

IN THE DISTRICT COURT OF _____ COUNTY, KANSAS

IN THE MATTER OF

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

JOURNAL ENTRY OF DETENTION HEARING

Pursuant to K.S.A. 38-2343 and 38-2331

Now, on this ____ day of _____, _____, the Court considers the request for detention, 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 _____ County/District Attorney or designee.
[] The juvenile appears [] in person and [] not in person, but by the juvenile's attorney,

[] The mother [] is present [] is not present.
[] The father [] is present [] is not present.
[] The 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, finds that the following condition(s) has been met:

- [] There is oral or written verification that the juvenile is a fugitive sought for an offense in another jurisdiction, that the juvenile is currently an escapee from a juvenile detention facility or that the juvenile has absconded from a placement that is court ordered or designated by the Commissioner.
[] The juvenile is alleged to have committed an offense which if committed by an adult would constitute a felony or any crime described in article 35 of chapter 21, and amendments thereto.
[] The juvenile has been adjudicated for a nonstatus offense and is awaiting final court action on that offense.
[] The juvenile has a record of failure to appear in court or there is probable cause to believe that the juvenile will flee the jurisdiction of the court.
[] The juvenile has a history of violent behavior toward others.
[] The juvenile exhibited seriously assaultive or destructive behavior or self-destructive behavior

at the time of being taken into custody.

- The juvenile has a record of adjudication or conviction of one or more offenses which if committed by an adult would constitute a felony.
- The juvenile is a juvenile offender who has been expelled from placement in a nonsecure facility as a result of the current alleged offense.
- The juvenile has been taken into custody by a court services officer, juvenile community corrections officer or other person authorized to supervise juveniles subject to this code pursuant to subsection K.S.A. 38-2330(b).
- The juvenile has violated probation or conditions of release.

THE COURT FURTHER FINDS AND ORDERS:

the juvenile is dangerous to self or others, is under the age of 18 years, and may be detained in the following juvenile detention facility or youth residential facility:

or

the juvenile is not likely to appear for further proceedings, is under the age of 18 years, and may be detained in the following juvenile detention facility or youth residential facility: _____

or

the juvenile is not likely to appear for further proceedings and shall give an appearance bond in the amount of _____ and be released upon the following conditions: _____

or

the juvenile shall be released to the custody of a parent: _____

or

release of the juvenile to the custody of a parent is not in the best interests of the juvenile and the juvenile shall be placed in the temporary custody of _____. (*An Order Authorizing Removal, Form 312, must be filed if this is the first order removing the juvenile from the home.*)

The juvenile shall appear before **the Court** **the CRB** on the _____ day of _____, _____, for further proceedings.

IT IS SO ORDERED THIS _____ day of _____, _____.

Judge of the District Court

Authority

K.S.A. 38-2343 and 38-2331.

Notes on Use

Detention shall not exceed 48 hours, excluding Saturdays, Sundays and legal holidays, without a detention hearing and court order for further detention. That hearing shall take place within the 48 hour period. The court shall appoint an attorney to represent the juvenile if no attorney has been retained and appears to represent the juvenile. A 24 hour recess may be taken to obtain attendance of the attorney appointed. After hearing, a detention order may be issued if the court finds the juvenile is dangerous to self/others or the juvenile is not likely to appear for further proceedings. Prior to entering a detention order the court is required to consider all relevant factors, including, but not limited to, the criteria set out in K.S.A. 38-2331, and record the findings upon which the detention order is based. An alternative to detention for a “not likely to appear” finding is a requirement of an appearance bond. If neither basis is found, the juvenile shall be released or placed in temporary custody. If temporary custody removes the juvenile from the home and if this is the first order doing so, then the Order Authorizing Removal of Juvenile (Form 312), or another ASFA form approved by the Supreme Court, must be completed and attached to this form for filing.

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.