

As Amended by Senate Committee

{As Amended by House Committee of the Whole}

As Amended by House Committee

Session of 2025

HOUSE BILL No. 2329

By Committee on Corrections and Juvenile Justice

Requested by Representative Lewis

2-7

1 AN ACT concerning children and minors; relating to the revised Kansas
2 juvenile justice code; **increasing the cumulative detention limit for**
3 **juvenile offenders and criminal penalties for juvenile offenders**
4 **who use a firearm in the commission of an offense or who are**
5 **repeat offenders**; providing for increased placement of juvenile
6 offenders in non-foster home beds in youth residential facilities;
7 requiring the secretary of corrections to pay for the costs associated
8 with such placements; *authorizing the secretary of corrections to*
9 *enter into a memorandum of understanding to provide funding from*
10 *the evidence-based programs account to residential facilities with*
11 *behavioral health crisis intervention services for juveniles*; **requiring**
12 **the Kansas juvenile justice oversight committee to monitor the**
13 **impact and effectiveness of such placements**; authorizing the
14 secretary to make expenditures from the evidence-based programs
15 account of the state general fund moneys to contract for such beds in
16 youth residential facilities; amending K.S.A. 38-2361, 38-2365, 38-
17 2369~~and~~, 38-2399, **75-52,161 and 75-7023** and K.S.A.~~2024~~ **2025**
18 Supp. **38-2391, 65-536 and 75-52,164** and repealing the existing
19 sections.
20

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

22 Section 1. K.S.A. 38-2361 is hereby amended to read as follows: 38-
23 2361. (a) Upon adjudication as a juvenile offender pursuant to K.S.A. 38-
24 2356, and amendments thereto, modification of sentence pursuant to
25 K.S.A. 38-2367, and amendments thereto, or violation of a condition of
26 sentence pursuant to K.S.A. 38-2368, and amendments thereto, the court
27 may impose one or more of the following sentencing alternatives for a
28 fixed period pursuant to K.S.A. 38-2369 and 38-2391, and amendments
29 thereto.

30 (1) Place the juvenile on probation for a fixed period pursuant to
31 K.S.A. 38-2391, and amendments thereto, subject to terms and conditions

1 the court deems appropriate consistent with juvenile justice programs in
2 the community. Any juvenile placed on probation shall be supervised
3 according to the juvenile's risk and needs as determined by a risk and
4 needs assessment. Placement of juvenile offenders to community
5 corrections for probation supervision shall be limited to offenders
6 adjudicated for an offense that are determined to be moderate-risk, high-
7 risk or very high-risk on a risk and needs assessment using the cutoff
8 scores established by the secretary pursuant to K.S.A. 38-2360, and
9 amendments thereto.

10 (2) Order the juvenile to participate in a community based program
11 available in such judicial district subject to the terms and conditions the
12 court deems appropriate. This alternative shall not be ordered with the
13 alternative in paragraph (11). Requirements pertaining to child support
14 may apply if custody is vested with other than a parent.

15 (3) Place the juvenile in the custody of a parent or other suitable
16 person, which is not a ~~group-home~~ **youth residential facility** or other
17 facility licensed pursuant to article 5 of chapter 65 of the Kansas Statutes
18 Annotated, and amendments thereto, subject to terms and conditions
19 consistent with juvenile justice programs in the community. This
20 alternative shall not be ordered with the alternative in paragraph (10) or
21 (11). Requirements pertaining to child support may apply if custody is
22 vested with other than a parent.

23 (4) Order the juvenile to attend counseling, educational, mediation or
24 other sessions, or to undergo a drug evaluation pursuant to subsection (b).

25 (5) Suspend or restrict the juvenile's driver's license or privilege to
26 operate a motor vehicle on the streets and highways of this state pursuant
27 to subsection (c).

28 (6) Order the juvenile to perform charitable or community service
29 work.

30 (7) Order the juvenile to make appropriate reparation or restitution
31 pursuant to subsection (d).

32 (8) Order the juvenile to pay a fine not exceeding \$1,000 pursuant to
33 subsection (e).

34 (9) Place the juvenile under a house arrest program administered by
35 the court pursuant to K.S.A. 21-6609, and amendments thereto.

36 (10) Place the juvenile in the custody of the secretary of corrections
37 as provided in K.S.A. 38-2365, and amendments thereto, *and order the*
38 *secretary to place the juvenile in a youth residential facility*. This
39 alternative shall not be ordered with the alternative in paragraph (3) or
40 (12). Except for mandatory drug and alcohol evaluation, when this
41 alternative is ordered with alternatives in paragraphs (2), (4) and (9), such
42 orders shall constitute a recommendation by the court. Requirements
43 pertaining to child support shall apply under this alternative. ~~The~~

1 ~~provisions of this paragraph shall expire on January 1, 2018.~~

2 (11) Upon a violation of a condition of sentence, other than a
3 technical violation pursuant to K.S.A. 38-2368, and amendments thereto,
4 commit the juvenile to detention for a period no longer than 30 days
5 subject to the provisions of subsection (g).

6 (12) If the judge finds and enters into the written record that the
7 juvenile poses a significant risk of harm to another or damage to property,
8 and the juvenile is otherwise eligible for commitment pursuant to K.S.A.
9 38-2369, and amendments thereto, commit the juvenile directly to the
10 custody of the secretary of corrections for placement in a juvenile
11 correctional facility or a youth residential facility. Placement in a youth
12 residential facility shall only be permitted as authorized in K.S.A. 38-
13 2369(e), and amendments thereto. If the court elects, a period of
14 conditional release pursuant to K.S.A. 38-2369, and amendments thereto,
15 may also be ordered. The period of conditional release shall be limited to a
16 maximum of six months and shall be subject to graduated responses.
17 Twenty-one days prior to the juvenile's release from a juvenile correctional
18 facility, the secretary of corrections or designee shall notify the court of the
19 juvenile's anticipated release date. This alternative may be ordered with the
20 alternative in paragraph (7). Requirements pertaining to child support shall
21 apply under this alternative.

22 (13) Upon a finding by the trier of fact during adjudication that a
23 firearm was **possessed or used-in during** the commission of an offense by
24 the accused which, if committed by an adult, would constitute a felony, a
25 judge may commit the juvenile directly to the custody of the secretary of
26 corrections for placement in a juvenile correctional facility or youth
27 residential facility for a minimum term of ~~six~~ **12** months and up to a
28 maximum term of ~~18~~ **24** months, regardless of the risk level of such
29 juvenile as determined by a risk and needs assessment. If the juvenile is
30 committed to the custody of the secretary, and the court elects, a period of
31 conditional release, pursuant to K.S.A. 38-2369, and amendments thereto,
32 may also be ordered. The period of conditional release shall be limited to a
33 maximum of six months and shall be subject to graduated responses.
34 Twenty-one days prior to the juvenile's release from a juvenile correctional
35 facility or youth residential facility, the secretary of corrections or the
36 secretary's designee shall notify the court of the juvenile's anticipated
37 release date.

38 (b) If the court orders the juvenile to attend counseling, educational,
39 mediation or other sessions, or to undergo a drug and alcohol evaluation
40 pursuant to subsection (a)(4), the following provisions apply:

41 (1) The court may order the juvenile offender to participate in
42 counseling or mediation sessions or a program of education, including
43 placement in an alternative educational program approved by a local

1 school board. The costs of any counseling or mediation may be assessed as
2 expenses in the case. No mental health center shall charge a fee for court-
3 ordered counseling greater than what the center would have charged the
4 person receiving the counseling if the person had requested counseling on
5 the person's own initiative. No mediator shall charge a fee for court-
6 ordered mediation greater than what the mediator would have charged the
7 person participating in the mediation if the person had requested mediation
8 on the person's own initiative. Mediation may include the victim but shall
9 not be mandatory for the victim; and

10 (2) if the juvenile has been adjudicated to be a juvenile by reason of a
11 violation of a statute that makes such a requirement, the court shall order
12 and, if adjudicated for any other offense, the court may order the juvenile
13 to submit to and complete a drug and alcohol evaluation by a community-
14 based drug and alcohol safety action program certified pursuant to K.S.A.
15 8-1008, and amendments thereto, and to pay a fee not to exceed the fee
16 established by that statute for such evaluation. The court may waive the
17 mandatory evaluation if the court finds that the juvenile completed a drug
18 and alcohol evaluation, approved by the community-based alcohol and
19 drug safety action program, within 12 months before sentencing. If the
20 evaluation occurred more than 12 months before sentencing, the court
21 shall order the juvenile to resubmit to and complete the evaluation and
22 program as provided herein. If the court finds that the juvenile and those
23 legally liable for the juvenile's support are indigent, the court may waive
24 the fee. In no event shall the fee be assessed against the secretary of
25 corrections or the department of corrections nor shall the fee be assessed
26 against the secretary of the department for children and families or the
27 Kansas department for children and families if the juvenile is in the
28 secretary's care, custody and control.

