

{As Amended by Senate Committee of the Whole}

As Amended by Senate Committee

{As Amended by House Committee of the Whole}

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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 *{between July 1, 2026, and July 1, 2030};*
9 *authorizing the secretary of corrections to enter into a memorandum*
10 *of understanding to provide funding from the evidence-based*
11 *programs account to residential facilities with behavioral health*
12 *crisis intervention services for juveniles; requiring the Kansas*
13 *juvenile justice oversight committee to monitor the impact and*
14 *effectiveness of such placements; authorizing the secretary to make*
15 *expenditures from the evidence-based programs account of the state*
16 *general fund moneys to contract for such beds in youth residential*
17 *facilities *{prior to July 1, 2030};** amending K.S.A. 38-2361, 38-2365,
18 38-2369-and, 38-2399, **75-52,161 and 75-7023** and K.S.A. **2024 2025**
19 Supp. **38-2391, 65-536 and 75-52,164** and repealing the existing
20 sections.
21

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

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

1 thereto.

2 (1) Place the juvenile on probation for a fixed period pursuant to
3 K.S.A. 38-2391, and amendments thereto, subject to terms and conditions
4 the court deems appropriate consistent with juvenile justice programs in
5 the community. Any juvenile placed on probation shall be supervised
6 according to the juvenile's risk and needs as determined by a risk and
7 needs assessment. Placement of juvenile offenders to community
8 corrections for probation supervision shall be limited to offenders
9 adjudicated for an offense that are determined to be moderate-risk, high-
10 risk or very high-risk on a risk and needs assessment using the cutoff
11 scores established by the secretary pursuant to K.S.A. 38-2360, and
12 amendments thereto.

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

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

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

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

31 (6) Order the juvenile to perform charitable or community service
32 work.

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

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

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

39 (10) Place the juvenile in the custody of the secretary of corrections
40 as provided in K.S.A. 38-2365, and amendments thereto, *and between*
41 *July 1, 2026, and July 1, 2030, order the secretary to place the juvenile*
42 *in a youth residential facility.* This alternative shall not be ordered with the
43 alternative in paragraph (3) or (12). Except for mandatory drug and

1 alcohol evaluation, when this alternative is ordered with alternatives in
2 paragraphs (2), (4) and (9), such orders shall constitute a recommendation
3 by the court. Requirements pertaining to child support shall apply under
4 this alternative. ~~The provisions of this paragraph shall expire on January 1,~~
5 ~~2018.~~

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

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

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

42 (b) If the court orders the juvenile to attend counseling, educational,
43 mediation or other sessions, or to undergo a drug and alcohol evaluation

1 pursuant to subsection (a)(4), the following provisions apply:

2 (1) The court may order the juvenile offender to participate in
3 counseling or mediation sessions or a program of education, including
4 placement in an alternative educational program approved by a local
5 school board. The costs of any counseling or mediation may be assessed as
6 expenses in the case. No mental health center shall charge a fee for court-
7 ordered counseling greater than what the center would have charged the
8 person receiving the counseling if the person had requested counseling on
9 the person's own initiative. No mediator shall charge a fee for court-
10 ordered mediation greater than what the mediator would have charged the
11 person participating in the mediation if the person had requested mediation
12 on the person's own initiative. Mediation may include the victim but shall
13 not be mandatory for the victim; and

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

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

37 (1) The duration of the suspension ordered by the court shall be for a
38 definite time period to be determined by the court. Upon suspension of a
39 license pursuant to this subsection, the court shall require the juvenile
40 offender to surrender the license to the court. The court shall transmit the
41 license to the division of motor vehicles of the department of revenue, to
42 be retained until the period of suspension expires. At that time, the licensee
43 may apply to the division for return of the license. If the license has

1 expired, the juvenile offender may apply for a new license, which shall be
2 issued promptly upon payment of the proper fee and satisfaction of other
3 conditions established by law for obtaining a license unless another
4 suspension or revocation of the juvenile offender's privilege to operate a
5 motor vehicle is in effect. As used in this subsection, "highway" and
6 "street" ~~have the meanings provided by~~ **mean the same as defined in**
7 K.S.A. 8-1424 and 8-1473, and amendments thereto. Any juvenile
8 offender who does not have a driver's license may have driving privileges
9 revoked. No Kansas driver's license shall be issued to a juvenile offender
10 whose driving privileges have been revoked pursuant to this section for a
11 definite time period to be determined by the court; and

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

1 suspended or revoked prior thereto. If any juvenile offender violates any of
2 the conditions imposed under this subsection, the juvenile offender's
3 driver's license or privilege to operate a motor vehicle on the streets and
4 highways of this state shall be revoked for a period as determined by the
5 court in which the juvenile offender is convicted of violating such
6 conditions.

