4.14 JUVENILES

A. In General

1. It is the responsibility of all members of this Department to familiarize themselves with juvenile problems and established procedures for handling both criminal and non-criminal juvenile incidents as defined in this policy and in the Kansas Juvenile Code.

2. State law mandates law enforcement to investigate cases of serious injury, death or sexual abuse of children, when it constitutes a crime.

3. The Department is committed to developing and implementing programs designed to prevent and control juvenile delinquency.

4. The Department participates and/or sponsors the following:

   a. The Department assigns a School Resource Officer to middle schools within the city to collaborate with school and district administrators on issues and give formal presentations to students.

   b. The Department sponsors and hosts the Topeka Police Explorer Post #7721 to prepare interested young person’s ages 14 to 21 for law enforcement careers.

   c. The Department participates in the Police Athletic League to promote youth participation in sports leagues.

   d. The Criminal Investigative Bureau has a designated detective assigned to work with the Department of Children and Families to help with youth runaways, foster care and other issues involving youths in the community.

   e. An officer assigned to the “Our Kids” program. The OK Program addresses the gaps in opportunities in the African American male youth population by providing strong male role models and mentors to include a Topeka Police Officer.

   f. Youth Education Officer. These officers are assigned to Topeka Public Schools-TCALC and high schools-to work with students and staff in those schools.
5. All children between the ages of four and eight who weigh less than 80 pounds or are less than 4'9" tall shall be transported using seat belts and booster seats. All children between the ages of eight and 14 who weigh more than 80 pounds or are taller than 4'9" shall be secured in the rear seat with seatbelts.

6. All employees who transport children under the age of four shall use state approved restraining systems in the rear seat of the vehicle.

B. Enforcement Alternatives

1. Officers are required to use the least coercive option among reasonable alternatives when dealing with juveniles in enforcement capacities as outlined in this policy.

2. Officers should determine whether the juvenile has been harmed or is in danger of being harmed, such as:

   a. Physical abuse;
   b. Sexual abuse;
   c. Environmental needs (lack of food, unsuitable living conditions, lack of heat, water or other essential utilities or the combination thereof) are not going to be met; or
   d. Domestic violence that places the juvenile at risk.

3. After officers consider the condition and the capacity of the juvenile, the following alternative actions may be considered:

   a. Release without further action;
   b. Informal counseling to inform the youth of the consequences of his/her actions;
   c. Informal referrals to community services. (Referral to parents or legal guardian. Officers may elect to transport the youth home, or direct him or her to return home. Where parents or guardians cannot be contacted or refuse to accept custody, the officer shall contact the Department-approved youth services agency for placement.);
   d. Informal counseling of parents or legal guardian. Officers should make contact with the youth's parents or guardians to provide them with information on their child's actions;
   e. Limited custody and official warning. Officers may detain or take custody of a juvenile until he or she is released to a parent or guardian or when lost, seriously endangered or is a runaway;
   f. Issuance of a summons or complaint;
   g. Referral to juvenile court;
   h. Arrest under non secure custody; or
   i. Arrest under secure custody.
C. Status Offenses

1. Officers should use discretion in determining whether to charge a juvenile with a status offense. (Note: A status offense is a non-criminal misdemeanor that would not be a crime if committed by an adult.)

2. Officers shall make reasonable efforts to notify the parent, guardian or custodian of any youth under the age of 18 who is:
   a. Taken into custody, regardless of age;
   b. Subject to any enforcement action;
   c. Detained for a significant period of time; or
   d. Interviewed as a criminal suspect. A child under the age of 14 must have parent or guardian present before being interviewed or read their Miranda warning.
   e. Officers shall document the notification and response on the appropriate report

3. When taking juveniles into custody for status offenses:
   a. Search for weapons prior to transport.
   b. Handcuff or otherwise restrain at any time if, in the judgment of the officer, the juvenile may flee, poses a physical risk to the officer, others, or themselves.

