AN ACT concerning children and minors; relating to crisis intervention; creating juvenile crisis intervention centers; amending K.S.A. 2017 Supp. 38-2231, 38-2232, 38-2242, 38-2243, 38-2330 and 75-52,164 and repealing the existing sections.

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

New Section 1. (a) A juvenile crisis intervention center is a facility that provides short-term observation, assessment, treatment and case planning, and referral for any juvenile who is experiencing a mental health crisis that causes the juvenile to be likely to cause harm to self or others. Such centers shall:

(1) Address or ensure access to the broad range of services to meet the needs of a juvenile admitted to the center, including, but not limited to, medical, psychiatric, psychological, social and educational services;

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

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

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

(b) A juvenile crisis intervention center shall provide treatment to juveniles admitted to such center, as appropriate while admitted.

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

(d) (1) A juvenile may be admitted to a juvenile crisis intervention center when:

(A) The head of such center determines such juvenile is in need of treatment and likely to cause harm to self or others;
(B) a qualified mental health professional from a community mental health center has given written authorization for such juvenile to be admitted to a juvenile crisis intervention center; and

(C) no other more appropriate treatment services are available and accessible to the juvenile at the time of admission.

(2) A juvenile may be admitted to a juvenile crisis intervention center for not more than 30 days. A parent with legal custody or legal guardian of a juvenile placed in a juvenile crisis intervention center may remove such juvenile from the center at any time. If the removal may cause the juvenile to become a child in need of care pursuant to K.S.A. 2017 Supp. 38-2202(d), and amendments thereto, the head of a juvenile crisis intervention center may report such concerns to the department for children and families or law enforcement or may request the county or district attorney to initiate proceedings pursuant to the revised Kansas code for care of children. If the head of a juvenile crisis intervention center determines the most appropriate action is to request the county or district attorney to initiate proceedings pursuant to the revised Kansas code for care of children, the head of such center shall make such request and shall keep such juvenile in the center for an additional 24-hour period to initiate the appropriate proceedings.

(3) When a juvenile is released from a juvenile crisis intervention center, the community mental health center where the juvenile is expected to be discharged shall be involved with discharge planning. Within seven days prior to the discharge of a juvenile, the head of the juvenile crisis intervention center shall give written notice of the date and time of the discharge to the patient, community mental health center where the juvenile is expected to be discharged, and the patient's parent, custodian or legal guardian.

(e) (1) No state agency shall administer or reimburse state medicaid services to any juvenile admitted to a juvenile crisis intervention center through a managed care delivery system pursuant to a waiver granted by the United States centers for medicare and medicaid services under section 1115 or 1915 of the federal social security act, or any combination thereof. Any services provided to a juvenile in a juvenile crisis intervention center that qualify for medicaid reimbursement under state or federal law shall be reimbursed at a fee-for-service rate allowed by the United States centers for medicare and medicaid services.

(2) Nothing in this subsection shall prohibit the department of health and environment from administering or reimbursing state medicaid services to any juvenile admitted to a juvenile crisis intervention center pursuant to a waiver granted under section 1915(c) of the federal social security act, provided that such services are not administered through a managed care delivery system.
(3) Nothing in this subsection shall prohibit the department of health and environment from reimbursing any state medicaid services that qualify for reimbursement and that are provided to a juvenile admitted to a juvenile crisis intervention center, subject to the limitations of paragraph (1).

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

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

(f) The secretary for children and families, in consultation with the attorney general, shall promulgate rules and regulations to implement the provisions of this section on or before January 1, 2019.

(g) The secretary for children and families shall annually report information on outcomes of juveniles admitted into juvenile crisis intervention centers to the joint committee on corrections and juvenile justice oversight, the corrections and juvenile justice committee of the house of representatives and the judiciary committee of the senate. Such report shall include:

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

(2) services provided to juveniles admitted;

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

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

(h) The secretary of corrections may enter into memorandums of agreement with other cabinet agencies to provide funding, not to exceed $2,000,000 annually, from the evidence-based programs account of the state general fund or other available appropriations for juvenile crisis intervention services.

