

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 HOUSE BILL 3410

By: Pae

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5
6 AS INTRODUCED

7 An Act relating to children; amending 10A O.S. 2021,
8 Sections 2-1-103 and 2-2-101, which relate to the
9 Oklahoma Juvenile Code; modifying definition;
10 permitting child to be taken into custody under
11 certain circumstances; providing who may submit
12 affidavit for child in need of supervision; and
13 providing an effective date.

14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY 10A O.S. 2021, Section 2-1-103, is
16 amended to read as follows:

17 Section 2-1-103. When used in the Oklahoma Juvenile Code,
18 unless the context otherwise requires:

19 1. "Adjudicatory hearing" means a hearing to determine whether
20 the allegations of a petition filed pursuant to the provisions of
21 Chapter 2 of the Oklahoma Juvenile Code are supported by the
22 evidence and whether a juvenile should be adjudged to be a ward of
23 the court;

24 2. "Alternatives to secure detention" means those services and
facilities which are included in the State Plan for the

1 Establishment of Juvenile Detention Services adopted by the Board of
2 Juvenile Affairs and which are used for the temporary detention of
3 juveniles in lieu of secure detention in a juvenile detention
4 facility;

5 3. "Behavioral health" means mental health, substance abuse or
6 co-occurring mental health and substance abuse diagnoses, and the
7 continuum of mental health, substance abuse, or co-occurring mental
8 health and substance abuse treatment;

9 4. "Behavioral health facility" means a mental health or
10 substance abuse facility as provided for by the Inpatient Mental
11 Health and Substance Abuse Treatment of Minors Act;

12 5. "Board" means the Board of Juvenile Affairs;

13 6. "Child" or "juvenile" means any person under eighteen (18)
14 years of age, except for any person charged and convicted for any
15 offense specified in the Youthful Offender Act or against whom
16 judgment and sentence has been deferred for such offense, or any
17 person who is certified as an adult pursuant to any certification
18 procedure authorized in the Oklahoma Juvenile Code for any offense
19 which results in a conviction or against whom judgment and sentence
20 has been deferred for such offense;

21 7. "Child or juvenile in need of mental health and substance
22 abuse treatment" means a juvenile in need of mental health and
23 substance abuse treatment as defined by the Inpatient Mental Health
24 and Substance Abuse Treatment of Minors Act;

1 8. "Child or juvenile in need of supervision" means a juvenile
2 who:

3 a. has repeatedly disobeyed reasonable and lawful
4 commands or directives of the parent, legal guardian,
5 or other custodian,

6 b. is willfully and voluntarily absent from his or her
7 home without the consent of the parent, legal
8 guardian, or other custodian for a substantial length
9 of time or without intent to return,

10 c. is willfully and voluntarily absent from school, as
11 specified in Section 10-106 of Title 70 of the
12 Oklahoma Statutes, if the juvenile is subject to
13 compulsory school attendance, ~~or~~

14 d. has been served with an ex parte or final protective
15 order pursuant to the Protection from Domestic Abuse
16 Act,

17 e. has engaged in delinquent behaviors but has not yet
18 attained ten (10) years of age,

19 f. has been identified as a minor victim of human
20 trafficking or commercial sexual exploitation, as
21 specified in Section 748 of Title 21 of the Oklahoma
22 Statutes,

23 g. has been admitted to a group home, long-term
24 residential psychiatric facility, or residential

1 facility licensed by the Department of Human Services
2 Child Care Licensing Division and whose parent, legal
3 guardian, or other custodian has failed to
4 meaningfully participate in services necessary to
5 ensure the juvenile's success at the group home, long-
6 term residential psychiatric facility or residential
7 facility or has failed to ensure the juvenile's
8 continued success upon returning home from the
9 licensed facility, or

10 h. is engaging in behaviors that cause the juvenile to be
11 a danger to self or others;

12 9. "Community-based" means a facility, program or service
13 located near the home or family of the juvenile, and programs of
14 community prevention, diversion, supervision and service which
15 maintain community participation in their planning, operation, and
16 evaluation. These programs may include, but are not limited to,
17 medical, educational, vocational, social, and psychological
18 guidance, training, counseling, alcoholism treatment, drug
19 treatment, prevention and diversion programs, diversion programs for
20 first-time offenders, transitional living, independent living and
21 other rehabilitative services;

