

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

IN THE MATTER OF

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

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

**POST-ADJUDICATION REQUEST FOR WARRANT AND DETENTION**

Pursuant to K.S.A. 38-2330 and 38-2342

Comes now \_\_\_\_\_ (Name and title) and requests that the Court issue a warrant and order the detention of the juvenile named above. In support thereof the movant informs the Court that the juvenile did:

**commit a third or subsequent technical violation of probation, conditional release, or court-ordered placement, and the juvenile poses a significant risk of physical harm to another or damage to property, to wit:** \_\_\_\_\_

**OR**

**abscond from supervision,** \_\_\_\_\_

The movant 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. 38-2330, 38-2342, and 38-2392.

## Notes on Use

K.S.A. 38-2330(c) allows the court services officer, juvenile community corrections officer, or other person authorized to supervise the juvenile to request the court to order a warrant and order of detainment because the juvenile has (1) violated the condition of the juvenile's conditional release from detention or probation for the third or subsequent time, and the juvenile poses a significant risk of physical harm to another or damage to property; or (2) absconded from supervision. Absconding from supervision shall not be considered a technical violation of probation. K.S.A. 38-2392(b). K.S.A. 38-2342 provides for the issuance of a warrant upon a finding that there is probable cause to believe that the juvenile has (1) 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; or (2) absconded from supervision.

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.