

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;

(4) has been placed for care or adoption in violation of law;

(5) has been abandoned or does not have a known living parent;

1 (6) is not attending school as required by K.S.A. 72-3421 or 72-3120,
2 and amendments thereto;

3 (7) except in the case of a violation of K.S.A. 41-727, 74-8810(j), 79-
4 3321(m) or (n), or K.S.A. 21-6301(a)(14), and amendments thereto, or,
5 except as provided in paragraph (12), does an act which, when committed
6 by a person under 18 years of age, is prohibited by state law, city
7 ordinance or county resolution, but which is not prohibited when done by
8 an adult;

9 (8) while less than 10 years of age, commits any act that if done by an
10 adult would constitute the commission of a felony or misdemeanor as
11 defined by K.S.A. 21-5102, and amendments thereto;

12 (9) is willfully and voluntarily absent from the child's home without
13 the consent of the child's parent or other custodian;

14 (10) is willfully and voluntarily absent at least a second time from a
15 court ordered or designated placement, or a placement pursuant to court
16 order, if the absence is without the consent of the person with whom the
17 child is placed or, if the child is placed in a facility, without the consent of
18 the person in charge of such facility or such person's designee;

19 (11) has been residing in the same residence with a sibling or another
20 person under 18 years of age, who has been physically, mentally or
21 emotionally abused or neglected, or sexually abused;

22 (12) while less than 10 years of age commits the offense defined in
23 K.S.A. 21-6301(a)(14), and amendments thereto;

24 (13) has had a permanent custodian appointed and the permanent
25 custodian is no longer able or willing to serve; or

26 (14) has been subjected to an act that would constitute human
27 trafficking or aggravated human trafficking, as defined by K.S.A. 21-5426,
28 and amendments thereto, or commercial sexual exploitation of a child, as
29 defined by K.S.A. 21-6422, and amendments thereto, or has committed an
30 act which, if committed by an adult, would constitute selling sexual
31 relations, as defined by K.S.A. 21-6419, and amendments thereto.

32 (e) "Child abuse medical resource center" means a medical institution
33 affiliated with an accredited children's hospital or a recognized institution
34 of higher education that has an accredited medical school program with
35 board-certified child abuse pediatricians who provide training, support,
36 mentoring and peer review to CARE providers on CARE exams.

37 (f) "Child abuse review and evaluation exam" or "CARE exam"
38 means a forensic medical evaluation of a child alleged to be a victim of
39 abuse or neglect conducted by a CARE provider.

40 (g) "Child abuse review and evaluation network" or "CARE network"
41 means a network of CARE providers, child abuse medical resource centers
42 and any medical provider associated with a child advocacy center that has
43 the ability to conduct a CARE exam that collaborate to improve services

1 provided to a child alleged to be a victim of abuse or neglect.

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

7 (1) Kansas-based initial intensive training regarding child
8 maltreatment from the CARE network;

9 (2) continuous trainings on child maltreatment from the CARE
10 network; and

11 (3) peer review and new provider mentoring regarding medical
12 evaluations from a child abuse medical resource center.

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

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

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

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

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

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

42 (o) "Educational institution" means all schools at the elementary and
43 secondary levels.

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

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

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

11 (s) "Jail" means:

12 (1) An adult jail or lockup; or

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

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

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

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

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

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

40 (y) "Multidisciplinary team" means a group of persons, appointed by
41 the court under K.S.A. 38-2228, and amendments thereto, that has
42 knowledge of the circumstances of a child in need of care.

43 (z) "Neglect" means acts or omissions by a parent, guardian or person

1 responsible for the care of a child resulting in harm to a child, or
2 presenting a likelihood of harm, and the acts or omissions are not due
3 solely to the lack of financial means of the child's parents or other
4 custodian. Neglect may include, but shall not be limited to:

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

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

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

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

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

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

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

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

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

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

42 (hh) "Reasonable and prudent parenting standard" means the standard
43 characterized by careful and sensible parental decisions that maintain the

1 health, safety and best interests of a child while at the same time
2 encouraging the emotional and developmental growth of the child, that a
3 caregiver shall use when determining whether to allow a child in foster
4 care under the responsibility of the state to participate in extracurricular,
5 enrichment, cultural and social activities.