29 (c) If the court orders suspension or restriction of a juvenile offender's
30 driver's license or privilege to operate a motor vehicle on the streets and
31 highways of this state pursuant to subsection (a)(5), the following
32 provisions apply:

33 (1) The duration of the suspension ordered by the court shall be for a
34 definite time period to be determined by the court. Upon suspension of a
35 license pursuant to this subsection, the court shall require the juvenile
36 offender to surrender the license to the court. The court shall transmit the
37 license to the division of motor vehicles of the department of revenue, to
38 be retained until the period of suspension expires. At that time, the licensee
39 may apply to the division for return of the license. If the license has
40 expired, the juvenile offender may apply for a new license, which shall be
41 issued promptly upon payment of the proper fee and satisfaction of other
42 conditions established by law for obtaining a license unless another
43 suspension or revocation of the juvenile offender's privilege to operate a

1 motor vehicle is in effect. As used in this subsection, "highway" and
2 "street" ~~have the meanings provided by~~ **mean the same as defined in**
3 K.S.A. 8-1424 and 8-1473, and amendments thereto. Any juvenile
4 offender who does not have a driver's license may have driving privileges
5 revoked. No Kansas driver's license shall be issued to a juvenile offender
6 whose driving privileges have been revoked pursuant to this section for a
7 definite time period to be determined by the court; and

8 (2) in lieu of suspending a juvenile offender's driver's license or
9 privilege to operate a motor vehicle on the highways of this state, the court
10 may enter an order which places conditions on the juvenile offender's
11 privilege of operating a motor vehicle on the streets and highways of this
12 state, a certified copy of which the juvenile offender shall be required to
13 carry any time the juvenile offender is operating a motor vehicle on the
14 streets and highways of this state. The order shall prescribe a definite time
15 period for the conditions imposed. Upon entering an order restricting a
16 juvenile offender's license, the court shall require the juvenile offender to
17 surrender such juvenile offender's license to the court. The court shall
18 transmit the license to the division of vehicles, together with a copy of the
19 order. Upon receipt thereof, the division of vehicles shall issue without
20 charge a driver's license which shall indicate on its face that conditions
21 have been imposed on the juvenile offender's privilege of operating a
22 motor vehicle and that a certified copy of the order imposing the
23 conditions is required to be carried by the juvenile offender when
24 operating a motor vehicle on the streets and highways of this state. If the
25 juvenile offender is a nonresident, the court shall cause a copy of the order
26 to be transmitted to the division and the division shall forward a copy of it
27 to the motor vehicle administrator of the juvenile offender's state of
28 issuance. The court shall furnish to any juvenile offender whose driver's
29 license has had conditions imposed on it under this section a copy of the
30 order, which shall be recognized as a valid Kansas driver's license until the
31 division issues the restricted license provided for in this subsection. Upon
32 expiration of the period of time for which conditions are imposed pursuant
33 to this subsection, the juvenile offender may apply to the division for the
34 return of the license previously surrendered by the juvenile offender. In the
35 event the license has expired, the juvenile offender may apply to the
36 division for a new license, which shall be issued immediately by the
37 division upon payment of the proper fee and satisfaction of the other
38 conditions established by law unless such juvenile offender's privilege to
39 operate a motor vehicle on the streets and highways of this state has been
40 suspended or revoked prior thereto. If any juvenile offender violates any of
41 the conditions imposed under this subsection, the juvenile offender's
42 driver's license or privilege to operate a motor vehicle on the streets and
43 highways of this state shall be revoked for a period as determined by the

1 court in which the juvenile offender is convicted of violating such
2 conditions.

3 (d) The following provisions apply to the court's determination of
4 whether to order reparation or restitution pursuant to subsection (a)(7):

5 (1) The court shall order the juvenile to make reparation or restitution
6 to the aggrieved party for the damage or loss caused by the juvenile
7 offender's offense unless it finds compelling circumstances that would
8 render a plan of reparation or restitution unworkable. If the court finds
9 compelling circumstances that would render a plan of reparation or
10 restitution unworkable, the court shall enter such findings with
11 particularity on the record. In lieu of reparation or restitution, the court
12 may order the juvenile to perform charitable or social service for
13 organizations performing services for the community; and

14 (2) restitution may include, but shall not be limited to, the amount of
15 damage or loss caused by the juvenile's offense. Restitution may be made
16 by payment of an amount fixed by the court or by working for the parties
17 sustaining loss in the manner ordered by the court. An order of monetary
18 restitution shall be a judgment against the juvenile that may be collected
19 by the court by garnishment or other execution as on judgments in civil
20 cases. Such judgment shall not be affected by the termination of the court's
21 jurisdiction over the juvenile offender.

22 (e) If the court imposes a fine pursuant to subsection (a)(8), the
23 following provisions apply:

24 (1) The amount of the fine may not exceed \$1,000 for each offense.
25 The amount of the fine should be related to the seriousness of the offense
26 and the juvenile's ability to pay. Payment of a fine may be required in a
27 lump sum or installments;

28 (2) in determining whether to impose a fine and the amount to be
29 imposed, the court shall consider that imposition of a fine is most
30 appropriate in cases where the juvenile has derived pecuniary gain from
31 the offense and that imposition of a restitution order is preferable to
32 imposition of a fine; and

33 (3) any fine imposed by *the* court shall be a judgment against the
34 juvenile that may be collected by the court by garnishment or other
35 execution as on judgments in civil cases. Such judgment shall not be
36 affected by the termination of the court's jurisdiction over the juvenile.

37 (f) Before the court sentences a juvenile offender pursuant to
38 subsection (a), the court shall administer a risk assessment tool, as
39 described in K.S.A. 38-2360, and amendments thereto, or review a risk
40 assessment tool that was administered within the past six months to the
41 juvenile and use the results of that assessment to inform orders made
42 pursuant to K.S.A. 38-2369 and 38-2391, and amendments thereto.

43 (g) If the court commits the juvenile to detention pursuant to

1 subsection (a)(11), the following provisions shall apply:

2 (1) The court shall only order commitment to detention upon
3 violation of sentencing conditions where all other alternatives have been
4 exhausted.

5 (2) In order to commit a juvenile to detention upon violation of
6 sentencing conditions, the court shall find that the juvenile poses a
7 significant risk of harm to another or damage to property, is charged with a
8 new felony offense, or violates conditional release.

9 (3) The court shall not order commitment to detention upon
10 adjudication as a juvenile offender pursuant to K.S.A. 38-2356, and
11 amendments thereto, for solely technical violations of probation, contempt,
12 a violation of a valid court order, to protect from self-harm or due to any
13 state or county failure to find adequate alternatives.

14 (4) Cumulative detention use shall be limited to a maximum of ~~45~~
15 **{90}** days over the course of a juvenile offender's case pursuant to K.S.A.
16 38-2391, and amendments thereto. The court shall review any detention
17 commitment every seven days and may shorten the initial commitment or
18 extend the commitment. In no case, however, may the term of detention or
19 any extension thereof exceed the cumulative detention limit of ~~45~~ **{90}**
20 days or the overall case length limit.

21 (5) A juvenile over 18 years of age and less than 23 years of age at
22 sentencing shall be committed to a county jail, in lieu of a juvenile
23 detention center, under the same time restrictions imposed by paragraph
24 (1), but shall not be committed to or confined in a juvenile detention
25 facility.

26 (h) Any order issued by the judge pursuant to this section shall be in
27 effect immediately upon entry into the court's minutes.

28 (i) In addition to the requirements of K.S.A. 38-2373, and
29 amendments thereto, if a person is under 18 years of age and convicted of
30 a felony or adjudicated as a juvenile offender for an offense if committed
31 by an adult would constitute the commission of a felony, the court shall
32 forward a signed copy of the journal entry to the secretary of corrections
33 within 30 days of final disposition.

34 (j) **(1)** Except as further provided, if a juvenile has been adjudged to
35 be a juvenile offender for an offense which, if committed by an adult
36 would constitute the commission of: ~~-(1) (A)~~ Aggravated human
37 trafficking, as defined in K.S.A. 21-5426(b), and amendments thereto, if
38 the victim is less than 14 years of age; ~~-(2) (B)~~ rape, as defined in K.S.A.
39 21-5503(a)(3), and amendments thereto; ~~-(3) (C)~~ aggravated indecent
40 liberties with a child, as defined in K.S.A. 21-5506(b)(3), and amendments
41 thereto; ~~-(4) (D)~~ aggravated criminal sodomy, as defined in K.S.A. 21-
42 5504(b)(1) or (b)(2), and amendments thereto; ~~-(5) (E)~~ commercial sexual
43 exploitation of a child, as defined in K.S.A. 21-6422, and amendments

1 thereto, if the victim is less than 14 years of age; ~~-(6)~~ **(F)** sexual
2 exploitation of a child, as defined in K.S.A. 21-5510(a)(1) or (a)(4), and
3 amendments thereto, if the victim is less than 14 years of age; or ~~-(7)~~ **(G)**
4 an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-
5 5301, 21-5302 or 21-5303, and amendments thereto, of an offense defined
6 in ~~paragraphs (1) through (6);~~ **subparagraphs (A) through (F).**

7 **(2)** The court shall issue an order prohibiting the juvenile from
8 attending the attendance center that the victim of the offense attends. If
9 only one attendance center exists, for which the victim and juvenile are
10 eligible to attend, in the school district where the victim and the juvenile
11 reside, the court shall hear testimony and take evidence from the victim,
12 the juvenile, their families and a representative of the school district as to
13 why the juvenile should or should not be allowed to remain at the
14 attendance center attended by the victim. After such hearing, the court may
15 issue an order prohibiting the juvenile from attending the attendance center
16 that the victim of the offense attends.

