

CHAPTER 24
CHILDREN'S MENTAL HEALTH SERVICES
PEACE OFFICERS:

16-2411. Emergency mental health response and evaluation -- Temporary detention by a peace officer. (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) The officer shall immediately transport any child taken into protective custody under this section, 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.

(3) Upon taking the child into protective custody, the officer shall take reasonable precautions to safeguard and preserve the personal property of the person 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 person, and shall specifically state whether the person is otherwise subject to being held for juvenile or criminal offenses.

(4) If the child who is being detained 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.

16-2412. Emergency treatment upon certification by designated examiner. A child may be taken into protective custody by a peace officer, or accepted by an ambulance service, and transported and presented to a treatment facility for emergency evaluation and treatment when a designated examiner certifies in writing that he has examined the child within the last seventy-two (72) hours and that on such basis he has probable cause to believe that such child is suffering from serious emotional disturbance as a result of which he is likely to:

- (1) Harm himself or others; or
- (2) Suffer substantial mental or physical deterioration; and
- (3) Require immediate treatment to prevent such harm; and
- (4) Less restrictive alternatives have been considered and the detention and treatment proposed is consistent with the least restrictive alternative principle.