



Idaho Statutes

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TITLE 16 JUVENILE PROCEEDINGS CHAPTER 24

CHILDREN'S MENTAL HEALTH SERVICES

16-2411. EMERGENCY MENTAL HEALTH RESPONSE AND EVALUATION – TEMPORARY DETENTION BY A PEACE OFFICER OR HEALTH CARE PROFESSIONAL. (1) A peace officer may take a child into protective custody and immediately transport the child to a treatment facility for emergency mental health evaluation in the absence of a court order if and only if the officer determines that an emergency situation exists as defined in this chapter, and the officer has probable cause to believe, based on personal observation and investigation, representation of the child's parents or the recommendation of a mental health professional, that the child is suffering from serious emotional disturbance as a result of which he is likely to cause harm to himself or others or is manifestly unable to preserve his health or safety with the supports and assistance available to him and that immediate detention and treatment is necessary to prevent harm to the child or others.

(2) For purposes of this section, "health care professional" means a physician, physician's assistant or advanced practice registered nurse, any one (1) of whom then is practicing in a hospital. A health care professional may detain a child if such person determines that an emergency situation exists as defined in this chapter, and such person has probable cause to believe that the child is suffering from a serious emotional disturbance as a result of which he is likely to cause harm to himself or others or is manifestly unable to preserve his health or safety with the supports and assistance available to him and that immediate detention and treatment is necessary to prevent harm to the child or others. If the hospital does not have an appropriate facility to provide emergency mental health care, it may cause the child to be transported to an appropriate treatment facility. The health care professional shall notify the parent or legal guardian, if known, as soon as possible and shall document in the patient's chart the efforts to contact the parent or legal guardian. If the parent or legal guardian cannot be located or contacted, the health care professional shall cause a report to be filed as soon as possible and in no case later than twenty-four (24) hours with the Idaho department of health and welfare or an appropriate law enforcement agency. The child may not be detained against the parent or legal guardian's explicit direction unless the child is taken into protective custody pursuant to subsection (1) of this section, except that the child may be detained for a reasonable period of time necessary for a peace officer to be summoned to the hospital to make a determination under subsection (1) of this section.

(3) If a child has been taken into protective custody by a peace officer under the provisions of this section, the officer shall immediately transport the child to a treatment facility or mental health program, such as a regional mental health center, a mobile crisis intervention program, or a therapeutic foster care facility, provided such center's program or facility has been approved by the regional office of the department for that purpose. The department shall make a list of approved facilities available to law enforcement agencies.

(4) Upon taking the child into protective custody or detaining the child pursuant to this section, the officer or health care professional shall take reasonable precautions to safeguard and preserve the personal property of the child unless a parent or guardian or responsible relative is able to do so. Upon presenting a child to a treatment facility, the officer shall inform the staff in writing of the facts that caused him to detain the child and shall specifically state whether the child is otherwise subject to being held for juvenile or criminal offenses.

(5) If the child who is being detained by a peace officer is not released to the child's parent, guardian or custodian, the law enforcement agency shall contact the child's parent, guardian or custodian as soon as possible, and in no case later than twenty-four (24) hours, and shall notify the child's parent, guardian or custodian of his status, location and the reasons for the detention of the child. If the parents cannot be located or contacted, efforts to comply with this section and the reasons for failure to make contact shall be documented in the child's record.

History:

[16-2411, added 1997, ch. 404, sec. 1, p. 1288; am. 2013, ch. 293, sec. 1, p. 770.]

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