

STATE OF WISCONSIN, CIRCUIT COURT, \_\_\_\_\_ COUNTY

IN THE MATTER OF

Amended

\_\_\_\_\_  
Name

**Order on Petition Objecting to Transfer  
of Protective Placement**

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

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

A Petition Objecting to Transfer of Protective Placement was filed and a hearing has been held. After consideration of the reports and other documents on file, all factors required by the statutes, and such additional information presented;

**THE COURT FINDS:**

- 1. The ward who is the subject of this proceeding
  - A. continues to have a primary need for residential care and custody.
  - B. continues to be incompetent, as a result of
    - developmental disability;
    - degenerative brain disorder;
    - serious and persistent mental illness;
    - other like incapacities, oris a minor alleged to have a developmental disability and a Petition for Guardianship has been submitted on the minor's behalf.
  - C. continues to be so totally incapable of providing for his or her own care or custody as to create a substantial risk of serious harm to himself or herself or others, with serious harm being evidenced by overt acts or acts of omission; and
  - D. continues to have a disability which is permanent or likely to be permanent.
- 2. The ward no longer meets the standards for protective placement.
- 3. The proposed transfer
  - A. meets the standards for transfer because
    - the transfer is to a locked unit and court has made a specific finding as to the need.
    - the ward has a developmental disability and the transfer is to an intermediate facility or nursing facility with the development of a Community Plan or a Community Plan being furnished to the county department or agency and to the ward's guardian.
    - the transfer is to the least restrictive environment and in the least restrictive manner, consistent with the needs of the ward 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 transfer is to an intermediate facility or nursing facility that is in the most integrated setting that enables the ward to interact with persons without a developmental disability to the fullest extent possible.
    - the transfer is in the best interest of the ward.

- Other: \_\_\_\_\_  See attached
- B. **does not meet the standards** for transfer because the
- transfer is to a unit for the acutely mentally ill.
  - transfer is to a locked unit without a specific finding from the court as to the need.
  - ward has a developmental disability and the transfer is to an intermediate facility or nursing facility without development of a Community Plan or a Community Plan being furnished to the county department or agency and to the ward's guardian.
  - transfer is not to the least restrictive environment and in the least restrictive manner, consistent with the needs of the ward 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.
  - transfer is to an intermediate facility or nursing facility that is not in the most integrated setting that enables an individual to interact with persons without a developmental disability to the fullest extent possible.
  - transfer is not in the best interest of the individual.
  - Other: \_\_\_\_\_  See attached

4. The ward **meets the standards for protective services** because
- A. the ward has been determined to be incompetent by circuit court or is a minor who is alleged to have a developmental disability and on whose behalf a Petition for Guardianship has been submitted.
  - B. as a result of a developmental disability, degenerative brain disorder, serious and persistent mental illness, or other like incapacities, the individual will incur a substantial risk of physical harm or deterioration or will present a substantial risk of physical harm to others if protective services are not provided.

**THE COURT ORDERS:**

- 1. The objection is denied and the transfer is approved.
- 2. The objection is granted and the transfer is prohibited.
- 3. The protective placement is terminated.
  - A. The ward shall be transferred or discharged from his or her current residential facility **within 60 days** of this Order. The county department shall assist the residential facility with discharge planning for the ward including planning for proper residential living arrangements and the necessary support services for the ward.
  - B. The ward may remain in the current facility which is licensed for fewer than 16 beds.
- 4. The county department or agency with which it contracts under §55.02(2), Wis. Stats., or its designee shall provide protective services to the ward in the least restrictive environment and in the least restrictive manner consistent with the needs of the ward 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.
- 5. Other: \_\_\_\_\_

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

DISTRIBUTION:

1. Court
2. Individual/Ward
3. Individual/Ward's Guardian
4. Corporation Counsel
5. Individual/Ward's Legal Counsel
6. Guardian ad litem
7. Individual/Ward's agent under Power of Attorney for Health Care
8. Facility in which the Individual resides
9. County Department of Human Services/Social Worker