(i) For the purposes of this section:

(1) "Juvenile" means a person who is less than 18 years of age;

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

(3) "treatment" means any service intended to promote the mental
health of the patient and rendered by a qualified professional, licensed or
certified by the state to provide such service as an independent practitioner
or under the supervision of such practitioner; and
(4) "qualified mental health professional" means a physician or
psychologist who is employed by a participating mental health center or
who is providing services as a physician or psychologist under a contract
with a participating mental health center, a licensed masters level
psychologist, a licensed clinical psychotherapist, a licensed marriage and
family therapist, a licensed clinical marriage and family therapist, a
licensed professional counselor, a licensed clinical professional counselor,
a licensed specialist social worker or a licensed master social worker or a
registered nurse who has a specialty in psychiatric nursing, who is
employed by a participating mental health center and who is acting under
the direction of a physician or psychologist who is employed by, or under
contract with, a participating mental health center.

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

Sec. 2. K.S.A. 2017 Supp. 38-2231 is hereby amended to read as
follows: 38-2231. (a) A law enforcement officer or court services officer
shall take a child under 18 years of age into custody when:
(1) The law enforcement officer or court services officer has a court
order commanding that the child be taken into custody as a child in need
of care; or
(2) the law enforcement officer or court services officer has probable
cause to believe that a court order commanding that the child be taken into
custody as a child in need of care has been issued in this state or in another
jurisdiction.
(b) A law enforcement officer shall take a child under 18 years of age
into custody when the officer:
(1) Reasonably believes the child will be harmed if not immediately
removed from the place or residence where the child has been found;
(2) has probable cause to believe that the child is a runaway or a
missing person or a verified missing person entry for the child can be
found in the national crime information center missing person system; or
(3) reasonably believes the child is a victim of human trafficking,
aggravated human trafficking or commercial sexual exploitation of a
child; or
(4) reasonably believes the child is experiencing a mental health
crisis and is likely to cause harm to self or others.
(c) (1) If a person provides shelter to a child whom the person knows
is a runaway, such person shall promptly report the child's location either
to a law enforcement agency or to the child's parent or other custodian.
(2) If a person reports a runaway's location to a law enforcement
agency pursuant to this section and a law enforcement officer of the agency has reasonable grounds to believe that it is in the child's best interests, the child may be allowed to remain in the place where shelter is being provided, subject to subsection (b), in the absence of a court order to the contrary. If the child is allowed to so remain, the law enforcement agency shall promptly notify the secretary of the child's location and circumstances.

(d) Except as provided in subsections (a) and (b), a law enforcement officer may temporarily detain and assume temporary custody of any child subject to compulsory school attendance, pursuant to K.S.A. 72-3120, and amendments thereto, during the hours school is actually in session and shall deliver the child pursuant to K.S.A. 2017 Supp. 38-2232(g), and amendments thereto.

Sec. 3. K.S.A. 2017 Supp. 38-2232 is hereby amended to read as follows: 38-2232. (a) (1) To the extent possible, when any law enforcement officer takes into custody a child under the age of 18 years without a court order, the child shall forthwith promptly be delivered to the custody of the child's parent or other custodian unless there are reasonable grounds to believe that such action would not be in the best interests of the child.

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

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

(ii) court services officer;,

(iii) juvenile intake and assessment worker;,

(iv) licensed attendant care center,

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

(vi) other person or;

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

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

(3) If, after delivery of the child to a shelter facility, the person in charge of the shelter facility at that time and the law enforcement officer determine that the child will not remain in the shelter facility and if the child is presently alleged, but not yet adjudicated, to be a child in need of care solely pursuant to subsection (d)(9) or (d)(10) of K.S.A. 2017 Supp. 38-2202(d)(9) or (d)(10), and amendments thereto, the law enforcement officer shall deliver the child to a juvenile detention facility or other secure
facility, designated by the court, where the child shall be detained for not
more than 24 hours, excluding Saturdays, Sundays, legal holidays, and
days on which the office of the clerk of the court is not accessible.

