

IN THE DISTRICT COURT OF _____ COUNTY, KANSAS

IN THE MATTER OF

Name _____, Juvenile
Year of Birth _____ A male female

Case No. _____

REQUEST FOR WARRANT AND DETENTION

Pursuant to K.S.A. 38-2342 only

Comes now the State of Kansas, by the County/District Attorney or designee and requests that the Court issue a warrant and order the detention of the juvenile named above. In support thereof the prosecution informs the Court that the juvenile did:

commit an offense, to wit: _____

OR

escape from a facility, as follows: _____

The prosecution requests that the Court issue an Order Authorizing Removal of the juvenile, and a Warrant, and further that the matter be set for detention hearing.

County/District Attorney or designee
Name
Supreme Court Number
Address
Telephone Number
[Fax Number]
[E-mail Address]

Authority

K.S.A. 38-2342.

Notes on Use

K.S.A. 38-2342 authorizes the court to issue a warrant upon a finding that there is probable cause to believe that (a) an offense was committed by the juvenile; (b) the juvenile violated probation, conditional release, or conditions of release or placement for a third or subsequent time and the juvenile poses a significant risk of physical harm to another or damage to property; (c) the juvenile has escaped from a facility; or (d) the juvenile has absconded from supervision. **This form provides the court the basis for the issuance of the warrant when a new offense has been committed or the juvenile has escaped from a facility.** If a juvenile has (1) violated probation, conditional release, or conditions of a court-ordered placement for a third or subsequent time, and poses a significant risk of physical harm to another or damage to property; or (2) absconded from supervision, the officer authorized to supervise the juvenile may request the court issue a warrant using Form 378 (Post-Adjudication Request for Warrant and Detention). K.S.A. 38-2330(c).

K.S.A. 38-2332 prohibits detaining or placing any juvenile in any jail, except for the purpose of identifying and processing the juvenile and transferring the juvenile to a juvenile detention facility, and then only for a minimum period not to exceed six hours and only with sight and sound separation from adult prisoners. This prohibition does not apply to any juvenile against whom a motion requesting prosecution as an adult has been filed and who has received a detention hearing; to any juvenile whose prosecution as an adult or classification as an extended jurisdiction juvenile has been authorized; to any juvenile who has been convicted previously as an adult; or to any person 18 years of age or more.

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.