4. Hold in Non-Secure Custody - as provided by state law.

   A condition under which a juvenile’s freedom of movement is controlled by members of this agency and, during such time, the juvenile is:

   a. Held in an unlocked, multi-purpose area, such as a report-writing room or an office;
   b. At no time handcuffed to any stationary object;
   c. Held only long enough to complete identification, investigation and processing and then released to a parent or legal guardian or transferred to a juvenile facility or court;
   d. Under continuous visual supervision until released;
   e. Fingerprinting or photographing for records purposes shall be completed at the Juvenile Detention Center;
   f. Not placed in a holding area with adult suspects;
   g. Afforded reasonable access to toilets and washing facilities;
   h. May be provided food to include any special diets necessary for health or medical purposes;
   i. Provided with reasonable access to water or other beverages; and
   j. Allowed reasonable access to a telephone at the Officer’s discretion.
5. Officers shall pay particular attention to juveniles under the influence of alcohol or drugs to determine whether emergency medical services are warranted.

6. An officer may release a juvenile to his/her parents or guardian.

D. Juvenile Citations

1. Instruct juvenile’s parent or guardian to call Department-approved youth services agency or applicable court;
2. A copy is given to the juvenile’s responsible adult; and
3. The other copies go to Records.

E. Criminal-Offenses

1. Officers should be familiar with the Kansas Juvenile Justice Code located at KSA 38-2301 et seq., and specifically KSA 38-2330, which deals with when a juvenile may be taken into custody.
2. A juvenile who is taken into custody shall be brought without unnecessary delay to the custody of the juvenile’s parent or other custodian, unless there are reasonable grounds to believe that such action would not be in the best interests of the child or would pose a risk to public safety or property.
3. If the juvenile cannot be delivered to the juvenile’s parent or custodian, the officer may:
   a. Issue a notice to appear, or
   b. Contact or deliver the juvenile to an intake assessment worker for completion of the intake assessment process.
4. The notice to appear shall contain the name and address of the juvenile detained, the crime(s) charged and the location and phone number of the juvenile intake and assessment services office where the juvenile will need to appear with a parent or guardian.
5. The juvenile intake assessment services office specified in such notice to appear must be contacted by the juvenile or a parent or guardian no more than 48 hours after such notice is given, excluding weekends and holidays.
6. The juvenile must give a written promise to call within the time specified by signing the written notice prepared by the Officer. The original notice shall be retained by the Officer and a copy shall be delivered to the juvenile detained and that juvenile’s parent or guardian if such juvenile is less than 18 years of age. The Officer shall then release the juvenile.
7. The Officer shall cause to be filed, without unnecessary delay, a complaint with Juvenile Intake Assessment Services in which a juvenile released pursuant to paragraph (6) is given notice to appear, charging the crime stated in such notice. A copy shall also be provided to the District Attorney. If the juvenile released fails to contact juvenile intake
assessments as required in the notice to appear, Juvenile Intake Assessment services will notify the District Attorney.

8. Secure custody/detention is a condition in which a juvenile is physically detained or confined in a locked room or cell that is designated, set aside, or used for the specific purpose of securely detaining persons who are in law enforcement custody. Transportation of a juvenile in a caged vehicle is not considered secure custody.

   a. All fingerprints and photographs of juveniles, 14 and under, taken into custody for criminal offenses shall be maintained at the Juvenile Department of Corrections. All Juvenile records 14 and under shall be maintained separate from adult records within the Topeka Police Department Records Unit and are subject to controlled dissemination as provided by law.

9. The juvenile shall be informed of the procedures that will be followed with regard to custody, release, and transportation to another facility or to a custody hearing.

10. Constitutional Rights – Officers will ensure the constitutional rights of the juvenile are protected.

11. Prior to custodial interviews or questioning:

   a. If requested, the juvenile's parents, guardian or attorney may be present. If the parent or guardian is not present the officer should attempt to contact the parents or guardian after the interrogation to advise them of the status.
   
   b. A juvenile under 14 years of age must be given the opportunity to consult with parent, guardian, or attorney as to whether to waive juvenile's rights to an attorney and against self-incrimination.
   
   c. In the absence of a parent or guardian, juveniles 14 and over may be questioned and provide statements if reasonable assurances can be made that the juvenile fully understands his/her constitutional rights.
   
   d. Interrogation of juveniles should not extend over periods of time that could be considered unreasonable or harassing, and whenever possible should be conducted by only one officer at a time.

12. Officers are not authorized to perform a strip or body cavity search of a juvenile. These are handled by the Department of Corrections with a search warrant.

F. Reporting Requirements

1. Incident reports or Juvenile Data Reports may be used to record non-custodial alternatives or informal enforcement contacts with juveniles.