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

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

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

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

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

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

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

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

35 (oo) "Support, opportunity, unity, legal relationships family legal
36 permanency" or "SOUL family legal permanency" means the appointment
37 of one or more adults, approved by a child who is 16 years of age or older
38 and the subject of a child in need of care proceeding, pursuant to K.S.A.
39 38-2272a, and amendments thereto.

40 (pp) "Staff secure facility" means a facility described in K.S.A. 65-
41 535, and amendments thereto: (1) That does not include construction
42 features designed to physically restrict the movements and activities of
43 juvenile residents who are placed therein; (2) that may establish reasonable

1 rules restricting entrance to and egress from the facility; and (3) in which
2 the movements and activities of individual juvenile residents may, for
3 treatment purposes, be restricted or subject to control through the use of
4 intensive staff supervision. No staff secure facility shall be in a city or
5 county jail.

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

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

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

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

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

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

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

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

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

40 (c) A law enforcement officer shall explore other options to separate
41 the child from the source of harm before removal of such child as provided
42 in subsection (b).

43 (d) The secretary shall provide an electronic means of communication

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

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

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

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

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

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

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

31 Sec. 3. K.S.A. 38-2232 is hereby amended to read as follows: 38-
32 2232. (a) (1) To the extent possible, when any law enforcement officer
33 takes into custody a child under the age of 18 years without a court order,
34 the child shall promptly be delivered to the custody of the child's parent or
35 other custodian unless there are reasonable grounds to believe that such
36 action would not be in the best interests of the child.

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

- 40 (A) (i) Shelter facility designated by the court;
- 41 (ii) court services officer;
- 42 (iii) juvenile intake and assessment worker;
- 43 (iv) licensed attendant care center;

1 (v) ~~juvenile crisis intervention stabilization center after written~~
2 ~~authorization by a community mental health center; or~~

3 (vi) other person;

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

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

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

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

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

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

35 (2) When any law enforcement officer takes into custody any child as
36 provided in K.S.A. 38-2231(b)(3), and amendments thereto, the law
37 enforcement officer shall place the child in protective custody and may
38 deliver the child to a staff secure facility. The law enforcement officer shall
39 contact the department for children and families to begin an assessment to
40 determine safety, placement and treatment needs for the child. Such child
41 shall not be placed in a secure facility, except as authorized by this section
42 and by K.S.A. 38-2242, 38-2243 and 38-2260, and amendments thereto.

43 (3) When any law enforcement officer takes into custody any child as

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

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

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

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

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

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

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

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

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

35 Sec. 4. K.S.A. 38-2242 is hereby amended to read as follows: 38-
36 2242. (a) The court, upon verified application, may issue ex parte an order
37 directing that a child be held in protective custody and, if the child has not
38 been taken into custody, an order directing that the child be taken into
39 custody. The application shall state for each child:

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

41 (2) that the child is likely to sustain harm if not immediately removed
42 from the home;

43 (3) that allowing the child to remain in the home is contrary to the

1 welfare of the child; and

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

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

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

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

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

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

33 (C) a youth residential facility;

34 (D) a shelter facility;

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

42 (F) ~~after written authorization by a community mental health center, a~~
43 ~~juvenile crisis intervention~~ *stabilization center* as described in K.S.A. 65-

1 536, and amendments thereto; or

2 (G) the secretary, if the child is 15 years of age or younger, or 16 or
3 17 years of age if the child has no identifiable parental or family resources
4 or shows signs of physical, mental, emotional or sexual abuse.

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

28 (d) The order of protective custody shall be served pursuant to K.S.A.
29 38-2237(a), and amendments thereto, on the child's parents and any other
30 person having legal custody of the child. The order shall prohibit the
31 removal of the child from the court's jurisdiction without the court's
32 permission.

