

2021 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; Jan. 1, 2017.