

IN THE DISTRICT COURT OF \_\_\_\_\_ COUNTY, KANSAS

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**

A.  The juvenile has: *(choose all that apply)*

absconded from supervision.

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.

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

The Court orders the following sentence:

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))*

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.)*

**OR**

B.  The juvenile has violated a condition of probation and is demonstrating escalating use of physical violence, aggression, weapons, damage to property, or life-threatening substances.

The Court orders the following sentence:

The juvenile is committed to detention for a period of  24 hours (*1<sup>st</sup> violation*)  48 hours (*2<sup>nd</sup> violation*)  15 days (*3<sup>rd</sup> or subsequent violation*).

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 \_\_\_\_\_  
Fax # \_\_\_\_\_

\_\_\_\_\_  
Attorney for Juvenile  
Name \_\_\_\_\_  
Supreme Court # \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone # \_\_\_\_\_  
Email \_\_\_\_\_  
Fax # \_\_\_\_\_

## Authority

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

## Notes on Use

If the court finds a violation of probation, the court may select the appropriate findings and orders in sections A or B.

In section A, 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.

In section B, whether a violation of probation is or is not a technical violation, the court may commit the juvenile to detention due to the violation of probation and for contempt of court if the court finds that the juvenile is demonstrating escalating use of physical violence, aggression, weapons, damage to property, or life-threatening substances. K.S.A. 38-2392(b)(4).

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)**.