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

42 (f) (1) The court shall not enter the initial order removing a child
43 from the custody of a parent pursuant to this section unless the court first

1 finds probable cause that: (A) (i) The child is likely to sustain harm if not
2 immediately removed from the home;

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

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

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

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

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

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

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

27 (d) Notice of the temporary custody hearing shall be given at least 24
28 hours prior to the hearing. The court may continue the hearing to afford the
29 24 hours prior notice or, with the consent of the party or interested party,
30 proceed with the hearing at the designated time. If an order of temporary
31 custody is entered and the parent or other person having custody of the
32 child has not been notified of the hearing, did not appear or waive
33 appearance and requests a rehearing, the court shall rehear the matter
34 without unnecessary delay.

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

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

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

41 (2) child is not likely to be available within the jurisdiction of the
42 court for future proceedings;

43 (3) health or welfare of the child may be endangered without further

1 care;

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

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

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

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

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

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

18 (C) a youth residential facility;

19 (D) a shelter facility;

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

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

30 (G) the secretary, if the child is 15 years of age or younger, or 16 or
31 17 years of age if the child has no identifiable parental or family resources
32 or shows signs of physical, mental, emotional or sexual abuse.

33 (2) If the secretary presents the court with a plan to provide services
34 to a child or family which the court finds will assure the safety of the
35 child, the court may only place the child in the temporary custody of the
36 secretary until the court finds the services are in place. The court shall
37 have the authority to require any person or entity agreeing to participate in
38 the plan to perform as set out in the plan. When the child is placed in the
39 temporary custody of the secretary, the secretary shall have the
40 discretionary authority to place the child with a parent or to make other
41 suitable placement for the child. When the child is placed in the temporary
42 custody of the secretary and the child has been subjected to human
43 trafficking or aggravated human trafficking, as defined by K.S.A. 21-5426,

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

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

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

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

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

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

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

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

40 (j) If the court enters an order of temporary custody that provides for
41 placement of the child with a person other than the parent, the court shall
42 make a child support determination pursuant to K.S.A. 38-2277, and
43 amendments thereto.

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

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

8 (a) "Commissioner" means the secretary of corrections or the
9 secretary's designee.

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

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

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

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

28 (f) "Educational institution" means all schools at the elementary and
29 secondary levels.

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

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

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

42 (j) "Immediate intervention" means all programs or practices
43 developed by the county to hold juvenile offenders accountable while

1 allowing such offenders to be diverted from formal court processing
2 pursuant to K.S.A. 38-2346, and amendments thereto.

3 (k) "Institution" means the Larned juvenile correctional facility and
4 the Kansas juvenile correctional complex.

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

10 (m) "Jail" means:

11 (1) An adult jail or lockup; or

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

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

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

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

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

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

42 (s) "Juvenile offender" means a person who commits an offense while
43 10 or more years of age but less than 18 years of age which if committed

1 by an adult would constitute the commission of a felony or misdemeanor
2 as defined by K.S.A. 21-5102, and amendments thereto, or who violates
3 the provisions of K.S.A. 41-727, 74-8810(j) or 21-6301(a)(14), and
4 amendments thereto, but does not include:

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

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

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

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

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

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

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

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

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

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

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

41 (y) "Reintegration plan" means a written document prepared in
42 consultation with the child's parent or guardian that:

43 (1) Describes the reintegration goal, which, if achieved, will most

1 likely give the juvenile and the victim of the juvenile a permanent and safe
2 living arrangement;

3 (2) describes the child's level of physical health, mental and
4 emotional health and educational functioning;

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

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

8 (5) includes a description of the tasks and responsibilities designed to
9 achieve the plan and to whom assigned;

10 (6) includes measurable objectives and time schedules for achieving
11 the plan; and

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

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

17 (B) describes available alternatives;

18 (C) justifies the alternative placement selected, including a
19 description of the safety and appropriateness of such placement; and

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

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

26 (aa) "Secretary" means the secretary of corrections or the secretary's
27 designee.

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

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

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

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

1 concerns:

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

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

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

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

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

14 (A) A felony; or

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

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

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

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

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

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

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

40 (2) has absconded from supervision.

