

HOUSE BILL No. 2639

By Committee on Child Welfare and Foster Care

Requested by Representative Howerton

2-3

AN ACT concerning children and minors; changing the name of juvenile crisis intervention centers to juvenile stabilization centers; modifying the intake criteria for such centers; prohibiting certain rules and regulations for such centers; modifying the treatment and services provided by such centers; transferring moneys from the evidence-based programs account of the state general fund to the department for children and families to provide juvenile stabilization services; amending K.S.A. 38-2232, 38-2242 and 75-7023 and K.S.A. 2025 Supp. 38-2202, 38-2231, 38-2243, 38-2302, 38-2330, 65-536, 72-6287 and 75-52,164 and repealing the existing sections.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. ~~K.S.A. 2025 Supp. 38-2202 is hereby amended to read as follows: 38-2202. As used in the revised Kansas code for care of children, unless the context otherwise indicates:~~

(a) ~~"Abandon" or "abandonment" means to forsake, desert or, without making appropriate provision for substitute care, cease providing care for the child.~~

(b) ~~"Adult correction facility" means any public or private facility, secure or nonsecure, that is used for the lawful custody of accused or convicted adult criminal offenders.~~

(c) ~~"Aggravated circumstances" means the abandonment, torture, chronic abuse, sexual abuse or chronic, life threatening neglect of a child.~~

(d) ~~"Child in need of care" means a person less than 18 years of age at the time of filing of the petition or issuance of an ex parte protective custody order pursuant to K.S.A. 38-2242, and amendments thereto, who:~~

(1) ~~Is without adequate parental care, control or subsistence and the condition is not due solely to the lack of financial means of the child's parents or other custodian;~~

(2) ~~is without the care or control necessary for the child's physical, mental or emotional health;~~

(3) ~~has been physically, mentally or emotionally abused or neglected or sexually abused;~~

- 1       (4) ~~has been placed for care or adoption in violation of law;~~
- 2       (5) ~~has been abandoned or does not have a known living parent;~~
- 3       (6) ~~is not attending school as required by K.S.A. 72-3421 or 72-3120,~~  
4 ~~and amendments thereto;~~
- 5       (7) ~~except in the case of a violation of K.S.A. 41-727, 74-8810(j), 79-~~  
6 ~~3321(m) or (n), or K.S.A. 21-6301(a)(14), and amendments thereto, or,~~  
7 ~~except as provided in paragraph (12), does an act which, when committed~~  
8 ~~by a person under 18 years of age, is prohibited by state law, city~~  
9 ~~ordinance or county resolution, but which is not prohibited when done by~~  
10 ~~an adult;~~
- 11       (8) ~~while less than 10 years of age, commits any act that if done by an~~  
12 ~~adult would constitute the commission of a felony or misdemeanor as~~  
13 ~~defined by K.S.A. 21-5102, and amendments thereto;~~
- 14       (9) ~~is willfully and voluntarily absent from the child's home without~~  
15 ~~the consent of the child's parent or other custodian;~~
- 16       (10) ~~is willfully and voluntarily absent at least a second time from a~~  
17 ~~court ordered or designated placement, or a placement pursuant to court~~  
18 ~~order, if the absence is without the consent of the person with whom the~~  
19 ~~child is placed or, if the child is placed in a facility, without the consent of~~  
20 ~~the person in charge of such facility or such person's designee;~~
- 21       (11) ~~has been residing in the same residence with a sibling or another~~  
22 ~~person under 18 years of age, who has been physically, mentally or~~  
23 ~~emotionally abused or neglected, or sexually abused;~~
- 24       (12) ~~while less than 10 years of age commits the offense defined in~~  
25 ~~K.S.A. 21-6301(a)(14), and amendments thereto;~~
- 26       (13) ~~has had a permanent custodian appointed and the permanent~~  
27 ~~custodian is no longer able or willing to serve; or~~
- 28       (14) ~~has been subjected to an act that would constitute human~~  
29 ~~trafficking or aggravated human trafficking, as defined by K.S.A. 21-5426,~~  
30 ~~and amendments thereto, or commercial sexual exploitation of a child, as~~  
31 ~~defined by K.S.A. 21-6422, and amendments thereto, or has committed an~~  
32 ~~act which, if committed by an adult, would constitute selling sexual~~  
33 ~~relations, as defined by K.S.A. 21-6419, and amendments thereto.~~
- 34       (e) ~~"Child abuse medical resource center" means a medical institution~~  
35 ~~affiliated with an accredited children's hospital or a recognized institution~~  
36 ~~of higher education that has an accredited medical school program with~~  
37 ~~board-certified child abuse pediatricians who provide training, support,~~  
38 ~~mentoring and peer review to CARE providers on CARE exams.~~
- 39       (f) ~~"Child abuse review and evaluation exam" or "CARE exam"~~  
40 ~~means a forensic medical evaluation of a child alleged to be a victim of~~  
41 ~~abuse or neglect conducted by a CARE provider.~~
- 42       (g) ~~"Child abuse review and evaluation network" or "CARE network"~~  
43 ~~means a network of CARE providers, child abuse medical resource centers~~

1 and any medical provider associated with a child advocaey center that has  
2 the ability to conduct a CARE exam that collaborate to improve services  
3 provided to a child alleged to be a victim of abuse or neglect.

4 ~~(h) "Child abuse review and evaluation provider" or "CARE~~  
5 ~~provider" means a person licensed to practice medicine and surgery,~~  
6 ~~advanced practice registered nurse or licensed physician assistant who~~  
7 ~~performs CARE exams of and provides medical diagnosis and treatment to~~  
8 ~~a child alleged to be a victim of abuse or neglect and who receives:~~

9 ~~(1) Kansas-based initial intensive training regarding child~~  
10 ~~maltreatment from the CARE network;~~

11 ~~(2) continuous trainings on child maltreatment from the CARE~~  
12 ~~network; and~~

13 ~~(3) peer review and new provider mentoring regarding medical~~  
14 ~~evaluations from a child abuse medical resource center.~~

15 ~~(i) "Child abuse review and evaluation referral" or "CARE referral"~~  
16 ~~means a brief written review of allegations of physical abuse, emotional~~  
17 ~~abuse, medical neglect or physical neglect submitted by the secretary or~~  
18 ~~law enforcement agency to a child abuse medical resource center for a~~  
19 ~~recommendation of such child's need for medical care that may include a~~  
20 ~~CARE exam.~~

21 ~~(j) "Citizen review board" is a group of community volunteers~~  
22 ~~appointed by the court and whose duties are prescribed by K.S.A. 38-2207~~  
23 ~~and 38-2208, and amendments thereto.~~

24 ~~(k) "Civil custody case" includes any case filed under chapter 23 of~~  
25 ~~the Kansas Statutes Annotated, and amendments thereto, the Kansas~~  
26 ~~family law code, article 11 of chapter 38 of the Kansas Statutes Annotated,~~  
27 ~~and amendments thereto, determination of parentage, article 21 of chapter~~  
28 ~~59 of the Kansas Statutes Annotated, and amendments thereto, adoption~~  
29 ~~and relinquishment act, or article 30 of chapter 59 of the Kansas Statutes~~  
30 ~~Annotated, and amendments thereto, guardians and conservators.~~

31 ~~(l) "Court-appointed special advocate" means a responsible adult~~  
32 ~~other than an attorney guardian ad litem who is appointed by the court to~~  
33 ~~represent the best interests of a child, as provided in K.S.A. 38-2206, and~~  
34 ~~amendments thereto, in a proceeding pursuant to this code.~~

35 ~~(m) "Custody" whether temporary, protective or legal, means the~~  
36 ~~status created by court order or statute that vests in a custodian, whether an~~  
37 ~~individual or an agency, the right to physical possession of the child and~~  
38 ~~the right to determine placement of the child, subject to restrictions placed~~  
39 ~~by the court.~~

40 ~~(n) "Extended out of home placement" means a child has been in the~~  
41 ~~custody of the secretary and placed with neither parent for 15 of the most~~  
42 ~~recent 22 months beginning 60 days after the date at which a child in the~~  
43 ~~custody of the secretary was removed from the child's home.~~

1       (o) ~~"Educational institution" means all schools at the elementary and~~  
2 ~~secondary levels.~~

3       (p) ~~"Educator" means any administrator, teacher or other professional~~  
4 ~~or paraprofessional employee of an educational institution who has~~  
5 ~~exposure to a pupil specified in K.S.A. 72-6143(a), and amendments~~  
6 ~~thereto.~~

7       (q) ~~"Harm" means physical or psychological injury or damage.~~

8       (r) ~~"Interested party" means the grandparent of the child, a person~~  
9 ~~with whom the child has been living for a significant period of time when~~  
10 ~~the child in need of care petition is filed, and any person made an~~  
11 ~~interested party by the court pursuant to K.S.A. 38-2241, and amendments~~  
12 ~~thereto, or Indian tribe seeking to intervene that is not a party.~~

13       (s) ~~"Jail" means:~~

14       (1) ~~An adult jail or lockup; or~~

15       (2) ~~a facility in the same building or on the same grounds as an adult~~  
16 ~~jail or lockup, unless the facility meets all applicable standards and~~  
17 ~~licensure requirements under law and there is: (A) Total separation of the~~  
18 ~~juvenile and adult facility spatial areas such that there could be no~~  
19 ~~haphazard or accidental contact between juvenile and adult residents in the~~  
20 ~~respective facilities; (B) total separation in all juvenile and adult program~~  
21 ~~activities within the facilities, including recreation, education, counseling,~~  
22 ~~health care, dining, sleeping and general living activities; and (C) separate~~  
23 ~~juvenile and adult staff, including management, security staff and direct~~  
24 ~~care staff such as recreational, educational and counseling.~~

25       (t) ~~"Juvenile detention facility" means any secure public or private~~  
26 ~~facility used for the lawful custody of accused or adjudicated juvenile~~  
27 ~~offenders that must not be a jail.~~

28       (u) ~~"Juvenile intake and assessment worker" means a responsible~~  
29 ~~adult authorized to perform intake and assessment services as part of the~~  
30 ~~intake and assessment system established pursuant to K.S.A. 75-7023, and~~  
31 ~~amendments thereto.~~

32       (v) ~~"Kinship care placement" means the placement of a child in the~~  
33 ~~home of an adult with whom the child or the child's parent already has~~  
34 ~~close emotional ties.~~

35       (w) ~~"Kinship caregiver" means an adult who the secretary has~~  
36 ~~selected for placement for a child in need of care with whom the child or~~  
37 ~~the child's parent already has close emotional ties.~~

38       (x) ~~"Law enforcement officer" means any person who by virtue of~~  
39 ~~office or public employment is vested by law with a duty to maintain~~  
40 ~~public order or to make arrests for crimes, whether that duty extends to all~~  
41 ~~crimes or is limited to specific crimes.~~

42       (y) ~~"Multidisciplinary team" means a group of persons, appointed by~~  
43 ~~the court under K.S.A. 38-2228, and amendments thereto, that has~~

1 knowledge of the circumstances of a child in need of care.

