

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 233

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO JUVENILES; AMENDING CHAPTER 24, TITLE 16, IDAHO CODE, BY THE AD-  
2 DITION OF A NEW SECTION 16-2426A, IDAHO CODE, TO ESTABLISH PROVISIONS  
3 REGARDING THE PREVENTION OF A CHILD'S REMOVAL FROM THE CUSTODY OF THE  
4 CHILD'S PARENT OR GUARDIAN UNDER CERTAIN CIRCUMSTANCES.  
5

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

7 SECTION 1. That Chapter 24, Title 16, Idaho Code, be, and the same is  
8 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
9 ignated as Section 16-2426A, Idaho Code, and to read as follows:

10 16-2426A. SERIOUS BEHAVIORAL HEALTH CONDITIONS -- PREVENTION OF  
11 REMOVAL FROM CUSTODY. (1) The department shall not make a substantiated dis-  
12 position that a child has been abused, neglected, or abandoned by a parent or  
13 guardian under the child protective act, chapter 16, title 16, Idaho Code,  
14 because of a request for inpatient hospital treatment or an out-of-home  
15 placement for the child, if the child's recent mental health condition  
16 demonstrates that the child is likely to cause harm to himself or to suffer  
17 substantial mental or physical deterioration, and/or is likely to cause harm  
18 to others, and if the risk cannot be eliminated before returning the child to  
19 the child's family.

20 (2) In order to intercept and divert children at risk of being removed  
21 from their parent's or guardian's custody under chapter 16, title 16, Idaho  
22 Code, the department, within one hundred eighty (180) days after the effec-  
23 tive date of this section, shall enter into an interagency agreement with  
24 appropriate agencies for the purpose of preventing children who are not  
25 otherwise abused or neglected from entering the custody of the department  
26 for purposes of receiving services for serious emotional disturbance. The  
27 interagency agreement shall require the department to establish an inter-  
28 agency clinical team to review cases of children who are at the hospital or  
29 another similar treatment facility and to connect the child and his family  
30 with the appropriate services, treatment, and support in order to stabilize  
31 the child's serious emotional disturbance and to prevent removal by the de-  
32 partment under chapter 16, title 16, Idaho Code.