41 (d) (1) A juvenile taken into custody by a law enforcement officer or
42 other person authorized pursuant to subsection (b) shall be brought without
43 unnecessary delay to the custody of the juvenile's parent or other

1 custodian, unless there are reasonable grounds to believe that such action
2 would not be in the best interests of the child or would pose a risk to
3 public safety or property.

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

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

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

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

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

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

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

1 person shall be taken, without delay, before the nearest court. The court
2 shall fix the terms and conditions of an appearance bond upon which the
3 person may be released from custody. The provisions of article 28 of
4 chapter 22 of the Kansas Statutes Annotated, *and amendments thereto*, and
5 K.S.A. 22-2901, and amendments thereto, relating to appearance bonds
6 and review of conditions and release shall be applicable to appearance
7 bonds provided for in this section.

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

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

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

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

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

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

42 (1) Address or ensure access to the broad range of services to meet
43 the needs of a juvenile admitted to the center, including, but not limited to,

1 medical, psychiatric, psychological, social, educational and substance
2 abuse-related services;

3 (2) *provide services to the juvenile and the juvenile's family,*
4 *including, but not limited to, parent building skills, family therapy, faith-*
5 *based services and case management supports as necessary to address the*
6 *immediate needs of the juvenile and juvenile's family;*

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

12 (3)(4) implement written policies and procedures that include the use
13 of a combination of supervision, inspection and accountability to promote
14 safe and orderly operations; and

15 (4)(5) implement written policies and procedures for staff monitoring
16 of all center entrances and exits.

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

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

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

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

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

32 (d) (1) A juvenile may be admitted to a ~~juvenile-crisis-intervention-~~
33 ~~stabilization center when:~~

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

36 (B) ~~a qualified mental health professional from a community mental~~
37 ~~health center has given written authorization for such juvenile to be~~
38 ~~admitted to a juvenile crisis intervention center; and~~

39 (C) ~~no other more appropriate treatment services are available and~~
40 ~~accessible to the juvenile at the time of admission~~ *stabilization services*
41 *and would benefit from treatment provided by such center. Priority for*
42 *admission to a juvenile stabilization center shall be given to cross-over*
43 *youth.*

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

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

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

37 (2) Nothing in this subsection shall prohibit the department of health and
38 environment from administering or reimbursing state medicaid services to
39 any juvenile admitted to a juvenile ~~crisis intervention~~ *stabilization* center
40 pursuant to a waiver granted under section 1915(c) of the federal social
41 security act, provided that such services are not administered through a
42 managed care delivery system.

43 (3) Nothing in this subsection shall prohibit the department of health

1 and environment from reimbursing any state medicaid services that qualify
2 for reimbursement and that are provided to a juvenile admitted to a
3 juvenile ~~crisis intervention~~ *stabilization center*.

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

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

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

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

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

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

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

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

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

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

36 (2) services provided to juveniles admitted;

37 (3) needs of juveniles admitted determined by evidence-based
38 assessment; and

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

42 (h) The secretary of corrections ~~may~~ *shall* enter into memorandums
43 of agreement with other cabinet agencies to provide funding, not to exceed

1 \$2,000,000 annually, from the evidence-based programs account of the
2 state general fund or other available appropriations for juvenile-~~crisis-~~
3 ~~intervention~~ stabilization services. *A juvenile stabilization center that*
4 *receives funding from a cabinet agency to provide juvenile stabilization*
5 *services shall receive a portion of such funding prior to opening such*
6 *center to provide training on and implement evidence-based modalities*
7 *and for renovations to comply with rules and regulations adopted by the*
8 *secretary for children and families.*

9 (i) For the purposes of this section:

10 (1) ~~"Behavioral health crisis" means behavioral and conduct issues~~
11 ~~that impact the safety or health of a juvenile, members of the juvenile's~~
12 ~~household or family or members of the community, including, but not~~
13 ~~limited to, non-life threatening mental health and substance abuse~~
14 ~~concerns~~ *"Cross-over youth" means youth at risk of being placed in foster*
15 *care due in whole or in part to conduct that has resulted or could result in*
16 *juvenile offender allegations and youth placed in foster care engaging in*
17 *conduct that has resulted or could result in juvenile offender allegations;*