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

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

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

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

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

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

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

41 (f) Before the court sentences a juvenile offender pursuant to
42 subsection (a), the court shall administer a risk assessment tool, as
43 described in K.S.A. 38-2360, and amendments thereto, or review a risk

1 assessment tool that was administered within the past six months to the
2 juvenile and use the results of that assessment to inform orders made
3 pursuant to K.S.A. 38-2369 and 38-2391, and amendments thereto.

4 (g) If the court commits the juvenile to detention pursuant to
5 subsection (a)(11), the following provisions shall apply:

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

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

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

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

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

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

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

38 (j) (1) Except as further provided, if a juvenile has been adjudged to
39 be a juvenile offender for an offense which, if committed by an adult
40 would constitute the commission of:—(1) (A) Aggravated human
41 trafficking, as defined in K.S.A. 21-5426(b), and amendments thereto, if
42 the victim is less than 14 years of age;—(2) (B) rape, as defined in K.S.A.
43 21-5503(a)(3), and amendments thereto;—(3) (C) aggravated indecent

1 liberties with a child, as defined in K.S.A. 21-5506(b)(3), and amendments
2 thereto;—~~4~~ **(D)** aggravated criminal sodomy, as defined in K.S.A. 21-
3 5504(b)(1) or (b)(2), and amendments thereto;—~~5~~ **(E)** commercial sexual
4 exploitation of a child, as defined in K.S.A. 21-6422, and amendments
5 thereto, if the victim is less than 14 years of age;—~~6~~ **(F)** sexual
6 exploitation of a child, as defined in K.S.A. 21-5510(a)(1) or (a)(4), and
7 amendments thereto, if the victim is less than 14 years of age; or—~~7~~ **(G)**
8 an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-
9 5301, 21-5302 or 21-5303, and amendments thereto, of an offense defined
10 in paragraphs (1) through (6); **subparagraphs (A) through (F)**.

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

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

24 (1) Such juvenile has been adjudicated to be a juvenile offender for
25 an offense which, if committed by an adult would constitute the
26 commission of:

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

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

30 (C) commercial sexual exploitation of a child, as defined in K.S.A.
31 21-6422, and amendments thereto, if the victim is less than 14 years of
32 age;

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

36 (E) aggravated indecent liberties with a child, as defined in K.S.A.
37 21-5506, and amendments thereto, if the victim is less than 14 years of
38 age; or

39 (F) an attempt, conspiracy or criminal solicitation, as defined in
40 K.S.A. 21-5301, 21-5302 or 21-5303, and amendments thereto, of an
41 offense defined in paragraphs (1) through (4); **subparagraphs (A) through**
42 **(E); and**

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

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

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

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

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

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

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

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

1 place the juvenile offender in an institution operated by the secretary, a
2 youth residential facility or any other appropriate placement. If the court
3 has recommended an out-of-home placement, the secretary may not return
4 the juvenile offender to the home from which removed without first
5 notifying the court of the plan.

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

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

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

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

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

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

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

42 (d) During the time a juvenile remains in the custody of the secretary,
43 the secretary shall submit to the court, at least every six months, a written

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

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

- 22 (1) Reintegrated with the juvenile's parents;
23 (2) placed for adoption;
24 (3) placed with a permanent custodian; or

25 (4) if the juvenile is 16 years of age or older and the secretary has
26 documented compelling reasons why it would not be in the juvenile's best
27 interests for a placement in one of the placements pursuant to paragraphs
28 (1), (2) or (3), placed in another planned permanent arrangement.

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

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

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

42 (3) if the juvenile is 14 years of age or older, document the efforts
43 made by the secretary to help the juvenile prepare for the transition from

1 custody to a successful adulthood. The secretary shall report to the court
2 the programs and services that are being provided to the juvenile which
3 will help the juvenile prepare for the transition from custody to a
4 successful adulthood.

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

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

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

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

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

1 (i) If the court finds reintegration continues to be a viable alternative,
2 the court shall determine whether and, if applicable, when the juvenile will
3 be returned to the parent. The court may rescind any of its prior
4 dispositional orders and enter any dispositional order authorized by this
5 code or may order that a new plan for the reintegration be prepared and
6 submitted to the court. If reintegration cannot be accomplished as
7 approved by the court, the court shall be informed and shall schedule a
8 hearing pursuant to subsection (j). No such hearing is required when the
9 parent voluntarily relinquishes parental rights or agrees to appointment of
10 a permanent guardian.