(4) No child taken into custody pursuant to this code shall be placed
in a juvenile detention facility or other secure facility, except as authorized
by this section and by K.S.A. 2017 Supp. 38-2242, 38-2243 and 38-2260,
and amendments thereto.

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

(b) (1) When any law enforcement officer takes into custody any
child as provided in subsection (b)(2) of K.S.A. 2017 Supp. 38-2231(b)(2),
and amendments thereto, proceedings shall be initiated in accordance with
the provisions of the interstate compact on juveniles, K.S.A. 38-1001 et
seq., and amendments thereto, or K.S.A. 2017 Supp. 38-1008, and
amendments thereto, when effective. Any child taken into custody
pursuant to the interstate compact on juveniles may be detained in a
juvenile detention facility or other secure facility.

(2) When any law enforcement officer takes into custody any child as
provided in subsection (b)(3) of K.S.A. 2017 Supp. 38-2231(b)(3), and
amendments thereto, the law enforcement officer shall place the child in
protective custody and may deliver the child to a staff secure facility. The
law enforcement officer shall contact the department for children and
families to begin an assessment to determine safety, placement and
treatment needs for the child. Such child shall not be placed in a juvenile
detention facility or other secure facility, except as authorized by this
section and by K.S.A. 2017 Supp. 38-2242, 38-2243 and 38-2260, and
amendments thereto.

(3) When any law enforcement officer takes into custody any child as
provided in K.S.A. 2017 Supp. 38-2231(b)(4), and amendments thereto,
the law enforcement officer shall place the child in protective custody and
may deliver the child to a juvenile crisis intervention center after written
authorization by a community mental health center. Such child shall not be
placed in a juvenile detention facility or other secure facility.

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

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

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

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

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

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

(g) When any law enforcement officer takes into custody any child as provided in subsection (d) of K.S.A. 2017 Supp. 38-2231(d), and amendments thereto, the child shall forthwith promptly be delivered to the school in which the child is enrolled, any location designated by the school in which the child is enrolled or the child's parent or other custodian.

Sec. 4. K.S.A. 2017 Supp. 38-2242 is hereby amended to read as follows: 38-2242. (a) The court, upon verified application, may issue ex parte an order directing that a child be held in protective custody and, if the child has not been taken into custody, an order directing that the child be taken into custody. The application shall state for each child:

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

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

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

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

(b) (1) The order of protective custody may be issued only after the court has determined there is probable cause to believe the allegations in the application are true. The order shall remain in effect until the temporary custody hearing provided for in K.S.A. 2017 Supp. 38-2243, and amendments thereto, unless earlier rescinded by the court.
(2) No child shall be held in protective custody for more than 72 hours, excluding Saturdays, Sundays, legal holidays, and days on which the office of the clerk of the court is not accessible, unless within the 72-hour period a determination is made as to the necessity for temporary custody in a temporary custody hearing. The time spent in custody pursuant to K.S.A. 2017 Supp. 38-2232, and amendments thereto, shall be included in calculating the 72-hour period. Nothing in this subsection shall be construed to mean that the child must remain in protective custody for 72 hours. If a child is in the protective custody of the secretary, the secretary shall allow at least one supervised visit between the child and the parent or parents within such time period as the child is in protective custody. The court may prohibit such supervised visit if the court determines it is not in the best interest of the child.

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

(A) A parent or other person having custody of the child and may enter a restraining order pursuant to subsection (e);
(B) a person, other than the parent or other person having custody, who shall not be required to be licensed under article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;
(C) a youth residential facility;
(D) a shelter facility;
(E) a staff secure facility, notwithstanding any other provision of law, if the child has been subjected to human trafficking or aggravated human trafficking, as defined by K.S.A. 2017 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by K.S.A. 2017 Supp. 21-6422, and amendments thereto, or the child committed an act which, if committed by an adult, would constitute a violation of K.S.A. 2017 Supp. 21-6419, and amendments thereto;
(F) after written authorization by a community mental health center, a juvenile crisis intervention center as described in section 1, and amendments thereto; or
(G) the secretary, if the child is 15 years of age or younger, or 16 or 17 years of age if the child has no identifiable parental or family resources or shows signs of physical, mental, emotional or sexual abuse.