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

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

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

28 (5) ~~"treatment" means any service intended to promote the mental~~
29 ~~health of the patient and rendered by a qualified professional, licensed or~~
30 ~~certified by the state to provide such service as an independent practitioner~~
31 ~~or under the supervision of such practitioner; and~~

32 (6) ~~"qualified mental health professional" means a physician or~~
33 ~~psychologist who is employed by a participating mental health center or~~
34 ~~who is providing services as a physician or psychologist under a contract~~
35 ~~with a participating mental health center, a licensed masters level~~
36 ~~psychologist, a licensed clinical psychotherapist, a licensed marriage and~~
37 ~~family therapist, a licensed clinical marriage and family therapist, a~~
38 ~~licensed professional counselor, a licensed clinical professional counselor,~~
39 ~~a licensed specialist social worker or a licensed master social worker or a~~
40 ~~registered nurse who has a specialty in psychiatric nursing, who is~~
41 ~~employed by a participating mental health center and who is acting under~~
42 ~~the direction of a physician or psychologist who is employed by, or under~~
43 ~~contract with, a participating mental health center.~~

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

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

5 (1) "Appropriate licensing agency" means the agency that issues the
6 license, certification or registration to the healthcare provider under this
7 section.

8 (2) "Behavioral health crisis" means ~~the same as defined in K.S.A.~~
9 ~~65-536, and amendments thereto~~ *behavioral and conduct issues that*
10 *impact the safety or health of a minor; members of the minor's household*
11 *or family or members of the community, including, but not limited to, non-*
12 *life threatening mental health and substance abuse concerns.*

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

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

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

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

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

22 (8) "School facility" means any building or structure owned, operated
23 or maintained by the board of education of a public school or the
24 governing body of an accredited nonpublic school if such facility is
25 accessible to students.

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

30 (A) Prescribe, dispense or administer any prescription or
31 nonprescription drug;

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

33 (C) conduct ongoing behavioral health treatment.

34 (2) Notwithstanding the provisions of K.S.A. 72-6316, and
35 amendments thereto, the provisions of paragraph (1) shall not prevent a
36 healthcare provider at a school from conducting a behavioral health
37 assessment or intervention for a minor experiencing a behavioral health
38 crisis, conducting a school-based screening required by law or providing
39 education to a minor.

40 (3) A healthcare provider who violates the provisions of paragraph
41 (1) shall be subject to professional discipline from such healthcare
42 provider's appropriate licensing agency.

43 (c) The provisions of this section shall not apply to:

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

3 (2) consent for medical care of unmarried pregnant minor, K.S.A. 38-
4 123, and amendments thereto;

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

7 (4) consent for immunization by person other than a parent, K.S.A.
8 38-137, and amendments thereto;

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

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

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

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

17 Sec. 10. K.S.A. 2025 Supp. 75-52,164 is hereby amended to read as
18 follows: 75-52,164. (a) (1) There is hereby established in the state treasury
19 the evidence-based programs account of the state general fund, which shall
20 be administered by the department of corrections. All expenditures from
21 the evidence-based programs account of the state general fund shall be for
22 the development and implementation of evidence-based community
23 programs and practices for:

24 (A) Juvenile offenders and their families;

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

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

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

31 (2) Evidence-based community programs and practices may be
32 administered by community supervision offices, juvenile intake and
33 assessment, court services, community corrections, juvenile ~~crisis-~~
34 ~~intervention~~ *stabilization* centers, community mental health centers,
35 community health centers, the youth advocate program, jobs for America's
36 graduates Kansas transition services and any other community-based
37 service provider offering evidence-based community programs.

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

43 (b) At least annually, throughout the year, the secretary of corrections

1 shall determine and certify to the director of accounts and reports the
2 amount in each account of the state general fund of a state agency that has
3 been determined by the secretary to be actual or projected cost savings as a
4 result of cost avoidance resulting from decreased reliance on incarceration
5 in the juvenile correctional facility and placement in youth residential
6 centers. The baseline shall be calculated on the cost of incarceration and
7 placement in fiscal year 2015.

