

**APPLICATION FOR CARE BY
LAW ENFORCEMENT OFFICER**

Pursuant to K.S.A. 38-2232(c)

I, _____, a law enforcement officer for the _____, apply for shelter for the following described child in the protective custody of law enforcement for the reasons set forth below:

1. Name of Child: _____ Year of Birth: _____
Address: _____ male
_____ female

2. Child's Parent, Parents or Nearest Relative:
Name: _____
Address: _____
Phone: _____

Name: _____
Address: _____
Phone: _____

Name: _____
Address: _____
Phone: _____

Name: _____
Address: _____
Phone: _____

3. Person(s) With Whom the Child Has Been Residing:
Name: _____
Address: _____
Phone: _____

Name: _____
Address: _____
Phone: _____

4. I, the undersigned applicant, believe that each child named above is a Child in Need of Care and that there are reasonable grounds to believe that the circumstances or condition of

the child is such that, unless placed in the immediate custody of the shelter facility or other responsible person, the child would be harmed.

The specific facts on which I base this belief are as follows:

Further, I understand that it is my statutory duty pursuant to K.S.A. 38-2232(a) to provide the County/District Attorney, without unnecessary delay, all the information in my possession pertaining to each child, each child's parents or other persons interested in or likely to be interested in the child, and all other facts and circumstances which caused the child to be taken into custody.

_____ Juvenile Intake and Assessment should contact me prior to placement decision.

_____ Juvenile Intake and Assessment has my permission to make a placement decision after reviewing all options.

_____ Not applicable

5. Pursuant to K.S.A. 38-2217(a)(3), _____
(*Identity of Individual Receiving Custody*) may give consent to the following:
- a. Dental treatment by a licensed dentist;
 - b. Diagnostic examinations including but not limited to withdrawal of blood and other bodily fluids, x-rays and other laboratory examinations;
 - c. Releases and inspections of medical history records;
 - d. Immunizations;
 - e. Administration of lawfully prescribed drugs; and
 - f. Examinations including, but not limited to, the withdrawal of blood or other body fluids or tissues for the purpose of determining the child's parentage.

Health care providers rendering care or treatment are advised that pursuant to K.S.A. 38-2217(a)(5), "Any health care provider who in good faith renders hospital, medical, surgical, mental or dental care or treatment to any child or discloses protected health information authorized by this section shall not be liable in any civil or criminal action for failure to obtain consent of a parent."

NOTICE TO PERSON(S) RECEIVING CUSTODY:

K.S.A. 38-2232(d) requires that the person receiving custody of the child forward a copy of this application to the County/District Attorney without unnecessary delay.

K.S.A. 38-2232(e) requires, absent a court order to the contrary, the child must be released after 72 hours, excluding Saturdays, Sundays and holidays.

_____	_____	_____
Applicant Officer's Signature	Date	Time
Name _____		
Address _____		
Telephone # _____		
Fax Number _____		
E-mail Address _____		

Pursuant to K.S.A. 38-2232(f), absent a court order to the contrary, the County/District Attorney or the placing law enforcement agency has the authority to direct the release of the child at any time.

Child delivered to: _____

Authority

K.S.A. 38-2232.

Notes on Use

Whenever a law enforcement officer takes a child into custody without a court order and places the child as authorized by K.S.A. 38-2232(a), the law enforcement officer shall complete an application for care. The facility or person to whom the child is delivered shall have physical custody and provide care and supervision for the child upon receipt of the officer's application. The person or facility receiving the child shall furnish a copy of the application to the county/district attorney without unnecessary delay. The law enforcement officer is required to provide to the county/district attorney all information available pertaining to the child, the parents or other persons interested in or likely to be interested in the child, and other information relating to the decision to take the child into custody.

The placement a law enforcement officer designates for a child pursuant to K.S.A. 38-2232 shall discharge the child not later than 72 hours following admission, excluding Saturdays, Sundays and legal holidays, unless a court has entered an order pertaining to temporary custody or release.

K.S.A. 38-2232(a) provides that a child who is alleged, but not yet adjudicated, to be a child in need of care solely pursuant to K.S.A. 38-2202(d)(9) or (d)(10), the runaway provisions, may be delivered to a secure facility if, after delivery of the child to a shelter facility, the person in charge of the facility at that time and the law enforcement officer determine that the child will not remain in the shelter facility. The child may not be detained in a secure facility for more than 24 hours, excluding Saturdays, Sundays and legal holidays. The statute does not otherwise contemplate placement of a child in a secure facility, except for violation of a valid court order, as provided in K.S.A. 38-2260.

In the absence of a court order to the contrary, the county/district attorney or the placing law enforcement agency shall have the authority to direct the release of the child at any time.