Juvenile Placement in Youth Residential Facilities; Juvenile Stabilization Centers; HB 2329

HB 2329 amends provisions in the Revised Kansas Juvenile Justice Code (Juvenile Code) relating to sentencing alternatives, the placement matrix, and detention length limit. The bill also directs the Secretary of Corrections (Secretary) to contract for beds for juvenile alternative sentences to out-of-home placements, directs the funding for such placements to come from the Evidence-based Programs Account (EBPA), and removes expired sunsets regarding such out-of-home placements. The bill also authorizes the Secretary to enter into a memorandum of agreement (MOA) to provide money from the EBPA to additional types of facilities with a program purpose of behavioral health crisis intervention for juveniles.

The bill also changes the name of juvenile crisis intervention centers to juvenile stabilization centers throughout the Revised Kansas Code for the Care of Children (CINC Code) and the Juvenile Code and modifies the intake criteria for, and the treatment and services provided by, such centers. The bill also transfers money from the EBPA in the State General Fund (SGF) to the Department for Children and Families (DCF) to provide juvenile stabilization services.

The bill also makes conforming amendments.

Juvenile Placement Matrix

The bill authorizes the court to sentence juveniles considered chronic offenders, as defined in continuing law, to a juvenile correctional facility if they are assessed as moderate-risk or high-risk on a risk and needs assessment.

[*Note:* Prior law restricted this discretion to chronic offenders assessed as high-risk on a risk and needs assessment.]

The bill also adds the following category of juvenile offender to those considered chronic offenders: an offender adjudicated as a juvenile offender for an offense committed while such offender was on probation or conditional release for a prior felony adjudication.

Juvenile Sentencing Alternatives

Youth Residential Facility

Establishment. The bill directs the Secretary, between July 1, 2026, and July 1, 2030, to contract for the use of no less than 35 nor more than 45 non-foster home beds in youth residential facilities, with no more than 15 beds in one facility. The bill allows the Secretary, on and after July 1, 2030, to contract for the use of not more than 50 non-foster home beds in youth residential facilities.

The bill further directs the Secretary to use available data on juvenile case filings to determine regional need and corresponding allocation of non-foster home beds.

Payment. The bill directs the Secretary to cover the cost associated with all aspects of juveniles in youth residential facilities, and authorizes the Secretary to make expenditures from the EBPA not to exceed $4.5 million, subject to appropriations, to do so. These provisions will expire on July 1, 2030. The bill prohibits any expenditure from the EBPA for non-foster home beds in youth residential facilities after July 1, 2030.

Placement. The bill authorizes the court to place a convicted juvenile with the Secretary and order the Secretary to place the juvenile in a youth residential facility between July 1, 2026, and July 1, 2030.

Oversight. The bill directs the Juvenile Justice Oversight Committee (JJOC) to monitor the impact and effectiveness of placement of juvenile offenders in youth residential facilities. In addition to the JJOC's annual report that is required to be issued to the Governor, legislative leaders, and the Chief Justice, the bill requires the JJOC to submit a report to the Legislature on or before February 1, 2030, evaluating the effectiveness and outcomes of placement of juvenile offenders in youth residential facilities. The bill requires the report to include a recommendation of whether to increase, modify, or discontinue expenditures made for placement of juvenile offenders in youth residential facilities.

The bill removes expired sunsets regarding youth residential facilities from January 1, 2018.

Possession or Use of a Firearm

The bill authorizes the court to commit a juvenile, regardless of their risk level as determined by a risk and needs assessment, directly to the custody of the Secretary for placement in a juvenile correctional complex for a minimum of 12 months and a maximum of 24 months, if:

- A firearm was possessed or used during the commission of the offense; and
- The offense would constitute a felony if it were committed by an adult.

Emergency Shelters and Therapeutic Foster Homes

Continuing law authorizes the court to order a short-term placement of a juvenile in an emergency shelter, therapeutic foster home, or community integration program if the juvenile has been adjudicated of certain specified offenses, and the victim resides with the juvenile offender.

The bill directs the Secretary to contract with emergency shelters and therapeutic foster homes in order to facilitate the placement of such juvenile offenders.

Juvenile Detention

Detention Limit

The bill extends the maximum detention limit from 45 cumulative days to 90 cumulative days. [*Note:* This limit does not apply to juveniles adjudicated of an offense that constitutes an off-grid or nondrug severity level 1 through 4 person felony.]

Detention Risk Assessment Override

Continuing law provides for the juvenile intake and assessment process, including the completion of a detention risk assessment on the juvenile.

The bill directs the court to approve an override function of the detention risk assessment tool when a juvenile is alleged to have possessed or used a firearm during the commission of an offense or has been presented to a juvenile intake and assessment system pursuant to the Juvenile Code for an offense which, if committed by an adult, constitutes the commission of a misdemeanor or felony for the second time within three months. The bill directs the juvenile intake and assessment worker or the court to order direct placement of the juvenile in a juvenile detention facility when the detention risk assessment tool is overridden pursuant to the bill.

