

## 2023 Kansas Statutes

**38-2392. Community-based graduated responses for technical violations of probation, violations of conditional release and violations of a condition of sentence.** (a) The department of corrections shall, in consultation with the supreme court, adopt rules and regulations by January 1, 2017, for a statewide system of structured community-based graduated responses for technical violations of probation, violations of conditional release and violations of a condition of sentence by juveniles. Such graduated responses shall be utilized by community supervision officers to provide a continuum of community-based responses. These responses shall include sanctions that are swift and certain to address violations based on the severity of the violation as well as incentives that encourage positive behaviors. Such responses shall take into account the juvenile's risks and needs. The court services officer or community correctional services officer shall immediately notify the court and shall submit in writing a report showing in what manner the juvenile has violated probation, conditional release or a condition of sentence.

(b) (1) Except as provided in paragraph (4), when a juvenile is placed on probation pursuant to K.S.A. 38-2361, and amendments thereto, community supervision officers shall utilize graduated responses, targeted to the juvenile's risks and needs based on the results of a risk and needs assessment to address technical violations. A technical violation shall only be considered by the court for revocation if:

- (A) It is a third or subsequent technical violation;
- (B) prior failed responses are documented in the juvenile's case plan; and
- (C) the community supervision officer has determined and documented that graduated responses to the violation will not suffice.

(2) Unless a juvenile poses a significant risk of physical harm to another or damage to property, community supervision officers shall issue a summons rather than request a warrant on a third or subsequent technical violation subject to review by the court.

(3) Absconding from supervision shall not be considered a technical violation of probation and, after reasonable efforts to locate a juvenile that has absconded are unsuccessful, the court may issue a warrant for the juvenile pursuant to K.S.A. 38-2342, and amendments thereto.

(4) When a juvenile is placed on probation pursuant to K.S.A. 38-2361, and amendments thereto, a judge may commit such juvenile to detention for a violation of probation and for contempt of court if the judge makes a finding that the juvenile is demonstrating escalating use of physical violence, aggression, weapons, damage to property or life-threatening substances. A juvenile may be committed to detention for a period not to exceed:

- (A) 24 hours for a first violation;
- (B) 48 hours for a second violation; and
- (C) 15 days for a third or subsequent violation.

(c) When a juvenile is placed on probation pursuant to K.S.A. 38-2361, and amendments thereto, the community supervision officer responsible for oversight of the juvenile shall develop a case plan in consultation with the juvenile and the juvenile's family. The department for children and families and local board of education may participate in the development of the case plan when appropriate.

(1) Such case plan shall incorporate the results of the risk and needs assessment, referrals to programs, documentation on violations and graduated responses and shall clearly define the role of each person or agency working with the juvenile.

(2) If the juvenile is later committed to the custody of the secretary, the case plan shall be shared with the juvenile correctional facility.

(d) This section shall be a part of and supplemental to the revised Kansas juvenile justice code.

**History:** L. 2016, ch. 46, § 2; L. 2017, ch. 90, § 11; L. 2023, ch. 96, § 11; July 1.