17 **(k)** The court may order a short-term alternative placement of a
18 juvenile pursuant to subsection (a)(3) in an emergency shelter, therapeutic
19 foster home or community integration program if:

20 **(1)** Such juvenile has been adjudicated to be a juvenile offender for
21 an offense which, if committed by an adult would constitute the
22 commission of:

23 **(A)** Aggravated human trafficking, as defined in K.S.A. 21-5426(b),
24 and amendments thereto, if the victim is less than 14 years of age;

25 **(B)** rape, as defined in K.S.A. 21-5503, and amendments thereto;

26 **(C)** commercial sexual exploitation of a child, as defined in K.S.A.
27 21-6422, and amendments thereto, if the victim is less than 14 years of
28 age;

29 **(D)** sexual exploitation of a child, as defined in K.S.A. 21-5510(a)(1)
30 or (a)(4), and amendments thereto, if the victim is less than 14 years of
31 age;

32 **(E)** aggravated indecent liberties with a child, as defined in K.S.A.
33 21-5506, and amendments thereto, if the victim is less than 14 years of
34 age; or

35 **(F)** an attempt, conspiracy or criminal solicitation, as defined in
36 K.S.A. 21-5301, 21-5302 or 21-5303, and amendments thereto, of an
37 offense defined in ~~paragraphs (1) through (4)~~ **subparagraphs (A) through**
38 **(E);** and

39 **(2) (A)** the victim resides in the same home as the juvenile offender;

40 **(B)** a community supervision officer in consultation with the
41 department for children and families determines that an adequate safety
42 plan, which shall include the physical and psychological well-being of the
43 victim, cannot be developed to keep the juvenile in the same home; and

1 (C) there are no relevant child in need of care issues that would
2 permit a case to be filed under the Kansas code for care of children.

3 The presumptive term of commitment shall not extend beyond the
4 overall case length limit but may be modified pursuant to K.S.A. 38-2367
5 and 38-2397, and amendments thereto. If a child is placed outside the
6 child's home at the dispositional hearing pursuant to this subsection and no
7 reintegration plan is made a part of the record of the hearing, a written
8 reintegration plan shall be prepared pursuant to K.S.A. 38-2397, and
9 amendments thereto, and submitted to the court within 15 days of the
10 initial order of the court.

11 (l) *If the court orders a short-term alternative placement of a juvenile*
12 *pursuant to subsection (k), the secretary shall be responsible for the costs*
13 *associated with all aspects of such placement. The secretary shall contract*
14 *with emergency shelters and therapeutic foster homes in order to facilitate*
15 *the placement of juvenile offenders pursuant to subsection (k).*

16 (m) The sentencing hearing shall be open to the public as provided in
17 K.S.A. 38-2353, and amendments thereto.

18 ~~(m)~~(n) The overall case length limit shall be calculated by the court
19 and entered into the written record when one or more of the sentencing
20 options under this section are imposed. The period fixed by the court
21 pursuant to subsection (a) shall not extend beyond the overall case length
22 limit.

23 Sec. 2. K.S.A. 38-2365 is hereby amended to read as follows: 38-
24 2365. (a) When a juvenile offender has been placed in the custody of the
25 secretary, the secretary shall have a reasonable time to make a placement.
26 If the juvenile offender has not been placed, any party who believes that
27 the amount of time elapsed without placement has exceeded a reasonable
28 time may file a motion for review with the court. In determining what is a
29 reasonable amount of time, matters considered by the court shall include,
30 but not be limited to, the nature of the underlying offense, efforts made for
31 placement of the juvenile offender and the availability of a suitable
32 placement. The secretary shall notify the court, the juvenile's attorney of
33 record and the juvenile's parent, in writing, of the initial placement and any
34 subsequent change of placement as soon as the placement has been
35 accomplished. The notice to the juvenile offender's parent shall be sent to
36 such parent's last known address or addresses. *Except as provided in*
37 *K.S.A. 38-2361(a)(10)*, the court shall have no power to direct a specific
38 placement by the secretary, but may make recommendations to the
39 secretary. *Except as provided in K.S.A. 38-2361(a)(10)*, the secretary may
40 place the juvenile offender in an institution operated by the secretary, a
41 youth residential facility or any other appropriate placement. If the court
42 has recommended an out-of-home placement, the secretary may not return
43 the juvenile offender to the home from which removed without first

1 notifying the court of the plan.

2 (b) If a juvenile is in the custody of the secretary, the secretary shall
3 prepare and present a permanency plan at sentencing or within 30 days
4 thereafter. If the juvenile is 14 years of age or older and the juvenile is
5 able, the secretary shall prepare the permanency plan in consultation with
6 the juvenile. If a permanency plan is already in place under a child in need
7 of care proceeding, the court may adopt the plan under the present
8 proceeding. The written permanency plan shall provide for reintegration of
9 the juvenile into such juvenile's family or, if reintegration is not a viable
10 alternative, for other permanent placement of the juvenile. Reintegration
11 may not be a viable alternative when: (1) The parent has been found by a
12 court to have committed murder in the first degree, K.S.A. 21-3401, prior
13 to its repeal, or K.S.A. 21-5402, and amendments thereto, murder in the
14 second degree, K.S.A. 21-3402, prior to its repeal, or K.S.A. 21-5403, and
15 amendments thereto, capital murder, K.S.A. 21-3439, prior to its repeal, or
16 K.S.A. 21-5401, and amendments thereto, voluntary manslaughter, K.S.A.
17 21-3403, prior to its repeal, or K.S.A. 21-5404, and amendments thereto,
18 of a child or violated a law of another state which prohibits such murder or
19 manslaughter of a child;

20 (2) the parent aided or abetted, attempted, conspired or solicited to
21 commit such murder or voluntary manslaughter of a child;

22 (3) the parent committed a felony battery that resulted in bodily
23 injury to the juvenile who is the subject of this proceeding or another
24 child;

25 (4) the parent has subjected the juvenile who is the subject of this
26 proceeding or another child to aggravated circumstances as defined in
27 K.S.A. 38-1502, and amendments thereto;

28 (5) the parental rights of the parent to another child have been
29 terminated involuntarily; or

30 (6) the juvenile has been in extended out-of-home placement as
31 defined in K.S.A. 38-2202, and amendments thereto.

32 (c) If the juvenile is placed in the custody of the secretary, the plan
33 shall be prepared and submitted by the secretary. If the juvenile is placed
34 in the custody of a facility or person other than the secretary, the plan shall
35 be prepared and submitted by a court services officer. If the permanency
36 goal is reintegration into the family, the permanency plan shall include
37 measurable objectives and time schedules for reintegration.

38 (d) During the time a juvenile remains in the custody of the secretary,
39 the secretary shall submit to the court, at least every six months, a written
40 report of the progress being made toward the goals of the permanency plan
41 submitted pursuant to subsections (b) and (c) and the specific actions taken
42 to achieve the goals of the permanency plan. If the juvenile is placed in
43 foster care, the court may request the foster parent to submit to the court,

1 at least every six months, a report in regard to the juvenile's adjustment,
2 progress and condition. Such report shall be made a part of the juvenile's
3 court social file. The court shall review the plan submitted by the secretary
4 and the report, if any, submitted by the foster parent and determine
5 whether reasonable efforts and progress have been made to achieve the
6 goals of the permanency plan. If the court determines that progress is
7 inadequate or that the permanency plan is no longer viable, the court shall
8 hold a hearing pursuant to subsection (e).

9 (e) When the secretary has custody of the juvenile, a permanency
10 hearing shall be held no more than 12 months after the juvenile is first
11 placed outside such juvenile's home and at least every 12 months
12 thereafter. Juvenile offenders who have been in extended out-of-home
13 placement shall be provided a permanency hearing within 30 days of a
14 request from the secretary. The court may appoint a guardian ad litem to
15 represent the juvenile offender at the permanency hearing. At the
16 permanency hearing, the court shall determine whether and, if applicable,
17 when the juvenile will be:

- 18 (1) Reintegrated with the juvenile's parents;
19 (2) placed for adoption;
20 (3) placed with a permanent custodian; or
21 (4) if the juvenile is 16 years of age or older and the secretary has
22 documented compelling reasons why it would not be in the juvenile's best
23 interests for a placement in one of the placements pursuant to paragraphs
24 (1), (2) or (3), placed in another planned permanent arrangement.

25 (f) At each permanency hearing, the court shall:

26 (1) Make a written finding as to whether reasonable efforts have been
27 made to accomplish the permanency goal and whether continued out-of-
28 home placement is necessary for the juvenile's safety;

29 (2) make a written finding as to whether the reasonable and prudent
30 parenting standard has been met and whether the juvenile has regular,
31 ongoing opportunities to engage in age or developmentally appropriate
32 activities. The secretary shall report to the court the steps the secretary is
33 taking to ensure that the reasonable and prudent parenting standard is
34 being met and that the juvenile has regular, ongoing opportunities to
35 engage in age or developmentally appropriate activities, including
36 consultation with the juvenile in an age-appropriate manner about the
37 opportunities of the juvenile to participate in the activities; and

38 (3) if the juvenile is 14 years of age or older, document the efforts
39 made by the secretary to help the juvenile prepare for the transition from
40 custody to a successful adulthood. The secretary shall report to the court
41 the programs and services that are being provided to the juvenile which
42 will help the juvenile prepare for the transition from custody to a
43 successful adulthood.