2 (z) ~~"Neglect" means acts or omissions by a parent, guardian or person~~  
3 ~~responsible for the care of a child resulting in harm to a child, or~~  
4 ~~presenting a likelihood of harm, and the acts or omissions are not due~~  
5 ~~solely to the lack of financial means of the child's parents or other~~  
6 ~~custodian. Neglect may include, but shall not be limited to:~~

7 (1) ~~Failure to provide the child with food, clothing or shelter~~  
8 ~~necessary to sustain the life or health of the child;~~

9 (2) ~~failure to provide adequate supervision of a child or to remove a~~  
10 ~~child from a situation that requires judgment or actions beyond the child's~~  
11 ~~level of maturity, physical condition or mental abilities and that results in~~  
12 ~~bodily injury or a likelihood of harm to the child; or~~

13 (3) ~~failure to use resources available to treat a diagnosed medical~~  
14 ~~condition if such treatment will make a child substantially more~~  
15 ~~comfortable, reduce pain and suffering, or correct or substantially diminish~~  
16 ~~a crippling condition from worsening. A parent legitimately practicing~~  
17 ~~religious beliefs who does not provide specified medical treatment for a~~  
18 ~~child because of religious beliefs shall, not for that reason, be considered a~~  
19 ~~negligent parent; however, this exception shall not preclude a court from~~  
20 ~~entering an order pursuant to K.S.A. 38-2217(a)(2), and amendments~~  
21 ~~thereto.~~

22 (aa) ~~"Parent" when used in relation to a child or children, includes a~~  
23 ~~guardian and every person who is by law liable to maintain, care for or~~  
24 ~~support the child.~~

25 (bb) ~~"Party" means the state, the petitioner, the child, any parent of~~  
26 ~~the child and an Indian child's tribe intervening pursuant to the Indian~~  
27 ~~child welfare act.~~

28 (cc) ~~"Permanency goal" means the outcome of the permanency~~  
29 ~~planning process, which may be reintegration, adoption, appointment of a~~  
30 ~~permanent custodian, establishment of SOUL family legal permanency or~~  
31 ~~another planned permanent living arrangement.~~

32 (dd) ~~"Permanent custodian" means a judicially approved permanent~~  
33 ~~guardian of a child pursuant to K.S.A. 38-2272, and amendments thereto.~~

34 (ee) ~~"Physical, mental or emotional abuse" means the infliction of~~  
35 ~~physical, mental or emotional harm or the causing of a deterioration of a~~  
36 ~~child and may include, but shall not be limited to, maltreatment or~~  
37 ~~exploiting a child to the extent that the child's health or emotional well-~~  
38 ~~being is endangered.~~

39 (ff) ~~"Placement" means the designation by the individual or agency~~  
40 ~~having custody of where and with whom the child will live.~~

41 (gg) ~~"Qualified residential treatment program" means a program~~  
42 ~~designated by the secretary for children and families as a qualified~~  
43 ~~residential treatment program pursuant to federal law.~~

(hh)—"Reasonable and prudent parenting standard" means the standard characterized by careful and sensible parental decisions that maintain the health, safety and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the state to participate in extracurricular, enrichment, cultural and social activities.

(ii)—"Relative" means a person related by blood, marriage or adoption.

(jj)—"Runaway" means a child who is willfully and voluntarily absent from the child's home without the consent of the child's parent or other custodian.

(kk)—"Secretary" means the secretary for children and families or the secretary's designee.

(ll)—"Secure facility" means a facility, other than a staff secure facility or juvenile detention facility, that is operated or structured so as to ensure that all entrances and exits from the facility are under the exclusive control of the staff of the facility, whether or not the person being detained has freedom of movement within the perimeters of the facility, or that relies on locked rooms and buildings, fences or physical restraint in order to control behavior of its residents. No secure facility shall be in a city or county jail.

(mm)—"Sexual abuse" means any contact or interaction with a child in which the child is being used for the sexual stimulation of the perpetrator, the child or another person. Sexual abuse shall include, but is not limited to, allowing, permitting or encouraging a child to:

(1) Be photographed, filmed or depicted in pornographic material; or

(2) be subjected to aggravated human trafficking, as defined in K.S.A. 21-5426(b), and amendments thereto, if committed in whole or in part for the purpose of the sexual gratification of the offender or another, or be subjected to an act that would constitute conduct proscribed by article 55 of chapter 21 of the Kansas Statutes Annotated, *and amendments thereto*, or K.S.A. 21-6419 or 21-6422, and amendments thereto.

(nn)—"Shelter facility" means any public or private facility or home, other than a juvenile detention facility or staff secure facility, that may be used in accordance with this code for the purpose of providing either temporary placement for children in need of care prior to the issuance of a dispositional order or longer term care under a dispositional order.

(oo)—"Support, opportunity, unity, legal relationships family legal permanency" or "SOUL family legal permanency" means the appointment of one or more adults, approved by a child who is 16 years of age or older and the subject of a child in need of care proceeding, pursuant to K.S.A. 38-2272a, and amendments thereto.

(pp)—"Staff secure facility" means a facility described in K.S.A. 65-535, and amendments thereto: (1) That does not include construction

1 features designed to physically restrict the movements and activities of  
2 juvenile residents who are placed therein; (2) that may establish reasonable  
3 rules restricting entrance to and egress from the facility; and (3) in which  
4 the movements and activities of individual juvenile residents may, for  
5 treatment purposes, be restricted or subject to control through the use of  
6 intensive staff supervision. No staff secure facility shall be in a city or  
7 county jail.

8 (qq) "~~Transition plan~~" means, when used in relation to a youth in the  
9 custody of the secretary, an individualized strategy for the provision of  
10 medical, mental health, education, employment and housing supports as  
11 needed for the adult and, if applicable, for any minor child of the adult, to  
12 live independently and specifically provides for the supports and any  
13 services for which an adult with a disability is eligible including, but not  
14 limited to, funding for home and community based services waivers.

15 (rr) "~~Youth residential facility~~" means any home, foster home or  
16 structure that provides 24-hour a-day care for children and that is licensed  
17 pursuant to article 5 of chapter 65 of the Kansas Statutes Annotated, and  
18 amendments thereto.

19 (ss) "~~Behavioral health crisis~~" means behavioral and conduct issues  
20 that impact the safety or health of a child, members of the child's  
21 household or family or members of the community, including, but not  
22 limited to, non-life threatening mental health and substance abuse  
23 concerns.

24 Sec. 2. ~~K.S.A. 2025 Supp. 38-2231 is hereby amended to read as~~  
25 ~~follows: 38-2231. (a) A law enforcement officer or court services officer~~  
26 ~~shall take a child under 18 years of age into custody when:~~

27 (1) ~~The law enforcement officer or court services officer has a court~~  
28 ~~order commanding that the child be taken into custody as a child in need~~  
29 ~~of care; or~~

30 (2) ~~the law enforcement officer or court services officer has probable~~  
31 ~~cause to believe that a court order commanding that the child be taken into~~  
32 ~~custody as a child in need of care has been issued in this state or in another~~  
33 ~~jurisdiction.~~

34 (b) ~~A law enforcement officer shall take a child under 18 years of age~~  
35 ~~into custody when if the officer:~~

36 (1) ~~Reasonably believes that the child will be harmed if not~~  
37 ~~immediately removed from the place or residence where the child has been~~  
38 ~~found; or~~

39 (2) ~~reasonably believes that the child is experiencing a behavioral~~  
40 ~~health crisis in need of stabilization and is likely to cause harm to self or~~  
41 ~~others.~~

42 (c) ~~A law enforcement officer shall explore other options to separate~~  
43 ~~the child from the source of harm before removal of such child as provided~~

1 in subsection (b).

2 (d) The secretary shall provide an electronic means of communication  
3 for a responding law enforcement officer to refer a child who may be a  
4 victim of abuse or neglect to the secretary. The secretary shall receive such  
5 referrals and, within 24 hours, initiate an investigation of abuse or neglect  
6 and contact the persons who are the subject of such investigation. Then,  
7 within 24 hours of such contact, the secretary shall respond to the referring  
8 law enforcement agency with the status of the investigation.

9 (e) A law enforcement officer shall take a child under 18 years of age  
10 into custody when the officer:

11 (1) Has probable cause to believe that the child is a runaway or a  
12 missing person or a verified missing person entry for the child can be  
13 found in the national crime information center missing person system; or

14 (2) reasonably believes that the child is a victim of human trafficking,  
15 aggravated human trafficking or commercial sexual exploitation of a child.

16 (f) (1) If a person provides shelter to a child whom the person knows  
17 is a runaway, such person shall promptly report the child's location either  
18 to a law enforcement agency or to the child's parent or other custodian.

19 (2) If a person reports a runaway's location to a law enforcement  
20 agency pursuant to this section and a law enforcement officer of the  
21 agency has reasonable grounds to believe that it is in the child's best  
22 interests, the child may be allowed to remain in the place where shelter is  
23 being provided, subject to subsection (e), in the absence of a court order to  
24 the contrary. If the child is allowed to so remain, the law enforcement  
25 agency shall promptly notify the secretary of the child's location and  
26 circumstances.

27 (g) Except as provided in subsections (a), (b) and (e), a law  
28 enforcement officer may temporarily detain and assume temporary custody  
29 of any child subject to compulsory school attendance, pursuant to K.S.A.  
30 72-3120, and amendments thereto, during the hours school is actually in  
31 session and shall deliver the child pursuant to K.S.A. 38-2232(g), and  
32 amendments thereto.

33 **See. 3. Section 1.** K.S.A. 38-2232 is hereby amended to read as  
34 follows: 38-2232. (a) (1) To the extent possible, when any law  
35 enforcement officer takes into custody a child under the age of 18 years  
36 without a court order, the child shall promptly be delivered to the custody  
37 of the child's parent or other custodian unless there are reasonable grounds  
38 to believe that such action would not be in the best interests of the child.

39 (2) Except as provided in subsection (b), if the child is not delivered  
40 to the custody of the child's parent or other custodian, the child shall  
41 promptly be delivered to a:

42 (A) (i) Shelter facility designated by the court;

43 (ii) court services officer;

- 1 (iii) juvenile intake and assessment worker;  
2 (iv) licensed attendant care center;  
3 (v) juvenile ~~crisis intervention~~ *stabilization* center ~~after written~~  
4 ~~authorization by a community mental health center~~; or

5 (vi) other person;

6 (B) if the child is 15 years of age or younger, to a facility or person  
7 designated by the secretary; or

8 (C) if the child is 16 or 17 years of age and the child has no  
9 identifiable parental or family resources or shows signs of physical,  
10 mental, emotional or sexual abuse, to a facility or person designated by the  
11 secretary.

