

38-2367. Modification of sentence. (a) At any time after the entry of an order of custody or placement of a juvenile offender, the court, upon the court's own motion or the motion of the secretary of corrections or parent or any party, may modify the sentence imposed. Upon receipt of the motion, the court shall fix a time and place for hearing and provide notice to the movant and to the current custodian and placement of the juvenile offender and to each party to the proceeding. Except as established in subsection (b), after the hearing, if the court finds that the sentence previously imposed is not in the best interests of the juvenile offender, the court may rescind and set aside the sentence, and enter any sentence pursuant to K.S.A. 2016 Supp. 38-2361, and amendments thereto, and the overall case length limit, except that a child support order which has been registered under K.S.A. 2016 Supp. 38-2321, and amendments thereto, may only be modified pursuant to K.S.A. 2016 Supp. 38-2321, and amendments thereto.

(b) If the court determines that it is in the best interests of the juvenile offender to be returned to the custody of the parent or parents, the court shall so order.

(c) If, during the proceedings, the court determines that there is probable cause to believe that the juvenile is a child in need of care as defined in K.S.A. 2016 Supp. 38-2022, and amendments thereto, the court may refer the matter to the county or district attorney, who shall file a petition as provided in K.S.A. 2016 Supp. 38-2234, and amendments thereto, and refer the family to the Kansas department for children and families for services.

(d) If, during the proceedings, the court finds that a juvenile offender needs a place to live and the court does not have probable cause to believe the juvenile is a child in need of care as defined in K.S.A. 2016 Supp. 38-2022, and amendments thereto, or if the child is emancipated or over the age of 17, the court may authorize participation in a community integration program.

(e) Any time within 60 days after a court has committed a juvenile offender to a juvenile correctional facility the court may modify the sentence and enter any other sentence, except that a child support order which has been registered under K.S.A. 2016 Supp. 38-2321, and amendments thereto, may only be modified pursuant to K.S.A. 2016 Supp. 38-2321, and amendments thereto.

(f) Any time after a court has committed a juvenile offender to a juvenile correctional facility, the court may, upon motion by the secretary of corrections, modify the sentence and enter any other sentence if the court determines that:

- (1) The medical condition of the juvenile justifies a reduction in sentence; or
- (2) the juvenile's exceptional adjustment and habilitation merit a reduction in sentence.

History: L. 2006, ch. 169, § 67; L. 2016, ch. 46, § 44; July 1.