

SENATE BILL NO. 1165

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Bill Status

S1165.....by JUDICIARY AND RULES
 JUVENILES - MENTAL HEALTH ASSESSMENTS - Adds to existing law relating to juveniles to set forth provisions requiring mental health assessments and plans of treatment for juveniles under certain circumstances in proceedings under the Juvenile Corrections Act or the Child Protective Act.

02/28 Senate intro - 1st rdg - to printing

03/01 Rpt prt - to Jud

03/08 Rpt out - rec d/p - to 2nd rdg

03/09 2nd rdg - to 3rd rdg

03/17 3rd rdg - PASSED - 33-0-1, 1 vacancy

AYES -- Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams

NAYS -- None

Absent and excused -- McGee, (District 21 seat vacant)

Floor Sponsors - Darrington & Burkett

Title apvd - to House

03/18 House intro - 1st rdg - to Jud

03/22 Rpt out - rec d/p - to 2nd rdg

03/23 2nd rdg - to 3rd rdg

Rls susp - PASSED - 69-0-1

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson(Barker), Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Saylor, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker

NAYS -- None

Absent and excused -- Bayer

Floor Sponsor - Smith(24)

Title apvd - to Senate

03/24 To enrol

03/25 Rpt enrol - Pres signed

03/28 Sp signed

03/29 To Governor

04/01 Governor signed

Session Law Chapter 223

Effective: 07/01/05

Bill Text

]]]] LEGISLATURE OF THE STATE OF IDAHO]]]]
Fifty-eighth Legislature First Regular Session - 2005

IN THE SENATE

SENATE BILL NO. 1165

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO JUVENILES; AMENDING CHAPTER 5, TITLE 20, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 20-511A, IDAHO CODE, TO SET FORTH PROVISIONS REQUIRING MENTAL HEALTH ASSESSMENTS AND PLANS OF TREATMENT FOR JUVENILES UNDER CERTAIN CIRCUMSTANCES IN PROCEEDINGS UNDER THE JUVENILE CORRECTIONS ACT OR THE CHILD PROTECTIVE ACT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 5, Title 20, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 20-511A, Idaho Code, and to read as follows:

20-511A. MENTAL HEALTH ASSESSMENTS AND PLANS OF TREATMENT. (1) A judge of any court shall order the department of health and welfare to submit appropriate mental health assessments and a plan of treatment for the court's approval if at any stage of a proceeding under this chapter or the child protective act, chapter 16, title 16, Idaho Code, a judge has reason to believe, based upon the record and proceedings of the court or upon an affidavit of a party, state or county agency or any person having physical custody of the juvenile, that the juvenile:

(a) Is suffering a substantial increase or persistence of a serious emotional disturbance as defined in section 16-2403, Idaho Code, which impairs his or her ability to comply with the orders and directives of the court, or which presents a risk to the juvenile's safety or well-being or the safety of others; and

(b) Such condition has not been adequately addressed with supportive services and/or corrective measures previously provided to the juvenile, or the juvenile's needs with respect to the serious emotional disturbance are not being met or have not been met.

(2) The court may convene a screening team consisting of representatives from the department of health and welfare, county probation, local school officials, the department of juvenile corrections and/or other agencies or persons designated by the court to review the plan of treatment and provide written recommendations to the court. Parents and guardians of the juvenile, if available, shall be included in the screening team and consulted with regard to the plan of treatment.

(3) If the court, after receiving the mental health assessment and plan of treatment submitted by the department of health and welfare and any recommendations from the screening team, determines that additional information is necessary to determine whether the conditions set forth in subsections (1)(a) and (1)(b) of this section are present, or to determine an appropriate plan of treatment for the juvenile, the court may order an evaluation and/or recommendations for treatment to be furnished by a psychiatrist, licensed physician or licensed psychologist, with the expenses of such evaluation and/or recommendations to be borne by the department of health and welfare.

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(4) If the court concludes that the conditions set forth in subsections (1)(a) and (1)(b) of this section are present, the plan of treatment, as approved by the court, shall be entered into the record as an order of the

4 court. The department of health and welfare shall provide mental health treat-
5 ment as designated by the approved plan of treatment. If in-patient or resi-
6 dential treatment is required as part of the plan of treatment, the court
7 shall hold a hearing on whether to order such treatment unless the hearing is
8 waived by the juvenile and the juvenile's parents or guardians. The court
9 may order parents, legal guardians or custodians to adhere to the treatment
10 designated in the plan of treatment. Representatives from the department of
11 health and welfare, county probation, local school officials, the department
12 of juvenile corrections and/or other agencies or persons designated by the
13 court shall attend case review hearings as scheduled by the court.

14 (5) All costs associated with assessment and treatment shall be the
15 responsibility of the parents of the juvenile according to their ability to
16 pay based upon the sliding fee scale established pursuant to section 16-2433,
17 Idaho Code. The financial obligation of the family shall be determined after
18 consideration of all available payment and funding sources including title XIX
19 of the social security act, as amended, all available third party sources, and
20 parent resources according to any order for child support under chapter 10,
21 title 32, Idaho Code. Services shall not be conditioned upon transfer of cus-
22 tody or parental rights.

Statement of Purpose / Fiscal Impact

STATEMENT OF PURPOSE

RS15034

Judges handling Juvenile Corrections Act or Child Protective Act cases sometimes find that the juvenile before them is suffering from severe emotional disturbance that needs to be addressed promptly and appropriately. This bill is intended to provide a procedure for obtaining prompt assessment and treatment of the mental health needs of the juvenile at any stage of these proceedings.

This bill would provide that courts hearing JCA or CPA cases could order a mental health assessment and preparation of a plan of treatment for juveniles who appear to be suffering severe emotional disturbance (SED). Such orders could be issued when the court has reason to believe that the juvenile is suffering SED that: (1) impairs his or her ability to comply with the orders of the court, or presents a risk to the juvenile's well-being, or the safety of the juvenile or others; and (2) the juvenile's needs are not being met with the services thus far provided.

The bill would also allow the court to convene a screening team, drawn from a wide range of agencies and including the child's parents or guardians, to provide recommendations for the court. The court could also order an additional evaluation and recommendations for treatment when needed.

If the court concluded that the requisite conditions were present, the plan of treatment would become an order of the court, and the Department of Health and Welfare would provide the mental health treatment designated in the plan of treatment. Any residential or in-patient treatment could be ordered only after a hearing or waiver of a hearing by the juvenile and the juvenile's parents or guardians. Financial obligations of the juvenile's parents would be determined in a manner consistent with the corresponding provisions of the Children's Mental Health Services Act.

FISCAL NOTE

This bill provides a new procedure for the assessment and treatment of juveniles in JCA and CPA cases, but the extent to which it would actually require new services, and

therefore have any fiscal impact, is uncertain. The Department of Health and Welfare currently has the duty of providing assessments and recommendations for treatment of juveniles in such cases. This bill would insure that such services could be ordered at an early stage of the proceedings if the criteria for such an order are met. Such early evaluations will in many cases facilitate the resolution of the cases, and may therefore result in savings that will offset the costs of any additional assessment and treatment.

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Statement of Purpose/Fiscal Note

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