

Juvenile Court Rules

600 Juvenile Department (Duties and Jurisdiction)

601 Dockets

602 Filing motion of adult prosecution

603 Child in need of care precedence

Rule 600 DUTIES AND JURISDICTION

(a) Cases filed under the KANSAS CODE FOR CARE OF CHILDREN (K.S.A. 1982 supp. 38-1501 et seq.), the KANSAS JUVENILE OFFENDERS CODE (K.S.A. 1982 Supp. 38-1601 et seq.) and petitions for approval of relinquishment of illegitimate children (K.S.A. 38-113a) shall be filed and heard in the juvenile department of the court.

Rule 601 DOCKETS

(a) Cases filed in the juvenile department shall normally be assigned to one of two dockets, with one docket containing the care code and relinquishment cases and the other the offender cases. Each of these dockets will normally be under the supervision of a particular judge assigned to the juvenile department for a given period of time. Requests for continuance or other scheduling matters shall be addressed to the appropriate judge.

(b) Cases under the KANSAS CODE FOR CARE OF CHILDREN will normally call for interested parties to first appear or answer by 8:30 a.m. on a Thursday (Wednesday, if Thursday is a legal holiday) the court will call a docket of cases pending an evidentiary hearing. Evidentiary hearings will normally be scheduled from such docket call to a time during the calendar week commencing 10 days following the docket call.

(c) Cases under the KANSAS JUVENILE OFFENDERS CODE will normally call for first appearance at 8:30 a.m. or 1:30 p.m. on a Wednesday (Tuesday if Wednesday is a legal holiday). At such appearance the respondent (alleged juvenile offender) will be expected to answer the charges in the complaint with an admission or a denial. Those denying a charge will normally be scheduled for trial at 8:30 a.m. on a Monday, Tuesday, Thursday or Friday. Dispositional hearings for one adjudicated a juvenile offender will normally be scheduled for 1:30 p.m. on a Monday, Tuesday, Thursday or Friday.

RULE 602
FILING OF A MOTION OF ADULT PROSECUTION

A. Upon the filing of a motion of adult prosecution:

1. A judge of the juvenile department shall order the respondent and respondent's parents to appear before the preliminary hearing assignment judge of the criminal department one (1) week from the date of the request, at 9:00 A.M. The judge will appoint counsel for the detention hearing and conduct a detention hearing. There will not be a waiver of hearing on the motion for adult prosecution taken in the juvenile department.

2. The clerk of the juvenile department shall send to the preliminary hearing assignment court

a. The Official Court file.

b. The Social file

c. All other juvenile offender court files on the respondent.

3. The juvenile clerk shall make the appropriate computer entries scheduling the hearing.

4. Upon receipt of the journal entry scheduling the hearing in the criminal department, the preliminary hearing assignment Judge shall appoint counsel to represent the respondent if counsel has not been appointed or retained for the hearing.

5. If, upon hearing, the motion for prosecution as an adult is denied and the court does not designate the proceedings to be an extended juvenile jurisdiction prosecution:

a. The judge of the criminal department shall order the respondent and his parents to appear at the juvenile offender initial appearance docket before a judge of the juvenile department on the first Wednesday following the denial of the motion. (if respondent does not have retained counsel, the court shall contact the clerk of the juvenile department to determine whether the case should be set at 8:30 a.m. or 1:30 p.m.)

b. The clerk of the criminal department shall return all juvenile court files to the clerk of the juvenile department along with the journal entry of the hearing denying the motion.

c. A judge of the juvenile department shall re-appoint the attorney who represented the respondent at the initial Appearance in juvenile court, if the respondent has not retained counsel

d. The juvenile clerk shall make the appropriate computer entries.

6. If adult prosecution is granted, after hearing or waiver, the defendant will be arraigned, enter a plea, or have a plea of not guilty entered, and the case will proceed through the criminal department.

7. The juvenile clerk shall make the appropriate computer entries.

B. Upon entry of an order for adult prosecution, the defendant will be arraigned, enter a plea, or have a plea of not guilty entered and the case will proceed through the criminal department.

C. Social file and other juvenile files will be kept by the Criminal Court Clerk in a confidential file subject to a judges order.

RULE 603
CHILD IN NEED OF CARE PRECEDENCE

Any orders pertaining to child custody, parenting time, and child support entered as a result of a child in need of care proceeding, including custody resulting from police protective custody, shall take precedence over any other child custody, parenting time, and child support order entered in any other case and shall continue to take precedence as long as the child in need of care case shall remain open. Upon closure of the child in need of care case, the last order of custody, parenting time and child support entered in the child in need of care case shall remain binding as to all the parties in that case in regard to all other proceedings in all other departments of the court pertaining to the same parties. Said orders shall remain in effect until such time the parties appear before the court and such orders are amended by the court. In regard to any family law or probate case pertaining to the same parties in the child in need of care case, the order of final custody parenting time, and child support in the child of need of care case shall also be filed in the family law or probate case and all records pertaining to the child in need of care case, including the social file, shall be made available to the family law or probate department judge.