

**COURT OF APPEALS  
DECISION  
DATED AND FILED**

**May 29, 2002**

Cornelia G. Clark  
Clerk of Court of Appeals

**NOTICE**

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

**Appeal No. 02-0165  
STATE OF WISCONSIN**

**Cir. Ct. No. 01-ME-23**

**IN COURT OF APPEALS  
DISTRICT III**

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**IN THE MATTER OF THE MENTAL COMMITMENT  
OF NOREEN O.:**

**BROWN COUNTY,**

**PETITIONER-RESPONDENT,**

**v.**

**NOREEN O.,**

**RESPONDENT-APPELLANT.**

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APPEAL from an order of the circuit court for Brown County:  
GORDON MYSE, Reserve Judge. *Affirmed.*

¶1 CANE, C.J.<sup>1</sup> Noreen O. appeals from an order (1) recommitting her for one year to the Trempealeau County Medical Health Facility or a similar

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<sup>1</sup> This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2). All references to the Wisconsin Statutes are to the 1999-2000 version unless otherwise noted.

locked facility designated as the maximum restrictive facility, and (2) that medication be administered involuntarily. The sole issue on appeal is whether the circuit court failed to consider other, less-restrictive, means of treatment. The order is affirmed.

¶2 Noreen has a long history of involuntary mental commitments. Most recently, she was involuntarily committed under WIS. STAT. § 51.20. The incident leading to her present commitment occurred when the Green Bay Police Department apprehended her as she was walking barefoot in the snow on January 8, 2001. This resulted in an emergency detention followed by an involuntary commitment to the Brown County Unified Board for a period of six months. The court found that she presented a danger to herself, and she was eventually committed to the Trempealeau County Mental Health Facility, a locked psychiatric unit, the maximum restriction consistent with her needs.

¶3 Prior to the expiration of the six-month commitment, Brown County filed a petition for extension of commitment on June 20, 2001, and requested that Noreen be recommitted for a period not to exceed one year. Noreen requested a jury trial, and the matter was heard before a six-person jury. Three witnesses testified.

¶4 Dr. Pierre Slightam, an independent examiner appointed by the court, testified that Noreen exercised her right not to speak with him and therefore he was unable to perform an in-person examination. However, he did state that he was able to complete a review of Noreen's chart and has had numerous occasions to interview her in the past. He testified that Noreen is mentally ill with a probable diagnosis of paranoid schizophrenia. He added that if treatment were withdrawn, Noreen would again become a proper subject for treatment.

¶5 Dr. Chandra Bommakanti, a licensed psychiatrist, testified that she was Noreen's treating psychiatrist at the Brown County Mental Health Center and had contact with Noreen during her eighteen prior admissions to the facility over the last ten years. Noreen refused to partake in any testing with Bommakanti as a part of this proceeding. However, Bommakanti had numerous contacts with Noreen over the past ten years and testified that Noreen's distrust of her and refusal to cooperate with the staff at the health center stems directly from her paranoid schizophrenia. She also added that if Noreen's treatment were withdrawn, she would once again become a proper subject for treatment. Bommakanti also opined that if treatment were withdrawn, Noreen would likely stop or refuse to take the medications necessary for her treatment. Finally, Bommakanti testified that the least restrictive environment consistent with Noreen's needs would be a return to the Trempealeau County Mental Health Facility or a similar locked psychiatric facility.

¶6 Noreen testified on her own behalf and stated that she did not want to be committed and did not want to take medications because they gave her chest pains and "fatal cell abnormalities." She also stated that she would resist her current placement because she could not stand being confined.

¶7 The jury returned a unanimous verdict, concluding that Noreen was mentally ill and that she would again become a fit subject for commitment if treatment were withdrawn. After the jury returned its verdict, the circuit court heard arguments regarding disposition. The County requested that the maximum level of placement for Noreen be in a locked psychiatric facility. Noreen's counsel advised the court that Noreen wished to be in a facility closer to her home and suggested placement at the Brown County Mental Health Center. The court found that the Trempealeau County Mental Health Facility would be the

maximum restrictive facility for treatment of Noreen's condition and that medication could be ordered involuntarily.

¶8 Noreen does not dispute the findings that she is mentally ill and that if treatment were withdrawn, she would be a proper subject for commitment. Rather, Noreen claims that the circuit court erred by setting the maximum level of confinement in a locked psychiatric unit. This claim is based on her own opinion that she could not stand being confined and the possibility that she may respond positively if a reward system was established by the court.

¶9 WISCONSIN STAT. ch. 51 sets forth the division of responsibilities between the court and county department. In an involuntary commitment, as in this case, the court orders the person into the care of the county agency. WIS. STAT. § 51.20(13)(a)3. The court then designates the maximum level of restriction for the inpatient facility. WIS. STAT. § 51.20(13)(c)2. As we held in *In re J.R.R.*, 145 Wis. 2d 431, 437, 427 N.W.2d 137 (Ct. App. 1988), the statutes require the circuit court to designate the maximum level of inpatient treatment because treatment decisions are beyond the scope of the court's authority. Thus, it is the county department that arranges for Noreen's treatment to be received in the least restrictive manner consistent with her needs. See WIS. STAT. § 51.20(13)(c)2.

¶10 Here, the circuit court correctly limited its finding to setting the maximum restrictive facility as the Trempealeau County Mental Health Facility or a similar locked unit. The two medical experts made recommendations for intensive psychiatric counseling and medication for Noreen's treatment. The evidence shows that Noreen has a declining ability to care for herself, has been noncompliant with all diagnostic treatment and has been unable to participate in

her own care. The evidence also shows that it is necessary to administer the medication by force and that only after the initial forced admission was she able to cooperate with her medication regimen. Bommakanti stated that the Trempealeau Mental Health Facility meets Noreen's needs and would be the appropriate placement for her because the facility is a long-term mental health unit and provides the structure, supervision and possible rehabilitation for Noreen if she were to cooperate. Despite Noreen's request for a different placement, she fails to establish that any alternative existed to her current level of placement and treatment.

¶11 The County argues correctly that the statutes delegate the administration of the daily treatment to the county department. The court is not under a duty or obligation to micromanage individual cases. Here, the evidence amply supports the court's finding that Noreen is in need of a restrictive setting for her treatment and that the maximum restrictive facility consistent with her needs is a locked psychiatric unit.

*By the Court.*—Order affirmed.

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

