



## *Clerks Guide to Wis. Stat. ch. 971 Processes*

### **971.14(2) Evaluation of Competency to Stand Trial**

- Use form CR-205.
- Email CR-205 and criminal complaint to DHS: [DHSMMHIAmissions@dhs.wisconsin.gov](mailto:DHSMMHIAmissions@dhs.wisconsin.gov)
- Follow distribution instructions on the form.

If an inpatient exam is recommended by DHS (via the Wisconsin Forensic Unit report), the department recommends setting a hearing for 30 days post order and include the date and time of hearing on the order.

### **971.14(5) Treatment to Competency**

- Use form CR-206.
- Check need for medication order and/or penalty enhancers, note on order form.
- Schedule a review hearing for 90 days post order.
- Email form CR-206, criminal complaint and examiner's report to DHS: [DHSMMHIAmissions@dhs.wisconsin.gov](mailto:DHSMMHIAmissions@dhs.wisconsin.gov)
- Check referral to Outpatient Competency Restoration Program (OCRCP), note on order form.
- Follow distribution instructions on the form.
- The court will receive progress reports at the intervals specified in the statute.
  - Upon receiving a progress report that the person has been opined as “competent” or “not competent and not likely to become competent,” the court should schedule a competency hearing within 14 days and order the person transported for this hearing.
  - Upon receiving a progress report that the person continues to be opined as “not competent but likely to become,” set another review hearing 90 days out. There is no need for a new order to be signed.

\*If the court receives a Request for Order to Treat from the treating facility, the court should follow Wis. Stat. § 971.14(5)(am) and conduct a hearing within 10 days.

### **971.16 Criminal Responsibility (NGI Plea)**

- Use form CR-270.
- On order, schedule the examiner's report return to court.
- Notify WCS Court Liaison Service via phone or email for tracking purposes.
- Select an examiner: Must be non-DHS, the WCS Court Liaison Services can provide a list of evaluators upon request of the court.
- Distribute form CR-270 and criminal complaint directly to the court appointed examiner. DHS does not assume responsibility for the distribution of the paperwork for independent examinations.
- Follow further distribution instructions on the form.

### **971.17 Not Guilty By Reason of Mental Disease or Defect (NGI)**

- Use form CR-271. Please include in “The Court Orders” section the amount of commitment time to DHS. There will always be additional forms that accompany this form depending on placement (PDI, SME, or CR plan will be ordered in conjunction with this form).
- Follow further distribution instructions on the form.

### **971.17 Determination of Placement (NGI)**

*If the court cannot decide if a person needs institutional care OR could be released directly into the community under conditional release, they can request more information by:*

- Form CR-272 to order DHS to complete a Predisposition Investigation (PDI)
- Email form CR-272, CR-271, criminal complaint and any examiner's reports to DHS:  
[DHSMMHIAmissions@dhs.wisconsin.gov](mailto:DHSMMHIAmissions@dhs.wisconsin.gov)
- Follow further distribution instructions on the form.

#### **AND/OR**

- Form CR-273 to order one of the state mental health institutes to complete an inpatient Supplementary Mental Examination (SME).
- Email form CR-273, CR-271, criminal complaint and any examiner's reports to DHS:  
[DHSMMHIAmissions@dhs.wisconsin.gov](mailto:DHSMMHIAmissions@dhs.wisconsin.gov)
- Follow further distribution instructions on the form.

#### **AND/OR**

- Form CR-273 to order a private examiner to complete an outpatient Supplementary Mental Examination (SME).
- Select an examiner: Must be non-DHS, the WCS Court Liaison Service can provide a list of evaluators upon request of the court.
- Distribute form CR-273 and criminal complaint directly to the court appointed examiner. DHS does not assume responsibility for the distribution of the paperwork for independent examinations.

### **971.17 Conditional Release**

- Use form CR-274 to order DHS to complete a conditional release plan.
- Email form CR-274, CR-275, CR-271 and supporting documents to DHS:  
[DHSMMHIAmissions@dhs.wisconsin.gov](mailto:DHSMMHIAmissions@dhs.wisconsin.gov)
- Allow DHS 21 days for direct court releases and 60 days for CR petitions to develop the CR plan when scheduling the next court date.
- Follow further distribution instructions on the form.

### **971.17 Institutional Care**

- Use form CR-275 to order inpatient care at one of the state mental health institutes.
- Email form CR-275, CR-271 and supporting documents to DHS:  
[DHSMMHIAmissions@dhs.wisconsin.gov](mailto:DHSMMHIAmissions@dhs.wisconsin.gov)
- Follow further distribution instructions on the form.

### **971.17(4) Petition for Conditional Release**

*\*\*\*The timeframe and process for CR petitions on NGI commitments ordered prior to 01/01/91 differ from the information provided below, please refer to the language in the older statutes\*\*\**

- Follow statutory timeframes (20 days for court to appoint an examiner/30 days for the examiner to complete and submit the report/30 days for the court to hold the hearing on the report).
- Use form CR-277.
- Schedule the examiner's report return to court on the order.
- Select an examiner: Must be non-DHS. If the court and attorneys do not have a specific examiner, the WCS Court Liaison Services can provide a list upon request.
- Distribute form CR-277 and criminal complaint directly to the court appointed examiner. DHS does not assume responsibility for the distribution of the paperwork for independent examinations.
- Follow further distribution instructions on the form.

If the court orders conditional release, refer to the **971.17 Conditional Release** section of this document for how to proceed.

### **971.17 Petition to Revoke Conditional Release**

DOC agent initiates these proceedings. A Treatment Plan Adjustment (TPA) may be considered.

- Use form CR-276.
- Complete a new placement order (form CR-275) if client is revoked. Mark the new order as “Subsequent” placement at the top.
- Email forms CR-275, CR-276 and supporting documents to DHS:  
[DHSMMHAdmissions@dhs.wisconsin.gov](mailto:DHSMMHAdmissions@dhs.wisconsin.gov)

#### **\*Direct questions regarding these processes to the DHS/WCS Court Liaison Services:**

- Adam Oldenburg-Court Liaison: 414-750-3519 or email: [aoldenburg@wiscs.org](mailto:aoldenburg@wiscs.org)
- Dominique Radiker-Assistant Court Liaison: 414-254-4888 or email: [dradiker@wiscs.org](mailto:dradiker@wiscs.org)
- Shewanda Brown-Assistant Court Liaison: 414-303-7547 or email: [shbrown@wiscs.org](mailto:shbrown@wiscs.org)

*(And/Or)*

#### **\*Questions regarding competency exams or urgent matters:**

Wisconsin Forensic Unit: 414-293-8320 or email: [staff@wiforensicunit.com](mailto:staff@wiforensicunit.com)

#### **\*Questions regarding the Outpatient Competency Restoration Program (OCRP):**

Behavioral Consultants: 414-271-5577 or email: [ocrp@bcwi.com](mailto:ocrp@bcwi.com)

#### **\*Questions regarding NGI Commitments, PDI/SME's, CR Petitions, and CR Plans:**

Contact the DHS/WCS Court Liaison to determine the appropriate DHS contracted service provider for your county.