   These reports shall clearly identify the juveniles involved, the nature of the
incident and the reasons for the officer's actions.

2. Juveniles taken into custody for criminal offenses shall be subject to the same reporting requirements as adults. A custody record should be maintained in the Juvenile Data Report for each juvenile arrest. The custody record shall specify the time in which each period of interrogation was commenced and completed, the names of the officers present, and the names of the parent(s) or responsible adult(s) present.

G. Child in Need of Care; Abuse/Sexual Abuse
In cases of alleged child abuse, officers should contact their immediate supervisor and, where appropriate, request a detective for assistance in conducting investigations. The investigation should determine if the complaint justifies immediate action in order to protect the safety and well-being of the child.

1. Officers should be familiar with the Kansas Code for Care of Children located at KSA 38-2201 et. seq., which deals specifically with child abuse or neglect.

2. Legally the officer has authority to take a child into custody when the officer has reasonable grounds to believe the child is in danger.

3. Officers articulate these grounds based on their observations and interviews.

4. Citizens having knowledge of this crime are not required to become involved but some may have a duty to report the abuse based on job requirements. Some citizens may remain anonymous when reporting child abuse cases.

5. Parents do not have the right to refuse officers’ access to any child allegedly abused.

6. If the officer has probable cause to believe a child is in imminent danger, the officer may enter the home to check on the child’s welfare.

H. PROCEDURE
1. Make sure victim is safe and receives care
   a. In some cases, the first officer on the scene will:
      1. Remove the child to safety;
      2. Send the child to the hospital if the child needs emergency medical attention;
      3. Take the child into custody and Department-approved youth services agency for placement; and
   b. Secure the crime scene and obtain a search warrant to obtain physical evidence.
c. If there is a question whether the child is in imminent danger, consult with a supervisor.
d. Notify CIB in cases where immediate investigation is needed.
e. In cases of possible or unconfirmed child abuse/sexual abuse, the reporting Officer will make an incident report with all the available information.

1. CIB may forward these cases to the Kansas Department for Children and Families (DCF) for determination of whether the incident is confirmed or unfounded.
2. If the case is confirmed, CIB will assign and investigate the case as soon as possible.

2. Interview the victim and witnesses
   a. CIB will initiate the Safe Talk protocol
      1. Project Safe Talk
         a. Multi-disciplinary response to child abuse. This approach is based on an agreement among the Shawnee County District Attorney’s Office, DCF, the Topeka Police Department and the Shawnee County Sheriff’s Office. These agencies integrate different approaches and coordinate services to produce a comprehensive response that best meets the needs of the child abuse victims and their families.
         b. Instead of each agency maintaining its own methods for handling cases of child abuse, the agencies respond using the mutually agreed upon procedures.
      2. Child Advocacy Center
         a. Neutral facility used during the intervention phase of the Safe Talk protocol. This facility is separate from any agency involved in the process. This facility provides a safe, secure setting for children in order to facilitate interaction.
      3. Project Goals
         a. Develop a comprehensive, multi-disciplinary response to child abuse which meets the needs of child victims and their families.
         b. Establish a neutral-based facility for interviewing abused children.
         c. Prevent trauma to the child caused by multiple contacts with community professionals.
d. Refer families to needed services, which will assist them in regaining improved functioning.

e. Maintain open communication and case coordination between community professionals and agencies involved in child protection efforts.

f. Coordinate and track investigative and prosecutorial efforts.

g. Obtain information useful for criminal and civil proceedings.

4. Interview Process Overview

a. The Department and DCF may jointly conduct Safe Talk interviews.

b. One interviewer conducts the interview.

1. The needs of the child and the evidentiary process govern the selection of the interviewer which is based on the needs of the child and the evidentiary process.

2. Selection criteria include interviewer’s experience and knowledge, sex, race and/or culture, relationship with the child and presence in court.

3. An interview guide is developed and used during the interview.

c. The non-interviewer operates the communication and recording devices used to record the interview.

d. A copy of the video shall remain with the Department as evidence. Additional copies should be provided to District Attorney’s Office or DCF as requested.

e. CIB or DCF may interview school age victims in school where appropriate.

f. Officers will forward all information relating to child abuse and sexual abuse cases to CIB by completing a Kansas Standard Offense Report,(KSOR) and Juvenile Data Report (JDR).

