

Juvenile Intake and Assessment System Standards Kansas Department of Corrections- Division of Juvenile Services State of Kansas	CHAPTER: OPERATIONS	STANDARD NO. JIAS-04-112
	SUBJECT: NOTICE TO APPEAR	PAGE: 1 of 2
REFERENCES: K.S.A. 38-2330; K.S.A. 75-7023		DATE ADOPTED: 3-1-2017 DATE AMENDED: 4-24-2023 DATE REVIEWED: 4-24-2023

STANDARD: Written policy, procedure, and practice shall require the intake and assessment program to have a Notice to Appear (NTA) procedure in place to receive, process, track, and report on NTAs received from law enforcement agencies.

According to KSA 38-2330, a Law Enforcement Officer (LEO) may issue an NTA to a juvenile that is detained or taken into custody and shall provide a copy of the NTA and other information pertaining to the juvenile to the juvenile intake and assessment office. The juvenile intake and assessment office shall have a process in place to receive, document and track NTAs and other pertinent information received from the LEO.

The juvenile, parent, or guardian is responsible to contact the intake and assessment office within 48 hours of receiving the NTA (excluding weekends and holidays). The intake and assessment office shall be available to be contacted by the juvenile. When contacted, the intake and assessment staff shall make arrangements to meet with the juvenile and conduct the intake process. An appointment shall be scheduled for the youth and family within five (5) business days of the notification. As a result of the records, reports and information obtained in the intake process, the intake staff shall make release determinations (as per JIAS 04-109) and referral determinations (as per JIAS 04-113).

If the juvenile fails to contact juvenile intake and assessment services as required in the NTA, juvenile intake and assessment services shall notify the district/county attorney that the juvenile did not comply with the NTA order. A copy of that notification shall be kept in the juvenile intake and assessment office. If the youth and/or parents cannot be contacted within the time frame, miss the appointment or refuse to participate in the intake and assessment process, this shall be documented and the intake and assessment program shall notify appropriate agencies.

After a juvenile contacts juvenile intake and assessment services and the intake event is completed, the Intake and Assessment staff shall document the intake event in the Intake Module of the KDOC case management system.

- If a LEO issues a summons to a juvenile for a criminal offense the Intake Classification shall be listed as a Juvenile Individual and the Intake Type shall be entered as an NTA.

NOTE: The standards and procedures set forth herein are intended to establish operational guidelines for the intake and assessment program operating through the board of county commissioners and their employees/contractors and youth participating in the intake and assessment process. They are not intended to establish state created liberty interests for the intake and assessment program or the board of county commissioners, or their employees/contractors, or youth, or an independent duty owed by the Kansas Department of Corrections- Division of Juvenile Services to intake and assessment programs operating through the board of county commissioners or their employees/contractors, supervised juveniles or third parties. This standard and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

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- If a LEO issues a summons to a juvenile for a child in need of care charge or event, the Intake Classification shall be listed as a Child in Need of Care (CINC) and the Intake Type shall be entered as an Appointment.
- If a LEO issues a summons to a juvenile for a status offense charge, the Intake Classification shall be listed as a Status Offender and the Intake Type shall be entered as an Appointment.

The intake and assessment office shall collect aggregate data on NTAs served/received, NTAs complied with, and NTAs not complied with and shall make that information available to the Kansas Department of Corrections – Community-Based Services. Data regarding Appointments shall not be compiled or submitted with NTA data.

DISCUSSION: If the intake and assessment office receives an NTA notice from a law enforcement agency but is not contacted by the juvenile, parent, or guardian within the 48-hour time frame, the intake and assessment staff should attempt to contact the parents or guardian to ensure they are aware of the NTA and to encourage compliance.

If the intake and assessment office receives an NTA notice from a law enforcement agency regarding a youth that is in the custody of the Department of Children and Families (DCF) or one of the DCF foster care case management providers, the intake and assessment staff should attempt to notify DCF or the provider agency that has custody of the youth to ensure they are aware of the NTA and to encourage compliance.

A Memorandum of Understanding (MOU) pursuant to JIAS-01-103 may be entered into between the county/district attorney’s office, the local law enforcement agency(s), and the intake and assessment program defining the procedural responsibilities of each agency. If an MOU is entered into, a copy of such agreement shall be readily available to the Kansas Department of Corrections – Community-Based Services.

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