

Community Supervision Standards  Kansas Department of Corrections- Division of Juvenile Services State of Kansas	<b>CHAPTER:</b>  <b>SUPERVISION</b>	<b>STANDARD NO.</b>  <b>CSS-04-136</b>
	<b>SUBJECT:</b>  <b>EARNED DISCHARGE</b>	<b>PAGE: 1 of 2</b>
<b>REFERENCES: Kansas Supreme Court Rule 1801, Form A: Notice of Earned Discharge Credit Award, Form B: Denial of earned discharge credit, K.S.A. 38-2368, K.S.A. 38-2391 (i)</b>		<b>DATE ADOPTED: 5-22-2018</b> <b>DATE REVIEWED: 4-30-2018</b>

**STANDARD:** Written policy, procedure and practice shall require the Community Supervision Agency (CSA) to adhere to Kansas Supreme Court Rule 1801, Earned Discharge Credit for Juveniles adjudicated on and after January 1, 2018.

A youth who is adjudicated as a juvenile offender may earn credit toward early discharge from probation if the youth has substantially complied with the probation conditions. Substantial compliance means the juvenile has made significant progress in meeting the conditions of probation and no violations have been filed with the court under K.S.A. 38-2368.

At Orientation the Community Supervision Officer (CSO) will explain the earned discharge credit rule to the youth.

The youth shall earn seven days of credit toward early discharge from probation for each full calendar month of substantial compliance with the conditions of probation. The initial end date of probation is calculated based on the start date outlined in K.S.A. 38-2391(i) and the term of probation. The CSO will calculate earned discharge credit beginning the first full calendar month after start date of probation.

On a monthly basis, until the youth is discharged from the term of probation, the CSO will review substantial compliance for the previous full month and make a determination if discharge credits were earned. In reviewing whether a youth has substantially complied with probation, the CSO will review the conditions outlined in the court's order of probation and youth's supervision plan.

If a youth substantially complies with the conditions of probation and is awarded earned discharge credit, the CSO will provide notice to the youth, the youth's defense attorney, and the prosecutor using the Form A: Notice of Earned Discharge Credit Award. The notice of earned discharge credit that is awarded will be filed with the court. A copy should be placed in the youth's file and noted in a chrono in the Community Agency Supervision

**NOTE:** The standards and procedures set forth herein are intended to establish operational guidelines for community supervision agencies operating through the board of county commissioners and their employees/contractors and the juvenile offenders under supervision. They are not intended to establish state created liberty interests for community supervision agencies, or the board of county commissioners, or their employees/contractors, or juvenile offenders, or an independent duty owed by the Kansas Department of Corrections- Division of Juvenile Services to community supervision agencies operating through the board of county commissioners or their employees/contractors, supervised juvenile offenders 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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STANDARD (cont.):

Information Management System (CASIMS). The youth may be notified in person or by mail. The youth's defense attorney and the prosecutor shall be notified in writing.

If a youth has not substantially complied with the conditions of probation and his/her supervision plan and therefore does not earn discharge credit, the CSO will inform the youth in person and complete Form B: Denial of earned discharge credit form. Form B shall be placed in the youth's file and noted in a chrono in the Community Agency Supervision Information Management System (CASIMS). The CSO will document in the chrono the date the youth was informed of the denial of earned discharge credit.

Once the youth has been awarded earned discharge credits, the credits cannot be taken away.

For ICJ-Out youth, substantial compliance shall be assumed if no non-compliance reports have been filed for the receiving state for the month in review.

DISCUSSION: None.

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**IN THE DISTRICT COURT OF \_\_\_\_\_ COUNTY, KANSAS  
JUVENILE DIVISION**

IN THE MATTER OF:

Case No. \_\_\_\_\_

\_\_\_\_\_, juvenile

**NOTICE OF EARNED DISCHARGE CREDIT AWARD**

The juvenile has substantially complied with the conditions of probation during the month of \_\_\_\_\_, and is therefore awarded earned discharge credit against the term of probation in the amount of seven (7) days pursuant to Kansas Supreme Court Rule 1801.

The current expected end date of the juvenile's probation term is \_\_\_\_\_.  
With the application of the earned discharge credit stated above, the new expected end date is \_\_\_\_\_.

Respectfully,

\_\_\_\_\_  
CSO \_\_\_\_\_

Certificate of Service

I certify the Notice of Earned Discharge Credit Award was provided on \_\_\_\_\_ to:

\_\_\_\_\_, juvenile via  first class mail or  hand-delivery

\_\_\_\_\_, juvenile's defense attorney via electronic filing

\_\_\_\_\_, county or district attorney via electronic filing

Respectfully,

\_\_\_\_\_  
CSO \_\_\_\_\_

DENIAL OF EARNED DISCHARGE CREDIT

Date: \_\_\_\_\_

Juvenile: \_\_\_\_\_

County: \_\_\_\_\_

Case No: \_\_\_\_\_

CSO: \_\_\_\_\_

Juvenile has not substantially complied with the conditions of probation during the month of \_\_\_\_\_ and is therefore ineligible for earned discharge credits for this time period. This decision is based on the following reason(s):

- A new violation report filed
- The juvenile has not made significant progress in meeting the conditions of probation.

Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_