12 (3) If, after delivery of the child to a shelter facility, the person in  
13 charge of the shelter facility at that time and the law enforcement officer  
14 determine that the child will not remain in the shelter facility and if the  
15 child is presently alleged, but not yet adjudicated, to be a child in need of  
16 care solely pursuant to K.S.A. 38-2202(d)(9) or (d)(10), and amendments  
17 thereto, the law enforcement officer shall deliver the child to a secure  
18 facility, designated by the court, where the child shall be detained for not  
19 more than 24 hours, excluding Saturdays, Sundays, legal holidays, and  
20 days on which the office of the clerk of the court is not accessible.

21 (4) No child taken into custody pursuant to this code shall be placed  
22 in a secure facility, except as authorized by this section and by K.S.A. 38-  
23 2242, 38-2243 and 38-2260, and amendments thereto.

24 (5) It shall be the duty of the law enforcement officer to furnish to the  
25 county or district attorney, without unnecessary delay, all the information  
26 in the possession of the officer pertaining to the child, the child's parents or  
27 other persons interested in or likely to be interested in the child and all  
28 other facts and circumstances which caused the child to be taken into  
29 custody.

30 (b) (1) When any law enforcement officer takes into custody any  
31 child as provided in K.S.A. 38-2231(b)(2), and amendments thereto,  
32 proceedings shall be initiated in accordance with the provisions of the  
33 interstate compact on juveniles, K.S.A. 38-1001 et seq., and amendments  
34 thereto, or K.S.A. 38-1008, and amendments thereto, when effective. Any  
35 child taken into custody pursuant to the interstate compact on juveniles  
36 may be detained in a juvenile detention facility or other secure facility.

37 (2) When any law enforcement officer takes into custody any child as  
38 provided in K.S.A. 38-2231(b)(3), and amendments thereto, the law  
39 enforcement officer shall place the child in protective custody and may  
40 deliver the child to a staff secure facility. The law enforcement officer shall  
41 contact the department for children and families to begin an assessment to  
42 determine safety, placement and treatment needs for the child. Such child  
43 shall not be placed in a secure facility, except as authorized by this section

1 and by K.S.A. 38-2242, 38-2243 and 38-2260, and amendments thereto.

2 (3) When any law enforcement officer takes into custody any child as  
3 provided in K.S.A. 38-2231(b)(4), and amendments thereto, the law  
4 enforcement officer shall place the child in protective custody and may  
5 deliver the child to a juvenile ~~crisis intervention~~ *stabilization center* ~~after~~  
6 ~~written authorization by a community mental health center~~. Such child  
7 shall not be placed in a juvenile detention facility or other secure facility.

8 (c) Whenever a child under the age of 18 years is taken into custody  
9 by a law enforcement officer without a court order and is thereafter placed  
10 as authorized by subsection (a), the facility or person shall, upon written  
11 application of the law enforcement officer, have physical custody and  
12 provide care and supervision for the child. The application shall state:

13 (1) The name and address of the child, if known;

14 (2) the names and addresses of the child's parents or nearest relatives  
15 and persons with whom the child has been residing, if known; and

16 (3) the officer's belief that the child is a child in need of care and that  
17 there are reasonable grounds to believe that the circumstances or condition  
18 of the child is such that the child would be harmed unless placed in the  
19 immediate custody of the shelter facility or other person.

20 (d) A copy of the application shall be furnished by the facility or  
21 person receiving the child to the county or district attorney without  
22 unnecessary delay.

23 (e) The shelter facility or other person designated by the court who  
24 has custody of the child pursuant to this section shall discharge the child  
25 not later than 72 hours following admission, excluding Saturdays,  
26 Sundays, legal holidays, and days on which the office of the clerk of the  
27 court is not accessible, unless a court has entered an order pertaining to  
28 temporary custody or release.

29 (f) In absence of a court order to the contrary, the county or district  
30 attorney or the placing law enforcement agency shall have the authority to  
31 direct the release of the child at any time.

32 (g) When any law enforcement officer takes into custody any child as  
33 provided in K.S.A. 38-2231(d), and amendments thereto, the child shall  
34 promptly be delivered to the school in which the child is enrolled, any  
35 location designated by the school in which the child is enrolled or the  
36 child's parent or other custodian.

37 ~~Sec. 4.~~ **2.** K.S.A. 38-2242 is hereby amended to read as follows: 38-  
38 2242. (a) The court, upon verified application, may issue ex parte an order  
39 directing that a child be held in protective custody and, if the child has not  
40 been taken into custody, an order directing that the child be taken into  
41 custody. The application shall state for each child:

42 (1) The applicant's belief that the child is a child in need of care;

43 (2) that the child is likely to sustain harm if not immediately removed

1 from the home;

2 (3) that allowing the child to remain in the home is contrary to the  
3 welfare of the child; and

4 (4) the facts relied upon to support the application, including efforts  
5 known to the applicant to maintain the family unit and prevent the  
6 unnecessary removal of the child from the child's home, or the specific  
7 facts supporting that an emergency exists which threatens the safety of the  
8 child.

9 (b) (1) The order of protective custody may be issued only after the  
10 court has determined there is probable cause to believe the allegations in  
11 the application are true. The order shall remain in effect until the  
12 temporary custody hearing provided for in K.S.A. 38-2243, and  
13 amendments thereto, unless earlier rescinded by the court.

14 (2) No child shall be held in protective custody for more than 72  
15 hours, excluding Saturdays, Sundays, legal holidays, and days on which  
16 the office of the clerk of the court is not accessible, unless within the 72-  
17 hour period a determination is made as to the necessity for temporary  
18 custody in a temporary custody hearing. The time spent in custody  
19 pursuant to K.S.A. 38-2232, and amendments thereto, shall be included in  
20 calculating the 72-hour period. Nothing in this subsection shall be  
21 construed to mean that the child must remain in protective custody for 72  
22 hours. If a child is in the protective custody of the secretary, the secretary  
23 shall allow at least one supervised visit between the child and the parent or  
24 parents within such time period as the child is in protective custody. The  
25 court may prohibit such supervised visit if the court determines it is not in  
26 the best interest of the child.

27 (c) (1) Whenever the court determines the necessity for an order of  
28 protective custody, the court may place the child in the protective custody  
29 of:

30 (A) A parent or other person having custody of the child and may  
31 enter a restraining order pursuant to subsection (e);

32 (B) a person, other than the parent or other person having custody,  
33 who shall not be required to be licensed under article 5 of chapter 65 of the  
34 Kansas Statutes Annotated, and amendments thereto;

35 (C) a youth residential facility;

36 (D) a shelter facility;

37 (E) a staff secure facility, notwithstanding any other provision of law,  
38 if the child has been subjected to human trafficking or aggravated human  
39 trafficking, as defined by K.S.A. 21-5426, and amendments thereto, or  
40 commercial sexual exploitation of a child, as defined by K.S.A. 21-6422,  
41 and amendments thereto, or the child committed an act which, if  
42 committed by an adult, would constitute a violation of K.S.A. 21-6419,  
43 and amendments thereto;

1       (F) ~~after written authorization by a community mental health center, a~~  
2 juvenile ~~crisis intervention~~ *stabilization* center as described in K.S.A. 65-  
3 536, and amendments thereto; or

4       (G) the secretary, if the child is 15 years of age or younger, or 16 or  
5 17 years of age if the child has no identifiable parental or family resources  
6 or shows signs of physical, mental, emotional or sexual abuse.

7       (2) If the secretary presents the court with a plan to provide services  
8 to a child or family which the court finds will assure the safety of the  
9 child, the court may only place the child in the protective custody of the  
10 secretary until the court finds the services are in place. The court shall  
11 have the authority to require any person or entity agreeing to participate in  
12 the plan to perform as set out in the plan. When the child is placed in the  
13 protective custody of the secretary, the secretary shall have the  
14 discretionary authority to place the child with a parent or to make other  
15 suitable placement for the child. When the child is placed in the temporary  
16 custody of the secretary and the child has been subjected to human  
17 trafficking or aggravated human trafficking, as defined by K.S.A. 21-5426,  
18 and amendments thereto, or commercial sexual exploitation of a child, as  
19 defined by K.S.A. 21-6422, and amendments thereto, or the child  
20 committed an act which, if committed by an adult, would constitute a  
21 violation of K.S.A. 21-6419, and amendments thereto, the secretary shall  
22 have the discretionary authority to place the child in a staff secure facility,  
23 notwithstanding any other provision of law. When the child is presently  
24 alleged, but not yet adjudicated, to be a child in need of care solely  
25 pursuant to K.S.A. 38-2202(d)(9) or (d)(10), and amendments thereto, the  
26 child may be placed in a secure facility pursuant to an order of protective  
27 custody for a period of not to exceed 24 hours, excluding Saturdays,  
28 Sundays, legal holidays, and days on which the office of the clerk of the  
29 court is not accessible.

30       (d) The order of protective custody shall be served pursuant to K.S.A.  
31 38-2237(a), and amendments thereto, on the child's parents and any other  
32 person having legal custody of the child. The order shall prohibit the  
33 removal of the child from the court's jurisdiction without the court's  
34 permission.

35       (e) If the court issues an order of protective custody, the court may  
36 also enter an order restraining any alleged perpetrator of physical, sexual,  
37 mental or emotional abuse of the child from residing in the child's home;  
38 visiting, contacting, harassing or intimidating the child, other family  
39 member or witness; or attempting to visit, contact, harass or intimidate the  
40 child, other family member or witness. Such restraining order shall be  
41 served by personal service pursuant to K.S.A. 38-2237(a), and  
42 amendments thereto, on any alleged perpetrator to whom the order is  
43 directed.

(f) (1) The court shall not enter the initial order removing a child from the custody of a parent pursuant to this section unless the court first finds probable cause that: (A) (i) The child is likely to sustain harm if not immediately removed from the home;

(ii) allowing the child to remain in home is contrary to the welfare of the child; or

(iii) immediate placement of the child is in the best interest of the child; and

(B) reasonable efforts have been made to maintain the family unit and prevent the unnecessary removal of the child from the child's home or that an emergency exists which threatens the safety to the child.

(2) Such findings shall be included in any order entered by the court. If the child is placed in the custody of the secretary, the court shall provide the secretary with a written copy of any orders entered upon making the order.

~~Sec. 5.~~ **3.** K.S.A. 2025 Supp. 38-2243 is hereby amended to read as follows: 38-2243. (a) Upon notice and hearing, the court may issue an order directing who shall have temporary custody and may modify the order during the pendency of the proceedings as will best serve the child's welfare.

(b) A hearing pursuant to this section shall be held within 72 hours, excluding Saturdays, Sundays, legal holidays, and days on which the office of the clerk of the court is not accessible, following a child having been taken into protective custody.