1 (g) The requirements of this subsection shall apply only if the
2 permanency goal in place at the time of the hearing is another planned
3 permanent arrangement as described in subsection (e)(4). At each
4 permanency hearing held with respect to the juvenile, in addition to the
5 requirements of subsection (f), the court shall:

6 (1) Ask the juvenile, if the juvenile is able, by attendance at the
7 hearing or by report to the court, about the desired permanency outcome
8 for the juvenile;

9 (2) document the intensive, ongoing and, as of the date of the hearing,
10 unsuccessful permanency efforts made by the secretary to return the
11 juvenile home or secure a placement for the juvenile with a fit and willing
12 relative, a legal guardian or an adoptive parent. The secretary shall report
13 to the court the intensive, ongoing and, as of the date of the hearing,
14 unsuccessful efforts made by the secretary to return the juvenile home or
15 secure a placement for the juvenile with a fit and willing relative, a legal
16 guardian or an adoptive parent, including efforts that utilize search
17 technology, including social media, to find biological family members of
18 the children; and

19 (3) make a judicial determination explaining why, as of the date of
20 the hearing, another planned permanent living arrangement is the best
21 permanency plan for the juvenile and provide compelling reasons why it
22 continues to not be in the best interests of the juvenile to return home, be
23 placed for adoption, be placed with a legal guardian or be placed with a fit
24 and willing relative.

25 (h) Whenever a hearing is required under subsection (e), the court
26 shall notify all interested parties of the hearing date, the secretary, foster
27 parent and preadoptive parent or relatives providing care for the juvenile
28 and hold a hearing. If the juvenile is 14 years of age or older, the court
29 shall require notice of the time and place of the permanency hearing be
30 given to the juvenile. Such notice shall request the juvenile's participation
31 in the hearing by attendance or by report to the court. Individuals receiving
32 notice pursuant to this subsection shall not be made a party to the action
33 solely on the basis of this notice and opportunity to be heard. After
34 providing the persons receiving notice an opportunity to be heard, the
35 court shall determine whether the juvenile's needs are being adequately
36 met; whether services set out in the permanency plan necessary for the
37 safe return of the juvenile have been made available to the parent with
38 whom reintegration is planned; and whether reasonable efforts and
39 progress have been made to achieve the goals of the permanency plan.

40 (i) If the court finds reintegration continues to be a viable alternative,
41 the court shall determine whether and, if applicable, when the juvenile will
42 be returned to the parent. The court may rescind any of its prior
43 dispositional orders and enter any dispositional order authorized by this

1 code or may order that a new plan for the reintegration be prepared and
2 submitted to the court. If reintegration cannot be accomplished as
3 approved by the court, the court shall be informed and shall schedule a
4 hearing pursuant to subsection (j). No such hearing is required when the
5 parent voluntarily relinquishes parental rights or agrees to appointment of
6 a permanent guardian.

7 (j) When the court finds any of the following conditions exist, the
8 county or district attorney or the county or district attorney's designee shall
9 file a petition alleging the juvenile to be a child in need of care and
10 requesting termination of parental rights pursuant to the Kansas code for
11 care of children:

12 (1)- The court determines that reintegration is not a viable alternative
13 and either adoption or permanent guardianship might be in the best
14 interests of the juvenile;

15 (2) the goal of the permanency plan is reintegration into the family
16 and the court determines after 12 months from the time such plan is first
17 submitted that progress is inadequate; or

18 (3) the juvenile has been in out-of-home placement for a cumulative
19 total of 15 of the last 22 months, excluding trial home visits and juvenile in
20 runaway status.

21 Nothing in this subsection shall be interpreted to prohibit termination of
22 parental rights prior to the expiration of 12 months.

23 (k) A petition to terminate parental rights is not required to be filed if
24 one of the following exceptions is documented to exist:

25 (1)- The juvenile is in a stable placement with relatives;

26 (2) services set out in the case plan necessary for the safe return of
27 the juvenile have not been made available to the parent with whom
28 reintegration is planned; or

29 (3) there are one or more documented reasons why such filing would
30 not be in the best interests of the juvenile. Documented reasons may
31 include, but are not limited to: The juvenile has close emotional bonds
32 with a parent which should not be broken; the juvenile is 14 years of age
33 or older and, after advice and counsel, refuses to be adopted; insufficient
34 grounds exist for termination of parental rights; the juvenile is an
35 unaccompanied refugee minor; or there are international legal or
36 compelling foreign policy reasons precluding termination of parental
37 rights.

38 Sec. 3. K.S.A. 38-2369 is hereby amended to read as follows: 38-
39 2369. (a) Except as provided in subsection (e) and K.S.A. 38-2361(a)(13),
40 **and amendments thereto**, for the purpose of committing juvenile
41 offenders to a juvenile correctional facility, upon a finding by the judge
42 entered into the written order that the juvenile poses a significant risk of
43 harm to another or damage to property, the following placements shall be

1 applied by the judge in the cases specified in this subsection. If used, the
2 court shall establish a specific term of commitment as specified in this
3 subsection. The term of commitment established by the court shall not
4 exceed the overall case length limit. Before a juvenile offender is
5 committed to a juvenile correctional facility pursuant to this section, the
6 court shall administer a risk assessment tool, as described in K.S.A. 38-
7 2360, and amendments thereto, or review a risk assessment tool that was
8 administered within the past six months to the juvenile.

9 (1) *Violent Offenders.* (A) The violent offender I is defined as an
10 offender adjudicated as a juvenile offender for an offense which, if
11 committed by an adult, would constitute an off-grid felony. Offenders in
12 this category may be committed to a juvenile correctional facility for a
13 minimum term of 60 months and up to a maximum term of the offender
14 reaching the age of 22 years, six months. The aftercare term for this
15 offender is set at a minimum term of six months and up to a maximum
16 term of the offender reaching the age of 23 years.

17 (B) The violent offender II is defined as an offender adjudicated as a
18 juvenile offender for an offense which, if committed by an adult, would
19 constitute a nondrug severity level 1, 2 or 3 felony. Offenders in this
20 category may be committed to a juvenile correctional facility for a
21 minimum term of 24 months and up to a maximum term of the offender
22 reaching the age of 22 years, six months. The aftercare term for this
23 offender is set at a minimum term of six months and up to a maximum
24 term of the offender reaching the age of 23 years.

25 (2) *Serious Offenders.* (A) The serious offender I is defined as an
26 offender adjudicated as a juvenile offender for an offense which, if
27 committed by an adult, would constitute a nondrug severity level 4, person
28 felony.

29 Offenders in this category may be committed to a juvenile correctional
30 facility for a minimum term of 18 months and up to a maximum term of 36
31 months. The aftercare term for this offender is set at a minimum term of
32 six months and up to a maximum term of 24 months.

33 (B) The serious offender II is defined as an offender adjudicated as a
34 juvenile offender for an offense:

35 (i) Committed prior to July 1, 2012, which, if committed by an adult
36 prior to July 1, 2012, would constitute a drug severity level 1 or 2 felony;
37 or

38 (ii) committed on or after July 1, 2012, which, if committed by an
39 adult on or after July 1, 2012, would constitute a drug severity level 1, 2 or
40 3 felony or a nondrug severity level 5 or 6 person felony.

41 Offenders in this category may be committed to a juvenile correctional
42 facility for a minimum term of nine months and up to a maximum term of
43 18 months.

1 (C) The serious offender III is defined as an offender adjudicated as a
2 juvenile offender for an offense which, if committed by an adult, would
3 constitute a nondrug severity level 7, 8, 9 or 10 person felony with one
4 prior felony adjudication. Offenders in this category may only be
5 committed to a juvenile correctional facility if such offenders are assessed
6 as high-risk on a risk and needs assessment. Offenders in this category
7 may be committed to a juvenile correctional facility for a minimum term
8 of six months and up to a maximum term of 12 months.

9 (3) *Chronic Offenders.* (A) The chronic offender I, chronic felon is
10 defined as an offender adjudicated as a juvenile offender for an offense:

11 (i) Which, if committed by an adult, would constitute one present
12 nonperson felony adjudication and two prior felony adjudications;

13 (ii) committed prior to July 1, 2012, which, if committed by an adult
14 prior to July 1, 2012, would constitute one present drug severity level 3
15 felony adjudication and two prior felony adjudications;~~or~~

16 (iii) committed on or after July 1, 2012, which, if committed by an
17 adult on or after July 1, 2012, would constitute one present drug severity
18 level 4 felony adjudication and two prior felony adjudications; **or**

19 (iv) ***committed while such offender was awaiting adjudication for a***
20 ***prior felony offense or on probation or conditional release for a prior***
21 ***felony adjudication.***

22 Offenders in this category may only be committed to a juvenile
23 correctional facility if such offenders are assessed as **moderate-risk or**
24 **high-risk offenders** on a risk and needs assessment. Offenders in this
25 category may be committed to a juvenile correctional facility for a
26 minimum term of six months and up to a maximum term of 12 months.

27 (b) *Conditional Release.* If the court elects, a period of conditional
28 release may also be ordered pursuant to K.S.A. 38-2361, and amendments
29 thereto. The period of conditional release shall be limited to a maximum of
30 six months and shall be subject to graduated responses. The presumption
31 upon release shall be a return to the juvenile's home, unless the case plan
32 developed pursuant to K.S.A. 38-2373, and amendments thereto,
33 recommends a different reentry plan.

34 (1) Upon finding the juvenile violated a requirement or requirements
35 of conditional release, the court may enter one or more of the following
36 orders:

37 (A) Recommend additional conditions be added to those of the
38 existing conditional release.

