

### **645.120 Emergency hospitalization.**

- (1) If, as a result of mental illness, a child appears in need of immediate hospitalization for observation, diagnosis, or treatment, a peace officer or any interested person may either take the child to a hospital, mental health facility, or another less restrictive alternative or file a petition for emergency hospitalization. Upon filing a petition, a peace officer may place a child up to twenty-four (24) hours, excluding weekends and holidays, in a hospital or mental health facility or another less restrictive alternative. The peace officer shall notify the court designated worker of the child's placement. Within twelve (12) hours, the peace officer shall, if no other party can be found, file a petition, unless the child has been taken to a hospital. No child held under this section shall be held in a secure juvenile detention facility or juvenile holding facility unless a status offense action or public offense action is also pending.
- (2) On the basis of a prompt examination and any other available information concerning a child who is present at or presented at a hospital, an authorized staff physician shall determine within twenty-four (24) hours if the child needs immediate hospitalization after which the child shall be released within seventy-two (72) hours unless the child is held pursuant to other provisions of this chapter.
  - (a) The hospital may accept physical custody of the child and may request the person who brought the child to remain on the premises until the authorized staff physician makes a determination;
  - (b) If the authorized staff physician determines that the child, as a result of mental illness, appears to need immediate hospitalization, the physician shall admit the child for observation, diagnosis, and treatment, and shall, if he deems it appropriate, file a certification petition. If the proponent of emergency hospitalization is not the child's legal custodian, the hospital shall immediately notify the child's parent or other person exercising custodial control or supervision including, if applicable, the state; and
  - (c) If the authorized staff physician determines the child does not need immediate hospitalization, the physician shall release the child to a parent, person exercising custodial control or supervision, or an agency having custody of the child and make whatever recommendations or referrals the physician deems appropriate.
- (3) The petition for emergency hospitalization shall state the petitioner's belief, including its factual basis, that the child, as a result of mental illness, needs immediate hospitalization for observation, diagnosis, and treatment. Within twenty-four (24) hours of the filing, exclusive of weekends and holidays, the court shall on an ex parte basis, which may be by telephone:
  - (a) Deny the petition; or
  - (b) Issue an order authorizing a peace officer to transport the child to a designated hospital or mental health facility for evaluation for emergency hospitalization, at which time two (2) qualified mental health professionals, at least one (1) of whom is an authorized staff physician, shall follow the procedures specified in

subsection (2) of this section. If the child is committed to the cabinet or will be treated by the cabinet, the court shall notify the cabinet of its order at once and shall also advise the cabinet of the sex and condition of the child who is to be transported. The peace officer may, upon agreement of a person authorized by the peace officer, authorize the cabinet, a private agency on contract with the cabinet, or an ambulance service designated by the cabinet to transport the child to a hospital or mental health facility. The cabinet shall pay the transportation costs of the child and the official transporting the child, both to and from the designated hospital or mental health facility, in accordance with an administrative regulation promulgated under KRS Chapter 13A. If, after evaluation, the qualified mental health professional finds that the child does not meet the criteria for involuntary hospitalization, the child shall be released immediately and transported back to the child's home county by an appropriate means of transportation.

- (4) An emergency hospitalization of a child may not exceed seven (7) days, exclusive of weekends and holidays, unless a certification petition is filed before the seven (7) days expire.

**Effective:** July 15, 1994

**History:** Amended 1994 Ky. Acts ch. 498, sec. 17, effective July 15, 1994. --Amended 1988 Ky. Acts ch. 350, sec. 118, effective April 10, 1988. -- Created 1986 Ky. Acts ch. 423, sec. 157, effective July 1, 1987.