

## **Evidence-based Program Account Expenditures; Agency Collaboration in Juvenile Offender and CINC Cases; HB 2021**

**HB 2021** creates and amends law regarding the assessment of and provision of services to children in the child welfare and juvenile justice systems; overall case length limits and community-based graduated sanctions under the Revised Kansas Juvenile Justice Code (Juvenile Code); exchange of confidential data within the juvenile justice system; and use of funds from the Evidence-based Programs Account (Account) of the State General Fund. The bill also changes the criteria used to admit youths to a juvenile crisis intervention center by adding definitions for “behavioral health crisis” and changing the phrase “mental health crisis” to “behavioral health crisis” in various statutes.

### ***Risk and Needs Assessments for Children Exhibiting Criminogenic Behaviors***

The bill requires, on or before October 1, 2023, the Secretary for Children and Families to identify an evidence-based risk and needs assessment to administer to children identified as exhibiting behavior that could lead to juvenile offender charges related to physical violence, aggression, damage to property, or use of life-threatening drugs during the course of a child in need of care (CINC) case. The bill directs the Secretary for Children and Families to administer the assessment and requires the Secretary to collaborate with the Secretary of Corrections to allow these identified children to participate in programs funded by the Account. The bill clarifies such assessment is part of the child’s official CINC file and cannot be admitted to evidence during the course of a proceeding under the Juvenile Code. The bill requires the Secretary for Children and Families to report on the implementation of this section, and to provide the assessment used to the Joint Committee on Corrections and Juvenile Justice Oversight (JCCJJO) on or before January 1, 2024.

### ***Standardized Risk and Needs Assessments for Juvenile Offenders***

The bill directs the Secretary of Corrections to ensure when a juvenile is placed in detention, the juvenile:

- Receives a standardized risk and needs assessment within 72 hours, or has appropriate updates made to such assessment if one has already been conducted;
- Receives an updated or completed case plan within 48 hours after such assessment has been conducted or updated; and
- Has access to behavioral health services, mental health services, and substance use treatment disorder services while in detention.

The bill requires the Secretary of Corrections to coordinate with court services, community corrections, and juvenile detention centers to provide the services described above in a timely manner, and, for a juvenile in the custody of the Department for Children and Families (DCF), to coordinate with the Secretary for Children and Families to provide such

services. The cost of assessments conducted or services provided to juvenile offenders may be assessed to the Kansas Department of Corrections (KDOC).

The bill also directs the Secretary of Corrections to collect data regarding these assessments and services and report findings to JCCJJO before July 1 of each year.

### ***Collaboration Between Agencies***

The bill amends the Revised Kansas Code for Care of Children (CINC Code) and the Juvenile Code to require, if a child, juvenile, or juvenile offender is eligible to receive services from DCF, KDOC, or the Judicial Branch, that these agencies collaborate to provide such services. The bill states that nothing in the CINC Code provision or in the Juvenile Code precludes the eligible child from accessing services by the listed agencies or any other state agency if the child is otherwise eligible for services.

In the Juvenile Code, this provision replaces an existing provision requiring collaboration between KDOC and the Secretary for Children and Families to furnish services.

### ***Juvenile Code Case Length***

The bill amends the overall case length limits for juvenile offenders. The court may extend the overall case length limit to allow for completion of an evidence-based program if the juvenile's repeated, intentional effort to delay is the reason for failure to complete the evidence-based program, as reported by the evidence-based services provider. Such extensions may only be granted incrementally.

### ***Community-based Graduated Sanctions for Violations of Sentence Disposition by Juveniles***

The bill amends law governing community-based graduated responses to certain violations of juvenile sentencing dispositions including probation, conditional release, and condition of sentence by juveniles to require the court services officer or community correctional services officer to immediately notify the court and submit a written report showing in what manner the juvenile has violated such sentencing disposition.

The bill also amends the section to allow a judge to commit a juvenile, who is on probation, to detention for a probation violation if the judge makes a finding that the juvenile is demonstrating escalating use of physical violence, aggression, weapons, damage to property, or life-threatening substances. The detention period may not exceed 24 hours for the first violation, 48 hours for the second violation, and 15 days for the third or subsequent violation.

### ***Confidential Data Exchange System***

The bill requires KDOC to develop a system, or contract with an entity to develop an electronic records system not maintained by KDOC, by July 1, 2025, to facilitate the exchange of confidential information among all parts of the juvenile justice system. The bill requires any contracted system to include a verification system that is operated by KDOC for the purpose of

verifying the authenticity and validity of electronic records and specifies such electronic records have the same legal effect as paper records. KDOC is required to report to the JCCJJO, House Committee on Appropriations, Senate Committee on Judiciary, Senate Committee on Ways and Means, and House Committee on Corrections and Juvenile Justice on the progress of the development by the first day of the 2024 Legislative Session.

### ***Amendments to Evidence-based Programs Account***

The bill amends law governing the Account to expand allowable expenditures to include evidence-based community programs and practices for:

- Juvenile offenders and their families [*Note*: Current law does not allow expenditures for juvenile offenders' families];
- Juveniles experiencing a behavioral health crisis and their families [*Note*: Current law allows expenditures for juveniles experiencing a mental health crisis];
- Children who have been administered a risk and needs assessment and have been identified as exhibiting criminogenic behaviors as described in the bill; and
- Grants under provisions described below.

The bill expands those eligible to administer such programs and practices to include:

- Community mental health centers;
- Community health centers;
- The Youth Advocate Program;
- Jobs for America's Graduates—Kansas Transition Services; and
- Any other community-based service provider offering evidence-based community programs.

The bill requires the Secretary of Corrections to develop and implement a grant program with the goal of implementing evidence-based community programs and promising practices throughout the state, subject to the availability of funding in the Account after other expenditures for evidence-based programs are made. The Secretary is required to adopt grant requirements and to evaluate grant-funded programs to ensure the program is being delivered as intended. Any provider of evidence-based community programs for juveniles may apply for a grant, and priority is given to any county that demonstrates low availability of evidence-based community programs for juveniles. Child welfare case management providers are not eligible to receive grants through the Account.

The bill requires expenditures made from the Account to be made promptly and on a rolling basis to develop and implement evidence-based community programs as services are needed throughout the state.

### ***Definition of Behavioral Health Crisis***

This bill defines “behavioral health crisis” in the CINC Code to mean “behavioral and conduct issues that impact the safety or health of a child, members of the child’s household or family or members of the community, including, but not limited to, non-life threatening mental health and substance abuse concerns.” A definition, identical except for the use of the term of “juvenile” rather than “child,” is also added to the Juvenile Code and to a statute regarding juvenile crisis intervention centers.

The bill amends statutes relating to law enforcement officers taking children or juveniles into custody and the court directing temporary custody to refer to behavioral health crisis instead of mental health crisis.

### ***Juvenile Crisis Intervention Centers***

This bill amends the statute establishing juvenile crisis intervention centers to add substance abuse services to the services to be provided by a juvenile crisis center. The bill also adds a behavioral health condition as a reason a juvenile could be determined to be likely to cause harm to self or others.