(c) Whenever it is determined that a temporary custody hearing is required, the court shall immediately set the time and place for the hearing. Notice of a temporary custody hearing shall be given to all parties and interested parties.

(d) Notice of the temporary custody hearing shall be given at least 24 hours prior to the hearing. The court may continue the hearing to afford the 24 hours prior notice or, with the consent of the party or interested party, proceed with the hearing at the designated time. If an order of temporary custody is entered and the parent or other person having custody of the child has not been notified of the hearing, did not appear or waive appearance and requests a rehearing, the court shall rehear the matter without unnecessary delay.

(e) Oral notice may be used for giving notice of a temporary custody hearing where there is insufficient time to give written notice. Oral notice is completed upon filing a certificate of oral notice.

(f) The court may enter an order of temporary custody after determining there is probable cause to believe that the:

(1) Child is dangerous to self or to others;

(2) child is not likely to be available within the jurisdiction of the

1 court for future proceedings;

2 (3) health or welfare of the child may be endangered without further  
3 care;

4 (4) child has been subjected to human trafficking or aggravated  
5 human trafficking, as defined by K.S.A. 21-5426, and amendments  
6 thereto, or commercial sexual exploitation of a child, as defined by K.S.A.  
7 21-6422, and amendments thereto;

8 (5) ~~child is experiencing a behavioral health crisis and is in need of~~  
9 ~~treatment stabilization~~ **experiencing a behavioral health crisis**; or

10 (6) child committed an act which, if committed by an adult, would  
11 constitute a violation of K.S.A. 21-6419, and amendments thereto.

12 (g) (1) Whenever the court determines the necessity for an order of  
13 temporary custody the court may place the child in the temporary custody  
14 of:

15 (A) A parent or other person having custody of the child and may  
16 enter a restraining order pursuant to subsection (h);

17 (B) a person, other than the parent or other person having custody,  
18 who shall not be required to be licensed under article 5 of chapter 65 of the  
19 Kansas Statutes Annotated, and amendments thereto;

20 (C) a youth residential facility;

21 (D) a shelter facility;

22 (E) a staff secure facility, notwithstanding any other provision of law,  
23 if the child has been subjected to human trafficking or aggravated human  
24 trafficking, as defined by K.S.A. 21-5426, and amendments thereto, or  
25 commercial sexual exploitation of a child, as defined by K.S.A. 21-6422,  
26 and amendments thereto, or the child committed an act which, if  
27 committed by an adult, would constitute a violation of K.S.A. 21-6419,  
28 and amendments thereto;

29 (F) ~~after written authorization by a community mental health center, a~~  
30 ~~juvenile crisis intervention~~ *stabilization center*, as described in K.S.A. 65-  
31 536, and amendments thereto; or

32 (G) the secretary, if the child is 15 years of age or younger, or 16 or  
33 17 years of age if the child has no identifiable parental or family resources  
34 or shows signs of physical, mental, emotional or sexual abuse.

35 (2) If the secretary presents the court with a plan to provide services  
36 to a child or family which the court finds will assure the safety of the  
37 child, the court may only place the child in the temporary custody of the  
38 secretary until the court finds the services are in place. The court shall  
39 have the authority to require any person or entity agreeing to participate in  
40 the plan to perform as set out in the plan. When the child is placed in the  
41 temporary custody of the secretary, the secretary shall have the  
42 discretionary authority to place the child with a parent or to make other  
43 suitable placement for the child. When the child is placed in the temporary

1 custody of the secretary and the child has been subjected to human  
2 trafficking or aggravated human trafficking, as defined by K.S.A. 21-5426,  
3 and amendments thereto, or commercial sexual exploitation of a child, as  
4 defined by K.S.A. 21-6422, and amendments thereto, or the child  
5 committed an act which, if committed by an adult, would constitute a  
6 violation of K.S.A. 21-6419, and amendments thereto, the secretary shall  
7 have the discretionary authority to place the child in a staff secure facility,  
8 notwithstanding any other provision of law. When the child is presently  
9 alleged, but not yet adjudicated to be a child in need of care solely  
10 pursuant to K.S.A. 38-2202(d)(9) or (d)(10), and amendments thereto, the  
11 child may be placed in a secure facility, but the total amount of time that  
12 the child may be held in such facility under this section and K.S.A. 38-  
13 2242, and amendments thereto, shall not exceed 24 hours, excluding  
14 Saturdays, Sundays, legal holidays, and days on which the office of the  
15 clerk of the court is not accessible. The order of temporary custody shall  
16 remain in effect until modified or rescinded by the court or an adjudication  
17 order is entered but not exceeding 60 days, unless good cause is shown  
18 and stated on the record.

19 (h) If the court issues an order of temporary custody, the court may  
20 also enter an order restraining any alleged perpetrator of physical, sexual,  
21 mental or emotional abuse of the child from residing in the child's home;  
22 visiting, contacting, harassing or intimidating the child; or attempting to  
23 visit, contact, harass or intimidate the child, other family members or  
24 witnesses. Such restraining order shall be served by personal service  
25 pursuant to K.S.A. 38-2237(a), and amendments thereto, on any alleged  
26 perpetrator to whom the order is directed.

27 (i) (1) The court shall not enter the initial order removing a child from  
28 the custody of a parent pursuant to this section unless the court first finds  
29 probable cause that:

30 (A) (i) The child is likely to sustain harm if not immediately removed  
31 from the home;

32 (ii) allowing the child to remain in home is contrary to the welfare of  
33 the child; or

34 (iii) immediate placement of the child is in the best interest of the  
35 child; and

36 (B) reasonable efforts have been made to maintain the family unit and  
37 prevent the unnecessary removal of the child from the child's home or that  
38 an emergency exists which threatens the safety to the child.

39 (2) Such findings shall be included in any order entered by the court.  
40 If the child is placed in the custody of the secretary, upon making the order  
41 the court shall provide the secretary with a written copy.

42 (j) If the court enters an order of temporary custody that provides for  
43 placement of the child with a person other than the parent, the court shall

1 make a child support determination pursuant to K.S.A. 38-2277, and  
2 amendments thereto.

3 (k) For the purposes of this section, "harassing or intimidating" and  
4 "harass or intimidate" includes, but is not limited to, utilizing any  
5 electronic tracking system or acquiring tracking information to determine  
6 the targeted person's location, movement or travel patterns.

7 ~~Sec. 6.—K.S.A. 2025 Supp. 38-2302 is hereby amended to read as~~  
8 ~~follows: 38-2302. As used in this code, unless the context otherwise~~  
9 ~~requires:~~

10 (a) ~~"Commissioner" means the secretary of corrections or the~~  
11 ~~secretary's designee.~~

12 (b) ~~"Community supervision officer" means any officer from court~~  
13 ~~services, community corrections or any other individual authorized to~~  
14 ~~supervise a juvenile on an immediate intervention, probation or~~  
15 ~~conditional release.~~

16 (c) ~~"Conditional release" means release from a term of commitment~~  
17 ~~in a juvenile correctional facility for an aftercare term pursuant to K.S.A.~~  
18 ~~38-2369, and amendments thereto, under conditions established by the~~  
19 ~~secretary of corrections.~~

20 (d) ~~"Court-appointed special advocate" means a responsible adult,~~  
21 ~~other than an attorney appointed pursuant to K.S.A. 38-2306, and~~  
22 ~~amendments thereto, who is appointed by the court to represent the best~~  
23 ~~interests of a child, as provided in K.S.A. 38-2307, and amendments~~  
24 ~~thereto, in a proceeding pursuant to this code.~~

25 (e) ~~"Detention risk assessment tool" means a risk assessment~~  
26 ~~instrument adopted pursuant to K.S.A. 75-7023(f), and amendments~~  
27 ~~thereto, used to identify factors shown to be statistically related to a~~  
28 ~~juvenile's risk of failing to appear in court or reoffending pre-adjudication~~  
29 ~~and designed to assist in making detention determinations.~~

30 (f) ~~"Educational institution" means all schools at the elementary and~~  
31 ~~secondary levels.~~

32 (g) ~~"Educator" means any administrator, teacher or other professional~~  
33 ~~or paraprofessional employee of an educational institution who has~~  
34 ~~exposure to a pupil specified in K.S.A. 72-6143(a)(1) through (5), and~~  
35 ~~amendments thereto.~~

36 (h) ~~"Evidence-based" means practices, policies, procedures and~~  
37 ~~programs demonstrated by research to produce reduction in the likelihood~~  
38 ~~of reoffending.~~

39 (i) ~~"Graduated responses" means a system of community-based~~  
40 ~~sanctions and incentives developed pursuant to K.S.A. 75-7023(h) and 38-~~  
41 ~~2392, and amendments thereto, used to address violations of immediate~~  
42 ~~interventions, terms and conditions of probation and conditional release~~  
43 ~~and to incentivize positive behavior.~~

1       (j) ~~"Immediate intervention" means all programs or practices~~  
2 ~~developed by the county to hold juvenile offenders accountable while~~  
3 ~~allowing such offenders to be diverted from formal court processing~~  
4 ~~pursuant to K.S.A. 38-2346, and amendments thereto.~~

5       (k) ~~"Institution" means the Larned juvenile correctional facility and~~  
6 ~~the Kansas juvenile correctional complex.~~

7       (l) ~~"Investigator" means an employee of the department of corrections~~  
8 ~~assigned by the secretary of corrections with the responsibility for~~  
9 ~~investigations concerning employees at the juvenile correctional facilities~~  
10 ~~and juveniles in the custody of the secretary of corrections at a juvenile~~  
11 ~~correctional facility.~~

12       (m) ~~"Jail" means:~~

13       (1) ~~An adult jail or lockup; or~~

14       (2) ~~a facility in the same building as an adult jail or lockup, unless the~~  
15 ~~facility meets all applicable licensure requirements under law and there is:~~  
16 ~~(A) Total separation of the juvenile and adult facility spatial areas such that~~  
17 ~~there could be no haphazard or accidental contact between juvenile and~~  
18 ~~adult residents in the respective facilities; (B) total separation in all~~  
19 ~~juvenile and adult program activities within the facilities, including~~  
20 ~~recreation, education, counseling, health care, dining, sleeping and general~~  
21 ~~living activities; and (C) separate juvenile and adult staff, including~~  
22 ~~management, security staff and direct care staff such as recreational,~~  
23 ~~educational and counseling.~~

24       (n) ~~"Juvenile" means a person to whom one or more of the following~~  
25 ~~applies, the person: (1) Is 10 or more years of age but less than 18 years of~~  
26 ~~age; (2) is alleged to be a juvenile offender; or (3) has been adjudicated as~~  
27 ~~a juvenile offender and continues to be subject to the jurisdiction of the~~  
28 ~~court.~~