8 (c) Upon receipt of a certification pursuant to subsection (b), the
9 director of accounts and reports shall transfer the amount certified
10 pursuant to subsection (b) from each account of the state general fund of a
11 state agency that has been determined by the secretary of corrections to be
12 actual or projected cost savings to the evidence-based programs account of
13 the state general fund.

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

18 (e) (1) The secretary of corrections shall develop and implement a
19 grant program with the goal of implementing evidence-based community
20 programs described in subsection (a) and promising practices throughout
21 the state, subject to the availability of funding in the evidence-based
22 programs account of the state general fund after other expenditures for
23 evidence-based programs are made. The secretary shall adopt grant
24 requirements in accordance with this section. Any provider of evidence-
25 based community programs for juveniles may apply for a grant. The grant
26 program shall give priority to any county that demonstrates a low
27 availability of evidence-based community programs for juveniles. The
28 secretary shall evaluate the programs that received a grant to ensure the
29 program is being delivered as such program was designed.

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

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

36 (g) The evidence-based programs account of the state general fund
37 and any other moneys transferred pursuant to this section shall be used for
38 the purposes set forth in this section and for no other governmental
39 purposes. It is the intent of the legislature that the funds and the moneys
40 deposited in this fund shall remain intact and inviolate for the purposes set
41 forth in this section.

42 (h) *On July 1, 2026, or as soon thereafter as moneys are available,*
43 *the director of accounts and reports shall transfer \$2,000,000 from the*

1 *evidence-based programs account of the state general fund to a special*
2 *revenue fund of the Kansas department for children and families as*
3 *designated by the secretary for children and families for juvenile*
4 *stabilization services.*

5 Sec. 11. K.S.A. 75-7023 is hereby amended to read as follows: 75-
6 7023. (a) The secretary for children and families may contract with the
7 secretary of corrections to provide for the juvenile intake and assessment
8 system and programs for children in need of care. Except as provided
9 further, the secretary of corrections shall promulgate rules and regulations
10 for the juvenile intake and assessment system and programs concerning
11 juvenile offenders. If the secretary contracts with the office of judicial
12 administration to administer the juvenile intake and assessment system and
13 programs concerning juvenile offenders, the supreme court administrative
14 orders shall be in force until such contract ends and the rules and
15 regulations concerning juvenile intake and assessment system and
16 programs concerning juvenile offenders have been adopted.

17 (b) Except as otherwise provided in this subsection, records, reports
18 and information obtained as a part of the juvenile intake and assessment
19 process shall not be admitted into evidence in any proceeding and shall not
20 be used in a child in need of care proceeding or a juvenile offender
21 proceeding.

22 (1) Such records, reports and information may be used in a child in
23 need of care proceeding for diagnostic and referral purposes and by the
24 court in considering dispositional alternatives. If the records, reports or
25 information are in regard to abuse or neglect, which is required to be
26 reported under K.S.A. 38-2223, and amendments thereto, such records,
27 reports or information may then be used for any purpose in a child in need
28 of care proceeding pursuant to the revised Kansas code for care of
29 children.

30 (2) Such records, reports and information may be used in a juvenile
31 offender proceeding only if such records, reports and information are in
32 regard to the possible trafficking of a runaway. Such records, reports and
33 information in regard to the possible trafficking of a runaway shall be
34 made available to the appropriate county or district attorney and the court,
35 and shall be used only for diagnostic and referral purposes.

36 (c) Upon a juvenile being taken into custody pursuant to K.S.A. 38-
37 2330, and amendments thereto, a juvenile intake and assessment worker
38 shall complete the intake and assessment process, making release and
39 referral determinations as required by supreme court administrative order
40 or district court rule, or except as provided above *in* rules and regulations
41 established by the secretary of corrections.

42 (d) Except as provided in subsection (g) and in addition to any other
43 information required by the supreme court administrative order, the

1 secretary for children and families, the secretary of corrections or by the
2 district court of such district, the juvenile intake and assessment worker
3 shall collect the following information either in person or over two-way
4 audio or audio-visual communication:

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

9 (2) criminal history, including indications of criminal gang
10 involvement;

11 (3) abuse history;

12 (4) substance abuse history;

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

14 (6) educational history;

15 (7) medical history;

16 (8) family history; and

17 (9) the results of other assessment instruments as approved by the
18 secretary.