22 10. "Community intervention center" means a facility which
23 serves as a short-term reception facility to receive and hold
24 juveniles for an alleged violation of a municipal ordinance, state

1 law or who are alleged to be in need of supervision, as provided for
2 in subsection D of Section 2-7-305 of this title;

3 11. "Core community-based" means the following community-based
4 facilities, programs or services provided through contract with the
5 Office of Juvenile Affairs as provided in Section 2-7-306 of this
6 title:

- 7 a. screening, evaluation and assessment which includes a
8 face-to-face screening and evaluation to establish
9 problem identification and to determine the risk level
10 of a child or adolescent and may result in clinical
11 diagnosis or diagnostic impression,
- 12 b. treatment planning which includes preparation of an
13 individualized treatment plan which is usually done as
14 part of the screening, evaluation and assessment,
- 15 c. treatment plan reviewing which includes a
16 comprehensive review and evaluation of the
17 effectiveness of the treatment plan,
- 18 d. individual counseling which includes face-to-face,
19 one-on-one interaction between a counselor and a
20 juvenile to promote emotional or psychological change
21 to alleviate the issues, problems, and difficulties
22 that led to a referral, including ongoing assessment
23 of the status and response of the juvenile to
24 treatment as well as psychoeducational intervention,

- 1 e. group counseling which includes a method of treating a
2 group of individuals using the interaction between a
3 counselor and two or more juveniles or parents or
4 guardians to promote positive emotional or behavioral
5 change, not including social skills development or
6 daily living skills,
- 7 f. family counseling which includes a face-to-face
8 interaction between a counselor and the family of the
9 juvenile to facilitate emotional, psychological or
10 behavior changes and promote successful communication
11 and understanding,
- 12 g. crisis intervention counseling which includes
13 unanticipated, unscheduled face-to-face emergency
14 intervention provided by a licensed level or qualified
15 staff with immediate access to a licensed provider to
16 resolve immediate, overwhelming problems that severely
17 impair the ability of the juvenile to function or
18 maintain in the community,
- 19 h. crisis intervention telephone support which includes
20 supportive telephone assistance provided by a licensed
21 level provider or qualified staff with immediate
22 access to a licensed provider to resolve immediate,
23 overwhelming problems that severely impair the ability
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1 of the juvenile to function or maintain in the
2 community,

3 i. case management which includes planned linkage,
4 advocacy and referral assistance provided in
5 partnership with a client to support that client in
6 self-sufficiency and community tenure,

7 j. case management and home-based services which includes
8 that part of case management services dedicated to
9 travel for the purpose of linkage, advocacy and
10 referral assistance and travel to provide counseling
11 and support services to families of children as needed
12 to support specific youth and families in self-
13 sufficiency and community tenure,

14 k. individual rehabilitative treatment which includes
15 face-to-face service provided one-on-one by qualified
16 staff to maintain or develop skills necessary to
17 perform activities of daily living and successful
18 integration into community life, including educational
19 and supportive services regarding independent living,
20 self-care, social skills regarding development,
21 lifestyle changes and recovery principles and
22 practices,

23 l. group rehabilitative treatment which includes face-to-
24 face group services provided by qualified staff to

1 maintain or develop skills necessary to perform
2 activities of daily living and successful integration
3 into community life, including educational and
4 supportive services regarding independent living,
5 self-care, social skills regarding development,
6 lifestyle changes and recovery principles and
7 practices,

- 8 m. community-based prevention services which include
9 services delivered in an individual or group setting
10 by a qualified provider designed to meet the services
11 needs of a child or youth and family of the child or
12 youth who has been referred because of identified
13 problems in the family or community. The group
14 prevention planned activities must be focused on
15 reducing the risk that individuals will experience
16 behavioral, substance abuse or delinquency-related
17 problems. Appropriate curriculum-based group
18 activities include, but are not limited to, First
19 Offender groups, prevention and relationship
20 enhancement groups, anger management groups, life
21 skills groups, substance abuse education groups,
22 smoking cessation groups, STD/HIV groups and parenting
23 groups,