Juvenile Crisis Intervention Services Funding

Under prior law, the Secretary could enter into MOAs with other cabinet agencies to provide up to $2.0 million annually from the EBPA for juvenile crisis intervention services. The bill clarifies and expands this authorization to allow such funding for:

- Juvenile crisis intervention services provided by a licensed juvenile crisis intervention center; or

- Other residential facility licensed by DCF or the Kansas Department for Aging and Disability Services that has a program purpose of behavioral health crisis intervention for juveniles.

Juvenile Stabilization Centers

Prior law defined a juvenile crisis intervention center as a facility that provides short-term observation, assessment, treatment, and case planning, and referrals for any juvenile who is experiencing a behavioral health crisis and likely to cause harm to self or others. The bill renames this type of center a juvenile stabilization center and removes the phrase regarding causing harm from the definition.

Services Provided

The bill specifies that such stabilization centers must provide services to the juvenile and the juvenile's family, including, but not limited to, parent skill-building, family and individual communication skill-building, and case management supports as necessary to address the immediate needs of the juvenile and the juvenile's family. The bill also provides that such centers allow access to faith-based services.

The bill also allows such centers, as needed to support the safety and stability of the juvenile and the juvenile's family, to:

- Be available to serve juveniles 24 hours a day, 7 days a week;
- Provide short-term stabilization services for continuous stays; or
- Provide respite periods throughout the day or night.

Admittance Criteria

Under prior law, a juvenile could be admitted to a juvenile crisis intervention center when:

- The head of such center determines such juvenile is in need of treatment and likely to cause harm to self or others;

- A qualified mental heath professional from a community mental health center has given authorization for such juvenile to be admitted to a juvenile crisis intervention center; and

- No other more appropriate treatment service is available and accessible to the juvenile at the time of admission.

The bill provides that admittance to a juvenile stabilization center would occur when the head of such center determines a juvenile is in need of stabilization services and would benefit from treatment provided by such center. The bill further requires that priority for admission be given to cross-over youth. "Cross-over youth" is defined by the bill as a young person, 10 years of age or older, who is at risk of being adjudicated or is already adjudicated as a child in need of care due in whole or in part to:

- Conduct or involvement in the juvenile justice system;
- Allegations that could result in involvement in the juvenile justice system; or
- Any level of concurrent involvement with the child welfare and juvenile justice systems.

The bill allows a juvenile to be admitted to a juvenile stabilization center for no more than 90 days and no more than 3 times within a 12-month period.

Discharge

The bill amends law on procedures involving the discharge of a juvenile to require that a juvenile stabilization center coordinate discharge planning and facilitate timely referral and connection to appropriate community-based services for ongoing care.

Rules and Regulations

The bill requires the Secretary for Children and Families to promulgate rules and regulations to implement the bill's provisions on or before January 1, 2027, and prohibits such rules and regulations from containing any requirement:

- That the juvenile stabilization center have a licensed physician, dietician, clinical director, psychiatrist, advanced practice registered nurse, or any other medical professional on staff;

- Prohibiting juveniles who are admitted to such centers from sharing rooms or being placed in rooms that are in the basement of such facility;

- That a juvenile stabilization center notify or obtain approval from a local school district prior to obtaining licensure;

- Related to gender-based staffing; or

- Staffing ratios beyond the levels for youth residential facilities as defined in the CINC Code.

Report to Legislative Committees

The bill requires the Secretary for Children and Families to annually report information on outcomes of juveniles admitted into juvenile stabilization centers to the J. Russell (Russ) Jennings Joint Committee on Corrections and Juvenile Justice Oversight and the Joint Committee on Child Welfare System Oversight.

References in CINC Code and Juvenile Code

The bill replaces references to "juvenile crisis intervention centers" with "juvenile stabilization centers" throughout the CINC Code and Juvenile Code. The bill also removes references to "written authorization by a community health center" throughout the CINC Code and Juvenile Code to reflect such authorization is not needed for a child to be admitted to a juvenile stabilization center under the bill.

Evidence-based Programs Account Transfer

The bill requires on July 1, 2026, July 1, 2027, and July 1, 2028, or as soon thereafter as moneys are available, the Director of Accounts and Reports to transfer $4.0 million from the EBPA to a Special Revenue Fund of the DCF designated by the Secretary for Children and Families for juvenile stabilization services.

Referral and Transport to Juvenile Stabilization Center

The bill amends law concerning juvenile intake and assessment to provide that if a child is conditionally released to the child's parent or guardian, such conditions may include a referral of the child to a juvenile stabilization center.

The bill also amends law concerning juvenile intake and assessment to specify that upon request of a parent, guardian, custodian, or juvenile intake and assessment worker, law enforcement may assist with the safe transportation of a juvenile to an appropriate placement, including a juvenile stabilization center, when such assistance is necessary to ensure the safety of the juvenile or others. The bill states such assistance may not be construed as an arrest, detention, or criminal custody.