29       (o) ~~"Juvenile correctional facility" means a facility operated by the~~  
30 ~~secretary of corrections for the commitment of juvenile offenders.~~

31       (p) ~~"Juvenile corrections officer" means a certified employee of the~~  
32 ~~department of corrections working at a juvenile correctional facility~~  
33 ~~assigned by the secretary of corrections with responsibility for maintaining~~  
34 ~~custody, security and control of juveniles in the custody of the secretary of~~  
35 ~~corrections at a juvenile correctional facility.~~

36       (q) ~~"Juvenile detention facility" means a public or private facility~~  
37 ~~licensed pursuant to article 5 of chapter 65 of the Kansas Statutes~~  
38 ~~Annotated, and amendments thereto, which is used for the lawful custody~~  
39 ~~of alleged or adjudicated juvenile offenders.~~

40       (r) ~~"Juvenile intake and assessment worker" means a responsible~~  
41 ~~adult trained and authorized to perform intake and assessment services as~~  
42 ~~part of the intake and assessment system established pursuant to K.S.A.~~  
43 ~~75-7023, and amendments thereto.~~

1       (s) ~~"Juvenile offender" means a person who commits an offense while~~  
2 ~~10 or more years of age but less than 18 years of age which if committed~~  
3 ~~by an adult would constitute the commission of a felony or misdemeanor~~  
4 ~~as defined by K.S.A. 21-5102, and amendments thereto, or who violates~~  
5 ~~the provisions of K.S.A. 41-727, 74-8810(j) or 21-6301(a)(14), and~~  
6 ~~amendments thereto, but does not include:~~

7       (1) ~~A person 14 or more years of age who commits a traffic offense,~~  
8 ~~as defined in K.S.A. 8-2117(d), and amendments thereto;~~

9       (2) ~~a person 16 years of age or over who commits an offense defined~~  
10 ~~in chapter 32 of the Kansas Statutes Annotated, and amendments thereto;~~

11       (3) ~~a person under 18 years of age who previously has been:~~

12       (A) ~~Convicted as an adult under the Kansas criminal code;~~

13       (B) ~~sentenced as an adult under the Kansas criminal code following~~  
14 ~~termination of status as an extended jurisdiction juvenile pursuant to~~  
15 ~~K.S.A. 38-2364, and amendments thereto; or~~

16       (C) ~~convicted or sentenced as an adult in another state or foreign~~  
17 ~~jurisdiction under substantially similar procedures described in K.S.A. 38-~~  
18 ~~2347, and amendments thereto, or because of attaining the age of majority~~  
19 ~~designated in that state or jurisdiction.~~

20       (t) ~~"Law enforcement officer" means any person who by virtue of that~~  
21 ~~person's office or public employment is vested by law with a duty to~~  
22 ~~maintain public order or to make arrests for crimes, whether that duty~~  
23 ~~extends to all crimes or is limited to specific crimes.~~

24       (u) ~~"Overall case length limit" when used in relation to a juvenile~~  
25 ~~adjudicated a juvenile offender means the maximum jurisdiction of the~~  
26 ~~court following disposition on an individual case. Pursuant to K.S.A. 38-~~  
27 ~~2304, and amendments thereto, the case and the court's jurisdiction shall~~  
28 ~~terminate once the overall case length limit expires and may not be~~  
29 ~~extended.~~

30       (v) ~~"Parent" when used in relation to a juvenile, includes a guardian~~  
31 ~~and every person who is, by law, liable to maintain, care for or support the~~  
32 ~~juvenile.~~

33       (w) ~~"Probation" means a period of community supervision ordered~~  
34 ~~pursuant to K.S.A. 38-2361, and amendments thereto, overseen by either~~  
35 ~~court services or community corrections, but not both.~~

36       (x) ~~"Reasonable and prudent parenting standard" means the standard~~  
37 ~~characterized by careful and sensible parental decisions that maintain the~~  
38 ~~health, safety and best interests of a child while at the same time~~  
39 ~~encouraging the emotional and developmental growth of the child, that a~~  
40 ~~caregiver shall use when determining whether to allow a child in foster~~  
41 ~~care under the responsibility of the state to participate in extracurricular,~~  
42 ~~enrichment, cultural and social activities.~~

43       (y) ~~"Reintegration plan" means a written document prepared in~~

1 consultation with the child's parent or guardian that:

2 (1) ~~Describes the reintegration goal, which, if achieved, will most~~  
3 ~~likely give the juvenile and the victim of the juvenile a permanent and safe~~  
4 ~~living arrangement;~~

5 (2) ~~describes the child's level of physical health, mental and~~  
6 ~~emotional health and educational functioning;~~

7 (3) ~~provides an assessment of the needs of the child and family;~~

8 (4) ~~describes the services to be provided to the child, the child's~~  
9 ~~family and the child's foster parents, if appropriate;~~

10 (5) ~~includes a description of the tasks and responsibilities designed to~~  
11 ~~achieve the plan and to whom assigned;~~

12 (6) ~~includes measurable objectives and time schedules for achieving~~  
13 ~~the plan; and~~

14 (7) ~~if the child is in an out of home placement:~~

15 (A) ~~Provides a statement for the basis of determining that~~  
16 ~~reintegration is determined not to be a viable option if such a~~  
17 ~~determination is made and includes a plan for another permanent living~~  
18 ~~arrangement;~~

19 (B) ~~describes available alternatives;~~

20 (C) ~~justifies the alternative placement selected, including a~~  
21 ~~description of the safety and appropriateness of such placement; and~~

22 (D) ~~describes the programs and services that will help the child~~  
23 ~~prepare to live independently as an adult.~~

24 (z) ~~"Risk and needs assessment" means a standardized instrument~~  
25 ~~administered on juveniles to identify specific risk factors and needs shown~~  
26 ~~to be statistically related to a juvenile's risk of reoffending and, when~~  
27 ~~properly addressed, can reduce a juvenile's risk of reoffending.~~

28 (aa) ~~"Secretary" means the secretary of corrections or the secretary's~~  
29 ~~designee.~~

30 (bb) ~~"Technical violation" means an act that violates the terms or~~  
31 ~~conditions imposed as part of a probation disposition pursuant to K.S.A.~~  
32 ~~38-2361, and amendments thereto, and that does not constitute a new~~  
33 ~~juvenile offense or a new child in need of care violation pursuant to K.S.A.~~  
34 ~~38-2202(d), and amendments thereto.~~

35 (ec) ~~"Warrant" means a written order by a judge of the court directed~~  
36 ~~to any law enforcement officer commanding the officer to take into~~  
37 ~~custody the juvenile named or described therein.~~

38 (dd) ~~"Youth residential facility" means any home, foster home or~~  
39 ~~structure which provides 24-hour-a-day care for juveniles and which is~~  
40 ~~licensed pursuant to article 5 of chapter 65 or article 70 of chapter 75 of~~  
41 ~~the Kansas Statutes Annotated, and amendments thereto.~~

42 (ee) ~~"Behavioral health crisis" means behavioral and conduct issues~~  
43 ~~that impact the safety or health of a juvenile, members of the juvenile's~~

~~household or family or members of the community, including, but not limited to, non-life threatening mental health and substance abuse concerns.~~

Sec. 7. 4. K.S.A. 2025 Supp. 38-2330 is hereby amended to read as follows: 38-2330. (a) A law enforcement officer may take a juvenile into custody when:

(1) Any offense has been or is being committed in the officer's view;

(2) the officer has a warrant commanding that the juvenile be taken into custody;

(3) the officer has probable cause to believe that a warrant or order commanding that the juvenile be taken into custody has been issued in this state or in another jurisdiction for an act committed therein;

(4) the officer has probable cause to believe that the juvenile is committing or has committed an act which, if committed by an adult, would constitute:

(A) A felony; or

(B) a misdemeanor and: (i) The juvenile will not be apprehended or evidence of the offense will be irretrievably lost unless the juvenile is immediately taken into custody; or (ii) the juvenile may cause injury to self or others or damage to property or may be injured unless immediately taken into custody;

(5) the officer has probable cause to believe that the juvenile has violated an order for electronic monitoring as a term of probation; or

(6) the officer receives a written statement pursuant to subsection (c).

(b) A court services officer, juvenile community corrections officer or other person authorized to supervise juveniles subject to this code, may take a juvenile into custody when: (1) There is a warrant commanding that the juvenile be taken into custody; or (2) the officer has probable cause to believe that a warrant or order commanding that the juvenile be taken into custody has been issued in this state or in another jurisdiction for an act committed therein.

(c) Any court services officer, juvenile community corrections officer or other person authorized to supervise juveniles subject to this code, may request a warrant by giving the court a written statement setting forth that the juvenile, in the judgment of the court services officer, juvenile community corrections officer or other person authorized to supervise juveniles subject to this code:

(1) (A) Has violated the condition of the juvenile's conditional release from detention or probation, for the third or subsequent time; and

(B) poses a significant risk of physical harm to another or damage to property; or

(2) has absconded from supervision.

(d) (1) A juvenile taken into custody by a law enforcement officer or

1 other person authorized pursuant to subsection (b) shall be brought without  
2 unnecessary delay to the custody of the juvenile's parent or other  
3 custodian, unless there are reasonable grounds to believe that such action  
4 would not be in the best interests of the child or would pose a risk to  
5 public safety or property.

6 (2) If the juvenile cannot be delivered to the juvenile's parent or  
7 custodian, the officer may:

8 (A) Issue a notice to appear pursuant to subsection (g);

9 (B) contact or deliver the juvenile to an intake and assessment worker  
10 for completion of the intake and assessment process pursuant to K.S.A.  
11 75-7023, and amendments thereto; or

12 (C) if the juvenile is determined to not be ~~detention-eligible~~  
13 ~~detention-eligible~~ based on a standardized detention risk assessment tool  
14 and is ~~experiencing a behavioral health crisis in need of stabilization~~  
15 **experiencing a behavioral health crisis**, deliver ~~a~~ the juvenile to a  
16 juvenile ~~crisis intervention~~ *stabilization* center, as described in K.S.A. 65-  
17 536, and amendments thereto, ~~after written authorization by a community~~  
18 ~~mental health center~~.

19 (3) It shall be the duty of the officer to furnish the county or district  
20 attorney and the juvenile intake and assessment worker if the officer has  
21 delivered the juvenile to the worker or issued a notice to appear consistent  
22 with subsection (g), with all of the information in the officer's possession  
23 pertaining to the juvenile, the juvenile's parent or other persons interested  
24 in or likely to be interested in the juvenile and all other facts and  
25 circumstances which caused the juvenile to be arrested or taken into  
26 custody.

