

Juvenile Crisis Intervention

[Link to 2018 SB179](#)

[Link to Legislative Summary of SB179](#)

Effective July 1, 2018

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Creates new statutes and amends: 38-2231, 38-2232, 38-2242, 38-2243, 38-2330 and 75-52,164

SUMMARY

Creates law and directs establishment of regulations for operation of juvenile crisis intervention centers which are to provide short-term observation, assessment, treatment, and case planning, and referral for any juvenile who is experiencing a mental health crisis and is likely to cause harm to self or others, similar to the Care and Treatment Act. The intervention centers are required to provide appropriate treatment to juveniles in their care. An intervention center may be on the same premises as another licensed facility, but the living unit of the intervention center must be maintained in a separate, self-contained unit. **An intervention center may not be located in a city or county jail or a juvenile detention facility.**

Nothing in the bill requires any jurisdiction or Community Mental Health Center to operate a juvenile crisis intervention center, it only establishes the requirements if establishing one and the authority of the facility to hold and treat appropriate juveniles.

Admission of a juvenile may occur upon:

1. Written authorization from a Community Mental Health Center qualified professional for the admission;
2. A determination by the Juvenile Crisis Intervention Center the juvenile is in need of treatment and is likely to cause harm to self or others, and;
3. No more appropriate alternative treatment is available and accessible to the juvenile at the time of admission.

Law Enforcement Requirements

KSA 38-2231, the statute in the CINC Code directing when law enforcement officers must take a child into custody as a child in need of care is amended to add the requirement to take any child into custody when the officer "reasonable believes the child is experiencing a mental health crisis and is likely to cause harm to self or others."

KSA 38-2232 in the CINC Code is amended

1. To provide "When any law enforcement officer takes into custody [under the Child in Need of Care Act] any child as provided in [the new custody requirement described above in KSA 38-2231] the law enforcement officer shall place the child in protective custody and may deliver the child to a juvenile crisis intervention center after written authorization by a community mental health center. Such child shall not be placed in a juvenile detention facility or other secure facility." This is in addition to the existing alternatives allowed in this statute.
2. To provide when a child is taken into police custody as a child in need of care and the child is not "delivered to the custody of the child's parent or other custodian" the option of delivering the child to a "juvenile crisis intervention center after written authorization by a community mental health center" is added to the existing options.

KSA 38-2330 in the Juvenile Offense Code is amended to add a new option for a juvenile offender placement ". . .if the juvenile is determined to not be detention eligible based on a standardized

detention risk assessment tool and is experiencing a mental health crisis, deliver a juvenile to a juvenile crisis intervention center. . . after written authorization by a community mental health center.”

Other Law Amendments

1. The statute on CINC court ex parte orders, KSA 38-2242, is amended to add the Juvenile Crisis Intervention Center as an option for the placement during protective custody.
2. The statute on CINC temporary custody orders, KSA 38-2243, is amended to allow “. . . probable cause to believe that the . . .child is experiencing a mental health crisis and is in need of treatment. . .” to the conditions allowing the court to enter an order of temporary custody. It also permits placement in a Juvenile Crisis Intervention Center “after written authorization by a community mental health center, a juvenile crisis intervention center, as described in section 1, and amendments thereto.”

Length of Admission for Treatment

- The admission may not last more than 30 days
- A parent with legal custody or a legal guardian of the juvenile can remove the juvenile from the center at any time.
 - The head of the intervention center may report any concerns such removal by the parent may be cause to place the child into CINC custody to
 - DCF or
 - May request the county or district attorney to initiate CINC proceedings.
 - If such request is made to the county or district attorney, the head of the intervention center shall make the request and keep the juvenile in the intervention center for an additional 24-hour period to initiate the appropriate proceedings.

Other Provisions

On or before January 1, 2019, the Secretary for Children and Families, is required to establish rules and regulations to implement Act.

Funding for the facilities may be available from the Evidence based Programs Account of the State General Fund or other available appropriations for juvenile crisis intervention services. These are generally funds established to be set aside from savings created by various state program reforms and designated to be “reinvested” in local juvenile programs. These requests would be through state agencies provided agreements are established with the Secretary of Corrections. The available funds are not to exceed \$2,000,000 annually.

Several other provisions not directly impacting law enforcement are also included in the bill.

ADDITIONAL REFERENCE DOCUMENTS:

[December 2017 Kansas Judicial Council Report on Juvenile Crisis Intervention Centers](#)

The author of this document is not an attorney and this is not legal advice. It is a summary of legislation passed in the 2018 Kansas legislative session and is based on explanations, observations, and studies of the bill and related documents.

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