

KANSAS

Juvenile Justice State Profile

DELINQUENCY SERVICES SUMMARY

Kansas is a decentralized state, meaning that delinquency services are mostly organized at the local level, with the state providing support for a statewide network of community-based resources and graduated sanctions. Counties typically administer secure detention. The court services divisions of District Courts administer juvenile probation services, including predisposition investigation and probation. The state Juvenile Justice Authority administers commitment programs and contracts with local providers for community-based intake assessment, treatment, and aftercare services.

TRANSFER LAWS

Kansas has the following transfer provisions

- Discretionary Waiver
- Presumptive Waiver
- Mandatory Waiver
- Statutory Exclusion
- Reverse Waiver
- Direct File
- Once an Adult, Always an Adult
- Juvenile Blended Sentencing
- Criminal Blended Sentencing

PURPOSE CLAUSE

Kansas' purpose clause is rooted in Balanced and Restorative Justice (BARJ) philosophies. The BARJ movement advocates that juvenile courts give balanced attention to three primary interests: public safety, individual accountability to the victims and community, and the development in offenders of those skills necessary to live law-abiding and productive lives.

DELINQUENCY JURISDICTION

Lower Age: 10

Upper Age: 17

Extended Age : 23

DETERMINATE VS. INTERMINATE

District Court judges commit youth for a determinate period in a juvenile correctional facility as prescribed in the Kansas sentencing matrix.

TABLE OF CONTENTS

Detention	2
Diversion	2
Victims Rights	2
Commitment to Authority	2
Risk/Needs Assessment	2
Probation	3
Release	3
Aftercare & Re-Entry.....	3
Contacts	3

DETENTION

How is detention organized?

Counties fund secure detention facilities and either administer them directly or contract with private providers. Currently, 14 facilities exist in the state, with several serving regions of the state.

Who may be detained?

K.S.A. 38-2361 outlines secure detention criteria for pre-adjudication/disposition holding.

Detention facilities are also used to safely manage adjudi-

cated delinquents who have received a JJA commitment and are awaiting placement in a juvenile correctional facility or other less restrictive community placement program. JJA reviews statewide detention utilization to expedite the movement of youth with JJA commitments from secure detention to a correctional or treatment placement.

Youth cannot be sentenced to detention in Kansas . Alternatives to secure detention are administered at the local level and range from electronic monitoring and house arrest programs to intensive day treatment.

VICTIM RIGHTS AND SERVICES

The Kansas Attorney General provides information to victims through its Crime Victims' Rights Office. The Kansas Victim Bill of Rights (K.S.A. 74-7333) does not specifically extend rights to victims of juvenile violence beyond the right to receive information concerning juvenile proceedings or hearings and the right to be present at a hearing where probation or parole is considered (K.S.A. 74-7335). However, the Kansas Juvenile Justice Code establishes certain additional rights for juvenile crime victims

DIVERSION

Diversion is labeled "immediate intervention" in Kansas. Local prosecutors or the district court have the authority for developing detailed decision-making guidelines, developing immediate intervention program options with directors of juvenile intake and assessment centers, and restricting eligibility for these programs to certain types of offenders (please see K.S.A. 38-1635 for additional detail). Immediate interventions operated at the local level in Kansas frequently include truancy programs and youth court.

RISK/NEEDS ASSESMENT

Currently, no state mandate exists to guide detention decisions with a screening tool. Where structured decision-making exists for detention, it is developed and applied at the local level.

Intake staff do administer a standard juvenile intake and assessment questionnaire and the Problem Oriented Screening Instrument for Teenagers (POSIT). They also may choose to administer the Massachusetts Youth Screening Instrument - second version (MAYSI-2).

COMMITMENT TO AUTHORITY

District Court judges commit youth to the custody of the Juvenile Justice Authority (JJA) Commissioner for a determinate period in a juvenile correctional facility as prescribed in the Kansas sentencing matrix, K.S.A. 38-2369. District Court judges may only depart from the matrix within limits imposed by statute.

District courts have a range of sentencing alternatives outlined in K.S.A. 38-1663, including the option to place a youth directly in the custody of a youth residential facility. The same rules apply for permanency reviews by the court and adherence to determinate sentence guidelines in the Kansas juvenile sentencing matrix.

PROBATION

Court Services Officers (CSOs), working in Court Services Divisions of District Courts, provide probation supervision services for delinquents and may help monitor court-ordered services for adults in a range of case types, including adult probation, children in need of care (protection), and informal supervision of adult and juvenile offenders.

The Supreme Court, Office of Judicial Administration establishes statewide juvenile probation policy and sets standards for training, including requirements for qualifications, training, and certification. However, the operation, budget, and administration of juvenile probation are the responsibilities of local District Courts, with core funding provided at the county level.

To qualify for employment, Court Services Officers must have graduated from an accredited four-year college or university and pursued major course work in corrections, counseling, criminology, psychology, social work, sociology, or closely related fields. In lieu of this requirement, the state court will accept completion of 60 semester hours from an accredited 4-year college, university, or junior college with 2 years of experience in court services work.

RELEASE AND AFTER CARE

Release

When the court recommends an out of home placement in the commitment order to the Juvenile Justice Authority (JJA), the youth may not be returned to the community without first notifying the court. Any modifications of a JJA commitment based upon program completion or positive behavior must be submitted to the court for approval. Where the court disapproves the motion, the youth's attorney may request a formal hearing on the matter. JJA petitions the District Court to release youth from legal custody.

Aftercare/Re-entry

Aftercare is called conditional release in Kansas. Conditional release is administered at the local level through the Juvenile Justice Authority's (JJA) Community Case Management network. The Community Case Management network is funded through JJA grants to local service providers that also provide community-based alternatives to juvenile corrections. The administration of aftercare varies depending on the program resources at the community level.

CONTACTS:

Don Chronister
Juvenile Justice Specialist
Juvenile Justice Authority
714 Southwest Jackson St. Ste. 300
Topeka, KS 66603
Phone: (785)-296-4213
Fax: (785) 296-1412
dchronister@jja.ks.gov

The National Center for Juvenile Justice strives to make each State Profile as accurate as possible. Please bring any errors, updates, or additions to the attention of NCJJ. Persons listed as contacts are not responsible for information contained in these profiles.

Citation: National Center for Juvenile Justice. 2011. "Kansas." *State Juvenile Justice Profiles*. Pittsburgh, PA: NCJJ. Online.

Compiled By: Andrew Wachter & Nina Hyland



3700 South Water Street
Suite 200
Pittsburgh, PA 15212
Phone: (412) 227-6950
Fax: (412) 227-6955
www.ncjj.org