

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

IN THE MATTER OF

Name \_\_\_\_\_, Juvenile  
Year of Birth \_\_\_\_\_ A  male  female

Case No. \_\_\_\_\_

**MOTION TO MODIFY SENTENCE**

Pursuant to K.S.A. 38-2367

Comes now \_\_\_\_\_ (*Name and Title*) and requests that the Court modify the sentence imposed. In support thereof movant informs the Court:

Movant requests that the Court set the matter for hearing.

\_\_\_\_\_  
Movant  
Name  
[Supreme Court Number]  
Address  
Telephone Number  
[Fax Number]  
[E-mail Address]

## Authority

K.S.A. 38-2367.

## Notes on Use

The statute provides for modification of an order of custody or placement issued as part of the sentence after a hearing on a motion for modification, which may be filed by the secretary of corrections, a parent or any party, or may be by the court's own motion. K.S.A. 38-2367(a). The court is required to give notice to the movant, the parties, and to the current custodian and placement of the juvenile offender. K.S.A. 38-2367(a). An order of commitment to a juvenile correctional facility may be modified any time within 60 days of the order of commitment, except upon the motion of the secretary of corrections. Upon the motion of the secretary of corrections, the court may modify an order of commitment to a juvenile correctional facility at any time. K.S.A. 38-2367(e) and (f).

## Comments

Within 60 days after commitment, the sentencing court can enter any other appropriate sentence, including one below statutory minimum. *In re T.A.L.*, 28 Kan.App.2d 396, 15 P.3d 850 (2000).

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).