39 (B) Order the offender to serve a period of detention pursuant to
40 K.S.A. 38-2361(g), and amendments thereto.

41 (C) Revoke or restrict the juvenile's driving privileges as described in
42 K.S.A. 38-2361(c), and amendments thereto.

43 (2) Discharge the offender from the custody of the secretary of

1 corrections, release the secretary of corrections from further
2 responsibilities in the case and enter any other appropriate orders.

3 (c) As used in this section "adjudication" includes out-of-state
4 juvenile adjudications. An out-of-state offense, which if committed by an
5 adult would constitute the commission of a felony or misdemeanor, shall
6 be classified as either a felony or a misdemeanor according to the
7 adjudicating jurisdiction. If an offense which if committed by an adult
8 would constitute the commission of a felony is a felony in another state, it
9 will be deemed a felony in Kansas. The state of Kansas shall classify the
10 offense, which if committed by an adult would constitute the commission
11 of a felony or misdemeanor, as person or nonperson. In designating such
12 offense as person or nonperson, reference to comparable offenses shall be
13 made. If the state of Kansas does not have a comparable offense, the out-
14 of-state adjudication shall be classified as a nonperson offense.

15 (d) The secretary of corrections shall work with the community to
16 provide on-going support and incentives for the development of additional
17 evidence-based community practices and programs to ensure that the
18 juvenile correctional facility is not frequently utilized.

19 (e) There shall be a rebuttable presumption that all offenders in the
20 chronic offender category and offenders at least 10 years of age but less
21 than 14 years of age in the serious offender II or III category, shall be
22 placed in the custody of the secretary for placement in a youth residential
23 facility in lieu of placement in the juvenile correctional facility. *The*
24 *secretary shall ensure timely placement of such offender in a youth*
25 *residential facility and shall be responsible for the costs associated with*
26 *all aspects of such placement in accordance with K.S.A. 38-2399, and*
27 *amendments thereto.* This presumption may be rebutted by a finding on the
28 record that the juvenile offender poses a significant risk of physical harm
29 to another.

30 **Sec. 4. K.S.A. ~~2024~~ 2025 Supp. 38-2391 is hereby amended to read**
31 **as follows: 38-2391. (a) Upon adjudication as a juvenile offender**
32 **pursuant to K.S.A. 38-2356, and amendments thereto, modification of**
33 **sentence pursuant to K.S.A. 38-2367, and amendments thereto, or**
34 **violation of a condition of sentence pursuant to K.S.A. 38-2368, and**
35 **amendments thereto, the court may impose one or more of the**
36 **sentencing alternatives under K.S.A. 38-2361, and amendments**
37 **thereto, for a period of time pursuant to this section and K.S.A. 38-**
38 **2369, and amendments thereto. The period of time ordered by the**
39 **court shall not exceed the overall case length limit.**

40 (b) Except as provided in subsection (c), the overall case length
41 limit shall be calculated based on the adjudicated offense and the
42 results of a risk and needs assessment, as follows:

43 (1) Offenders adjudicated for a misdemeanor may remain under

1 the jurisdiction of the court for up to 12 months;

2 (2) low-risk and moderate-risk offenders adjudicated for a felony
3 may remain under court jurisdiction for up to 15 months; and

4 (3) high-risk offenders adjudicated for a felony may remain
5 under court jurisdiction for up to 18 months.

6 (c) There shall be no overall case length limit for a juvenile
7 adjudicated for a felony which, if committed by an adult, would
8 constitute an off-grid felony or a nondrug severity level 1 through 4
9 person felony.

10 (d) When a juvenile is adjudicated for multiple counts, the
11 maximum overall case length shall be calculated based on the most
12 severe adjudicated count or any other adjudicated count at the court's
13 discretion. The court shall not run multiple adjudicated counts
14 consecutively.

15 (e) When the juvenile is adjudicated for multiple cases
16 simultaneously, the court shall run such cases concurrently.

17 (f) Upon expiration of the overall case length limit as defined in
18 subsection (b), the court's jurisdiction terminates and shall not be
19 extended, except as provided in subsection (g)(2).

20 (g) (1) For the purposes of placing juvenile offenders on
21 probation pursuant to K.S.A. 38-2361, and amendments thereto, the
22 court shall establish a specific term of probation as specified in this
23 subsection based on the most serious adjudicated count in
24 combination with the results of a risk and needs assessment, as
25 follows, except that the term of probation shall not exceed the overall
26 case length limit:

27 (A) Low-risk and moderate-risk offenders adjudicated for a
28 misdemeanor and low-risk offenders adjudicated for a felony may be
29 placed on probation for a term up to six months;

30 (B) high-risk offenders adjudicated for a misdemeanor and
31 moderate-risk offenders adjudicated for a felony may be placed on
32 probation for a term up to nine months; and

33 (C) high-risk offenders adjudicated for a felony may be placed on
34 probation for a term up to 12 months.

35 (2) The court may extend the term of probation if a juvenile
36 needs time to complete an evidence-based program as determined to
37 be necessary based on the results of a validated risk and needs
38 assessment and, if necessary, may extend the overall case length limit
39 to allow for completion of such program when failure to complete such
40 program is due to a repeated, intentional effort to delay by the
41 juvenile as reported by the evidence-based services provider. The
42 court may also extend the term of probation for good cause shown for
43 one month for low-risk offenders, three months for moderate-risk

1 offenders and six months for high-risk offenders. Prior to extension of
2 the initial probationary term, the court shall find and enter into the
3 written record the criteria permitting extension of probation.
4 Extensions of probation and the overall case length limit shall only be
5 granted incrementally. When the court extends the term of probation
6 for a juvenile offender, the court services officer or community
7 correctional services officer responsible for monitoring such juvenile
8 offender shall record the reason given for extending probation. Court
9 services officers shall report such records to the office of judicial
10 administration, and community correctional services officers shall
11 report such records to the department of corrections. The office of
12 judicial administration and the department of corrections shall report
13 such recorded data to the Kansas juvenile justice oversight committee
14 on a quarterly basis.

15 (3) The probation term limits do not apply to those offenders
16 adjudicated for an offense which, if committed by an adult, would
17 constitute an off-grid crime, rape as defined in K.S.A. 21-5503(a)(1),
18 and amendments thereto, aggravated criminal sodomy as defined in
19 K.S.A. 21-5504(b)(3), and amendments thereto, or murder in the
20 second degree as defined in K.S.A. 21-5403, and amendments thereto.
21 Such offenders may be placed on probation for a term consistent with
22 the overall case length limit.

23 (4) The probation term limits and overall case length limits
24 provided in this section shall be tolled during any time that the
25 offender has absconded from supervision while on probation, and the
26 time on such limits shall not start to run again until the offender is
27 located and brought back to the jurisdiction.

28 (h) For the purpose of placing juvenile offenders in detention
29 pursuant to K.S.A. 38-2361 and 38-2369, and amendments thereto, the
30 court shall establish a specific term of detention. The term of detention
31 shall not exceed the overall case length limit or the cumulative
32 detention limit. Cumulative detention use shall be limited to a
33 maximum of ~~45~~ 90 days over the course of the juvenile offender's case,
34 except that there shall be no limit on cumulative detention for juvenile
35 offenders adjudicated for a felony which, if committed by an adult,
36 would constitute an off-grid felony or a nondrug severity level 1
37 through 4 person felony.

38 (i) The provisions of this section shall apply upon disposition or
39 15 days after adjudication, whichever is sooner, unless the juvenile
40 fails to appear for such juvenile's dispositional hearing. If a juvenile
41 fails to appear at such juvenile's dispositional hearing, the probation
42 term limits and overall case length limits provided in this section shall
43 not apply until the juvenile is brought before the court for disposition

1 in such juvenile's case.

2 (j) This section shall be a part of and supplemental to the revised
3 Kansas juvenile justice code.

4 Sec. ~~4~~ 5. K.S.A. 38-2399 is hereby amended to read as follows: 38-
5 2399. (a) The secretary of corrections ~~may~~ shall contract for use of not
6 ~~more less than 50 40~~ 35 nor more than 45 non-foster home beds in youth
7 residential facilities, and not more than 15 beds in any single facility, for
8 placement of juvenile offenders pursuant to K.S.A. 38-2361~~(a)(13)~~ (a)(10)
9 and (a)(12), and amendments thereto.

