

<p style="text-align: center;">Juvenile Intake and Assessment System Standards</p> <p style="text-align: center;">Kansas Department of Corrections- Division of Juvenile Services State of Kansas</p>	<p>CHAPTER:</p> <p>OPERATIONS</p>	<p>STANDARD NO.</p> <p>JIAS-04-109</p>
	<p>SUBJECT:</p> <p>RELEASE FROM INTAKE AND ASSESSMENT</p>	<p>PAGE: 1 of 5</p>
<p>REFERENCES: K.S.A. 38-2346, K.S.A. 38-2389, K.S.A. 75-7023, K.S.A. 38-2232, K.S.A. 38-2330, K.S.A. 38-2331, K.S.A. 38-2392</p>	<p>DATE ADOPTED: 11-1-2009</p> <p>DATE AMENDED: 9-1-2023</p> <p>DATE REVIEWED: 3-27-2023</p>	

STANDARD: Written policy, procedure and practice shall define the process for determining the release/placement of each youth that goes through Juvenile Intake and Assessment. Each determination shall be reviewed and approved by the Intake and Assessment Director or designee.

A. Release Determinations

Pursuant to K.S.A. 75-7023 and K.S.A. 38-2331, juvenile intake workers shall use the records, reports and information obtained in the intake process to make a release determination. All determinations shall be made in the best interest of the youth with placement in the least restrictive environment to ensure safety of the youth and others.

It is prohibited for a youth to be released to any parent, legal guardian or other appropriate adult when:

- Parental rights have been terminated;
- The worker perceives there to be a danger to the youth, parent/guardian or other household members.

Release/placement options are as follows:

1. The first release/placement option is releasing the youth to the custody of the youth's parent, other legal guardian or another appropriate adult;
2. The second release/placement option is to conditionally release the youth to the custody of the youth's parent, other legal guardian, or another appropriate adult. To place a youth on conditions, the intake and assessment worker has reason to believe that:
 - If the conditions are met, release is in the best interest of the youth; and
 - It might be harmful to the youth if released without imposing the conditions.

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STANDARDS (cont.):

Conditions may include, per K.S.A. 75-7023(e)(2):

- a. Participation of the youth in counseling;
- b. Participation of members of the youth's family in counseling;
- c. Participation by the youth, members of the youth's family and other relevant persons in mediation;
- d. Provision of outpatient treatment for the youth;
- e. Referral of the youth and/or youth's family to the Department for Children and Family Services (DCF) for services;
- f. Referral of the youth and the youth's family to community resources or services;
- g. Requiring the youth and members of the youth's family to enter into a behavioral contract to provide for regular school attendance among other requirements; or
- h. Any special conditions necessary to protect the youth from future abuse or neglect.

Conditions may include, but not be limited to, the following alternatives per K.S.A. 38-2331(b):

- i. Release on the youth's promise to appear;
- j. Release to a parent, guardian or custodian upon the youth's assurance to secure such youth's appearance;
- k. Release with the imposition of reasonable restrictions on activities, associations, movements and residence specifically related to securing the youth's appearance at the next court hearing;
- l. Release to a voluntary community supervision program;
- m. Release to a mandatory, court-ordered community supervision program;
- n. Release with mandatory participation in an electronic monitoring program with minimal restrictions on the youth's movement;
- o. Release with mandatory participation in an electronic monitoring program allowing the youth to leave home only to attend school, work, court hearings or other court-approved activities;

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STANDARDS (cont.):

3. The third release/placement option is to have the youth placed in a shelter facility or a licensed attendant care only if the intake worker has reason to believe that it is in the youth's best interest not to release or conditionally release the youth.
4. Another placement/release option is in a juvenile detention center. To be placed in a juvenile detention center the following criteria must be met:
 - a. A Kansas Detention Assessment Instrument (KDAI) was administered per JIAS-04-114.
 - b. It is determined that community-based alternatives to detention are insufficient to:
 - i. Secure the presence of the juvenile at the next hearing as evidenced by a demonstrable record of recent failures to appear at juvenile court proceedings and an exhaustion of detention alternatives; or
 - ii. Protect the physical safety of another person or property from serious threat if the juvenile is not detained
 - c. Youth CANNOT be placed in detention solely due to:
 - i. A lack of supervision alternatives or service options;
 - ii. A parent avoiding legal responsibility;
 - iii. A risk of self-harm;
 - iv. Contempt of court;
 - v. A violation of a valid court order; or
 - vi. Technical violations of conditional release unless there is probable cause that the juvenile poses a significant risk of harm to others or damage to property or the applicable graduated responses or sanctions protocol allows such placement.

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STANDARDS (cont.):

5. If a youth is in the legal custody of the DCF or the Kansas Department of Corrections (KDOC), release/placement shall be to return the youth to the placement they were in whenever possible. If due to safety or other extenuating circumstances, return is not an option, the youth shall be released to the custodial agency. In situations where there are new charges, intake staff must complete a KDAI prior to making any release/placement decisions.
6. If a youth is an absconder, escapee or runaway from another state, follow guidance in JIAS 04-106 regarding Interstate Compact on Juveniles for making release/placement determinations.

B. Documentation

Whenever a youth participates in the juvenile intake process, the JIAS staff shall document the release/placement decision in the KDOC case management system which will include narrative of the determining factors and circumstances in the release/placement decision.

Appropriate forms must be completed and distributed:

Release/Placement Form KDOC-JIAS-004 shall be completed when youth are released:

- to the custody of the youth's parent, other legal guardian or another appropriate adult;
- to a shelter facility or a licensed attendant care;

The Police Protective Custody (PPC) Section of the form only needs to be completed in situations where the youth has been placed in PPC. The PPC section requires law enforcement to complete and sign the form unless law enforcement wishes to utilize a separate application in which case the application shall be attached to Form KDOC-JIAS-004.

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Conditions of Release Form KDOC-JIAS-005 shall be completed when youth are conditionally released to the custody of the youth's parent, other legal guardian or another appropriate adult. A safety plan using Form KDOC-JIAS-006 may be completed when in the best interests of the youth.

Once all release signatures are obtained, a copy shall be given to the person taking custody of the youth and a copy retained for the intake file.

DISCUSSION: Examples of when it is NOT recommended the youth be released to a parent/guardian or other appropriate adult include but are not limited to:

- When the parent/guardian or other appropriate adult is an alleged perpetrator of physical or sexual abuse of the youth
- When the alleged perpetrator lives with and/or the parent(s)/guardian(s) cannot adequately protect the youth
- When the parent/guardian or other appropriate adult appears to be impaired by being under the influence of drugs or alcohol unless cleared by law enforcement

The person with authority to place a youth in a juvenile detention center maintains discretion to release the youth if other less restrictive measures would be adequate.

If a youth is in the legal custody of DCF or KDOC and is detained or taken into custody by a LEO, the LEO may return the youth directly to the previous DCF or KDOC placement agency without coming to juvenile intake whenever it is appropriate.

A judge may commit a youth that is on probation to detention for a violation of probation and for contempt of court if the juvenile is demonstrating escalating use of physical violence, aggression, weapons, damage to property or life-threatening substances.

If it is suspected that the youth is an out of state absconder or runaway, the intake and assessment worker may request law enforcement to check the National Crime Information Center (NCIC) for the youth's status or contact law enforcement in the youth's home community. The intake worker should inquire about the circumstances around the youth not being in their home state and confer with any identified collateral sources. If there is no evidence that the youth is an absconder or runaway from another state, the youth shall be dealt with in the same manner as a Kansas resident.

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