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

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

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

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

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

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

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

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

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

42 Sec. 3. K.S.A. 38-2369 is hereby amended to read as follows: 38-
43 2369. (a) Except as provided in subsection (e) and K.S.A. 38-2361(a)(13),

1 **and amendments thereto**, for the purpose of committing juvenile
2 offenders to a juvenile correctional facility, upon a finding by the judge
3 entered into the written order that the juvenile poses a significant risk of
4 harm to another or damage to property, the following placements shall be
5 applied by the judge in the cases specified in this subsection. If used, the
6 court shall establish a specific term of commitment as specified in this
7 subsection. The term of commitment established by the court shall not
8 exceed the overall case length limit. Before a juvenile offender is
9 committed to a juvenile correctional facility pursuant to this section, the
10 court shall administer a risk assessment tool, as described in K.S.A. 38-
11 2360, and amendments thereto, or review a risk assessment tool that was
12 administered within the past six months to the juvenile.

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

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

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

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

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

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

42 (ii) committed on or after July 1, 2012, which, if committed by an
43 adult on or after July 1, 2012, would constitute a drug severity level 1, 2 or

1 3 felony or a nondrug severity level 5 or 6 person felony.

2 Offenders in this category may be committed to a juvenile correctional
3 facility for a minimum term of nine months and up to a maximum term of
4 18 months.

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

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

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

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

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

23 (iv) *committed while such offender was awaiting adjudication for a
24 prior felony offense or on probation or conditional release for a prior
25 felony adjudication.*

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

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

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

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

43 (B) Order the offender to serve a period of detention pursuant to

1 K.S.A. 38-2361(g), and amendments thereto.
2 (C) Revoke or restrict the juvenile's driving privileges as described in
3 K.S.A. 38-2361(c), and amendments thereto.
4 (2) Discharge the offender from the custody of the secretary of
5 corrections, release the secretary of corrections from further
6 responsibilities in the case and enter any other appropriate orders.
7 (c) As used in this section "adjudication" includes out-of-state
8 juvenile adjudications. An out-of-state offense, which if committed by an
9 adult would constitute the commission of a felony or misdemeanor, shall
10 be classified as either a felony or a misdemeanor according to the
11 adjudicating jurisdiction. If an offense which if committed by an adult
12 would constitute the commission of a felony is a felony in another state, it
13 will be deemed a felony in Kansas. The state of Kansas shall classify the
14 offense, which if committed by an adult would constitute the commission
15 of a felony or misdemeanor, as person or nonperson. In designating such
16 offense as person or nonperson, reference to comparable offenses shall be
17 made. If the state of Kansas does not have a comparable offense, the out-
18 of-state adjudication shall be classified as a nonperson offense.
19 (d) The secretary of corrections shall work with the community to
20 provide on-going support and incentives for the development of additional
21 evidence-based community practices and programs to ensure that the
22 juvenile correctional facility is not frequently utilized.
23 (e) There shall be a rebuttable presumption that all offenders in the
24 chronic offender category and offenders at least 10 years of age but less
25 than 14 years of age in the serious offender II or III category, shall be
26 placed in the custody of the secretary for placement in a youth residential
27 facility in lieu of placement in the juvenile correctional facility. *The
28 secretary shall ensure timely placement of such offender in a youth
29 residential facility and shall be responsible for the costs associated with
30 all aspects of such placement in accordance with K.S.A. 38-2399, and
31 amendments thereto.* This presumption may be rebutted by a finding on the
32 record that the juvenile offender poses a significant risk of physical harm
33 to another.
34 **Sec. 4. K.S.A.2024 2025 Supp. 38-2391 is hereby amended to read**
35 **as follows:** 38-2391. (a) Upon adjudication as a juvenile offender
36 pursuant to K.S.A. 38-2356, and amendments thereto, modification of
37 sentence pursuant to K.S.A. 38-2367, and amendments thereto, or
38 violation of a condition of sentence pursuant to K.S.A. 38-2368, and
39 amendments thereto, the court may impose one or more of the
40 sentencing alternatives under K.S.A. 38-2361, and amendments
41 thereto, for a period of time pursuant to this section and K.S.A. 38-
42 2369, and amendments thereto. The period of time ordered by the
43 court shall not exceed the overall case length limit.