(2) If the secretary presents the court with a plan to provide services to a child or family which the court finds will assure the safety of the child, the court may only place the child in the protective custody of the secretary until the court finds the services are in place. The court shall have the authority to require any person or entity agreeing to participate in the plan to perform as set out in the plan. When the child is placed in the protective custody of the secretary, the secretary shall have the
discretionary authority to place the child with a parent or to make other suitable placement for the child. When the child is placed in the temporary custody of the secretary and the child has been subjected to human trafficking or aggravated human trafficking, as defined by K.S.A. 2017 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by K.S.A. 2017 Supp. 21-6422, and amendments thereto, or the child committed an act which, if committed by an adult, would constitute a violation of K.S.A. 2017 Supp. 21-6419, and amendments thereto, the secretary shall have the discretionary authority to place the child in a staff secure facility, notwithstanding any other provision of law. When the child is presently alleged, but not yet adjudicated, to be a child in need of care solely pursuant to subsection (d) (9) or (d)(10) of K.S.A. 2017 Supp. 38-2202(d)(9) or (d)(10), and amendments thereto, the child may be placed in a juvenile detention facility or other secure facility pursuant to an order of protective custody for a period of not to exceed 24 hours, excluding Saturdays, Sundays, legal holidays, and days on which the office of the clerk of the court is not accessible.

(d) The order of protective custody shall be served pursuant to subsection (a) of K.S.A. 2017 Supp. 38-2237(a), and amendments thereto, on the child's parents and any other person having legal custody of the child. The order shall prohibit the removal of the child from the court's jurisdiction without the court's permission.

(e) If the court issues an order of protective custody, the court may also enter an order restraining any alleged perpetrator of physical, sexual, mental or emotional abuse of the child from residing in the child's home; visiting, contacting, harassing or intimidating the child, other family member or witness; or attempting to visit, contact, harass or intimidate the child, other family member or witness. Such restraining order shall be served by personal service pursuant to subsection (a) of K.S.A. 2017 Supp. 38-2237(a), and amendments thereto, on any alleged perpetrator to whom the order is directed.

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

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

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

(B) reasonable efforts have been made to maintain the family unit and prevent the unnecessary removal of the child from the child's home or that an emergency exists which threatens the safety to the child.
(2) Such findings shall be included in any order entered by the court. If the child is placed in the custody of the secretary, the court shall provide the secretary with a written copy of any orders entered upon making the order.

Sec. 5. K.S.A. 2017 Supp. 38-2243 is hereby amended to read as follows: 38-2243. (a) Upon notice and hearing, the court may issue an order directing who shall have temporary custody and may modify the order during the pendency of the proceedings as will best serve the child's welfare.

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

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

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

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

(f) The court may enter an order of temporary custody after determining there is probable cause to believe that: (1) Child is dangerous to self or to others; (2) child is not likely to be available within the jurisdiction of the court for future proceedings; (3) health or welfare of the child may be endangered without further care; (4) child has been subjected to human trafficking or aggravated human trafficking, as defined by K.S.A. 2017 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by K.S.A. 2017 Supp. 21-6422, and amendments thereto; (5) child is experiencing a mental health crisis and is in need of treatment; or (6) child committed an act which, if committed by an adult, would constitute a violation of K.S.A. 2017 Supp. 21-6419, and amendments thereto.

(g) (1) Whenever the court determines the necessity for an order of temporary custody the court may place the child in the temporary custody of:
(A) A parent or other person having custody of the child and may enter a restraining order pursuant to subsection (h);

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

(C) a youth residential facility;

(D) a shelter facility;

(E) a staff secure facility, notwithstanding any other provision of law, if the child has been subjected to human trafficking or aggravated human trafficking, as defined by K.S.A. 2017 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by K.S.A. 2017 Supp. 21-6422, and amendments thereto, or the child committed an act which, if committed by an adult, would constitute a violation of K.S.A. 2017 Supp. 21-6419, and amendments thereto;