- 1 n. individual paraprofessional services which include
2 services delineated in the treatment plan of the
3 juvenile which are necessary for full integration of
4 the juvenile into the home and community, but do not
5 require a professional level of education and
6 experience. Activities include assisting families
7 with Medicaid applications, assisting with school and
8 General Educational Development (GED) enrollment,
9 assisting youth with independent living arrangements,
10 providing assistance with educational problems and
11 deficiencies, acting as a role model for youth while
12 engaging them in community activities, assisting youth
13 in seeking and obtaining employment, providing
14 transportation for required appointments and
15 activities, participating in recreational activities
16 and accessing other required community support
17 services necessary for full community integration and
18 successful treatment,
- 19 o. tutoring which includes a tutor and student working
20 together as a learning team to bring about overall
21 academic success, improved self-esteem and increased
22 independence as a learner for the student,
- 23 p. community relations which include public or community
24 relations activities directed toward the community or

- 1 public at large or any segment of the public to
2 encourage understanding, accessibility and use of
3 community-based facilities, programs or services,
4 q. children's emergency resource centers that are
5 community-based and that may provide emergency care
6 and a safe and structured homelike environment or a
7 host home for children providing food, clothing,
8 shelter and hygiene products to each child served;
9 after-school tutoring; counseling services; life-
10 skills training; transition services; assessments;
11 family reunification; respite care; transportation to
12 or from school, doctors' appointments, visitations and
13 other social, school, court or other activities when
14 necessary; and a stable environment for children who
15 have been detained as delinquent or in need of
16 supervision and temporarily placed by a court, or
17 children in crisis who are in custody of the Office of
18 Juvenile Affairs if permitted under the Office's
19 policies and regulations or who have been voluntarily
20 placed by a parent or custodian during a temporary
21 crisis,
22 r. transitional living programs which include a
23 structured program to help older homeless youth
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1 achieve self-sufficiency and avoid long-term
2 dependence on social services,

3 s. community-at-risk services (C.A.R.S.) which include a
4 program provided to juveniles in custody or under the
5 supervision of the Office of Juvenile Affairs or a
6 juvenile bureau to prevent out-of-home placement and
7 to reintegrate juveniles returning from placements.
8 The program shall include, but not be limited to,
9 treatment plan development, counseling, diagnostic and
10 evaluation services, mentoring, tutoring, and
11 supervision of youth in independent living,

12 t. first offender programs which include alternative
13 diversion programs, as defined by Section 2-2-404 of
14 this title, and

15 u. other community-based facilities, programs or services
16 designated by the Board as core community-based
17 facilities, programs or services;

18 12. "Day treatment" means a program which provides intensive
19 services to juveniles who reside in their own home, the home of a
20 relative, or a foster home. Day treatment programs include
21 educational services and may be operated as a part of a residential
22 facility;

23 13. "Delinquent child or juvenile" means a juvenile who:
24

1 a. has violated any federal or state law or municipal
2 ordinance except a traffic statute or traffic
3 ordinance or any provision of the Oklahoma Wildlife
4 Conservation Code, the Oklahoma Vessel and Motor
5 Regulation Act or the Oklahoma Boating Safety
6 Regulation Act, or has violated any lawful order of
7 the court made pursuant to the provisions of the
8 Oklahoma Juvenile Code, or

9 b. has habitually violated traffic laws, traffic
10 ordinances or boating safety laws or rules;

11 14. "Dispositional hearing" means a hearing to determine the
12 order of disposition which should be made with respect to a juvenile
13 adjudged to be a ward of the court;

14 15. "Executive Director" means the Executive Director of the
15 Office of Juvenile Affairs;

16 16. "Facility" means a place, an institution, a building or
17 part thereof, a set of buildings, or an area whether or not
18 enclosing a building or set of buildings which is used for the
19 lawful custody and treatment of juveniles. A facility shall not be
20 considered a correctional facility subject to the provisions of
21 Title 57 of the Oklahoma Statutes;

22 17. "Graduated sanctions" means a calibrated system of
23 sanctions designed to ensure that juvenile offenders face uniform,
24 immediate, and consistent consequences that correspond to the

1 seriousness of each offender's current offense, prior delinquent
2 history, and compliance with prior interventions;

3 18. "Group home" means a residential facility with a program
4 which emphasizes family-style living in a homelike environment.
5 Said group home may also offer a program within the community to
6 meet the specialized treatment needs of its residents. A group home
7 shall not be considered a correctional facility subject to the
8 provisions of Title 57 of the Oklahoma Statutes;