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

4 (1) Offenders adjudicated for a misdemeanor may remain under
5 the jurisdiction of the court for up to 12 months;

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

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

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

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

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

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

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

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

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

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

39 (2) The court may extend the term of probation if a juvenile
40 needs time to complete an evidence-based program as determined to
41 be necessary based on the results of a validated risk and needs
42 assessment and, if necessary, may extend the overall case length limit
43 to allow for completion of such program when failure to complete such

1 program is due to a repeated, intentional effort to delay by the
2 juvenile as reported by the evidence-based services provider. The
3 court may also extend the term of probation for good cause shown for
4 one month for low-risk offenders, three months for moderate-risk
5 offenders and six months for high-risk offenders. Prior to extension of
6 the initial probationary term, the court shall find and enter into the
7 written record the criteria permitting extension of probation.
8 Extensions of probation and the overall case length limit shall only be
9 granted incrementally. When the court extends the term of probation
10 for a juvenile offender, the court services officer or community
11 correctional services officer responsible for monitoring such juvenile
12 offender shall record the reason given for extending probation. Court
13 services officers shall report such records to the office of judicial
14 administration, and community correctional services officers shall
15 report such records to the department of corrections. The office of
16 judicial administration and the department of corrections shall report
17 such recorded data to the Kansas juvenile justice oversight committee
18 on a quarterly basis.

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

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

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

42 (i) The provisions of this section shall apply upon disposition or
43 15 days after adjudication, whichever is sooner, unless the juvenile

1 fails to appear for such juvenile's dispositional hearing. If a juvenile
2 fails to appear at such juvenile's dispositional hearing, the probation
3 term limits and overall case length limits provided in this section shall
4 not apply until the juvenile is brought before the court for disposition
5 in such juvenile's case.

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

8 Sec. 4. 5. K.S.A. 38-2399 is hereby amended to read as follows: 38-
9 2399. (a) *{Between July 1, 2026, and July 1, 2030,}* the secretary of
10 corrections—~~may~~ shall contract for use of not ~~more~~ less than ~~50~~ ~~40~~ 35 nor
11 more than 45 non-foster home beds in youth residential facilities, **and not**
12 **more than 15 beds in any single facility**, for placement of juvenile
13 offenders pursuant to K.S.A. 38-2361(a)(13) (a)(10)~~and~~, (a)(12) **or** (a)
14 (13)}, and amendments thereto. *{On and after July 1, 2030, the secretary*
15 *of corrections may contract for use of not more than 50 non-foster home*
16 *beds in youth residential facilities for placement of juvenile offenders*
17 *pursuant to K.S.A. 38-2361(a)(10), (a)(12) or (a)(13), and amendments*
18 *thereto.}*

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

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

22 (2) consider contracting for bed space across the entire state to lower
23 the cost of transportation of juvenile offenders; **and**

24 (3) give priority to existing facilities that are able to meet the
25 requirements of the secretary for providing residential services to juvenile
26 offenders;

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

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

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

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

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

43 (2) *not include construction features designed to physically restrict*

1 *the movements and activities of juveniles, but shall have a design,*
2 *structure, interior and exterior environment, and furnishings to promote*
3 *a safe, comfortable and therapeutic environment for juveniles admitted*
4 *to the center;*

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

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

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

12 *(c) A juvenile crisis intervention center may be on the same*
13 *premises as that of another licensed facility. If the juvenile crisis*
14 *intervention center is on the same premises as that of another licensed*
15 *facility, the living unit of the juvenile crisis intervention center shall be*
16 *maintained in a separate, self-contained unit. No juvenile crisis*
17 *intervention center shall be in a city or county jail or a juvenile*
18 *detention facility.*

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

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

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

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

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

43 *(3) When a juvenile is released from a juvenile crisis intervention*

1 center, the managed care organization, if the juvenile is a medicaid
2 recipient, and the community mental health center serving the area
3 where the juvenile is being discharged shall be involved with discharge
4 planning. Within seven days prior to the discharge of a juvenile, the
5 head of the juvenile crisis intervention center shall give written notice of
6 the date and time of the discharge to the patient, the managed care
7 organization, if the juvenile is a medicaid recipient, and the community
8 mental health center serving the area where the juvenile is being
9 discharged, and the patient's parent, custodian or legal guardian.

10 (e) (1) Upon admission to a juvenile crisis intervention center, and
11 if the juvenile is a medicaid recipient, the managed care organization
12 shall approve services as recommended by the head of the juvenile crisis
13 intervention center. Within 14 days after admission, the head of the
14 juvenile crisis intervention center shall develop a plan of treatment for
15 the juvenile in collaboration with the managed care organization.

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

22 (3) Nothing in this subsection shall prohibit the department of
23 health and environment from reimbursing any state medicaid services
24 that qualify for reimbursement and that are provided to a juvenile
25 admitted to a juvenile crisis intervention center.