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

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

24 (2) Conditionally release the child to the child's parent, other legal
25 guardian or another appropriate adult if the intake and assessment worker
26 believes that if the conditions are met, it would be in the child's best
27 interest to release the child to such child's parent, other legal guardian or
28 another appropriate adult; and the intake and assessment worker has
29 reason to believe that it might be harmful to the child to release the child to
30 such child's parents, other legal guardian or another appropriate adult
31 without imposing the conditions. The conditions may include, but not be
32 limited to the alternatives listed in K.S.A. 38-2331(b), and amendments
33 thereto, and the following:

34 (A) Participation of the child in counseling;

35 (B) participation of members of the child's family in counseling;

36 (C) participation by the child, members of the child's family and other
37 relevant persons in mediation;

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

39 (E) referral of the child and the child's family to the secretary for
40 children and families for services and the agreement of the child and
41 family to accept and participate in the services offered;

42 (F) referral of the child and the child's family to available community
43 resources or services and the agreement of the child and family to accept

1 and participate in the services offered;

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

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

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

9 (3) Deliver the child to a shelter facility or a licensed attendant care
10 center along with the law enforcement officer's written application for a
11 maximum stay of up to 72 hours. The shelter facility or licensed attendant
12 care facility shall then have custody as if the child had been directly
13 delivered to the facility by the law enforcement officer pursuant to K.S.A.
14 38-2232, and amendments thereto.

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

17 (A) An immediate intervention program pursuant to K.S.A. 38-
18 2346(b), and amendments thereto;

19 (B) the county or district attorney for appropriate proceedings to be
20 filed, with or without a recommendation that the juvenile be considered for
21 alternative means of adjudication programs pursuant to K.S.A. 38-2389,
22 and amendments thereto, or immediate intervention pursuant to K.S.A. 38-
23 2346, and amendments thereto; or

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

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

29 (1) The assessment shall be conducted for each youth under
30 consideration for detention and may only be conducted by a juvenile
31 intake and assessment worker who has completed training to conduct the
32 detention risk assessment tool.

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

38 (3) (A) The detention risk assessment tool includes an override
39 function that may be approved by the court for use under certain
40 circumstances. If approved by the court, the juvenile intake and
41 assessment worker or the court may override the detention risk assessment
42 tool score in order to direct placement in a short-term shelter facility, a
43 community-based alternative to detention or, subject to K.S.A. 38-2331,

1 and amendments thereto, a juvenile detention facility. Such override must
2 be documented, include a written explanation and receive approval from
3 the director of the intake and assessment center or the court.

4 *(B) The court shall approve an override function of the detention risk*
5 *assessment tool for use when a juvenile:*

6 *(i) Is alleged to have possessed or used a firearm during the*
7 *commission of an offense; or*

8 *(ii) has been presented to a juvenile intake and assessment system for*
9 *the second time within one year.*

10 *(C) When the detention risk assessment tool is overridden pursuant to*
11 *subparagraph (B), the juvenile intake and assessment worker or the court*
12 *shall place the juvenile in a juvenile detention facility.*

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

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

22 *(g) Parents, guardians and juveniles may access the juvenile intake*
23 *and assessment programs on a voluntary basis. The parent or guardian*
24 *shall be responsible for the costs of any such program utilized.*

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

27 *(1) Risk and needs assessments;*

28 *(2) individualized diversions based on needs and strengths;*

29 *(3) graduated responses;*

30 *(4) family engagement;*

31 *(5) trauma-informed care;*

32 *(6) substance abuse;*

33 *(7) mental health; and*

34 *(8) special education.*

35 Sec. 12. K.S.A. 38-2232, 38-2242 and 75-7023 and K.S.A. 2025
36 Supp. 38-2202, 38-2231, 38-2243, 38-2302, 38-2330, 65-536, 72-6287 and
37 75-52,164 are hereby repealed.

38 Sec. 13. This act shall take effect and be in force from and after its
39 publication in the statute book.