

SESSION OF 2023

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2033**

As Amended by Senate Committee on Public  
Health and Welfare

**Brief\***

HB 2033, as amended, would change the criteria used to admit youths to a juvenile crisis intervention center by adding definitions for “behavioral health crisis” and changing the phrase “mental health crisis” to “behavioral health crisis” in multiple statutes.

The bill also would make technical changes.

***Definition of Behavioral Health Crisis (Sections 1-6)***

The bill would define “behavioral health crisis” in the Revised Kansas Code for Care of Children to mean “behavioral and conduct issues that impact the safety or health of a child, members of the child’s household or family or members of the community, including, but not limited to, non-life threatening mental health and substance abuse concerns.” A definition identical except for “juvenile” rather than “child” would be added to the Revised Kansas Juvenile Justice Code and to a statute regarding juvenile crisis intervention centers.

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

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

### ***Juvenile Crisis Intervention Centers (Section 6)***

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

### ***Evidence-based Programs Account (Section 7)***

The bill would amend the evidence-based programs account statute to allow money in the account to be used for juveniles experiencing behavioral health crisis instead of experiencing mental health crisis.

### **Background**

The bill was introduced by the House Committee on Corrections and Juvenile Justice at the request of Representative Owens.

### ***House Committee on Corrections and Juvenile Justice***

In the House Committee hearing on January 23, 2023, representatives of Johnson County Mental Health Center and Children's Alliance of Kansas provided **proponent** testimony, stating the bill would allow for more interventions for youth in crisis and close a gap between youth exhibiting "severe behaviors" and receiving services.

The Deputy Secretary for Children and Families and for Aging and Disability Services provided written-only **proponent** testimony stating the definition will provide flexibility for juvenile crisis intervention centers to serve youth.

No other testimony was provided.

## **Senate Committee on Public Health and Welfare**

In the Senate Committee hearing on March 6, 2023, the Deputy Secretary for Children and Families and for Aging and Disability Services and representatives of the Children's Alliance of Kansas and Johnson County Mental Health Center provided written-only **proponent** testimony generally stating that replacing the definition of "mental health" with "behavioral health" will provide flexibility for juvenile crisis intervention centers to serve youth with in a behavioral health crisis, including substance use disorder.

**Opponent** testimony was provided by a private citizen who stated the term "behavioral health crisis" and "substance use related services" were too broadly defined and could result in violations of both natural and constitutional rights, as pertaining to the seizure of individuals, their detainment, assessment, and billable treatment.

No other testimony was provided.

The Senate Committee amended the bill to correct the alphabetical order of definitions.

## **Fiscal Information**

According to the fiscal note prepared by the Division of Budget, enactment of the bill, as introduced, would have negligible fiscal effect on the Judicial Branch, and no fiscal effect on the Department of Health and Environment, Department for Children and Families, or Department of Corrections. Any fiscal effect associated with the bill is not reflected in *The FY 2024 Governor's Budget Report*.

Behavioral health; mental health; juvenile justice, child in need of care; Department for Children and Families; juvenile crisis intervention center; substance abuse; evidence-based programs account; Revised Kansas Code for Care of Children; Revised Kansas Juvenile Justice Code