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

30 (5) On or before January 1, 2019, the secretary of health and
31 environment shall submit to the United States centers for medicare and
32 medicaid services any approval request necessary to implement this
33 subsection.

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

37 (g) The secretary for children and families shall annually report
38 information on outcomes of juveniles admitted into juvenile crisis
39 intervention centers to the J. Russell (Russ) Jennings joint committee on
40 corrections and juvenile justice oversight, the corrections and juvenile
41 justice committee of the house of representatives and the judiciary
42 committee of the senate. Such report shall include:

43 (1) The number of admissions, releases and the lengths of stay for

1 ***juveniles admitted to juvenile crisis intervention centers;***

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

3 ***(3) needs of juveniles admitted determined by evidence-based***

4 ***assessment; and***

5 ***(4) success and recidivism rates, including information on the***

6 ***reduction of involvement of the child welfare system and juvenile justice***

7 ***system with the juvenile.***

8 ***(h) The secretary of corrections may enter into memorandums of***

9 ***agreement with other cabinet agencies to provide funding, not to exceed***

10 ***\$2,000,000 annually, from the evidence-based programs account of the***

11 ***state general fund or other available appropriations for juvenile crisis***

12 ***intervention services provided by a licensed juvenile crisis intervention***

13 ***center or other residential facility licensed by the Kansas department for***

14 ***children and families or the Kansas department for aging and disability***

15 ***services that has a program purpose of behavioral health crisis***

16 ***intervention for juveniles.***

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

18 ***(1) "Behavioral health crisis" means behavioral and conduct issues***

19 ***that impact the safety or health of a juvenile, members of the juvenile's***

20 ***household or family or members of the community, including, but not***

21 ***limited to, non-life threatening mental health and substance abuse***

22 ***concerns;***

23 ***(2) "head of a juvenile crisis intervention center" means the***

24 ***administrative director of a juvenile crisis intervention center or such***

25 ***person's designee;***

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

27 ***(4) "likely to cause harm to self or others" means that a juvenile,***

28 ***by reason of the juvenile's behavioral health condition, mental disorder***

29 ***or mental condition is likely, in the reasonably foreseeable future, to***

30 ***cause substantial physical injury or physical abuse to self or others or***

31 ***substantial damage to another's property, as evidenced by behavior***

32 ***threatening, attempting or causing such injury, abuse or damage;***

33 ***(5) "treatment" means any service intended to promote the mental***

34 ***health of the patient and rendered by a qualified professional, licensed***

35 ***or certified by the state to provide such service as an independent***

36 ***practitioner or under the supervision of such practitioner; and***

37 ***(6) "qualified mental health professional" means a physician or***

38 ***psychologist who is employed by a participating mental health center or***

39 ***who is providing services as a physician or psychologist under a contract***

40 ***with a participating mental health center, a licensed masters level***

41 ***psychologist, a licensed clinical psychotherapist, a licensed marriage***

42 ***and family therapist, a licensed clinical marriage and family therapist, a***

43 ***licensed professional counselor, a licensed clinical professional***

1 *counselor, a licensed specialist social worker or a licensed master social*
2 *worker or a registered nurse who has a specialty in psychiatric nursing,*
3 *who is employed by a participating mental health center and who is*
4 *acting under the direction of a physician or psychologist who is*
5 *employed by, or under contract with, a participating mental health*
6 *center.*

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

9 Sec.~~6~~ 7. K.S.A. 75-52,161 is hereby amended to read as follows:
10 75-52,161. (a) There is hereby established the Kansas juvenile justice
11 oversight committee for the purpose of overseeing the implementation
12 of reform measures intended to improve the state's juvenile justice
13 system.

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

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

17 (2) one member of the house of representatives appointed by the
18 speaker of the house of representatives;

19 (3) one member of the house of representatives appointed by the
20 minority leader of the house of representatives;

21 (4) one member of the senate appointed by the president of the
22 senate;

23 (5) one member of the senate appointed by the minority leader of
24 the senate;

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

26 (7) the secretary for children and families or the secretary's
27 designee;

28 (8) the commissioner of education or the commissioner's
29 designee;

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

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

34 (11) two district court judges appointed by the chief justice of the
35 supreme court;

36 (12) one chief court services officer appointed by the chief justice
37 of the supreme court;

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

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

42 (15) one juvenile crime victim advocate appointed by the
43 governor;

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

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

5 (18) one member from a community corrections agency
6 appointed by the governor;

7 (19) one youth member of the Kansas advisory group on juvenile
8 justice and delinquency prevention appointed by the chair of the
9 Kansas advisory group on juvenile justice and delinquency
10 prevention; and

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

13 (c) The committee shall be appointed by September 1, 2016, and
14 shall meet within 60 days after appointment and at least quarterly
15 thereafter, upon notice by the chair. The committee shall select a
16 chairperson and vice-chairperson, and 11 members shall be
17 considered a quorum.

