

310
IN THE DISTRICT COURT OF _____ COUNTY, KANSAS

IN THE MATTER OF

Name _____, Juvenile Case No. _____
DOB xx /xx / ____ A male female

REQUEST FOR WARRANT AND DETENTION

Pursuant to K.S.A. 38-2342

Comes now the State of Kansas, by the County/District Attorney or designee and requests that the Court issue a warrant and order the detention of the juvenile named above. In support thereof the prosecution informs the Court that the juvenile did:

commit an offense, to wit: _____

violate probation, conditional release, conditions of release or placement, as follows: _____

escape from a facility, as follows: _____

The prosecution requests that the Court issue an Order Authorizing Removal of the juvenile, and a Warrant, and further that the matter be set for detention hearing.

County/District Attorney or designee

Authority

K.S.A. 38-2342.

Notes on Use

K.S.A. 38-2342 provides for the issuance of a warrant upon a finding that there is probable cause to believe that an offense was committed by the juvenile, the juvenile violated probation, conditional release, or conditions of release or placement, or the juvenile has escaped from a facility.

This form provides the court the basis for the issuance of the warrant.

K.S.A. 38-2332 prohibits detaining or placing any juvenile in any jail, except for the purpose of identifying and processing the juvenile and transferring the juvenile to a youth residential facility or juvenile detention facility, and then only for a minimum period not to exceed six hours and only with sight and sound separation from adult prisoners. This prohibition does not apply to any juvenile against whom a motion requesting prosecution as an adult has been filed and who has received a detention hearing; to any juvenile whose prosecution as an adult or classification as an extended jurisdiction juvenile has been authorized; to any juvenile who has been convicted previously as an adult; or to any person 18 years of age or more.

The Juvenile Justice and Delinquency Prevention Act of 2002, 42 U.S.C. 5601, prohibits detention of status offenders or non-criminal traffic or fish and game offenders in any secure facility, except for a minimal period (6 hours under K.S.A. 38-2332) for investigation or identification, but always sight and sound separate from adult prisoners if the site is an adult jail.