I. COLLECT EVIDENCE

1. The reporting officer or investigating detective should have the evidence (pictures, clothing, etc.) collected by CSI whenever possible.
2. In the case of suspected sexual abuse, the SANE/SART procedures should be followed.
J. CHILD ABUSE INVESTIGATION

1. Patrol Officers responsibilities
   a. Responding to a child abuse investigation should:
      1. Notify a supervisor if the reported incident occurred within the past five days (120 hours)
      2. Take appropriate reports and forward information to CIB Special Victims Unit if the reported incident occurred more than five days (120 hours) ago

2. Supervisor responsibilities
   a. Once notified of a child abuse incident should
      1. Notify CIB if the incident occurred within the past five days (120 hours)

3. CIB investigators should conduct the following investigation when appropriate:
   a. If the incident occurred within the past five days (120 hours) the investigator should at a minimum locate a crime scene and have it processed by CSI. Thereby ensuring trace evidence is located. Also interview any possible witnesses.
   b. If the incident is older than five days (120 hours), take appropriate investigatory steps (such as SANE exam, SAFETALK).
      (1) Interview all parties & reduce those interviews to writing
   c. Interview the suspect and produce a written statement;
   d. Run a background check, including Triple I, on the suspect;
   e. Arrest the suspect if he confesses to the crime or if the evidence supports the arrest;
   f. Review the case with the prosecuting attorney;
   g. Notify and work with other divisions and agencies;
   h. Collect all related medical reports & records from any other involved agencies;
   i. Gather all reports and documents regarding the case and forward to the District Attorney and DCF as denoted by department procedure;
   j. Testify at all hearings in reference to his cases; and
   k. Complete necessary reports on all follow-up investigation information and include it with the case file.

   a. Noted exception: Evidence relating to physician/patient, psychologist/client, or social worker/client privileged information may be included when relevant to the prosecution’s case but is to be collected and stored in accordance with department procedure governing same.
Attachment A

Juvenile Offender Code

"Juvenile offender" is defined by KSA 38-2302 as a person who commits an offense while 10 or more years of age but less than 18 years of age which if committed by an adult would constitute the commission of a felony or misdemeanor as defined by K.S.A. 2016 Supp. 21-5102, and amendments thereto, or who violates the provisions of K.S.A. 41-727, K.S.A. 74-8810(j) or K.S.A. 2016 Supp. 21-6301(a)(14), and amendments thereto, but does not include:

1. A person 14 or more years of age who commits a traffic offense, as defined in K.S.A. 8-2117(d), and amendments thereto;

2. A person 16 years of age or over who commits an offense defined in chapter 32 of the Kansas Statutes Annotated, and amendments thereto;

3. A person under 18 years of age who previously has been:
   a. Convicted as an adult under the Kansas criminal code;
   b. Sentenced as an adult under the Kansas criminal code following termination of status as an extended jurisdiction juvenile pursuant to K.S.A. 2016 Supp. 38-2364, and amendments thereto; or
   c. Convicted or sentenced as an adult in another state or foreign jurisdiction under substantially similar procedures described in K.S.A. 2016 Supp. 38-2347, and amendments thereto, or because of attaining the age of majority designated in that state or jurisdiction.

4. A person who is 9 years old or less falls under the Child In Need of Care code.
Attachment B

Child In Need of Care Code

KSA 38-2202 defines:

"Child In Need of Care" means a person less than 18 years of age at the time of filing of the petition or issuance of an ex parte protective custody order pursuant to K.S.A. 2016 Supp. 38-2242, and amendments thereto, who:

(1) is without adequate parental care, control or subsistence and the condition is not due solely to the lack of financial means of the child's parents or other custodian;

(2) is without the care or control necessary for the child's physical, mental or emotional health;

(3) has been physically, mentally or emotionally abused or neglected or sexually abused;

(4) has been placed for care or adoption in violation of law;

(5) has been abandoned or does not have a known living parent;

(6) is not attending school as required by K.S.A. 72-977 or 72-1111, and amendments thereto;

(7) except in the case of a violation of K.S.A. 41-727, K.S.A. 74-8810(j), K.S.A. 79-3321(m) or (n), or K.S.A. 2016 Supp. 21-6301(a)(14), and amendments thereto, or, except as provided in paragraph (12), does an act which, when committed by a person under 18 years of age, is prohibited by state law, city ordinance or county resolution but which is not prohibited when done by an adult;