9 19. "Independent living program" means a program designed to
10 assist a juvenile to enhance skills and abilities necessary for
11 successful adult living and may include but shall not be limited to
12 minimal direct staff supervision and supportive services in making
13 the arrangements necessary for an appropriate place of residence,
14 completing an education, vocational training, obtaining employment
15 or other similar services;

16 20. "Institution" means a residential facility offering care
17 and treatment for more than twenty residents. An institution shall
18 not be considered a correctional facility subject to the provisions
19 of Title 57 of the Oklahoma Statutes. Said institution may:

- 20 a. have a program which includes community participation
21 and community-based services, or
22 b. be a secure facility with a program exclusively
23 designed for a particular category of resident;

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1 21. "Juvenile detention facility" means a facility which is
2 secured by locked rooms, buildings and fences, and meets the
3 certification standards of the Office and which is entirely separate
4 from any prison, jail, adult lockup, or other adult facility, for
5 the temporary care of children. A juvenile detention facility shall
6 not be considered a correctional facility subject to the provisions
7 of Title 57 of the Oklahoma Statutes;

8 22. "Municipal juvenile facility" means a facility other than a
9 community intervention center that accepts a child under eighteen
10 (18) years of age charged with violating a municipal ordinance and
11 meets the requirements of Section 2-2-102 of this title;

12 23. "Office" means the Office of Juvenile Affairs;

13 24. "Peer Review" means an initial or annual review and report
14 to the Office of Juvenile Affairs of the organization, programs,
15 records and financial condition of a Youth Services Agency by the
16 Oklahoma Association of Youth Services, or another Oklahoma
17 nonprofit corporation whose membership consists solely of Youth
18 Services Agencies and of whom at least a majority of Youth Services
19 Agencies are members. An annual review may consist of a review of
20 one or more major areas of the operation of the Youth Services
21 Agency being reviewed;

22 25. "Person responsible for a juvenile's health or welfare"
23 includes a parent, a legal guardian, custodian, a foster parent, a
24 person eighteen (18) years of age or older with whom the juvenile's

1 parent cohabitates or any other adult residing in the home of the
2 child, an agent or employee of a public or private residential home,
3 institution or facility, or an owner, operator, or employee of a
4 child care facility as defined by Section 402 of Title 10 of the
5 Oklahoma Statutes;

6 26. "Preliminary inquiry" or "intake" means a mandatory,
7 preadjudicatory interview of the juvenile and, if available, the
8 parents, legal guardian, or other custodian of the juvenile, which
9 is performed by a duly authorized individual to determine whether a
10 juvenile comes within the purview of the Oklahoma Juvenile Code,
11 whether nonadjudicatory alternatives are available and appropriate,
12 and if the filing of a petition is necessary;

13 27. "Probation" means a legal status created by court order
14 whereby a delinquent juvenile is permitted to remain outside an
15 Office of Juvenile Affairs facility directly or by contract under
16 prescribed conditions and under supervision by the Office, subject
17 to return to the court for violation of any of the conditions
18 prescribed;

19 28. "Rehabilitative facility" means a facility maintained by
20 the state exclusively for the care, education, training, treatment,
21 and rehabilitation of juveniles in need of supervision;

22 29. "Responsible adult" means a stepparent, foster parent,
23 person related to the juvenile in any manner who is eighteen (18)
24 years of age or older, or any person having an obligation and

1 authority to care for or safeguard the juvenile in the absence of
2 another person who is eighteen (18) years of age or older;

3 30. "Secure detention" means the temporary care of juveniles
4 who require secure custody in physically restricting facilities:

5 a. while under the continuing jurisdiction of the court
6 pending court disposition, or

7 b. pending placement by the Office of Juvenile Affairs
8 after adjudication;

9 31. "Secure facility" means a facility, maintained by the state
10 exclusively for the care, education, training, treatment, and
11 rehabilitation of delinquent juveniles or youthful offenders which
12 relies on locked rooms and buildings, and fences for physical
13 restraint in order to control behavior of its residents. A secure
14 facility shall not be considered a correctional facility subject to
15 the provisions of Title 57 of the Oklahoma Statutes;

