or disease will imminently ensue unless the person receives prompt adequate treatment.
  5. Fifth Standard – This standard is different from the other involuntary civil commitment statutes because it requires a finding that the person suffering from a mental illness is in need of treatment AND there must be a finding that the person is incompetent to refuse medication. This is why the Fifth Standard is also referred to as the “need for treatment” alternative to the other four standards. The Fifth Standard also does not require the finding of dangerousness to be immediate or overt, as it is with the first four standards.
- Three-Party Petitions for Alcoholism also have a different standard. A petition may be filed if the person's dependence on alcohol substantially impairs or endangers the person's health AND their social or economic functioning is substantially disrupted. Please remember that simply being an alcoholic is not automatic grounds for a petition. There are many people who are alcoholics and still able to function well enough in their lives. In this context, substantially means a severe degree of impairment, endangerment or disruption.

This process may take time. Depending upon several factors and the evidence presented, some petitions could take weeks to bring to court. During this period of time, an emergency detention can be started, if necessary. If the emergency detention process is started, the three-party petition will be put “on hold.”

If you believe that you have the necessary information to meet the standards for a three-party petition (as outlined above), you may contact the Oneida County Human Services Center 715-369-2215 to start the referral process. Please understand that, in addition to meeting the standards, the following criteria must all be met:

1. There are **three (3)** people, including yourself, with at least **one** person with first-hand knowledge of the person's situation
2. All three persons are willing to **sign** a petition
3. All three persons are willing to **testify in court**.

### **FREQUENTLY ASKED QUESTIONS:**

#### **Three-Party Commitment**

Question: Is there a cost associated with filing the petition?

Answer: **No.** Assistance in filing the petition is a free service offered through the Oneida County Human Services Department.

Question. How long does the petition take to fill out?

Answer: Generally, it does not take more than a few hours. Before completing the paperwork, organize your thoughts on paper - complete with the dates and times of incidents. It is necessary to provide specific details, the more specific you are, the better the chance that the petition will be successful. You and the other petitioners have the burden of proving probable cause for commitment. It may be helpful for the three persons to gather together and complete the paperwork together. The petition information then needs to be sent to Information & Assistance to start the referral process.

Question: After the petition is completed, when will the person be detained and taken to the hospital?

Answer: This part of the process may be quick or it could take several weeks, depending on the evidence provided. The Oneida County Corporation Counsel is responsible for obtaining a court order to have the person detained and placed at the appropriate facility.

Question. Are there court obligations on behalf of the petitioners?

Answer: **Yes.** You will be requested to testify at the probable cause hearing. This hearing must be scheduled within 72 hours of the detention, not including weekends and holidays. You will also be required to attend the final commitment hearing, which occurs within 14 days of the detention.

Question: Do the petitioners have to be relatives of the person being considered for the Three-Party Petition?

Answer: **No.** The three petitioners may be any person, 18 years or older, having recent and direct knowledge of the subject's actions. The incident described should have

occurred within the previous three months. At least one person must have first hand knowledge of the incidents by witnessing the person's actions or statements.

Question: Does every Three-Party Petition result in a commitment?

Answer: No. The initial petition can be denied when reviewed by Corporation Counsel or, after the petition has been filed, by the Court if the Court determines that probable cause has not been met and that the person is not a danger.

Question: How is the treatment paid for?

Answer: A person will use their own insurance and resources for the cost of care. If the person has no insurance, Oneida County will review the financial situation of the person and funding MAY be provided.