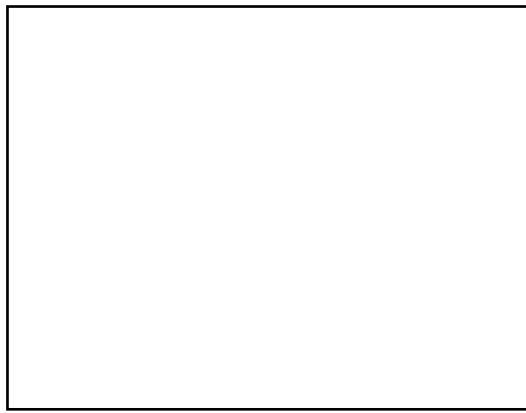


IN THE DISTRICT COURT OF _____ COUNTY,
KANSAS

JUVENILE DIVISION



IN THE MATTER OF:

_____, juvenile

Case No. _____

Year of Birth: _____ A male female

SENTENCE VIOLATION HEARING ORDER

Pursuant to K.S.A. 38-2368 and 38-2392

On this ____ day of _____ 20____, the Court considers the allegation that the juvenile violated a term of probation or court-ordered placement, the Honorable _____, presides.

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 Secretary is present through _____

Also present is/are: _____

Evidence was presented to the Court.

The juvenile stipulated to the allegations.

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 has not violated the terms of probation or of a court-ordered placement.

OR

The juvenile has:

absconded from supervision.

OR

committed three or more technical violations of the conditions of probation or court-ordered placement, prior failed responses are documented in the juvenile’s case plan, and graduated responses to the violation will not suffice.

OR

violated a condition of probation or of a court-ordered placement other than a technical violation.

The Court orders the following sentence: *(choose all that apply)*

The court finds the juvenile poses a significant risk of harm to another or damage to property. The juvenile is committed to detention for a period of _____ *(maximum of 30 days – to be reviewed as required by K.S.A. 38-2361(g)(4))*

- *(Detention may NOT be ordered if the juvenile only committed technical violations of the conditions of probation or court-ordered placement.)*

The sentence as indicated on the attached sentencing order, Form 350.

Other: _____

(The Initial Order Removing Juvenile from Custody of Parent and Authorizing Out of Home Placement, Form 309, must be entered if this is the first order removing the juvenile from the home in the present case.)

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
Name _____
Supreme Court # _____
Address _____
Telephone # _____
Email _____

Attorney for Juvenile
Name _____
Supreme Court # _____
Address _____
Telephone # _____
Email _____

Authority

K.S.A. 38-2368 and 38-2392.

Notes on Use

The court must find that the juvenile offender absconded from supervision or violated a condition of probation or placement by a preponderance of the evidence. K.S.A. 38-2368. The court may consider a technical violation of the conditions of probation if: (1) it is a third or subsequent technical violation; (2) prior failed responses are documented in the juvenile's case plan; and (3) the community supervision officer has determined and documented that graduated responses to the violation will not suffice. K.S.A. 38-2392. If the court finds the juvenile violated the conditions of probation the court may extend or modify the terms of probation or placement, or enter another sentence pursuant to K.S.A. 38-2361. If the court finds the juvenile committed one or two technical violations but not a third technical violation, the court may enter those findings in the blank sections at the end of the form.

If the court removes the juvenile from the home in this hearing, and if this 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, then **The Initial Order Removing Juvenile from Custody of Parent and Authorizing Out of Home Placement (Form 309) or an alternative form approved by Supreme Court Rule 174 must be completed and attached for filing.**

Comments

A juvenile is subject to the jurisdiction of the court until completion of the community based program. *In re Habeas Corpus Petition of S.J.K.*, 32 Kan.App.2d 1067, 94 P.3d 734 (2004).