

IN THE DISTRICT COURT OF _____ COUNTY, KANSAS

IN THE MATTER OF

Name _____, Juvenile
Year of Birth _____ A male female

Case No. _____

WARRANT

Pursuant to K.S.A. 38-2330, 38-2336 and 38-2342; L. 2017, ch. 90, § 1

TO: THE SHERIFF OF _____ COUNTY,
OR ANY LAW ENFORCEMENT AGENTS OF THE STATE OF KANSAS

Whereas an Order Authorizing Removal (*Form 309*) of the juvenile named above has been issued and there is probable cause to believe that the juvenile named above did:

commit an offense, to wit: _____

OR

violate the conditions of the juvenile’s conditional release or probation for the third or subsequent time and the juvenile poses a significant risk of physical harm to another or damage to property, to wit:

OR

abscond from supervision, to wit:

OR

escape from a facility, as follows:

Therefore, you are hereby ordered to arrest said juvenile and bring the juvenile before the named court, forthwith, to answer said allegation(s) and you are further ordered to make due return of this Warrant. Pending appearance no juvenile shall be detained in jail, except as permitted by

K.S.A. 38-2332.

IT IS SO ORDERED, THIS _____ day of _____, _____.

Judge of the District Court

(When this Warrant is returned for filing, some of the following information must not be visible to the public, pursuant to Supreme Court Rule 123)

Bond: _____
Year of Birth _____ DLN _____ SSN _____ Height _____ Weight _____
Sex M or F Race _____ Hair _____ Eyes _____
Other Description: _____
LKA _____

RETURN OF SERVICE

STATE OF KANSAS)
) ss:
COUNTY OF _____)

I received this Warrant on the _____ day of _____, _____, and I did execute the same by arresting the juvenile named above at _____ a.m. p.m. on _____. I declare under penalty of perjury that this return of service is true and correct.

Law Enforcement Officer Name/Title

Authority

K.S.A. 38-2330, 38-2336 and 38-2342.
L. 2017, ch. 90, § 1

Notes on Use

K.S.A. 38-2342 provides for the issuance of 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 for the 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 absconded from supervision. A court services officer, juvenile community corrections officer, or other person authorized to supervise juveniles may request a warrant if the juvenile absconded from supervision; or if the juvenile violated the conditions of the juvenile's conditional release or probation for the third or subsequent time and the juvenile poses a significant risk of physical harm to another or damage to property. K.S.A. 38-2330(c). Absconding from supervision shall not be considered a technical violation of probation. K.S.A. 38-2392(b).

When a warrant is issued, and it is the first order of removal in the case, an **Order Authorizing Removal (Form 309)**, or another ASFA form approved by the Supreme Court, is required by L. 2017, ch. 90, § 1, and Supreme Court Rule 174. Upon taking the juvenile into custody, detention shall not exceed 48 hours, excluding Saturdays, Sundays and legal holidays, unless the court conducts a detention hearing and determines that further detention is necessary. K.S.A. 38-2343. If the court is not open for the regular conduct of business when the juvenile is taken into custody, the juvenile shall be brought without unnecessary delay to the custody of the juvenile's parent or other custodian, unless there are reasonable grounds to believe that such action would not be in the best interest of the child or would pose a risk to public safety or property. K.S.A. 38-2342 and 38-2330(d)(1).

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.