(F) after written authorization by a community mental health center, a juvenile crisis intervention center, as described in section 1, and amendments thereto; or

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

(2) If the secretary presents the court with a plan to provide services to a child or family which the court finds will assure the safety of the child, the court may only place the child in the temporary custody of the secretary until the court finds the services are in place. The court shall have the authority to require any person or entity agreeing to participate in the plan to perform as set out in the plan. When the child is placed in the temporary custody of the secretary, the secretary shall have the discretionary authority to place the child with a parent or to make other suitable placement for the child. When the child is placed in the temporary custody of the secretary and the child has been subjected to human trafficking or aggravated human trafficking, as defined by K.S.A. 2017 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by K.S.A. 2017 Supp. 21-6422, and amendments thereto, or the child committed an act which, if committed by an adult, would constitute a violation of K.S.A. 2017 Supp. 21-6419, and amendments thereto, the secretary shall have the discretionary authority to place the child in a staff secure facility, notwithstanding any other provision of law. When the child is presently alleged, but not yet adjudicated to be a child in need of care solely pursuant to subsection (d)(9) or (d)(10) of K.S.A. 2017 Supp. 38-2202(d)(9) or (d)(10), and amendments thereto, the child may be placed in a juvenile detention facility or other secure facility, but the total amount of time that the child may be held in such facility under this section and K.S.A. 2017 Supp. 38-
2242, and amendments thereto, shall not exceed 24 hours, excluding Saturdays, Sundays, legal holidays, and days on which the office of the clerk of the court is not accessible. The order of temporary custody shall remain in effect until modified or rescinded by the court or an adjudication order is entered but not exceeding 60 days, unless good cause is shown and stated on the record.

(h) If the court issues an order of temporary custody, the court may also enter an order restraining any alleged perpetrator of physical, sexual, mental or emotional abuse of the child from residing in the child's home; visiting, contacting, harassing or intimidating the child; or attempting to visit, contact, harass or intimidate the child, other family members or witnesses. Such restraining order shall be served by personal service pursuant to subsection (a) of K.S.A. 2017 Supp. 38-2237(a), and amendments thereto, on any alleged perpetrator to whom the order is directed.

(i) (1) The court shall not enter the initial order removing a child from the custody of a parent pursuant to this section unless the court first finds probable cause that: (A) (i) The child is likely to sustain harm if not immediately removed from the home;
     (ii) allowing the child to remain in home is contrary to the welfare of the child; or
     (iii) immediate placement of the child is in the best interest of the child; and
     (B) reasonable efforts have been made to maintain the family unit and prevent the unnecessary removal of the child from the child's home or that an emergency exists which threatens the safety to the child.
     (2) Such findings shall be included in any order entered by the court. If the child is placed in the custody of the secretary, upon making the order the court shall provide the secretary with a written copy.

(j) If the court enters an order of temporary custody that provides for placement of the child with a person other than the parent, the court shall make a child support determination pursuant to K.S.A. 2017 Supp. 38-2277, and amendments thereto.

Sec. 6. K.S.A. 2017 Supp. 38-2330 is hereby amended to read as follows: 38-2330. (a) A law enforcement officer may take a juvenile into custody when:

(1) Any offense has been or is being committed in the officer's view;
(2) the officer has a warrant commanding that the juvenile be taken into custody;
(3) the officer has probable cause to believe that a warrant or order commanding that the juvenile be taken into custody has been issued in this state or in another jurisdiction for an act committed therein;
(4) the officer has probable cause to believe that the juvenile is
committing or has committed an act which, if committed by an adult, would constitute:

(A) A felony; or

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

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

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

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

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

(1) (A) Has violated the condition of the juvenile's conditional release from detention or probation, for the third or subsequent time; and
(B) poses a significant risk of physical harm to another or damage to property; or

(2) has absconded from supervision.

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

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

(A) Issue a notice to appear pursuant to subsection (g); or
(B) contact or deliver the juvenile to an intake and assessment worker for completion of the intake and assessment process pursuant to K.S.A. 75-7023, and amendments thereto; or

(C) if the juvenile is determined to not be detention eligible based on a standardized detention risk assessment tool and is experiencing a mental
health crisis, deliver a juvenile to a juvenile crisis intervention center, as described in section 1, and amendments thereto, after written authorization by a community mental health center.