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

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

21 (2) define performance measures and recidivism;

22 (3) approve a plan developed by court services and the
23 department of corrections instituting a uniform process for collecting
24 and reviewing performance measures and recidivism, costs and
25 outcomes of programs;

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

28 (5) ensure system integration and accountability;

29 (6) monitor the fidelity of implementation efforts to programs
30 and training efforts;

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

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

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

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

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

6 (A) The confidentiality of juvenile records;

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

9 (C) juvenile due process rights, including, but not limited to, the
10 development of rights to a speedy trial and preliminary hearings;

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

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

16 (F) the requirement for youth residential facilities to maintain
17 sight and sound separation between children in need of care that have
18 an open juvenile offender case and children in need of care that do not
19 have an open juvenile offender case;

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

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

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

27 (12) study and create a plan to address the disparate treatment
28 and availability of resources for juveniles with mental health needs in
29 the juvenile justice system; and

30 (13) review portions of juvenile justice reform that require the
31 department of corrections and the office of judicial administration to
32 cooperate and make recommendations when there is not consensus
33 between the two agencies; and

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

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

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

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

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

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

8 (5) an analysis of detention risk-assessment data to determine if
9 any disparate impacts resulted at any stage of the juvenile justice
10 system based on race, sex, national origin or economic status;

11 (6) recommendations for continued improvements to the juvenile
12 justice system;

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

17 (8) data received from the office of judicial administration and
18 the department of corrections, pursuant to K.S.A. 38-2391, and
19 amendments thereto, pertaining to extensions of probation for juvenile
20 offenders and an analysis of such data to identify how probation
21 extensions are being used and conclusions regarding the effectiveness
22 of such extensions.

23 (f) *{In addition to the report required by subsection (e), on or before
24 February 1, 2030, the juvenile justice oversight committee shall submit a
25 report to the legislature evaluating the effectiveness and outcomes of
26 placement of juvenile offenders in youth residential facilities. Such
27 report shall include a recommendation of whether to increase, modify or
28 discontinue expenditures made for placement of juvenile offenders in
29 youth residential facilities.}*

30 (g) *{After initial appointment, members appointed to this
31 committee by the governor, the president of the senate, the speaker of
32 the house of representatives or the chief justice of the supreme court
33 pursuant to subsection (b), shall serve for a term of two years and
34 shall be eligible for reappointment to such position. All members
35 appointed to the committee shall serve until a successor has been duly
36 appointed.}*

37 ~~(g)~~*{(h)}* The staff of the Kansas department of corrections shall
38 provide such assistance as may be requested by the committee. To
39 facilitate the organization of the meetings of the committee, the
40 Kansas department of corrections shall provide administrative
41 assistance.

42 Sec. ~~5.~~⁷ 8. K.S.A. ~~2024~~ 2025 Supp. 75-52,164 is hereby amended to
43 read as follows: 75-52,164. (a) (1) There is hereby established in the state

1 treasury the evidence-based programs account of the state general fund,
2 which shall be administered by the department of corrections.

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

7 (A) Juvenile offenders and their families;
8 (B) juveniles experiencing behavioral health crisis and their families;
9 (C) children who have been administered a risk and needs assessment
10 and have been identified as needing services pursuant to K.S.A. ~~2024~~ 2025
11 Supp. 38-2292, and amendments thereto; and
12 (D) grants as provided in subsection (e).

13 (2)(3) Evidence-based community programs and practices may be
14 administered by community supervision offices, juvenile intake and
15 assessment, court services, community corrections, juvenile crisis
16 intervention centers, community mental health centers, community health
17 centers, the youth advocate program, jobs for America's graduates Kansas
18 transition services and any other community-based service provider
19 offering evidence-based community programs.

20 (4) *Subject to provisions of appropriation acts, the secretary of*
21 *corrections shall make expenditures from the evidence-based programs*
22 *account of the state general fund moneys, in an amount not to exceed*
23 *\$10,000,000 in any fiscal year, to contract for non-foster home beds in*
24 *youth residential facilities for placement of juvenile offenders as required*
25 *in K.S.A. 38-2399, and amendments thereto. {The provisions of this*
26 *paragraph shall expire on July 1, 2030.}*

27 (3)(5) All expenditures from the evidence-based programs account of
28 the state general fund shall be made in accordance with appropriation acts
29 upon warrants of the director of accounts and reports issued pursuant to
30 vouchers approved by the secretary of corrections or the secretary's
31 designee.