10 (b) When contracting for services, the secretary shall:

11 (1) Contract with facilities that have high success rates and decrease
12 recidivism rates for juvenile offenders;

13 (2) consider contracting for bed space across the entire state to lower
14 the cost of transportation of juvenile offenders; ~~and~~

15 (3) give priority to existing facilities that are able to meet the
16 requirements of the secretary for providing residential services to juvenile
17 offenders;

18 ~~(e) This section shall take effect on and after January 1, 2018;~~

19 (4) *determine regional allocation of non-foster home beds based on*
20 *the needs of the region utilizing available data on juvenile case filings;*
21 *and*

22 (5) *be responsible for the costs associated with all aspects of*
23 *placement of juvenile offenders described in subsection (a).*

24 Sec. 6. K.S.A. 2025 Supp. 65-536 is hereby amended to read as
25 follows: 65-536. (a) *A juvenile crisis intervention center is a facility that*
26 *provides short-term observation, assessment, treatment and case*
27 *planning, and referral for any juvenile who is experiencing a behavioral*
28 *health crisis and is likely to cause harm to self or others. Such centers*
29 *shall:*

30 (1) *Address or ensure access to the broad range of services to meet*
31 *the needs of a juvenile admitted to the center, including, but not limited*
32 *to, medical, psychiatric, psychological, social, educational and substance*
33 *abuse-related services;*

34 (2) *not include construction features designed to physically restrict*
35 *the movements and activities of juveniles, but shall have a design,*
36 *structure, interior and exterior environment, and furnishings to promote*
37 *a safe, comfortable and therapeutic environment for juveniles admitted*
38 *to the center;*

39 (3) *implement written policies and procedures that include the use*
40 *of a combination of supervision, inspection and accountability to*
41 *promote safe and orderly operations; and*

42 (4) *implement written policies and procedures for staff monitoring*
43 *of all center entrances and exits.*

1 ***(b) A juvenile crisis intervention center shall provide treatment to***
2 ***juveniles admitted to such center, as appropriate while admitted.***

3 ***(c) A juvenile crisis intervention center may be on the same***
4 ***premises as that of another licensed facility. If the juvenile crisis***
5 ***intervention center is on the same premises as that of another licensed***
6 ***facility, the living unit of the juvenile crisis intervention center shall be***
7 ***maintained in a separate, self-contained unit. No juvenile crisis***
8 ***intervention center shall be in a city or county jail or a juvenile***
9 ***detention facility.***

10 ***(d) (1) A juvenile may be admitted to a juvenile crisis intervention***
11 ***center when:***

12 ***(A) The head of such center determines such juvenile is in need of***
13 ***treatment and likely to cause harm to self or others;***

14 ***(B) a qualified mental health professional from a community***
15 ***mental health center has given written authorization for such juvenile to***
16 ***be admitted to a juvenile crisis intervention center; and***

17 ***(C) no other more appropriate treatment services are available and***
18 ***accessible to the juvenile at the time of admission.***

19 ***(2) A juvenile may be admitted to a juvenile crisis intervention***
20 ***center for not more than 30 days. A parent with legal custody or legal***
21 ***guardian of a juvenile placed in a juvenile crisis intervention center may***
22 ***remove such juvenile from the center at any time. If the removal may***
23 ***cause the juvenile to become a child in need of care pursuant to K.S.A.***
24 ***38-2202(d), and amendments thereto, the head of a juvenile crisis***
25 ***intervention center may report such concerns to the department for***
26 ***children and families or law enforcement or may request the county or***
27 ***district attorney to initiate proceedings pursuant to the revised Kansas***
28 ***code for care of children. If the head of a juvenile crisis intervention***
29 ***center determines the most appropriate action is to request the county or***
30 ***district attorney to initiate proceedings pursuant to the revised Kansas***
31 ***code for care of children, the head of such center shall make such***
32 ***request and shall keep such juvenile in the center for an additional 24-***
33 ***hour period to initiate the appropriate proceedings.***

34 ***(3) When a juvenile is released from a juvenile crisis intervention***
35 ***center, the managed care organization, if the juvenile is a medicaid***
36 ***recipient, and the community mental health center serving the area***
37 ***where the juvenile is being discharged shall be involved with discharge***
38 ***planning. Within seven days prior to the discharge of a juvenile, the***
39 ***head of the juvenile crisis intervention center shall give written notice of***
40 ***the date and time of the discharge to the patient, the managed care***
41 ***organization, if the juvenile is a medicaid recipient, and the community***
42 ***mental health center serving the area where the juvenile is being***
43 ***discharged, and the patient's parent, custodian or legal guardian.***

1 (e) (1) *Upon admission to a juvenile crisis intervention center, and*
2 *if the juvenile is a medicaid recipient, the managed care organization*
3 *shall approve services as recommended by the head of the juvenile crisis*
4 *intervention center. Within 14 days after admission, the head of the*
5 *juvenile crisis intervention center shall develop a plan of treatment for*
6 *the juvenile in collaboration with the managed care organization.*

7 (2) *Nothing in this subsection shall prohibit the department of health*
8 *and environment from administering or reimbursing state medicaid*
9 *services to any juvenile admitted to a juvenile crisis intervention center*
10 *pursuant to a waiver granted under section 1915(c) of the federal social*
11 *security act, provided that such services are not administered through a*
12 *managed care delivery system.*

13 (3) *Nothing in this subsection shall prohibit the department of*
14 *health and environment from reimbursing any state medicaid services*
15 *that qualify for reimbursement and that are provided to a juvenile*
16 *admitted to a juvenile crisis intervention center.*

17 (4) *Nothing in this subsection shall impair or otherwise affect the*
18 *validity of any contract in existence on July 1, 2018, between a managed*
19 *care organization and the department of health and environment to*
20 *provide state medicaid services.*

21 (5) *On or before January 1, 2019, the secretary of health and*
22 *environment shall submit to the United States centers for medicare and*
23 *medicaid services any approval request necessary to implement this*
24 *subsection.*

25 (f) *The secretary for children and families, in consultation with the*
26 *attorney general, shall promulgate rules and regulations to implement*
27 *the provisions of this section on or before January 1, 2019.*

28 (g) *The secretary for children and families shall annually report*
29 *information on outcomes of juveniles admitted into juvenile crisis*
30 *intervention centers to the J. Russell (Russ) Jennings joint committee on*
31 *corrections and juvenile justice oversight, the corrections and juvenile*
32 *justice committee of the house of representatives and the judiciary*
33 *committee of the senate. Such report shall include:*

34 (1) *The number of admissions, releases and the lengths of stay for*
35 *juveniles admitted to juvenile crisis intervention centers;*

36 (2) *services provided to juveniles admitted;*

37 (3) *needs of juveniles admitted determined by evidence-based*
38 *assessment; and*

39 (4) *success and recidivism rates, including information on the*
40 *reduction of involvement of the child welfare system and juvenile justice*
41 *system with the juvenile.*

42 (h) *The secretary of corrections may enter into memorandums of*
43 *agreement with other cabinet agencies to provide funding, not to exceed*

1 *\$2,000,000 annually, from the evidence-based programs account of the*
2 *state general fund or other available appropriations for juvenile crisis*
3 *intervention services provided by a licensed juvenile crisis intervention*
4 *center or other residential facility licensed by the Kansas department for*
5 *children and families or the Kansas department for aging and disability*
6 *services that has a program purpose of behavioral health crisis*
7 *intervention for juveniles.*

8 (i) *For the purposes of this section:*

9 (1) *"Behavioral health crisis" means behavioral and conduct issues*
10 *that impact the safety or health of a juvenile, members of the juvenile's*
11 *household or family or members of the community, including, but not*
12 *limited to, non-life threatening mental health and substance abuse*
13 *concerns;*

14 (2) *"head of a juvenile crisis intervention center" means the*
15 *administrative director of a juvenile crisis intervention center or such*
16 *person's designee;*

17 (3) *"juvenile" means a person who is less than 18 years of age;*

18 (4) *"likely to cause harm to self or others" means that a juvenile,*
19 *by reason of the juvenile's behavioral health condition, mental disorder*
20 *or mental condition is likely, in the reasonably foreseeable future, to*
21 *cause substantial physical injury or physical abuse to self or others or*
22 *substantial damage to another's property, as evidenced by behavior*
23 *threatening, attempting or causing such injury, abuse or damage;*

24 (5) *"treatment" means any service intended to promote the mental*
25 *health of the patient and rendered by a qualified professional, licensed*
26 *or certified by the state to provide such service as an independent*
27 *practitioner or under the supervision of such practitioner; and*

28 (6) *"qualified mental health professional" means a physician or*
29 *psychologist who is employed by a participating mental health center or*
30 *who is providing services as a physician or psychologist under a contract*
31 *with a participating mental health center, a licensed masters level*
32 *psychologist, a licensed clinical psychotherapist, a licensed marriage*
33 *and family therapist, a licensed clinical marriage and family therapist, a*
34 *licensed professional counselor, a licensed clinical professional*
35 *counselor, a licensed specialist social worker or a licensed master social*
36 *worker or a registered nurse who has a specialty in psychiatric nursing,*
37 *who is employed by a participating mental health center and who is*
38 *acting under the direction of a physician or psychologist who is*
39 *employed by, or under contract with, a participating mental health*
40 *center.*

41 (j) *This section shall be a part of and supplemental to article 5 of*
42 *chapter 65 of the Kansas Statutes Annotated, and amendments thereto.*

43 Sec. 7. K.S.A. 75-52,161 is hereby amended to read as follows:

1 75-52,161. (a) There is hereby established the Kansas juvenile justice
2 oversight committee for the purpose of overseeing the implementation
3 of reform measures intended to improve the state's juvenile justice
4 system.