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

(e) In the absence of a court order to the contrary, the court or officials designated by the court, the county or district attorney or the law enforcement agency taking a juvenile into custody shall direct the release prior to the time specified by K.S.A. 2017 Supp. 38-2343(a), and amendments thereto. In addition, pursuant to K.S.A. 75-7023 and K.S.A. 2017 Supp. 38-2346, and amendments thereto, a juvenile intake and assessment worker shall direct the release of a juvenile prior to a detention hearing after the completion of the intake and assessment process.

(f) Whenever a person 18 years of age or more is taken into custody by a law enforcement officer for an alleged offense which was committed prior to the time the person reached the age of 18, the officer shall notify and refer the matter to the court for proceedings pursuant to this code, except that the provisions of this code relating to detention hearings shall not apply to that person. If such person is eligible for detention, and all suitable alternatives to detention have been exhausted, the person shall be detained in jail. Unless the law enforcement officer took the person into custody pursuant to a warrant issued by the court and the warrant specifies the amount of bond or indicates that the person may be released on personal recognizance, the person shall be taken before the court of the county where the alleged act took place or, at the request of the person, the person shall be taken, without delay, before the nearest court. The court shall fix the terms and conditions of an appearance bond upon which the person may be released from custody. The provisions of article 28 of chapter 22 of the Kansas Statutes Annotated and K.S.A. 22-2901, and amendments thereto, relating to appearance bonds and review of conditions and release shall be applicable to appearance bonds provided for in this section.

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

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

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

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

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

Sec. 7. K.S.A. 2017 Supp. 75-52,164 is hereby amended to read as follows: 75-52,164. (a) There is hereby established in the state treasury the evidence-based programs account of the state general fund, which shall be administered by the department of corrections. All expenditures from the evidence-based programs account of the state general fund shall be for the development and implementation of evidence-based community programs and practices for juvenile offenders, juveniles experiencing mental health crisis and their families by community supervision offices, including, but not limited to, juvenile intake and assessment, court services—and, community corrections and juvenile crisis intervention centers. All expenditures from the evidence-based programs account of the state general fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of corrections or the secretary's designee.

(b) At least annually, throughout the year, the secretary of corrections shall determine and certify to the director of accounts and reports the amount in each account of the state general fund of a state agency that has been determined by the secretary to be actual or projected cost savings as a result of cost avoidance resulting from decreased reliance on incarceration
in the juvenile correctional facility and placement in youth residential
centers. The baseline shall be calculated on the cost of incarceration and
placement in fiscal year 2015.
(c) Upon receipt of a certification pursuant to subsection (b), the
director of accounts and reports shall transfer the amount certified
pursuant to subsection (b) from each account of the state general fund of a
state agency that has been determined by the secretary of corrections to be
actual or projected cost savings to the evidence-based programs account of
the state general fund.
(d) Prioritization of evidence-based programs account of the state
general fund moneys will be given to regions that demonstrate a high rate
of out-of-home placement of juvenile offenders per capita that have few
existing community-based alternatives.
(e) During fiscal years 2017 and 2018, the secretary of corrections
shall transfer an amount not to exceed $8,000,000 from appropriated
department of corrections moneys from the state general fund or any
available special revenue fund or funds that are budgeted for the purposes
of facilitating the development and implementation of new community
placements in conjunction with the reduction in out-of-home placements.
(f) The evidence-based programs account of the state general fund
and any other moneys transferred pursuant to this section shall be used for
the purposes set forth in this section and for no other governmental
purposes. It is the intent of the legislature that the funds and the moneys
deposited in this fund shall remain intact and inviolate for the purposes set
forth in this section.
Sec. 8. K.S.A. 2017 Supp. 38-2231, 38-2232, 38-2242, 38-2243, 38-
2330 and 75-52,164 are hereby repealed.
Sec. 9. This act shall take effect and be in force from and after its
publication in the statute book.