16 32. "Transitional living program" means a residential program
17 that may be attached to an existing facility or operated solely for
18 the purpose of assisting juveniles to develop the skills and
19 abilities necessary for successful adult living. Said program may
20 include but shall not be limited to reduced staff supervision,
21 vocational training, educational services, employment and employment
22 training, and other appropriate independent living skills training
23 as a part of the transitional living program; and
24

1 33. "Youth Services Agency" means a nonprofit corporation with
2 a local board of directors, officers and staff that has been
3 designated by the Board as a Youth Services Agency, that is peer
4 reviewed annually, and that provides community-based facilities,
5 programs or services to juveniles and their families in the youth
6 services service area in which it is located.

7 SECTION 2. AMENDATORY 10A O.S. 2021, Section 2-2-101, is
8 amended to read as follows:

9 Section 2-2-101. A. A child may be taken into custody prior to
10 the filing of a petition alleging that the child is delinquent or in
11 need of supervision:

12 1. By a peace officer, without a court order for any criminal
13 offense for which the officer is authorized to arrest an adult
14 without a warrant, or if the child is willfully and voluntarily
15 absent from the home of the child without the consent of the parent,
16 legal guardian, legal custodian or other person having custody and
17 control of the child for a substantial length of time or without
18 intent to return, or if the surroundings of the child are such as to
19 endanger the welfare of the child;

20 2. By a peace officer or an employee of the court without a
21 court order, if the child is willfully and voluntarily absent from
22 the home of the child without the consent of the parent, legal
23 guardian, legal custodian or other person having custody and control
24 of the child if the surroundings of the child are such as to

1 endanger the welfare of the child or, in the reasonable belief of
2 the employee of the court or peace officer, the child appears to
3 have run away from home without just cause. For purposes of this
4 section, a peace officer may reasonably believe that a child has run
5 away from home when the child refuses to give his or her name or the
6 name and address of a parent or other person legally responsible for
7 the care of the child or when the peace officer has reason to doubt
8 that the name and address given by the child are the actual name and
9 address of the parent or other person legally responsible for the
10 care of the child. A peace officer or court employee is authorized
11 by the court to take a child who has run away from home or who, in
12 the reasonable belief of the peace officer, appears to have run away
13 from home, to a facility designated by administrative order of the
14 court for such purposes if the peace officer or court employee is
15 unable to or has determined that it is unsafe to return the child to
16 the home of the child or to the custody of his or her parent or
17 other person legally responsible for the care of the child. Any
18 such facility receiving a child shall inform a parent or other
19 person responsible for the care of the child;

20 3. Pursuant to an order of the district court issued on the
21 application of the office of the district attorney. The application
22 presented by the district attorney shall be supported by a sworn
23 affidavit which may be based upon information and belief. The
24 application shall state facts sufficient to demonstrate to the court

1 that there is probable cause to believe the child has committed a
2 crime or is in violation of the terms of probation, parole or order
3 of the court;

4 4. Pursuant to an order of the district court issued on the
5 application of the office of the district attorney if a request for
6 a child in need of supervision is submitted to the district attorney
7 in the form of a sworn affidavit. The sworn affidavit shall state
8 facts sufficient to demonstrate to the district attorney and the
9 court specific details of the behaviors or information available
10 that form the basis for the request and shall demonstrate how the
11 child meets the criteria of a child in need of supervision pursuant
12 to paragraph 8 of Section 2-1-103 of this title. The sworn
13 affidavit may be submitted to the district attorney by:

14 a. a parent, legal guardian, or other custodian,

15 b. a representative of the Child Welfare Services of the
16 Department of Human Services,

17 c. a peace officer,

18 d. a representative of the Office of Juvenile Affairs,

19 e. a representative of a juvenile services unit,

20 f. a representative of a juvenile bureau, or

21 g. the director of a group home, long-term residential
22 psychiatric facility, or residential facility licensed
23 by the Department of Human Services Child Care
24 Licensing Division;

1 ~~4.~~ 5. By order of the district court pursuant to subsection F
2 of this section when the child is in need of medical or behavioral
3 health treatment or other action in order to protect the health or
4 welfare of the child and the parent, legal guardian, legal custodian
5 or other person having custody or control of the child is unwilling
6 or unavailable to consent to such medical or behavioral health
7 treatment or other action; and

8 ~~5.~~ 6. Pursuant to an emergency ex parte or a final protective
9 order of the district court issued at the request of a parent or
10 legal guardian pursuant to the Protection from Domestic Abuse Act.