5 (b) The Kansas juvenile justice oversight committee shall be
6 composed of 21 members including the following individuals:

7 (1) The governor or the governor's designee;

8 (2) one member of the house of representatives appointed by the
9 speaker of the house of representatives;

10 (3) one member of the house of representatives appointed by the
11 minority leader of the house of representatives;

12 (4) one member of the senate appointed by the president of the
13 senate;

14 (5) one member of the senate appointed by the minority leader of
15 the senate;

16 (6) the secretary of corrections or the secretary's designee;

17 (7) the secretary for children and families or the secretary's
18 designee;

19 (8) the commissioner of education or the commissioner's
20 designee;

21 (9) the deputy secretary of juvenile services at the department of
22 corrections or the deputy's designee;

23 (10) the director of community-based services at the department
24 of corrections, or the director's designee;

25 (11) two district court judges appointed by the chief justice of the
26 supreme court;

27 (12) one chief court services officer appointed by the chief justice
28 of the supreme court;

29 (13) one member of the office of judicial administration
30 appointed by the chief justice of the supreme court;

31 (14) one juvenile defense attorney appointed by the chief justice
32 of the supreme court;

33 (15) one juvenile crime victim advocate appointed by the
34 governor;

35 (16) one member from a local law enforcement agency appointed
36 by the attorney general;

37 (17) one attorney from a prosecuting attorney's office appointed
38 by the attorney general;

39 (18) one member from a community corrections agency
40 appointed by the governor;

41 (19) one youth member of the Kansas advisory group on juvenile
42 justice and delinquency prevention appointed by the chair of the
43 Kansas advisory group on juvenile justice and delinquency

1 prevention; and

2 (20) one director of a juvenile detention facility appointed by the
3 attorney general.

4 (c) The committee shall be appointed by September 1, 2016, and
5 shall meet within 60 days after appointment and at least quarterly
6 thereafter, upon notice by the chair. The committee shall select a
7 chairperson and vice-chairperson, and 11 members shall be
8 considered a quorum.

9 (d) The committee shall perform the following duties:

10 (1) Guide and evaluate the implementation of the changes in law
11 relating to juvenile justice reform;

12 (2) define performance measures and recidivism;

13 (3) approve a plan developed by court services and the
14 department of corrections instituting a uniform process for collecting
15 and reviewing performance measures and recidivism, costs and
16 outcomes of programs;

17 (4) consider utilizing the Kansas criminal justice information
18 system for data collection and analyses;

19 (5) ensure system integration and accountability;

20 (6) monitor the fidelity of implementation efforts to programs
21 and training efforts;

22 (7) monitor any state expenditures that have been avoided by
23 reductions in the number of youth placed in out-of-home placements
24 to recommend to the governor and the legislature reinvestment of
25 funds into:

26 (A) Evidence-based practices and programs in the community
27 pursuant to K.S.A. 38-2302, and amendments thereto, for use by
28 intake and assessment services, immediate intervention, probation and
29 conditional release;

30 (B) training on evidence-based practices for juvenile justice
31 system staff, including, but not limited to, training in cognitive
32 behavioral therapies, family-centered therapies, substance abuse, sex
33 offender therapy and other services that address a juvenile's risks and
34 needs; and

35 (C) monitor the plan from the department of corrections for the
36 prioritization of funds pursuant to K.S.A. 75-52,164(d), and
37 amendments thereto;

38 (8) continue to review any additional topics relating to the
39 continued improvement of the juvenile justice system, including:

40 (A) The confidentiality of juvenile records;

41 (B) the reduction of the financial burden placed on families
42 involved in the juvenile justice system;

43 (C) juvenile due process rights, including, but not limited to, the

1 development of rights to a speedy trial and preliminary hearings;

2 (D) the improvement of conditions of confinement for juveniles;

3 (E) the removal from the home of children in need of care for
4 non-abuse or neglect, truancy, running away or additional child
5 behavior problems when there is no court finding of parental abuse or
6 neglect; and

7 (F) the requirement for youth residential facilities to maintain
8 sight and sound separation between children in need of care that have
9 an open juvenile offender case and children in need of care that do not
10 have an open juvenile offender case;

11 (9) adhere to the goals of the juvenile justice code as provided in
12 K.S.A. 38-2301, and amendments thereto;

13 (10) analyze and investigate gaps in the juvenile justice system
14 and explore alternatives to out-of-home placement of juvenile
15 offenders in youth residential facilities;

16 (11) identify evidence-based training models, needs and resources
17 and make appropriate recommendations;

18 (12) study and create a plan to address the disparate treatment
19 and availability of resources for juveniles with mental health needs in
20 the juvenile justice system; ~~and~~

21 (13) review portions of juvenile justice reform that require the
22 department of corrections and the office of judicial administration to
23 cooperate and make recommendations when there is not consensus
24 between the two agencies; *and*

25 *(14) monitor the impact and effectiveness of placement of juvenile*
26 *offenders in non-foster home beds in youth residential facilities.*

27 (e) The committee shall issue an annual report to the governor,
28 the president of the senate, the speaker of the house of representatives
29 and the chief justice of the supreme court on or before November 30
30 each year starting in 2017. Such report shall include:

31 (1) An assessment of the progress made in implementation of
32 juvenile justice reform efforts;

33 (2) a summary of the committee's efforts in fulfilling its duties as
34 set forth in this section;

35 (3) an analysis of the recidivism data obtained by the committee
36 pursuant to this section;

37 (4) a summary of the averted costs determined pursuant to this
38 section and a recommendation for any reinvestment of the averted
39 costs to fund services or programs to expand Kansas' continuum of
40 alternatives for juveniles who would otherwise be placed in out-of-
41 home placements;

42 (5) an analysis of detention risk-assessment data to determine if
43 any disparate impacts resulted at any stage of the juvenile justice

1 system based on race, sex, national origin or economic status;

2 (6) recommendations for continued improvements to the juvenile
3 justice system;

4 (7) data pertaining to the completion of training on evidence-
5 based practices in juvenile justice, including, but not limited to, the
6 number of judges, district and county attorneys and appointed
7 defense attorneys, that participated in training; and

8 (8) data received from the office of judicial administration and
9 the department of corrections, pursuant to K.S.A. 38-2391, and
10 amendments thereto, pertaining to extensions of probation for juvenile
11 offenders and an analysis of such data to identify how probation
12 extensions are being used and conclusions regarding the effectiveness
13 of such extensions.

14 (f) After initial appointment, members appointed to this
15 committee by the governor, the president of the senate, the speaker of
16 the house of representatives or the chief justice of the supreme court
17 pursuant to subsection (b), shall serve for a term of two years and
18 shall be eligible for reappointment to such position. All members
19 appointed to the committee shall serve until a successor has been duly
20 appointed.

21 (g) The staff of the Kansas department of corrections shall
22 provide such assistance as may be requested by the committee. To
23 facilitate the organization of the meetings of the committee, the
24 Kansas department of corrections shall provide administrative
25 assistance.

26 ~~Sec. 5-7.~~ 8. K.S.A. ~~2024~~ 2025 Supp. 75-52,164 is hereby amended to
27 read as follows: 75-52,164. (a) (1) There is hereby established in the state
28 treasury the evidence-based programs account of the state general fund,
29 which shall be administered by the department of corrections.

30 (2) *Except as provided in paragraph (4)*, all expenditures from the
31 evidence-based programs account of the state general fund shall be for the
32 development and implementation of evidence-based community programs
33 and practices for:

34 (A) Juvenile offenders and their families;

35 (B) juveniles experiencing behavioral health crisis and their families;

36 (C) children who have been administered a risk and needs assessment
37 and have been identified as needing services pursuant to K.S.A. ~~2024~~ 2025
38 Supp. 38-2292, and amendments thereto; and

39 (D) grants as provided in subsection (e).

40 ~~(2)~~(3) Evidence-based community programs and practices may be
41 administered by community supervision offices, juvenile intake and
42 assessment, court services, community corrections, juvenile crisis
43 intervention centers, community mental health centers, community health

1 centers, the youth advocate program, jobs for America's graduates Kansas
2 transition services and any other community-based service provider
3 offering evidence-based community programs.

4 *(4) Subject to provisions of appropriation acts, the secretary of*
5 *corrections shall make expenditures from the evidence-based programs*
6 *account of the state general fund moneys, in an amount not to exceed*
7 *\$10,000,000 in any fiscal year, to contract for non-foster home beds in*
8 *youth residential facilities for placement of juvenile offenders as required*
9 *in K.S.A. 38-2399, and amendments thereto.*

10 ~~(3)~~(5) All expenditures from the evidence-based programs account of
11 the state general fund shall be made in accordance with appropriation acts
12 upon warrants of the director of accounts and reports issued pursuant to
13 vouchers approved by the secretary of corrections or the secretary's
14 designee.

15 (b) At least annually, throughout the year, the secretary of corrections
16 shall determine and certify to the director of accounts and reports the
17 amount in each account of the state general fund of a state agency that has
18 been determined by the secretary to be actual or projected cost savings as a
19 result of cost avoidance resulting from decreased reliance on incarceration
20 in the juvenile correctional facility and placement in youth residential
21 centers. The baseline shall be calculated on the cost of incarceration and
22 placement in fiscal year 2015.

23 (c) Upon receipt of a certification pursuant to subsection (b), the
24 director of accounts and reports shall transfer the amount certified
25 pursuant to subsection (b) from each account of the state general fund of a
26 state agency that has been determined by the secretary of corrections to be
27 actual or projected cost savings to the evidence-based programs account of
28 the state general fund.

29 (d) Prioritization of evidence-based programs account of the state
30 general fund moneys will be given to regions that demonstrate a high rate
31 of out-of-home placement of juvenile offenders per capita that have few
32 existing community-based alternatives.

33 (e) (1) The secretary of corrections shall develop and implement a
34 grant program with the goal of implementing evidence-based community
35 programs described in subsection (a)(2)(D) and promising practices
36 throughout the state, subject to the availability of funding in the evidence-
37 based programs account of the state general fund after other expenditures
38 for evidence-based programs are made. The secretary shall adopt grant
39 requirements in accordance with this section. Any provider of evidence-
40 based community programs for juveniles may apply for a grant. The grant
41 program shall give priority to any county that demonstrates a low
42 availability of evidence-based community programs for juveniles. The
43 secretary shall evaluate the programs that received a grant to ensure the

1 program is being delivered as such program was designed.

