

**IN THE DISTRICT COURT OF \_\_\_\_\_ COUNTY, KANSAS  
JUVENILE DIVISION**

IN THE MATTER OF:

\_\_\_\_\_, **juvenile**  
DOB: xx-xx-\_\_\_\_ A  male  female

Case No. 20\_\_-JV-\_\_\_\_\_

**SENTENCING ORDER**

Pursuant to K.S.A. 38-2361

On this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, this matter comes before the Court for sentencing, the Honorable \_\_\_\_\_, district judge, presiding.

**THE COURT FINDS** the juvenile named above was previously adjudicated a juvenile offender in this case. Notice to parties and those required to receive notice has been given as required by law.  The victim has been given notice as required.

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: *(Select any that apply – If committed to the custody of the Commissioner, except for restitution payable by the juvenile offender and requirements specifically mandated by statute, any other orders related to the care and treatment of the juvenile are recommendations only.)*

The juvenile shall be placed on  **probation OR**  **Intensive Supervision Probation (ISP)** for a period of \_\_\_\_\_ pursuant to the terms and conditions  **as recommended in the pre-sentence report AND/OR**  **as follows:** \_\_\_\_\_

**OR**

- The juvenile shall be placed **in a community based program** to be supervised by  **court services**  **community corrections**  **other** \_\_\_\_\_ . The terms and conditions of the order of assignment shall be  **those recommended in the pre-sentence report** **AND/OR**  **as follows:**\_\_\_\_\_

**OR**

- The juvenile shall be placed in the custody of  **a parent** **OR**  **other suitable individual** \_\_\_\_\_ (but not the Commissioner or juvenile correctional facility), subject to the following terms and conditions:\_\_\_\_\_

(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 shall be placed in the custody of the Commissioner (JJA). The Court recommends:

(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 meets placement criteria as a (check the **one** relevant Matrix category box, then specify: (1) the length of confinement (2) the period of aftercare, and (3) calculate the sentence begins date after crediting time served):

- Violent Offender I                       Violent Offender II
- Serious Offender I                       Serious Offender II
- Chronic Offender I                       Chronic Offender II                       Chronic Offender III
- Conditional Release Violator

and shall be committed to the custody of the Commissioner 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.)

**AND IF APPLICABLE**

(Select any of the following that apply)

- THE COURT FURTHER FINDS: A drug and alcohol evaluation  is not OR  is mandated by statute (specifically K.S.A. \_\_\_\_ - \_\_\_\_\_) (insert relevant statutory provision) and orders a drug and alcohol evaluation to be conducted as follows: \_\_\_\_\_

The court finds that  the juvenile offender shall pay a fee of \$\_\_\_\_\_ OR  the juvenile offender and those legally liable for the juvenile's support are indigent and the court waives the fee.

**IF APPLICABLE**

- THE COURT FURTHER FINDS: 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)).

**IF APPLICABLE**

- THE COURT FURTHER FINDS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- THE COURT FURTHER ORDERS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**IF APPLICABLE**

- THE COURT FURTHER FINDS AND ORDERS:  The juvenile has been removed from the custody of a parent and the approved permanency plan goal(s) is/are: \_\_\_\_\_ . A permanency plan  is on file  shall be submitted to the court within 30 days by:  the custodian /  Court Services /  other \_\_\_\_\_ . (This section must be completed if the juvenile is presently or, as a result of this order, will be removed from parental custody.)

- THE COURT FURTHER ORDERS this matter set for a \_\_\_\_\_ hearing before  the Court  the Citizens Review Board on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_ at \_\_\_\_:\_\_\_\_ a.m. / p.m.

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. 38-2361 and 38-2365.

## Notes on Use

This form includes all of the specific placements and probationary supervision options that the statute and current state-wide programs provide. K.S.A. 38-2361(a)(10) provides that a juvenile offender placed in the custody of the commissioner shall not also be placed in the custody of another person pursuant to subsection (a)(3) or for confinement in a juvenile correctional facility pursuant to subsection (a)(12). If the juvenile offender is placed in the custody of the commissioner, then orders for services pursuant to subsections (a)(2) relating to participation in community based programs, (a)(4) relating to attendance of counseling, mediation or a drug evaluation, and (a)(9) relating to house arrest, shall be deemed recommendations, unless a drug and alcohol evaluation is mandated by statute. If, in the course of sentencing, the court removes the juvenile from the home, and if it is the first order removing the juvenile from the home or if the juvenile is removed after having been back in the home for 6 months or longer, Supreme Court Administrative Order No. 155 and ASFA apply and Form 312, or another ASFA form approved by the Supreme Court, must be completed and attached to Form 350 for filing.

Although K.S.A. 38-2361 permits placement in a sanction house, 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.

Although the provision for direct commitment of the juvenile to the commissioner's custody for confinement in a juvenile correctional facility, pursuant to K.S.A. 38-2361(a)(12), 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, if the case is ASFA-compliant at this point. The 2010 Legislature amended the provisions of K.S.A. 38-2361(a)(12) to include a requirement that the court must set and hold a permanency hearing within seven days after the juvenile's release. Permanency hearings must be held every twelve (12) months thereafter as required by K.S.A. 38-2365(e) until the juvenile is discharged from custody pursuant to K.S.A. 38-2376(a). 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.

Although proceedings under the juvenile justice code are considered civil proceedings, an adjudication as a juvenile offender may be a consideration in the imposition of an adult sentence for a subsequent conviction under the criminal code. See *In re Gault*, 387 U.S. 1, 18 L. Ed. 2d 527, 87 S. Ct. 1428 (1967); *Apprendi v. New Jersey*, 530 U.S. 466, 120 S. Ct. 2348, 147 L. Ed. 2d 435 (2000); *State v. Limon*, 280 Kan. 275, 283, 122 P.3d 22 (2005).