32 (b) At least annually, throughout the year, the secretary of corrections
33 shall determine and certify to the director of accounts and reports the
34 amount in each account of the state general fund of a state agency that has
35 been determined by the secretary to be actual or projected cost savings as a
36 result of cost avoidance resulting from decreased reliance on incarceration
37 in the juvenile correctional facility and placement in youth residential
38 centers. The baseline shall be calculated on the cost of incarceration and
39 placement in fiscal year 2015.

40 (c) Upon receipt of a certification pursuant to subsection (b), the
41 director of accounts and reports shall transfer the amount certified
42 pursuant to subsection (b) from each account of the state general fund of a
43 state agency that has been determined by the secretary of corrections to be

1 actual or projected cost savings to the evidence-based programs account of
2 the state general fund.

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

7 (e) (1) The secretary of corrections shall develop and implement a
8 grant program with the goal of implementing evidence-based community
9 programs described in subsection (a)(2)(D) and promising practices
10 throughout the state, subject to the availability of funding in the evidence-
11 based programs account of the state general fund after other expenditures
12 for evidence-based programs are made. The secretary shall adopt grant
13 requirements in accordance with this section. Any provider of evidence-
14 based community programs for juveniles may apply for a grant. The grant
15 program shall give priority to any county that demonstrates a low
16 availability of evidence-based community programs for juveniles. The
17 secretary shall evaluate the programs that received a grant to ensure the
18 program is being delivered as such program was designed.

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

21 (f) Expenditures made from the evidence-based programs account of
22 the state general fund shall be made promptly and on a rolling basis to
23 develop and implement evidence-based community programs as services
24 are needed throughout the state *and provide non-foster home beds in youth*
25 *residential facilities for placement of juvenile offenders as required in*
26 *subsection (a). {No expenditure shall be made from the evidence-based*
27 *programs account of the state general fund for non-foster home beds in*
28 *youth residential facilities for placement of juvenile offenders after July*
29 *1, 2030.}*

30 (g) The evidence-based programs account of the state general fund
31 and any other moneys transferred pursuant to this section shall be used for
32 the purposes set forth in this section and for no other governmental
33 purposes. It is the intent of the legislature that the funds and the moneys
34 deposited in this fund shall remain intact and inviolate for the purposes set
35 forth in this section.

36 **Sec. 8. 9. K.S.A. 75-7023 is hereby amended to read as follows:**
37 75-7023. (a) The secretary for children and families may contract with
38 the secretary of corrections to provide for the juvenile intake and
39 assessment system and programs for children in need of care. Except
40 as provided further, the secretary of corrections shall promulgate
41 rules and regulations for the juvenile intake and assessment system
42 and programs concerning juvenile offenders. If the secretary contracts
43 with the office of judicial administration to administer the juvenile

1 intake and assessment system and programs concerning juvenile
2 offenders, the supreme court administrative orders shall be in force
3 until such contract ends and the rules and regulations concerning
4 juvenile intake and assessment system and programs concerning
5 juvenile offenders have been adopted.

6 (b) Except as otherwise provided in this subsection, records,
7 reports and information obtained as a part of the juvenile intake and
8 assessment process shall not be admitted into evidence in any
9 proceeding and shall not be used in a child in need of care proceeding
10 or a juvenile offender proceeding.

11 (1) Such records, reports and information may be used in a child
12 in need of care proceeding for diagnostic and referral purposes and by
13 the court in considering dispositional alternatives. If the records,
14 reports or information are in regard to abuse or neglect, which is
15 required to be reported under K.S.A. 38-2223, and amendments
16 thereto, such records, reports or information may then be used for any
17 purpose in a child in need of care proceeding pursuant to the revised
18 Kansas code for care of children.

19 (2) Such records, reports and information may be used in a
20 juvenile offender proceeding only if such records, reports and
21 information are in regard to the possible trafficking of a runaway.
22 Such records, reports and information in regard to the possible
23 trafficking of a runaway shall be made available to the appropriate
24 county or district attorney and the court, and shall be used only for
25 diagnostic and referral purposes.

26 (c) Upon a juvenile being taken into custody pursuant to K.S.A.
27 38-2330, and amendments thereto, a juvenile intake and assessment
28 worker shall complete the intake and assessment process, making
29 release and referral determinations as required by supreme court
30 administrative order or district court rule, or except as provided
31 above [in] rules and regulations established by the secretary of
32 corrections.