(8) While less than 10 years of age, commits any act which if done by an adult would constitute the commission of a felony or misdemeanor as defined by K.S.A. 2016 Supp. 21-5102, and amendments thereto;

(9) is willfully and voluntarily absent from the child's home without the consent of the child's parent or other custodian;

(10) is willfully and voluntarily absent at least a second time from a court ordered or designated placement, or a placement pursuant to court order, if the absence is without the consent of the person with whom the child is placed or, if the child is placed in a facility, without the consent of the person in charge of such facility or such person's designee;
(11) has been residing in the same residence with a sibling or another person under 18 years of age, who has been physically, mentally or emotionally abused or neglected, or sexually abused;

(12) while less than 10 years of age commits the offense defined in K.S.A. 2016 Supp. 21-6301(a)(14), and amendments thereto;

(13) has had a permanent custodian appointed and the permanent custodian is no longer able or willing to serve; or

(14) has been subjected to an act which would constitute human trafficking or aggravated human trafficking, as defined by K.S.A. 2016 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by K.S.A. 2016 Supp. 21-6422, and amendments thereto, or has committed an act which, if committed by an adult, would constitute selling sexual relations, as defined by K.S.A. 2016 Supp. 21-6419, and amendments thereto.

"Harm" means physical or psychological injury or damage.

"Neglect" means acts or omissions by a parent, guardian or person responsible for the care of a child resulting in harm to a child, or presenting a likelihood of harm, and the acts or omissions are not due solely to the lack of financial means of the child's parents or other custodian. Neglect may include, but shall not be limited to:

(1) Failure to provide the child with food, clothing or shelter necessary to sustain the life or health of the child;

(2) Failure to provide adequate supervision of a child or to remove a child from a situation which requires judgment or actions beyond the child's level of maturity, physical condition or mental abilities and that results in bodily injury or a likelihood of harm to the child; or

(3) Failure to use resources available to treat a diagnosed medical condition if such treatment will make a child substantially more comfortable, reduce pain and suffering, or correct or substantially diminish a crippling condition from worsening. A parent legitimately practicing religious beliefs who does not provide specified medical treatment for a child because of religious beliefs shall not for that reason be considered a negligent parent; however, this exception shall not preclude a court from entering an order pursuant to K.S.A. 2016 Supp. 38-2217(a)(2), and amendments thereto.

"Physical, mental or emotional abuse" means the infliction of physical, mental or emotional harm or the causing of a deterioration of a child and may include, but shall not be limited to, maltreatment or exploiting a child to the extent that the child's health or emotional well-being is endangered.
"Sexual abuse" means any contact or interaction with a child in which the child is being used for the sexual stimulation of the perpetrator, the child or another person. Sexual abuse shall include, but is not limited to, allowing, permitting or encouraging a child to:

1. Be photographed, filmed or depicted in pornographic material; or
2. Be subjected to aggravated human trafficking, as defined in K.S.A. 2016 Supp. 21-5426(b), and amendments thereto, if committed in whole or in part for the purpose of the sexual gratification of the offender or another, or be subjected to an act which would constitute conduct proscribed by article 55 of chapter 21 of the Kansas Statutes Annotated or K.S.A. 2016 Supp. 21-6419 or 21-6422, and amendments thereto.

KSA 38-2231 When Juvenile May Be Taken Into Custody

(a) A law enforcement officer shall take a child under 18 years of age into custody when:

1. The law enforcement officer or court services officer has a court order commanding that the child be taken into custody as a child in need of care; or
2. The law enforcement officer or court services officer has probable cause to believe that a court order commanding that the child be taken into custody as a child in need of care has been issued in this state or in another jurisdiction.

(b) A law enforcement officer shall take a child under 18 years of age into custody when the officer:

1. Reasonably believes the child will be harmed if not immediately removed from the place or residence where the child has been found;
2. Has probable cause to believe that the child is a runaway or a missing person or a verified missing person entry for the child can be found in the national crime information center missing person system; or
3. Reasonably believes the child is a victim of human trafficking, aggravated human trafficking or commercial sexual exploitation of a child.