2 (2) Child welfare case management providers shall not be eligible to
3 receive grants under this subsection.

4 (f) Expenditures made from the evidence-based programs account of
5 the state general fund shall be made promptly and on a rolling basis to
6 develop and implement evidence-based community programs as services
7 are needed throughout the state *and provide non-foster home beds in youth*
8 *residential facilities for placement of juvenile offenders as required in*
9 *subsection (a).*

10 (g) The evidence-based programs account of the state general fund
11 and any other moneys transferred pursuant to this section shall be used for
12 the purposes set forth in this section and for no other governmental
13 purposes. It is the intent of the legislature that the funds and the moneys
14 deposited in this fund shall remain intact and inviolate for the purposes set
15 forth in this section.

16 **Sec. 8. 9. K.S.A. 75-7023 is hereby amended to read as follows:**
17 **75-7023. (a) The secretary for children and families may contract with**
18 **the secretary of corrections to provide for the juvenile intake and**
19 **assessment system and programs for children in need of care. Except**
20 **as provided further, the secretary of corrections shall promulgate**
21 **rules and regulations for the juvenile intake and assessment system**
22 **and programs concerning juvenile offenders. If the secretary contracts**
23 **with the office of judicial administration to administer the juvenile**
24 **intake and assessment system and programs concerning juvenile**
25 **offenders, the supreme court administrative orders shall be in force**
26 **until such contract ends and the rules and regulations concerning**
27 **juvenile intake and assessment system and programs concerning**
28 **juvenile offenders have been adopted.**

29 **(b) Except as otherwise provided in this subsection, records,**
30 **reports and information obtained as a part of the juvenile intake and**
31 **assessment process shall not be admitted into evidence in any**
32 **proceeding and shall not be used in a child in need of care proceeding**
33 **or a juvenile offender proceeding.**

34 **(1) Such records, reports and information may be used in a child**
35 **in need of care proceeding for diagnostic and referral purposes and by**
36 **the court in considering dispositional alternatives. If the records,**
37 **reports or information are in regard to abuse or neglect, which is**
38 **required to be reported under K.S.A. 38-2223, and amendments**
39 **thereto, such records, reports or information may then be used for any**
40 **purpose in a child in need of care proceeding pursuant to the revised**
41 **Kansas code for care of children.**

42 **(2) Such records, reports and information may be used in a**
43 **juvenile offender proceeding only if such records, reports and**

1 information are in regard to the possible trafficking of a runaway.
2 Such records, reports and information in regard to the possible
3 trafficking of a runaway shall be made available to the appropriate
4 county or district attorney and the court, and shall be used only for
5 diagnostic and referral purposes.

6 (c) Upon a juvenile being taken into custody pursuant to K.S.A.
7 38-2330, and amendments thereto, a juvenile intake and assessment
8 worker shall complete the intake and assessment process, making
9 release and referral determinations as required by supreme court
10 administrative order or district court rule, or except as provided
11 above [in] rules and regulations established by the secretary of
12 corrections.

13 (d) Except as provided in subsection (g) and in addition to any
14 other information required by the supreme court administrative
15 order, the secretary for children and families, the secretary of
16 corrections or by the district court of such district, the juvenile intake
17 and assessment worker shall collect the following information either in
18 person or over two-way audio or audio-visual communication:

19 (1) The results of a standardized detention risk assessment tool
20 pursuant to K.S.A. 38-2302, and amendments thereto, if detention is
21 being considered for the juvenile, such as the problem oriented
22 screening instrument for teens;

23 (2) criminal history, including indications of criminal gang
24 involvement;

25 (3) abuse history;

26 (4) substance abuse history;

27 (5) history of prior community services used or treatments
28 provided;

29 (6) educational history;

30 (7) medical history;

31 (8) family history; and

32 (9) the results of other assessment instruments as approved by the
33 secretary.

34 (e) After completion of the intake and assessment process for
35 such child, the intake and assessment worker shall make both a
36 release and a referral determination:

37 (1) Release the child to the custody of the child's parent, other
38 legal guardian or another appropriate adult.

39 (2) Conditionally release the child to the child's parent, other
40 legal guardian or another appropriate adult if the intake and
41 assessment worker believes that if the conditions are met, it would be
42 in the child's best interest to release the child to such child's parent,
43 other legal guardian or another appropriate adult; and the intake and

1 assessment worker has reason to believe that it might be harmful to
2 the child to release the child to such child's parents, other legal
3 guardian or another appropriate adult without imposing the
4 conditions. The conditions may include, but not be limited to the
5 alternatives listed in K.S.A. 38-2331(b), and amendments thereto, and
6 the following:

- 7 (A) Participation of the child in counseling;
- 8 (B) participation of members of the child's family in counseling;
- 9 (C) participation by the child, members of the child's family and
10 other relevant persons in mediation;
- 11 (D) provision of outpatient treatment for the child;
- 12 (E) referral of the child and the child's family to the secretary for
13 children and families for services and the agreement of the child and
14 family to accept and participate in the services offered;
- 15 (F) referral of the child and the child's family to available
16 community resources or services and the agreement of the child and
17 family to accept and participate in the services offered;
- 18 (G) requiring the child and members of the child's family to enter
19 into a behavioral contract which may provide for regular school
20 attendance among other requirements; or
- 21 (H) any special conditions necessary to protect the child from
22 future abuse or neglect.

23 (3) Deliver the child to a shelter facility or a licensed attendant
24 care center along with the law enforcement officer's written
25 application for a maximum stay of up to 72 hours. The shelter facility
26 or licensed attendant care facility shall then have custody as if the
27 child had been directly delivered to the facility by the law enforcement
28 officer pursuant to K.S.A. 38-2232, and amendments thereto.

29 (4) The intake and assessment worker shall also refer the
30 juvenile's case to one of the following:

- 31 (A) An immediate intervention program pursuant to K.S.A. 38-
32 2346(b), and amendments thereto;
- 33 (B) the county or district attorney for appropriate proceedings to
34 be filed, with or without a recommendation that the juvenile be
35 considered for alternative means of adjudication programs pursuant
36 to K.S.A. 38-2389, and amendments thereto, or immediate
37 intervention pursuant to K.S.A. 38-2346, and amendments thereto; or
- 38 (C) refer the child and family to the secretary for children and
39 families for investigations in regard to the allegations.

40 (f) The secretary of corrections, in conjunction with the office of
41 judicial administration, shall develop, implement and validate on the
42 Kansas juvenile population, a statewide detention risk assessment tool.

43 (1) The assessment shall be conducted for each youth under

1 consideration for detention and may only be conducted by a juvenile
2 intake and assessment worker who has completed training to conduct
3 the detention risk assessment tool.

4 (2) The secretary and the office of judicial administration shall
5 establish cutoff scores determining eligibility for placement in a
6 juvenile detention facility or for referral to a community-based
7 alternative to detention and shall collect and report data regarding the
8 use of the detention risk assessment tool.

9 (3) (A) The detention risk assessment tool includes an override
10 function that may be approved by the court for use under certain
11 circumstances. If approved by the court, the juvenile intake and
12 assessment worker or the court may override the detention risk
13 assessment tool score in order to direct placement in a short-term
14 shelter facility, a community-based alternative to detention or, subject
15 to K.S.A. 38-2331, and amendments thereto, a juvenile detention
16 facility. Such override must be documented, include a written
17 explanation and receive approval from the director of the intake and
18 assessment center or the court.

19 (B) *The court shall approve an override function of the detention risk*
20 *assessment tool for use when a juvenile:*

21 (i) *Is alleged to have possessed or used a firearm during the*
22 *commission of an offense; or*

23 (ii) *has been presented to a juvenile intake and assessment system*
24 *for the second time within one year. ~~In such an instance,~~*

25 (C) *When the detention risk assessment tool is overridden pursuant*
26 *to subparagraph (B), the juvenile intake and assessment worker or the*
27 *court shall place such juvenile in a juvenile detention facility.*

28 (4) If a juvenile meets one or more eligibility criteria for detention
29 or referral to a community-based alternative to detention, the person
30 with authority to detain shall maintain discretion to release the
31 juvenile if other less restrictive measures would be adequate.

32 (g) Parents, guardians and juveniles may access the juvenile
33 intake and assessment programs on a voluntary basis. The parent or
34 guardian shall be responsible for the costs of any such program
35 utilized.

36 (h) Every juvenile intake and assessment worker shall receive
37 training in evidence-based practices, including, but not limited to:

38 (1) Risk and needs assessments;

39 (2) individualized diversions based on needs and strengths;

40 (3) graduated responses;

41 (4) family engagement;

42 (5) trauma-informed care;

43 (6) substance abuse;

1 **(7) mental health; and**

2 **(8) special education.**

3 Sec. ~~6-9, 10~~. K.S.A. 38-2361, 38-2365, 38-2369~~and~~, 38-2399, **75-**
4 **52,161 and 75-7023** and K.S.A. ~~2024~~ **2025** Supp. **38-2391, 65-536 and**
5 **75-52,164** are hereby repealed.

6 Sec. ~~7-10~~ **II**. This act shall take effect and be in force from and after
7 its publication in the statute book.