

SENATE BILL No. 562

By Committee on Judiciary

2-11

AN ACT concerning the Kansas juvenile justice code; relating to modification of sentence; amending K.S.A. 38-1665 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 38-1665 is hereby amended to read as follows: 38-1665. (a) When a juvenile offender has been placed in a youth residential facility or in the custody of a person other than a parent, the court may cause the juvenile offender to be brought before it, together with the person or persons in whose custody the juvenile offender may be. If it appears that a continuance of the custody or placement is not in the best interests of the juvenile offender, the court may rescind and set aside the order giving custody and make a further order for the custody of the juvenile offender as is appropriate, except that a child support order which has been registered under K.S.A. 38-16,119 and amendments thereto may only be modified pursuant to K.S.A. 38-16,119 and amendments thereto.

(b) At any time after the entry of an order awarding custody of a juvenile offender to a person other than a parent, the court on its own motion, or the commissioner, the attorney for the juvenile offender or any party or parent may file a motion with the court for a rehearing on the issue of custody. Upon receipt of the motion, the court shall fix a time and place for hearing and shall notify each party of the time and place. After the hearing, the court may enter any sentence, except that a child support order which has been registered under K.S.A. 38-16,119 and amendments thereto may only be modified pursuant to K.S.A. 38-16,119 and amendments thereto. If the court determines that it is in the best interests of the juvenile offender to be returned to the custody of the parent or parents, the court shall so order.

(c) Any time within 60 days after a court has committed a juvenile offender to a juvenile correctional facility the court may modify the sentence and enter any other sentence, except that a child support order which has been registered under K.S.A. 38-16,119 and amendments thereto may only be modified pursuant to K.S.A. 38-16,119 and amendments thereto. *Such modification of sentence of the juvenile offender may*

1 *be based on the medical condition of the juvenile offender.*

2 Sec. 2. K.S.A. 38-1665 is hereby repealed.

3 Sec. 3. This act shall take effect and be in force from and after its
4 publication in the statute book.

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