27 (e) In the absence of a court order to the contrary, the court or  
28 officials designated by the court, the county or district attorney or the law  
29 enforcement agency taking a juvenile into custody shall direct the release  
30 prior to the time specified by K.S.A. 38-2343(a), and amendments thereto.  
31 In addition, pursuant to K.S.A. 38-2346 and 75-7023 ~~and K.S.A. 38-2346~~,  
32 and amendments thereto, a juvenile intake and assessment worker shall  
33 direct the release of a juvenile prior to a detention hearing after the  
34 completion of the intake and assessment process.

35 (f) Whenever a person 18 years of age or more is taken into custody  
36 by a law enforcement officer for an alleged offense which was committed  
37 prior to the time the person reached the age of 18, the officer shall notify  
38 and refer the matter to the court for proceedings pursuant to this code,  
39 except that the provisions of this code relating to detention hearings shall  
40 not apply to that person. If such person is eligible for detention, and all  
41 suitable alternatives to detention have been exhausted, the person shall be  
42 detained in jail. Unless the law enforcement officer took the person into  
43 custody pursuant to a warrant issued by the court and the warrant specifies

1 the amount of bond or indicates that the person may be released on  
2 personal recognizance, the person shall be taken before the court of the  
3 county where the alleged act took place or, at the request of the person, the  
4 person shall be taken, without delay, before the nearest court. The court  
5 shall fix the terms and conditions of an appearance bond upon which the  
6 person may be released from custody. The provisions of article 28 of  
7 chapter 22 of the Kansas Statutes Annotated, *and amendments thereto*, and  
8 K.S.A. 22-2901, and amendments thereto, relating to appearance bonds  
9 and review of conditions and release shall be applicable to appearance  
10 bonds provided for in this section.

11 (g) (1) Whenever a law enforcement officer detains any juvenile and  
12 such juvenile is not immediately taken to juvenile intake and assessment  
13 services, the officer may serve upon such juvenile a written notice to  
14 appear. Such notice to appear shall contain the name and address of the  
15 juvenile detained, the crime charged and the location and phone number of  
16 the juvenile intake and assessment services office where the juvenile will  
17 need to appear with a parent or guardian.

18 (2) The juvenile intake and assessment services office specified in  
19 such notice to appear must be contacted by the juvenile or a parent or  
20 guardian no more than 48 hours after such notice is given, excluding  
21 weekends and holidays.

22 (3) The juvenile detained, in order to secure release as provided in  
23 this section, must give a written promise to call within the time specified  
24 by signing the written notice prepared by the officer. The original notice  
25 shall be retained by the officer and a copy shall be delivered to the juvenile  
26 detained and that juvenile's parent or guardian if such juvenile is under 18  
27 years of age. The officer shall then release the juvenile.

28 (4) The law enforcement officer shall cause to be filed, without  
29 unnecessary delay, a complaint with juvenile intake and assessment  
30 services in which a juvenile released pursuant to paragraph (3) is given  
31 notice to appear, charging the crime stated in such notice. A copy shall also  
32 be provided to the district or county attorney. If the juvenile released fails  
33 to contact juvenile intake and assessment services as required in the notice  
34 to appear, juvenile intake and assessment services shall notify the district  
35 or county attorney.

36 (5) The notice to appear served pursuant to paragraph (1) and the  
37 complaint filed pursuant to paragraph (4) may be provided to the juvenile  
38 in a single citation.

39 ~~Sec. 8.~~ **5.** K.S.A. 2025 Supp. 65-536 is hereby amended to read as  
40 follows: 65-536. (a) A juvenile ~~crisis intervention~~ *stabilization* center is a  
41 facility that provides short-term observation, assessment, treatment and  
42 case planning, and referral for any juvenile ~~who is experiencing a~~  
43 ~~behavioral health crisis and is likely to cause harm to self or others~~ **who is**

1 **experiencing a behavioral health crisis.** Such centers shall:

2 (1) Address or ensure access to the broad range of services to meet  
3 the needs of a juvenile admitted to the center, including, but not limited to,  
4 medical, psychiatric, psychological, social, educational and substance  
5 abuse-related services;

6 (2) *provide services to the juvenile and the juvenile's family,*  
7 *including, but not limited to, parent-building skills* **skill building**, *family*  
8 *therapy, faith-based services* **and individual communication skill**  
9 **building** *and case management supports as necessary to address the*  
10 *immediate needs of the juvenile and juvenile's family;*

11 (3) not include construction features designed to physically restrict  
12 the movements and activities of juveniles, but shall have a design,  
13 structure, interior and exterior environment, and furnishings to promote a  
14 safe, comfortable and therapeutic environment for juveniles admitted to  
15 the center;

16 ~~(3)(4)~~ implement written policies and procedures that include the use  
17 of a combination of supervision, inspection and accountability to promote  
18 safe and orderly operations;~~and~~

19 ~~(4)(5)~~ implement written policies and procedures for staff monitoring  
20 of all center entrances and exits; **and**

21 **(6) allow access to faith-based services.**

22 (b) A juvenile-~~crisis intervention~~ *stabilization* center shall provide  
23 treatment to juveniles admitted to such center, as appropriate, while  
24 admitted. *As needed to support the safety and stability of the juvenile and*  
25 *the juvenile's family, such centers may:*

26 (1) *Be available to serve juveniles on a 24 hours per day, seven days*  
27 *per week basis;*

28 (2) *provide short-term stabilization services for continuous stays; or*

29 (3) *provide respite periods throughout the day or night.*

30 (c) A juvenile-~~crisis intervention~~ *stabilization* center may be on the  
31 same premises as that of another licensed facility. If the juvenile-~~crisis~~  
32 ~~intervention~~ *stabilization* center is on the same premises as that of another  
33 licensed facility, the living unit of the juvenile-~~crisis intervention~~-  
34 *stabilization* center shall be maintained in a separate, self-contained unit.  
35 No juvenile-~~crisis intervention~~ *stabilization* center shall be in a city or  
36 county jail or a juvenile detention facility.

37 (d) (1) A juvenile may be admitted to a juvenile-~~crisis intervention~~-  
38 *stabilization* center ~~when:~~

39 ~~(A)—if the head of such center determines such juvenile is in need of~~  
40 ~~treatment and likely to cause harm to self or others;~~

41 ~~(B)—a qualified mental health professional from a community mental~~  
42 ~~health center has given written authorization for such juvenile to be~~  
43 ~~admitted to a juvenile crisis intervention center; and~~

1       ~~(C) no other more appropriate treatment services are available and~~  
2 ~~accessible to the juvenile at the time of admission stabilization services~~  
3 ~~and would benefit from treatment provided by such center. Priority for~~  
4 ~~admission to a juvenile stabilization center shall be given to cross-over~~  
5 ~~youth.~~

6       (2) A juvenile may be admitted to a juvenile ~~crisis intervention~~  
7 ~~stabilization center~~ for not more than 30 days ~~and may only be admitted~~  
8 ~~three times~~ **not more than 90 days** ~~within a 12-month period.~~ A parent  
9 with legal custody or legal guardian of a juvenile placed in a juvenile ~~crisis~~  
10 ~~intervention stabilization center~~ may remove such juvenile from the center  
11 at any time. If the removal may cause the juvenile to become a child in  
12 need of care pursuant to K.S.A. 38-2202(d), and amendments thereto, the  
13 head of a juvenile ~~crisis intervention stabilization center~~ may report such  
14 concerns to the department for children and families or law enforcement or  
15 may request the county or district attorney to initiate proceedings pursuant  
16 to the revised Kansas code for care of children. If the head of a juvenile  
17 ~~crisis intervention stabilization center~~ determines the most appropriate  
18 action is to request the county or district attorney to initiate proceedings  
19 pursuant to the revised Kansas code for care of children, the head of such  
20 center shall make such request and shall keep such juvenile in the center  
21 for an additional 24-hour period to initiate the appropriate proceedings.

22       (3) When a juvenile is released from a juvenile ~~crisis intervention~~  
23 ~~stabilization center, the managed care organization, if the juvenile is a~~  
24 ~~medicaid recipient, and the community mental health center serving the~~  
25 ~~area where the juvenile is being discharged shall be involved with~~  
26 ~~discharge planning. Within seven days prior to the discharge of a juvenile,~~  
27 ~~the head of the juvenile crisis intervention center shall give written notice~~  
28 ~~of the date and time of the discharge to the patient, the managed care~~  
29 ~~organization, if the juvenile is a medicaid recipient, and the community~~  
30 ~~mental health center serving the area where the juvenile is being~~  
31 ~~discharged, and the patient's parent, custodian or legal guardian such~~  
32 ~~juvenile stabilization center shall coordinate discharge planning and~~  
33 ~~facilitate timely referral and connection to appropriate community-based~~  
34 ~~services for ongoing care.~~

35       (e) (1) Upon admission to a juvenile ~~crisis intervention stabilization~~  
36 ~~center, and if the juvenile is a medicaid recipient, the managed care~~  
37 ~~organization shall approve services as recommended by the head of the~~  
38 ~~juvenile crisis intervention stabilization center. Within 14 days after~~  
39 ~~admission, the head of the juvenile crisis intervention stabilization center~~  
40 ~~shall develop a plan of treatment for the juvenile in collaboration with the~~  
41 ~~managed care organization.~~

42       (2) Nothing in this subsection shall prohibit the department of health and  
43 environment from administering or reimbursing state medicaid services to

1 any juvenile admitted to a juvenile ~~crisis-intervention~~ *stabilization* center  
2 pursuant to a waiver granted under section 1915(c) of the federal social  
3 security act, provided that such services are not administered through a  
4 managed care delivery system.

5 (3) Nothing in this subsection shall prohibit the department of health  
6 and environment from reimbursing any state medicaid services that qualify  
7 for reimbursement and that are provided to a juvenile admitted to a  
8 juvenile ~~crisis-intervention~~ *stabilization* center.

9 (4) Nothing in this subsection shall impair or otherwise affect the  
10 validity of any contract in existence on July 1, 2018, between a managed  
11 care organization and the department of health and environment to provide  
12 state medicaid services.

13 (5) On or before January 1, 2019, the secretary of health and  
14 environment shall submit to the United States centers for medicare and  
15 medicaid services any approval request necessary to implement this  
16 subsection.

