

2023 Kansas Statutes

38-2331. Criteria for detention of juvenile in detention facility. (a) The court shall not enter an order removing a juvenile from the custody of a parent pursuant to this section unless the court first finds that a detention risk assessment conducted pursuant to K.S.A. 75-7023(d), and amendments thereto, has assessed the juvenile as detention-eligible or there are grounds to override the results of a detention risk assessment tool and the court finds probable cause that:

(1) Community-based alternatives to detention are insufficient to:

(A) Secure the presence of the juvenile at the next hearing as evidenced by a demonstrable record of recent failures to appear at juvenile court proceedings and an exhaustion of detention alternatives; or

(B) protect the physical safety of another person or property from serious threat if the juvenile is not detained; and

(2) The court shall state the basis for each finding in writing.

(b) Community-based alternatives to detention shall include, but not be limited to:

(1) Release on the youth's promise to appear;

(2) release to a parent, guardian or custodian upon the youth's assurance to secure such youth's appearance;

(3) release with the imposition of reasonable restrictions on activities, associations, movements and residence specifically related to securing the youth's appearance at the next court hearing;

(4) release to a voluntary community supervision program;

(5) release to a mandatory, court-ordered community supervision program;

(6) release with mandatory participation in an electronic monitoring program with minimal restrictions on the youth's movement; or

(7) release with mandatory participation in an electronic monitoring program allowing the youth to leave home only to attend school, work, court hearings or other court-approved activities.

(c) No juvenile shall be placed in a juvenile detention center solely due to:

(1) A lack of supervision alternatives or service options;

(2) a parent avoiding legal responsibility;

(3) a risk of self-harm;

(4) contempt of court;

(5) a violation of a valid court order; or

(6) technical violations of conditional release unless there is probable cause that the juvenile poses a significant risk of harm to others or damage to property or the applicable graduated responses or sanctions protocol allows such placement.

(d) No person 18 years of age or more shall be placed in a juvenile detention center.

History: L. 2006, ch. 169, § 31; L. 2011, ch. 30, § 165; L. 2012, ch. 69, § 1; L. 2016, ch. 46, § 34; January 1, 2017.