11 Any child referred to in this subsection shall not be considered
12 to be in the custody of the Office of Juvenile Affairs.

13 B. Whenever a child is taken into custody as a delinquent
14 child, the child shall be detained, held temporarily in the
15 custodial care of a peace officer or other person employed by a
16 police department, or be released to the custody of the parent of
17 the child, legal guardian, legal custodian, attorney or other
18 responsible adult, upon the written promise of such person to bring
19 the child to the court at the time fixed if a petition is to be
20 filed and to assume responsibility for costs for damages caused by
21 the child if the child commits any delinquent acts after being
22 released regardless of whether or not a petition is to be filed. It
23 shall be a misdemeanor for any person to sign the written promise
24 and then fail to comply with the terms of the promise. Any person

1 convicted of violating the terms of the written promise shall be
2 subject to imprisonment in the county jail for not more than six (6)
3 months or a fine of not more than Five Hundred Dollars (\$500.00), or
4 by both such fine and imprisonment. In addition, if a parent, legal
5 guardian, legal custodian, attorney or other responsible adult is
6 notified that the child has been taken into custody, it shall be a
7 misdemeanor for such person to refuse to assume custody of the child
8 within a timely manner. If detained, the child shall be taken
9 immediately before a judge of the district court in the county in
10 which the child is sought to be detained, or to the place of
11 detention or a children's emergency resource center or host home
12 designated by the court. If no judge ~~be~~ is available locally, the
13 person having the child in custody shall immediately report the
14 detention of the child to the presiding judge of the judicial
15 administrative district, provided that the child shall not be
16 detained in custody beyond the next judicial day or for good cause
17 shown due to problems of arranging for and transporting the child to
18 and from a secure juvenile detention center, beyond the second
19 judicial day unless the court shall so order after a detention
20 hearing to determine if there exists probable cause to detain the
21 child. The child shall be present at the detention hearing or the
22 image of the child may be broadcast to the judge by closed-circuit
23 television or any other electronic means that provides for a two-way
24 communication of image and sound between the child and the judge.

1 If the latter judge cannot be reached, such detention shall be
2 reported immediately to any judge regularly serving within the
3 judicial administrative district. If detained, a reasonable bond
4 for release shall be set. Pending further disposition of the case,
5 a child whose custody has been assumed by the court may be released
6 to the custody of a parent, legal guardian, legal custodian, or
7 other responsible adult or to any other person appointed by the
8 court, or be detained pursuant to Chapter 3 of the Oklahoma Juvenile
9 Code in such place as shall be designated by the court, subject to
10 further order.

11 C. When a child is taken into custody as a child in need of
12 supervision, the child shall be detained and held temporarily in the
13 custodial care of a peace officer or placed within a community
14 intervention center as defined in subsection D of Section 2-7-305 of
15 this title, a children's emergency resource center or host home, or
16 be released to the custody of the parent of the child, legal
17 guardian, legal custodian, attorney or other responsible adult, upon
18 the written promise of such person to bring the child to court at
19 the time fixed if a petition is to be filed. A child who is alleged
20 or adjudicated to be in need of supervision shall not be detained in
21 any jail, lockup, or other place used for adults convicted of a
22 crime or under arrest and charged with a crime.

23 D. When any child is taken into custody pursuant to this title
24 and it reasonably appears to the peace officer, employee of the

1 court or person acting pursuant to court order that the child is in
2 need of medical treatment to preserve the health of the child, any
3 peace officer, any employee of the court or person acting pursuant
4 to court order shall have the authority to authorize medical
5 examination and medical treatment for any child found to be in need
6 of medical treatment as diagnosed by a competent medical authority
7 in the absence of the parent of the child, legal guardian, legal
8 custodian, or other person having custody and control of the child
9 who is competent to authorize medical treatment. The officer or the
10 employee of the court or person acting pursuant to court order shall
11 authorize said medical treatment only after exercising due diligence
12 to locate the parent of the child, legal guardian, legal custodian,
13 or other person legally competent to authorize said medical
14 treatment. The parent of the child, legal guardian, legal
15 custodian, or other person having custody and control shall be
16 responsible for such medical expenses as ordered by the court. No
17 peace officer, any employee of the court or person acting pursuant
18 to court order authorizing such treatment in accordance with the
19 provisions of this section for any child found in need of such
20 medical treatment shall have any liability, civil or criminal, for
21 giving such authorization.