17 (f) The secretary for children and families, ~~in consultation with the~~  
18 ~~attorney general~~, shall promulgate rules and regulations to implement the  
19 provisions of this section on or before January 1, ~~2019~~ 2027. *Such rules*  
20 *and regulations shall not contain any requirement:*

21 (1) *That the juvenile stabilization center have a licensed physician,*  
22 *dietician, clinical director, psychiatrist, advanced practice registered*  
23 *nurse or any other medical professional on staff;*

24 (2) *prohibiting juveniles who are admitted to such centers from*  
25 *sharing rooms or being placed in rooms that are in the basement of such*  
26 *facility;*

27 (3) *that a juvenile stabilization center notify or obtain approval from*  
28 *a local school district prior to obtaining licensure;*

29 (4) *related to gender-based staffing; or*

30 (5) *staffing ratios beyond the levels for youth residential facilities as*  
31 *defined in K.S.A. 38-2202, and amendments thereto.*

32 (g) The secretary for children and families shall annually report  
33 information on outcomes of juveniles admitted into juvenile ~~crisis-~~  
34 ~~intervention~~ *stabilization* centers to the J. Russell (Russ) Jennings joint  
35 committee on corrections and juvenile justice oversight, ~~the corrections~~  
36 ~~and juvenile justice committee of the house of representatives and the~~  
37 ~~judiciary committee of the senate and the joint committee on child welfare~~  
38 ~~system oversight.~~ Such report shall include:

39 (1) The number of admissions, releases and the lengths of stay for  
40 juveniles admitted to juvenile ~~crisis-intervention~~ *stabilization* centers;

41 (2) services provided to juveniles admitted;

42 (3) needs of juveniles admitted determined by evidence-based  
43 assessment; and

(4) success and recidivism rates, including information on the reduction of involvement of the child welfare system and juvenile justice system with the juvenile.

~~(h) The secretary of corrections may shall enter into memorandums of agreement with other cabinet agencies to provide funding, not to exceed \$2,000,000 annually, from the evidence-based programs account of the state general fund or other available appropriations for juvenile crisis intervention stabilization services. A juvenile stabilization center that receives funding from a cabinet agency to provide juvenile stabilization services shall receive a portion of such funding prior to opening such center to provide training on and implement evidence-based modalities and for renovations to comply with rules and regulations adopted by the secretary for children and families.~~

(i)—For the purposes of this section:

~~(1) "Behavioral health crisis" means behavioral and conduct issues that impact the safety or health of a juvenile, members of the juvenile's household or family or members of the community, including, but not limited to, non-life threatening mental health and substance abuse concerns.~~  
**"Behavioral health crisis" means behavioral and conduct issues that impact the safety or health of a juvenile, members of the juvenile's household or family or members of the community, including, but not limited to, non-life threatening mental health and substance abuse concerns.**

~~(2) "Cross-over youth" means youth at risk of being placed in foster care due in whole or in part to conduct that has resulted or could result in juvenile offender allegations and youth placed in foster care engaging in conduct that has resulted or could result in juvenile offender allegations a young person 10 years of age or older who is at risk of being adjudicated as a child in need of care due in whole or in part to conduct or involvement in the juvenile justice system or allegations that could result in involvement in the juvenile justice system;~~

~~(2)(3) "head of a juvenile crisis intervention stabilization center" means the administrative director of a juvenile crisis intervention stabilization center or such person's designee; and~~

~~(3)(4) "juvenile" means a person who is less than 18 years of age;~~

~~(4) "likely to cause harm to self or others" means that a juvenile, by reason of the juvenile's behavioral health condition, mental disorder or mental condition is likely, in the reasonably foreseeable future, to cause substantial physical injury or physical abuse to self or others or substantial damage to another's property, as evidenced by behavior threatening, attempting or causing such injury, abuse or damage;~~

~~(5) "treatment" means any service intended to promote the mental health of the patient and rendered by a qualified professional, licensed or~~

1 certified by the state to provide such service as an independent practitioner  
2 or under the supervision of such practitioner; and

3 ~~(6) "qualified mental health professional" means a physician or~~  
4 ~~psychologist who is employed by a participating mental health center or~~  
5 ~~who is providing services as a physician or psychologist under a contract~~  
6 ~~with a participating mental health center, a licensed masters level~~  
7 ~~psychologist, a licensed clinical psychotherapist, a licensed marriage and~~  
8 ~~family therapist, a licensed clinical marriage and family therapist, a~~  
9 ~~licensed professional counselor, a licensed clinical professional counselor,~~  
10 ~~a licensed specialist social worker or a licensed master social worker or a~~  
11 ~~registered nurse who has a specialty in psychiatric nursing, who is~~  
12 ~~employed by a participating mental health center and who is acting under~~  
13 ~~the direction of a physician or psychologist who is employed by, or under~~  
14 ~~contract with, a participating mental health center.~~

15 (j) This section shall be a part of and supplemental to article 5 of  
16 chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

17 ~~Sec. 9.—K.S.A. 2025 Supp. 72-6287 is hereby amended to read as~~  
18 ~~follows: 72-6287. (a) As used in this section:~~

19 ~~(1) "Appropriate licensing agency" means the agency that issues the~~  
20 ~~license, certification or registration to the healthcare provider under this~~  
21 ~~section.~~

22 ~~(2) "Behavioral health crisis" means the same as defined in K.S.A.~~  
23 ~~65-536, and amendments thereto *behavioral and conduct issues that*~~  
24 ~~*impact the safety or health of a minor, members of the minor's household*~~  
25 ~~*or family or members of the community, including, but not limited to, non-*~~  
26 ~~*life threatening mental health and substance abuse concerns.*~~

27 ~~(3) "Consent" means assent in fact, whether expressed or apparent.~~

28 ~~(4) "Drug" means the same as defined in K.S.A. 65-1626, and~~  
29 ~~amendments thereto.~~

30 ~~(5) "Healthcare provider" means a person who is licensed by or holds~~  
31 ~~a temporary permit to practice issued by the state board of healing arts, the~~  
32 ~~board of nursing or the behavioral sciences regulatory board.~~

33 ~~(6) "Minor" means an individual under 18 years of age.~~

34 ~~(7) "Parent" means the same as defined in K.S.A. 38-141, and~~  
35 ~~amendments thereto.~~

36 ~~(8) "School facility" means any building or structure owned, operated~~  
37 ~~or maintained by the board of education of a public school or the~~  
38 ~~governing body of an accredited nonpublic school if such facility is~~  
39 ~~accessible to students.~~

40 ~~(b) (1) Except as provided in subsection (c), notwithstanding any~~  
41 ~~other provision of law to the contrary, unless a healthcare provider has~~  
42 ~~consent of a minor's parent, a healthcare provider shall not, while a minor~~  
43 ~~or healthcare professional is at a school facility:~~

1       (A) ~~Prescribe, dispense or administer any prescription or~~  
2 ~~nonprescription drug;~~

3       (B) ~~administer a diagnostic test with the minor's bodily fluids; or~~

4       (C) ~~conduct ongoing behavioral health treatment.~~

5       (2) ~~Notwithstanding the provisions of K.S.A. 72-6316, and~~  
6 ~~amendments thereto, the provisions of paragraph (1) shall not prevent a~~  
7 ~~healthcare provider at a school from conducting a behavioral health~~  
8 ~~assessment or intervention for a minor experiencing a behavioral health~~  
9 ~~crisis, conducting a school-based screening required by law or providing~~  
10 ~~education to a minor.~~

11       (3) ~~A healthcare provider who violates the provisions of paragraph~~  
12 ~~(1) shall be subject to professional discipline from such healthcare~~  
13 ~~provider's appropriate licensing agency.~~

14       (e) ~~The provisions of this section shall not apply to:~~

15       (1) ~~Consent by parent for surgery and other procedures on a child;~~  
16 ~~K.S.A. 38-122, and amendments thereto;~~

17       (2) ~~consent for medical care of unmarried pregnant minor, K.S.A. 38-~~  
18 ~~123, and amendments thereto;~~

19       (3) ~~donation of blood by persons over 16, K.S.A. 38-123a, and~~  
20 ~~amendments thereto;~~

21       (4) ~~consent for immunization by person other than a parent, K.S.A.~~  
22 ~~38-137, and amendments thereto;~~

23       (5) ~~health services under the revised Kansas code for care of children,~~  
24 ~~K.S.A. 38-2217, and amendments thereto;~~

25       (6) ~~emergency care by healthcare providers, K.S.A. 65-2891, and~~  
26 ~~amendments thereto;~~

27       (7) ~~examination and treatment of persons under 18 for venereal~~  
28 ~~disease, K.S.A. 65-2892, and amendments thereto; and~~

29       (8) ~~examination and treatment of minors for drug abuse, misuse or~~  
30 ~~addiction, K.S.A. 65-2892a, and amendments thereto.~~

31       Sec. 10. 6. K.S.A. 2025 Supp. 75-52,164 is hereby amended to read  
32 as follows: 75-52,164. (a) (1) There is hereby established in the state  
33 treasury the evidence-based programs account of the state general fund,  
34 which shall be administered by the department of corrections. All  
35 expenditures from the evidence-based programs account of the state  
36 general fund shall be for the development and implementation of  
37 evidence-based community programs and practices for:

38       (A) Juvenile offenders and their families;

39       (B) ~~juveniles experiencing behavioral health crisis in need of~~  
40 ~~stabilization~~ **experiencing behavioral health crisis** and their families;

41       (C) children who have been administered a risk and needs assessment  
42 and have been identified as needing services pursuant to K.S.A. 2025  
43 Supp. 38-2292, and amendments thereto; and

1 (D) grants as provided in subsection (e).

2 (2) Evidence-based community programs and practices may be  
3 administered by community supervision offices, juvenile intake and  
4 assessment, court services, community corrections, ~~juvenile crisis~~  
5 ~~intervention~~ *stabilization* centers, community mental health centers,  
6 community health centers, the youth advocate program, jobs for America's  
7 graduates Kansas transition services and any other community-based  
8 service provider offering evidence-based community programs.

9 (3) All expenditures from the evidence-based programs account of  
10 the state general fund shall be made in accordance with appropriation acts  
11 upon warrants of the director of accounts and reports issued pursuant to  
12 vouchers approved by the secretary of corrections or the secretary's  
13 designee.

14 (b) At least annually, throughout the year, the secretary of corrections  
15 shall determine and certify to the director of accounts and reports the  
16 amount in each account of the state general fund of a state agency that has  
17 been determined by the secretary to be actual or projected cost savings as a  
18 result of cost avoidance resulting from decreased reliance on incarceration  
19 in the juvenile correctional facility and placement in youth residential  
20 centers. The baseline shall be calculated on the cost of incarceration and  
21 placement in fiscal year 2015.

22 (c) Upon receipt of a certification pursuant to subsection (b), the  
23 director of accounts and reports shall transfer the amount certified  
24 pursuant to subsection (b) from each account of the state general fund of a  
25 state agency that has been determined by the secretary of corrections to be  
26 actual or projected cost savings to the evidence-based programs account of  
27 the state general fund.

28 (d) Prioritization of evidence-based programs account of the state  
29 general fund moneys will be given to regions that demonstrate a high rate  
30 of out-of-home placement of juvenile offenders per capita that have few  
31 existing community-based alternatives.