Except as provided in subsections (a) and (b), a law enforcement officer may temporarily detain and assume temporary custody of any child subject to compulsory school attendance, pursuant to K.S.A. 72-1111, and amendments thereto, during the hours school is actually in session and shall deliver the child pursuant to K.S.A. 2016 Supp. 38-2232(g), and amendments thereto.

CINC – KSA 38-2232 Duties of Officers
(a) (1) To the extent possible, when any law enforcement officer takes into custody a child under the age of 18 years without a court order, the child shall forthwith be delivered to the custody of the child's parent or other custodian unless there are reasonable grounds to believe that such action would not be in the best interests of the child.

(2) Except as provided in subsection (b), if the child is not delivered to the custody of the child's parent or other custodian, the child shall forthwith be delivered to a shelter facility designated by the court, court services officer, juvenile intake and assessment worker, licensed attendant care center or other person or, if the child is 15 years of age or younger, or 16 or 17 years of age if the child has no identifiable parental or family resources or shows signs of physical, mental, emotional or sexual abuse, to a facility or person designated by the secretary.

(3) If, after delivery of the child to a shelter facility, the person in charge of the shelter facility at that time and the law enforcement officer determine that the child will not remain in the shelter facility and if the child is presently alleged, but not yet adjudicated, to be a child in need of care solely pursuant to subsection (d)(9) or (d)(10) of K.S.A. 2016 Supp. 38-2202, and amendments thereto, the law enforcement officer shall deliver the child to a juvenile detention facility or other secure facility, designated by the court, where the child shall be detained for not more than 24 hours, excluding Saturdays, Sundays, legal holidays, and days on which the office of the clerk of the court is not accessible.

(4) No child taken into custody pursuant to this code shall be placed in a juvenile detention facility or other secure facility, except as authorized by this section and by K.S.A. 2016 Supp. 38-2242, 38-2243 and 38-2260, and amendments thereto.

(5) It shall be the duty of the law enforcement officer to furnish to the county or district attorney, without unnecessary delay, all the information in the possession of the officer pertaining to the child, the 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.

(b) (1) When any law enforcement officer takes into custody any child as provided in subsection (b)(2) of K.S.A. 2016 Supp. 38-2231, and amendments thereto, proceedings shall be initiated in accordance with the provisions of the interstate compact on juveniles, K.S.A. 38-1001 et seq., and amendments thereto, or K.S.A. 2016 Supp. 38-1008, and amendments thereto, when effective. Any child taken into custody pursuant to the interstate compact on juveniles may be detained in a juvenile detention facility or other secure facility.

(2) When any law enforcement officer takes into custody any child as provided in subsection (b)(3) of K.S.A. 2016 Supp. 38-2231, and amendments thereto, the law enforcement officer shall place the child in protective custody and may deliver the child to a staff secure facility. The law enforcement officer shall contact the department for
children and families to begin an assessment to determine safety, placement and treatment needs for the child. Such child shall not be placed in a juvenile detention facility or other secure facility, except as authorized by this section and by K.S.A. 2016 Supp. 38-2242, 38-2243 and 38-2260, and amendments thereto.

(c) Whenever a child under the age of 18 years is taken into custody by a law enforcement officer without a court order and is thereafter placed as authorized by subsection (a), the facility or person shall, upon written application of the law enforcement officer, have physical custody and provide care and supervision for the child. The application shall state:

(1) The name and address of the child, if known;

(2) The names and addresses of the child's parents or nearest relatives and persons with whom the child has been residing, if known; and

(3) The officer's belief that the child 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 the child would be harmed unless placed in the immediate custody of the shelter facility or other person.

(d) A copy of the application shall be furnished by the facility or person receiving the child to the county or district attorney without unnecessary delay.

(e) The shelter facility or other person designated by the court who has custody of the child pursuant to this section shall discharge the child not later than 72 hours following admission, excluding Saturdays, Sundays, legal holidays, and days on which the office of the clerk of the court is not accessible, unless a court has entered an order pertaining to temporary custody or release.

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

(g) When any law enforcement officer takes into custody any child as provided in subsection (d) of K.S.A. 2016 Supp. 38-2231, and amendments thereto, the child shall forthwith be delivered to the school in which the child is enrolled, any location designated by the school in which the child is enrolled or the child's parent or other custodian.