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

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

43 (2) criminal history, including indications of criminal gang

- 1 **involvement;**
2 (3) abuse history;
3 (4) substance abuse history;
4 (5) history of prior community services used or treatments
5 **provided;**
6 (6) educational history;
7 (7) medical history;
8 (8) family history; and
9 (9) the results of other assessment instruments as approved by the
10 secretary.
- 11 (e) After completion of the intake and assessment process for
12 such child, the intake and assessment worker shall make both a
13 release and a referral determination:
- 14 (1) Release the child to the custody of the child's parent, other
15 legal guardian or another appropriate adult.
- 16 (2) Conditionally release the child to the child's parent, other
17 legal guardian or another appropriate adult if the intake and
18 assessment worker believes that if the conditions are met, it would be
19 in the child's best interest to release the child to such child's parent,
20 other legal guardian or another appropriate adult; and the intake and
21 assessment worker has reason to believe that it might be harmful to
22 the child to release the child to such child's parents, other legal
23 guardian or another appropriate adult without imposing the
24 conditions. The conditions may include, but not be limited to the
25 alternatives listed in K.S.A. 38-2331(b), and amendments thereto, and
26 the following:
- 27 (A) Participation of the child in counseling;
28 (B) participation of members of the child's family in counseling;
29 (C) participation by the child, members of the child's family and
30 other relevant persons in mediation;
31 (D) provision of outpatient treatment for the child;
32 (E) referral of the child and the child's family to the secretary for
33 children and families for services and the agreement of the child and
34 family to accept and participate in the services offered;
35 (F) referral of the child and the child's family to available
36 community resources or services and the agreement of the child and
37 family to accept and participate in the services offered;
38 (G) requiring the child and members of the child's family to enter
39 into a behavioral contract which may provide for regular school
40 attendance among other requirements; or
41 (H) any special conditions necessary to protect the child from
42 future abuse or neglect.
- 43 (3) Deliver the child to a shelter facility or a licensed attendant

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

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

8 (A) An immediate intervention program pursuant to K.S.A. 38-
9 2346(b), and amendments thereto;

10 (B) the county or district attorney for appropriate proceedings to
11 be filed, with or without a recommendation that the juvenile be
12 considered for alternative means of adjudication programs pursuant
13 to K.S.A. 38-2389, and amendments thereto, or immediate
14 intervention pursuant to K.S.A. 38-2346, and amendments thereto; or

15 (C) refer the child and family to the secretary for children and
16 families for investigations in regard to the allegations.

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

20 (1) The assessment shall be conducted for each youth under
21 consideration for detention and may only be conducted by a juvenile
22 intake and assessment worker who has completed training to conduct
23 the detention risk assessment tool.

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

29 (3) (A) The detention risk assessment tool includes an override
30 function that may be approved by the court for use under certain
31 circumstances. If approved by the court, the juvenile intake and
32 assessment worker or the court may override the detention risk
33 assessment tool score in order to direct placement in a short-term
34 shelter facility, a community-based alternative to detention or, subject
35 to K.S.A. 38-2331, and amendments thereto, a juvenile detention
36 facility. Such override must be documented, include a written
37 explanation and receive approval from the director of the intake and
38 assessment center or the court.

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

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

43 (ii) *has been presented to a juvenile intake and assessment system*

1 **for the second time within one year. In such an instance,**

2 **(C) When the detention risk assessment tool is overriden pursuant**
3 **to subparagraph (B), the juvenile intake and assessment worker or the**
4 **court shall place such juvenile in a juvenile detention facility.**

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

9 **(g) Parents, guardians and juveniles may access the juvenile**
10 **intake and assessment programs on a voluntary basis. The parent or**
11 **guardian shall be responsible for the costs of any such program**
12 **utilized.**

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

- (1) Risk and needs assessments;**
- (2) individualized diversions based on needs and strengths;**
- (3) graduated responses;**
- (4) family engagement;**
- (5) trauma-informed care;**
- (6) substance abuse;**
- (7) mental health; and**
- (8) special education.**

23 Sec.-6.**9. 10.** K.S.A. 38-2361, 38-2365, 38-2369-and, 38-2399, **75-**
24 **52,161 and 75-7023 and K.S.A.-2024 2025 Supp. 38-2391, 65-536 and**
25 **75-52,164 are hereby repealed.**

26 Sec.-7.**10. 11.** This act shall take effect and be in force from and after
27 its publication in the statute book.