32 (e) (1) The secretary of corrections shall develop and implement a  
33 grant program with the goal of implementing evidence-based community  
34 programs described in subsection (a) and promising practices throughout  
35 the state, subject to the availability of funding in the evidence-based  
36 programs account of the state general fund after other expenditures for  
37 evidence-based programs are made. The secretary shall adopt grant  
38 requirements in accordance with this section. Any provider of evidence-  
39 based community programs for juveniles may apply for a grant. The grant  
40 program shall give priority to any county that demonstrates a low  
41 availability of evidence-based community programs for juveniles. The  
42 secretary shall evaluate the programs that received a grant to ensure the  
43 program is being delivered as such program was designed.

1 (2) Child welfare case management providers shall not be eligible to  
2 receive grants under this subsection.

3 (f) Expenditures made from the evidence-based programs account of  
4 the state general fund shall be made promptly and on a rolling basis to  
5 develop and implement evidence-based community programs as services  
6 are needed throughout the state.

7 (g) The evidence-based programs account of the state general fund  
8 and any other moneys transferred pursuant to this section shall be used for  
9 the purposes set forth in this section and for no other governmental  
10 purposes. It is the intent of the legislature that the funds and the moneys  
11 deposited in this fund shall remain intact and inviolate for the purposes set  
12 forth in this section.

13 (h) *On July 1, 2026, {July 1, 2027, and July 1, 2028,} or as soon*  
14 *thereafter as moneys are available, the director of accounts and reports*  
15 *shall transfer—~~\$2,000,000~~ \$4,000,000 from the evidence-based programs*  
16 *account of the state general fund to a special revenue fund of the Kansas*  
17 *department for children and families as designated by the secretary for*  
18 *children and families for juvenile stabilization services.*

19 Sec. ~~HH~~ 7. K.S.A. 75-7023 is hereby amended to read as follows: 75-  
20 7023. (a) The secretary for children and families may contract with the  
21 secretary of corrections to provide for the juvenile intake and assessment  
22 system and programs for children in need of care. Except as provided  
23 further, the secretary of corrections shall promulgate rules and regulations  
24 for the juvenile intake and assessment system and programs concerning  
25 juvenile offenders. If the secretary contracts with the office of judicial  
26 administration to administer the juvenile intake and assessment system and  
27 programs concerning juvenile offenders, the supreme court administrative  
28 orders shall be in force until such contract ends and the rules and  
29 regulations concerning juvenile intake and assessment system and  
30 programs concerning juvenile offenders have been adopted.

31 (b) Except as otherwise provided in this subsection, records, reports  
32 and information obtained as a part of the juvenile intake and assessment  
33 process shall not be admitted into evidence in any proceeding and shall not  
34 be used in a child in need of care proceeding or a juvenile offender  
35 proceeding.

36 (1) Such records, reports and information may be used in a child in  
37 need of care proceeding for diagnostic and referral purposes and by the  
38 court in considering dispositional alternatives. If the records, reports or  
39 information are in regard to abuse or neglect, which is required to be  
40 reported under K.S.A. 38-2223, and amendments thereto, such records,  
41 reports or information may then be used for any purpose in a child in need  
42 of care proceeding pursuant to the revised Kansas code for care of  
43 children.

1       (2) Such records, reports and information may be used in a juvenile  
2 offender proceeding only if such records, reports and information are in  
3 regard to the possible trafficking of a runaway. Such records, reports and  
4 information in regard to the possible trafficking of a runaway shall be  
5 made available to the appropriate county or district attorney and the court,  
6 and shall be used only for diagnostic and referral purposes.

7       (c) Upon a juvenile being taken into custody pursuant to K.S.A. 38-  
8 2330, and amendments thereto, a juvenile intake and assessment worker  
9 shall complete the intake and assessment process, making release and  
10 referral determinations as required by supreme court administrative order  
11 or district court rule, or except as provided above *in* rules and regulations  
12 established by the secretary of corrections.

13       (d) Except as provided in subsection (g) and in addition to any other  
14 information required by the supreme court administrative order, the  
15 secretary for children and families, the secretary of corrections or by the  
16 district court of such district, the juvenile intake and assessment worker  
17 shall collect the following information either in person or over two-way  
18 audio or audio-visual communication:

19       (1) The results of a standardized detention risk assessment tool  
20 pursuant to K.S.A. 38-2302, and amendments thereto, if detention is being  
21 considered for the juvenile, such as the problem oriented screening  
22 instrument for teens;

23       (2) criminal history, including indications of criminal gang  
24 involvement;

25       (3) abuse history;

26       (4) substance abuse history;

27       (5) history of prior community services used or treatments provided;

28       (6) educational history;

29       (7) medical history;

30       (8) family history; and

31       (9) the results of other assessment instruments as approved by the  
32 secretary.

33       (e) After completion of the intake and assessment process for such  
34 child, the intake and assessment worker shall make both a release and a  
35 referral determination:

36       (1) Release the child to the custody of the child's parent, other legal  
37 guardian or another appropriate adult.

38       (2) Conditionally release the child to the child's parent, other legal  
39 guardian or another appropriate adult if the intake and assessment worker  
40 believes that if the conditions are met, it would be in the child's best  
41 interest to release the child to such child's parent, other legal guardian or  
42 another appropriate adult; and the intake and assessment worker has  
43 reason to believe that it might be harmful to the child to release the child to

1 such child's parents, other legal guardian or another appropriate adult  
2 without imposing the conditions. The conditions may include, but not be  
3 limited to the alternatives listed in K.S.A. 38-2331(b), and amendments  
4 thereto, and the following:

5 (A) Participation of the child in counseling;  
6 (B) participation of members of the child's family in counseling;  
7 (C) participation by the child, members of the child's family and other  
8 relevant persons in mediation;

9 (D) provision of outpatient treatment for the child;

10 (E) referral of the child and the child's family to the secretary for  
11 children and families for services and the agreement of the child and  
12 family to accept and participate in the services offered;

13 (F) referral of the child and the child's family to available community  
14 resources or services and the agreement of the child and family to accept  
15 and participate in the services offered;

16 (G) requiring the child and members of the child's family to enter into  
17 a behavioral contract which may provide for regular school attendance  
18 among other requirements; ~~or~~

19 (H) *referral of the child to a juvenile stabilization center as described*  
20 *in K.S.A. 65-536, and amendments thereto; or*

21 (I) any special conditions necessary to protect the child from future  
22 abuse or neglect.

23 (3) Deliver the child to a shelter facility or a licensed attendant care  
24 center along with the law enforcement officer's written application for a  
25 maximum stay of up to 72 hours. The shelter facility or licensed attendant  
26 care facility shall then have custody as if the child had been directly  
27 delivered to the facility by the law enforcement officer pursuant to K.S.A.  
28 38-2232, and amendments thereto.

29 (4) The intake and assessment worker shall also refer the juvenile's  
30 case to one of the following:

31 (A) An immediate intervention program pursuant to K.S.A. 38-  
32 2346(b), and amendments thereto;

33 (B) the county or district attorney for appropriate proceedings to be  
34 filed, with or without a recommendation that the juvenile be considered for  
35 alternative means of adjudication programs pursuant to K.S.A. 38-2389,  
36 and amendments thereto, or immediate intervention pursuant to K.S.A. 38-  
37 2346, and amendments thereto; or

38 (C) refer the child and family to the secretary for children and  
39 families for investigations in regard to the allegations.

40 (f) The secretary of corrections, in conjunction with the office of  
41 judicial administration, shall develop, implement and validate on the  
42 Kansas juvenile population, a statewide detention risk assessment tool.

43 (1) The assessment shall be conducted for each youth under

1 consideration for detention and may only be conducted by a juvenile  
2 intake and assessment worker who has completed training to conduct the  
3 detention risk assessment tool.

4 (2) The secretary and the office of judicial administration shall  
5 establish cutoff scores determining eligibility for placement in a juvenile  
6 detention facility or for referral to a community-based alternative to  
7 detention and shall collect and report data regarding the use of the  
8 detention risk assessment tool.

9 (3) (A) The detention risk assessment tool includes an override  
10 function that may be approved by the court for use under certain  
11 circumstances. If approved by the court, the juvenile intake and  
12 assessment worker or the court may override the detention risk assessment  
13 tool score in order to direct placement in a short-term shelter facility, a  
14 community-based alternative to detention or, subject to K.S.A. 38-2331,  
15 and amendments thereto, a juvenile detention facility. Such override must  
16 be documented, include a written explanation and receive approval from  
17 the director of the intake and assessment center or the court.

18 (B) ~~The court shall approve an override function of the detention risk~~  
19 ~~assessment tool for use when a juvenile:~~

20 (i) ~~Is alleged to have possessed or used a firearm during the~~  
21 ~~commission of an offense; or~~

22 (ii) ~~has been presented to a juvenile intake and assessment system for~~  
23 ~~the second time within one year.~~

24 (C) ~~When the detention risk assessment tool is overridden pursuant to~~  
25 ~~subparagraph (B), the juvenile intake and assessment worker or the court~~  
26 ~~shall place the juvenile in a juvenile detention facility.~~ **Upon request of a**  
27 **parent, guardian, custodian or juvenile intake and assessment worker,**  
28 **law enforcement may assist with the safe transportation of a juvenile**  
29 **to an appropriate placement, including a juvenile stabilization center,**  
30 **when such assistance is necessary to ensure the safety of the juvenile**  
31 **or others. Such assistance shall not be construed as an arrest,**  
32 **detention or criminal custody.**

33 (4) (A) If a juvenile meets one or more eligibility criteria for detention  
34 or referral to a community-based alternative to detention, the person with  
35 authority to detain shall maintain discretion to release the juvenile if other  
36 less restrictive measures would be adequate.

37 (B) *If a juvenile does not meet the eligibility criteria for detention,*  
38 *the juvenile intake and assessment worker shall provide the juvenile and*  
39 *any person accompanying the juvenile information on juvenile*  
40 *stabilization centers described in K.S.A. 65-536, and amendments thereto,*  
41 *and the services that are available at such centers.*

42 (g) Parents, guardians and juveniles may access the juvenile intake  
43 and assessment programs on a voluntary basis. The parent or guardian

1 shall be responsible for the costs of any such program utilized.

2 (h) Every juvenile intake and assessment worker shall receive  
3 training in evidence-based practices, including, but not limited to:

4 (1) Risk and needs assessments;

5 (2) individualized diversions based on needs and strengths;

6 (3) graduated responses;

7 (4) family engagement;

8 (5) trauma-informed care;

9 (6) substance abuse;

10 (7) mental health; and

11 (8) special education.

12 ~~Sec. 12. 8.~~ K.S.A. 38-2232, 38-2242 and 75-7023 and K.S.A. 2025  
13 ~~Supp. 38-2202, 38-2231, 38-2243, 38-2302, 38-2330, 65-536, 72-6287 and~~  
14 ~~75-52,164~~ are hereby repealed.

15 ~~Sec. 13. 9.~~ This act shall take effect and be in force from and after its  
16 publication in the statute book.