22 E. A child who has been taken into custody as otherwise
23 provided by this Code who appears to be a minor in need of
24 treatment, as defined by the Inpatient Mental Health and Substance

1 Abuse Treatment of Minors Act, may be admitted to a behavioral
2 health treatment facility in accordance with the provisions of the
3 Inpatient Mental Health and Substance Abuse Treatment of Minors Act.
4 The parent of the child, legal guardian, legal custodian, or other
5 person having custody and control shall be responsible for such
6 behavioral health expenses as ordered by the court. No peace
7 officer, any employee of the court or person acting pursuant to
8 court order authorizing such treatment in accordance with the
9 provisions of this section for any child found in need of such
10 behavioral health evaluation or treatment shall have any liability,
11 civil or criminal, for giving such authorization.

12 F. 1. A child may be taken into custody pursuant to an order
13 of the court specifying that the child is in need of medical
14 treatment or other action to protect the health or welfare of the
15 child and the parent, legal guardian, legal custodian, or other
16 responsible adult having custody or control of a child is unwilling
17 or unavailable to consent to such medical treatment or other action.

18 2. If the child is in need of immediate medical treatment or
19 other action to protect the health or welfare of the child, the
20 court may issue an emergency ex parte order upon application of the
21 district attorney of the county in which the child is located. The
22 application for an ex parte order may be verbal or in writing and
23 shall be supported by facts sufficient to demonstrate to the court
24 that there is reasonable cause to believe that the child is in need

1 of immediate medical treatment or other action to protect the health
2 or welfare of the child. The emergency ex parte order shall be in
3 effect until a full hearing is conducted. A copy of the
4 application, notice for full hearing and a copy of any ex parte
5 order issued by the court shall be served upon such parent, legal
6 guardian, legal custodian, or other responsible adult having custody
7 or control of the child. Within twenty-four (24) hours of the
8 filing of the application the court shall schedule a full hearing on
9 the application, regardless of whether an emergency ex parte order
10 had been issued or denied.

11 3. Except as otherwise provided by paragraph 2 of this
12 subsection, whenever a child is in need of medical treatment to
13 protect the health or welfare of the child, or whenever any other
14 action is necessary to protect the health or welfare of the child,
15 and the parent of the child, legal guardian, legal custodian, or
16 other person having custody or control of the child is unwilling or
17 unavailable to consent to such medical treatment or other action,
18 the court, upon application of the district attorney of the county
19 in which the child is located, shall hold a full hearing within five
20 (5) days of filing the application. Notice of the hearing and a
21 copy of the application shall be served upon the parent, legal
22 guardian, legal custodian, or other person having custody or control
23 of the child.

24

1 4. At any hearing held pursuant to this subsection, the court
2 may grant any order or require such medical treatment or other
3 action as is necessary to protect the health or welfare of the
4 child.

5 5. a. The parent, legal guardian, legal custodian, or other
6 person having custody or control of the child shall be
7 responsible for such medical expenses as ordered by
8 the court.

9 b. No peace officer, any employee of the court or person
10 acting pursuant to court order authorizing such
11 treatment in accordance with the provisions of this
12 subsection for any child found in need of such medical
13 treatment shall have any liability, civil or criminal.

14 G. As a part of the intake process, an employee of the Office
15 of Juvenile Affairs or a county juvenile bureau shall inquire as to
16 whether there is any American Indian lineage or ancestry that would
17 make the child eligible for membership or citizenship in a federally
18 recognized American Indian tribe or nation. If the employee of the
19 Office of Juvenile Affairs or a county juvenile bureau determines
20 that the child may have American Indian lineage or ancestry, the
21 employee shall notify the primary tribe or nation of membership or
22 citizenship within three (3) judicial days of completing an intake
23 of such determination. Any information or records related to taking
24 the child into custody shall be confidential, shall not be open to

1 the general public, and shall not be inspected or their contents
2 disclosed.

3 SECTION 3. This act shall become effective November 1, 2022.

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