

IN THE MATTER OF

Amended

**Findings and Order  
Continuing Protective  
Placement**

Order for Protective Services  
(Annual Review of  
Protective Placement)

Case No. \_\_\_\_\_

\_\_\_\_\_  
Date of Birth

This matter is before the court on a Petition for Annual Review of Protective Placement. The court considered the information contained in the county department's annual report of the review of the status of the individual, Report and Recommendation of Guardian ad Litem (Annual Review) and any other relevant reports on the individual's condition and placement.

The court determined  to order  not to order additional information, and  
 to appoint  not to appoint adversary counsel.

- All requests for a full due process hearing of this petition were withdrawn.
- The court ordered and held a summary hearing.
- The court ordered and held a full due process hearing.

**THE COURT FINDS:**

1. The individual continues to **meet the standards** for protective placement because:

- The individual has a primary need for residential care and custody;
- Except in the case of a minor that is age 14 or older, who is alleged to have a developmental disability, the individual was either adjudicated to be incompetent by a circuit court or a petition for guardianship was submitted on the minor's behalf;
- As a result of
  - a developmental disability
  - degenerative brain disorder
  - serious and persistent mental illness
  - other like incapacities

the individual is so totally incapable of providing for the individual's own care or custody as to create a substantial risk of serious harm to the individual or others. Serious harm may be evidenced by overt acts or acts of omission.

- The individual has a disability that is permanent or likely to be permanent.

2. The current protective placement is:

- the least restrictive** environment consistent with the needs of the individual and the resources of the county department, including the limits of available state and federal funds, and county funds required to be appropriated to match state funds under the requirements of §55.12(3), (4) and (5).
- not the least restrictive** environment and:
  - individual needs to be transferred to a less restrictive environment consistent with the needs of the individual and the requirements of §55.12(3), (4) and (5).
  - the county of residence needs to develop or recommend a protective placement that is the least restrictive environment consistent with the needs of the individual and the requirements of §55.12(3), (4) and (5).
  - individual needs to be transferred to a more restrictive environment consistent with the needs of the individual and the requirements of §55.12(3), (4) and (5).

- 3. The individual is determined to have a developmental disability and the most integrated setting appropriate for the individual's needs, and the resources of the county department, including the limits of available state and federal funds, and county funds required to be appropriated to match state funds, is placement in
  - a Center for developmentally disabled individuals.
  - a Nursing facility.
  - an Intermediate care facility.
  - a Non-institutional community placement.
  - Other: \_\_\_\_\_

**THE COURT ORDERS:**

- 1. Protective placement is continued in the facility in which the individual resides at the time of the hearing.
- 2. Transfer of the individual to a protective placement that is in the least restrictive environment consistent with the individual's needs and the resources of the county department, including the limits of available state and federal funds, and county funds required to be appropriated to match state funds.
  - The county department or agency with which it contracts under §55.02(2), Wisconsin Statutes, or its designee to provide protective services to the individual in the least restrictive environment and in the least restrictive manner consistent with the needs of the individual and the requirements of §55.12(3), (4) and (5).
- 3. The county department of residence shall develop or recommend a protective placement that is in the least restrictive environment consistent with the needs of the individual and the resources of the county department, including the limits of available state and federal funds, and county funds required to be appropriated to match state funds, and arrange for the individual's transfer to that protective placement **within 60 days** after this court's order.
  - The court is granting an extension until (Date) \_\_\_\_\_ to permit the development of a protective placement.
  - The county department or agency with which it contracts under §55.02(2), Wisconsin Statutes, or its designee to provide protective services to the individual in the least restrictive environment and in the least restrictive manner consistent with the needs of the individual and the requirements of §55.12(3), (4) and (5).
- 4. Transfer of the individual with a developmental disability in accord with the plan for the most integrated setting appropriate for the individual's needs and consistent with the resources of the county department, including the limits of available state and federal funds, and county funds required to be appropriated to match state funds, to
  - a Center for developmentally disabled individuals.
  - a Nursing facility.
  - an Intermediate care facility.
  - a Non-institutional community placement.
  - Other: \_\_\_\_\_

**THIS IS A FINAL ORDER FOR PURPOSES OF APPEAL IF SIGNED BY A CIRCUIT COURT JUDGE.**

**BY THE COURT:**

\_\_\_\_\_  
 Circuit Court Judge     Circuit Court Commissioner

\_\_\_\_\_  
Name Printed or Typed

\_\_\_\_\_  
Date

**DISTRIBUTION:**

- 1. Original - Court
- 2. Individual
- 3. Individual's Guardian
- 4. Individual's Legal Counsel, if any
- 5. Guardian ad Litem
- 6. Individual's agent under an activated power of attorney for healthcare, if any
- 7. Facility in which the individual resided when petition for annual review was filed
- 8. County Department of individual's county of residence under §55.18(1)(a)
- 9. County Department of individual's placement under §55.18(1m)