

IN THE DISTRICT COURT OF _____ COUNTY, KANSAS
JUVENILE DIVISION

IN THE MATTER OF:

_____, juvenile
DOB: xx-xx-____ A male female

Case No. 20__-JV-_____

CONDITIONAL RELEASE VIOLATION ORDER

Pursuant to K.S.A. 38-2369 and 38-2375

On this ____ day of _____ 20____, the Court considers the allegation that the juvenile has violated the terms of conditional release, the Honorable _____, district judge, presiding.

THE COURT FINDS jurisdiction and venue are proper. Notice to parties and those required to receive notice has been given as required by law.

The State appears by _____, assistant county/district attorney or designee.

The juvenile appears in person and not in person, but by the juvenile's attorney, _____.

The mother is is not present.

The father is is not present.

The Court Services Office (CSO) is present through _____

The Commissioner is present through _____

Also present is/are: _____

The Court, having reviewed the file, received the evidence, and heard statements of counsel, makes the following findings and enters the following orders:

The juvenile did not violate the terms of conditional release and conditional release is reinstated.

OR

The juvenile has violated conditional release and the conditions of release shall be modified as follows: *(An Order Authorizing Removal, Form 312, must be filed if this is the first order removing the juvenile from the home in the present case.)* _____

OR

The juvenile has violated conditional release and shall be returned to a juvenile correctional facility as a conditional release violator for a period of confinement in a juvenile correctional facility and of aftercare as follows: _____

The **sentence begins date** is determined to be ____/____/20__ **after crediting** the juvenile

with _____ **days** of time served. *(An Order Authorizing Removal, Form 312, must be entered if this is the first order removing the juvenile from the home in the present case.)*

OR

- The juvenile shall be committed to a sanctions house for _____ *(a period no longer than 28 days)* and the Court shall review the commitment every seven days. The Court also orders:

(An Order Authorizing Removal, Form 312, must be entered if this is the first order removing the juvenile from the home in the present case.)

OR

- The juvenile's driver's license or privilege to operate a motor vehicle on the streets and highways of this state is suspended or restricted pursuant to the attached order. *(Form 356 must be completed specifying all orders of the Court pursuant to K.S.A. 38-2361(a)(5) and (c)).*

OR

- The juvenile is discharged from the custody of the commissioner and the commissioner is released from further responsibilities in this case. The Court also enters the following orders:

- THE COURT FURTHER FINDS: _____

- THE COURT FURTHER ORDERS: _____

IT IS SO ORDERED THIS _____ DAY OF _____ 20__.

Judge of the District Court

Prepared by:

Acknowledged by:

Assistant County/District Attorney #

Attorney for Juvenile #

Authority

K.S.A. 38-2369 and 38-2375.

Notes on Use

Upon finding by a preponderance of evidence that a condition of conditional release has been violated, the court may modify the conditions, impose additional conditions, or order the juvenile offender returned to the juvenile correctional facility to serve the conditional release revocation incarceration and aftercare term, pursuant to K.S.A. 38-2369 and K.S.A. 38-2375. If the court removes the juvenile from the home after the juvenile offender has been in the home for 6 months or longer, then an Order Authorizing Removal (Form 312) or an alternative form approved by Supreme Court Administrative Order No. 155 must be completed and attached to this form for filing.

Although the provision for direct commitment of the juvenile to the commissioner's custody for confinement in a juvenile correctional facility specifically excuses a case from compliance with the permanency planning requirements set out in K.S.A. 38-2365 while the juvenile is confined in a juvenile correctional facility, the best practice is to comply with ASFA and permanency planning requirements, which are set out in the form. There is a narrow set of circumstances in which ASFA may actually apply and permit federal funding for a subsequent placement upon conducting a permanency hearing, if the case is ASFA-compliant at the point of first removal. Best practice also dictates that if no a permanency hearing is held while a juvenile is confined in a juvenile correctional facility, it should be held either immediately before or as soon as practical after the juvenile is released on conditional release supervision and then every twelve (12) months thereafter as required by K.S.A. 38-2365(e). If held immediately before release and the juvenile is placed in an eligible placement after release, this will permit the state to immediately draw down Title IV funding, thus avoiding a loss of funding for communities.