

# Procedure for a Third Party Petition

A Mental Health Services Roadmap for Sheboygan County

*Is someone you care about posing a danger to themselves or others? You may need to file a third party petition to get the help they need.*

This process is not for emergency use.

If an individual poses an immediate threat to themselves or others, call 9-1-1.

## If the individual will voluntarily accept help,

then go to the local **emergency room** for an inpatient assessment.



HSBS  
St. Nicholas  
Hospital



Aurora  
Health Care

OR go to **Health and Human Services** (8-4:30 M-F) and ask for an on-call worker (call ahead at 920-459-3207).

## If the individual will NOT voluntarily accept help,

they must meet ALL the following criteria to file a third party petition:

- Be mentally ill
- Be a danger to themselves and others
- Be a proper subject for treatment

## If a petition is necessary,

then a Crisis Case Manager will draw up legal documents to send to the Corporation Counsel to approve or deny.

If approved, the petition will be sent to a Judge for approval or dismissal.

## Determine if the individual may qualify for a third party petition,

contact a **Crisis Case Manager** at Health and Human Services (HHS) to determine if a petition for treatment is necessary.

*Note: There must be **three** adult petitioners willing to submit affidavits, at least one of whom has first-hand knowledge of behavior.*

## If petition is approved,

then the individual will be detained and transported to a local ER by police before being transported to a behavioral health unit for treatment.

## What happens next?

A Chapter 51 **probable cause hearing** will occur in under 72 hours. The individual and petitioners will present their case in court, and a Court Commissioner or Judge will either **dismiss OR find probable cause** and order a final hearing within 14 days from detention date.

## If probable cause is found,

Individual will be detained until final hearing, at the final hearing a decision will be made to either **come to a 90-day settlement agreement, continue treatment, or dismiss.**

A **90-day Settlement Agreement** is a less restrictive option and would be agreed upon by the doctor and the party.

If treatment is continued, HHS will follow for **six months.**

After six months a discharge is automatic unless extension is necessary. If extension is necessary, HHS can petition for a twelve month extension.

## If petition is dismissed,

then contact Mental Health America Lakeshore and/or Health and Human Services for resources, support, and education for caregivers, petitioners, and the individual.



info@mhalakeshore.org  
920-458-3951