



Legislation Details (With Text)

**File #:** 34439      **Version:** 1      **Name:** Commence legal action against the Department of Health Services re: Placement of emergency detention individuals at Mendota

**Type:** Resolution      **Status:** Passed

**File created:** 6/10/2014      **In control:** COMMON COUNCIL

**On agenda:** 7/1/2014      **Final action:** 7/1/2014

**Enactment date:** 7/2/2014      **Enactment #:** RES-14-00534

**Title:** Authorizing the City Attorney to commence legal action against the Wisconsin Department of Health Services for failing to follow Wis. Stat. § 51.15(2) & (3) which requires the Department of Health Services to accept custody of individuals placed under emergency detention by the Madison Police Department.

**Sponsors:** Paul R. Soglin

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
7/1/2014	1	COMMON COUNCIL	Adopt	Pass
6/17/2014	1	COMMON COUNCIL	Refer to a future Meeting to Adopt	
6/10/2014	1	Attorney's Office	Referred for Introduction	

**Fiscal Note**

These proceedings would be undertaken using budgeted City Attorney staff and resources. No appropriation is required.

**Title**

Authorizing the City Attorney to commence legal action against the Wisconsin Department of Health Services for failing to follow Wis. Stat. § 51.15(2) & (3) which requires the Department of Health Services to accept custody of individuals placed under emergency detention by the Madison Police Department.

**Body**

WHEREAS, the Wisconsin Department of Health Services is the state agency charged with oversight of all state treatment facilities under Wis. Stat. § 51.01(15) & Wis. Stat. § 46.011(1), and Mendota Mental Health Institute is a state treatment facility; and

WHEREAS, individuals placed in emergency custody under Wis. Stat. § 51.15(2) must be placed at either a facility that agrees to placement or a state treatment facility; and

WHEREAS, Mendota has stated they will no longer accept individuals placed under this statute and the Police Department is in the process of verifying this; and

WHEREAS, mental health experts have indicated it is in the best interest of these individuals be placed at Mendota, close to their support networks; and

WHEREAS, Mendota is mandated by statute to accept custody of these individuals; and

WHEREAS, the City Attorney has researched and recommends that the City bring suit against the

Department of Health Services and any other necessary party in order to compel Mendota to take custody of individuals placed in custody under the emergency detention statute;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Madison that, the City Attorney is authorized to commence legal proceedings against the Department of Health Services and Mendota Mental Health Institute and any other necessary party to require that they follow state mandate and accept custody of individuals who are under emergency detention.