COURT OF APPEALS
DECISION
DATED AND FILED

May 30, 2007

David R. Schanker
Clerk of Court of Appeals

Appeal No. 2007AP384 **Cir. Ct. No. 2000ME422**

STATE OF WISCONSIN **IN COURT OF APPEALS**
DISTRICT II

IN THE MATTER OF THE MENTAL COMMITMENT OF LAURA J. M.:

COUNTY OF WAUKESHA,

PETITIONER-RESPONDENT,

V.

LAURA J. M.,

RESPONDENT-APPELLANT.

APPEAL from an order of the circuit court for Waukesha County: ROBERT G. MAWDSLEY, Judge. *Affirmed.*

¶1 BROWN, J.[1] This is an appeal of an order extending commitment under WIS. STAT. ch. 51. Laura J.M. concedes that the county proved mental illness, but argues that there was insufficient evidence to conclude that she was dangerous, as the statute requires. We disagree and affirm.

¶2 In order to extend a commitment, the county must show that the person to be committed is both mentally ill and dangerous. WIS. STAT. §§ 51.20(1)(a)1., 51.20(1)(a)2. Where the person to be committed is subject to inpatient treatment immediately prior to the commitment hearing, the dangerousness requirement can be satisfied by showing "a substantial likelihood, based on the subject individual's treatment record, that the individual would be a proper subject for commitment if treatment were withdrawn." Sec. 51.20(1)(am). The county bears the burden of demonstrating all necessary facts by clear and convincing evidence. Sec. 51.20(13)(e).

¶3 Laura has been diagnosed with schizoaffective disorder, for which she is prescribed medication. She acknowledges that the county proved that she will not take her medication consistently on a voluntary basis. Thus, the question comes down to whether the county has shown that the failure to take her medication will lead to a substantial likelihood of her becoming dangerous. We find ample evidence on this point. To wit:

¶4 Laura's case manager testified that in the past when Laura has failed to take her medication, it "tends to lead to rapid decompensation and often times behaviors that are dangerous to herself and/or to others." She also testified that

[1] This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(d) (2005-06). All references to the Wisconsin Statutes are to the 2005-06 version unless otherwise noted.

when Laura was previously living in the community with support from the county, she "was inconsistent with medication [and] exhibited dangerous behaviors." The case manager also filed a report detailing Laura's recent history, which includes aggressive behavior toward institutional staff and delusional beliefs. The court-appointed psychologist who examined Laura opined that Laura would become dangerous to herself or others if she stopped taking her medications. Then, against the advice of counsel, Laura testified, making a series of rambling, agitated and sometimes bizarre statements that the trial court noted "give the Court more evidence basically to … restrain the patient in a more restrictive setting."

¶5 Laura's claim is that all of this does not add up to clear and convincing evidence of dangerousness under the definition in WIS. STAT. § 51.20(1)(a)2. But as Laura acknowledges, the question in her case is whether the circuit court could find clear and convincing evidence under § 51.20(1)(am) that there is a substantial likelihood that she *will become* dangerous if released to the community and allowed to go off of her medications. Given Laura's history of suicide attempts and other dangerous behavior, her continued exhibition of delusions and aggression toward others, and the opinions of the mental health professionals who have worked with and examined her, and importantly, her admission that she will not take her prescribed medication consistently, we hold that there is sufficient evidence to support the circuit court's determination that there is a substantial likelihood of dangerousness to herself if she is released from commitment.

By the Court.—Order affirmed.

This opinion will not be published. *See* WIS. STAT. § 809.23(1)(b)4.