

2018 Kansas Statutes

38-2344. First appearance; plea. (a) When the juvenile appears without an attorney in response to a complaint, the court shall inform the juvenile of the following:

- (1) The nature of the charges in the complaint;
- (2) the right to hire an attorney of the juvenile's own choice;
- (3) the duty of the court to appoint an attorney for the juvenile if no attorney is hired by the juvenile or parent;
- (4) that the court may require the juvenile or parent to pay the expense of a court appointed attorney; and
- (5) the right to be offered an immediate intervention pursuant to K.S.A. 2018 Supp. 38-2346, and amendments thereto.

Upon request the court shall give the juvenile or parent an opportunity to hire an attorney. If no request is made or the juvenile or parent is financially unable to hire an attorney, the court shall promptly appoint an attorney for the juvenile. The court shall afford the juvenile an opportunity to confer with the attorney before requiring the juvenile to plead to the allegations of the complaint.

(b) When the juvenile appears with an attorney in response to a complaint, the court shall require the juvenile to plead guilty, nolo contendere or not guilty to the allegations stated in the complaint, unless there is an application for and approval of an immediate intervention program. Prior to making this requirement, the court shall inform the juvenile of the following:

- (1) The nature of the charges in the complaint;
- (2) the right of the juvenile to be presumed innocent of each charge;
- (3) the right to jury trial without unnecessary delay;
- (4) the right to confront and cross-examine witnesses appearing in support of the allegations of the complaint;
- (5) the right to subpoena witnesses;
- (6) the right of the juvenile to testify or to decline to testify; and
- (7) the sentencing alternatives the court may select as the result of the juvenile being adjudicated a juvenile offender.

(c) If the juvenile pleads guilty to the allegations contained in a complaint or pleads nolo contendere, the court shall determine, before accepting the plea and entering a sentence: (1) That there has been a voluntary waiver of the rights enumerated in subsections (b)(2), (3), (4), (5) and (6); and (2) that there is a factual basis for the plea.

(d) If the juvenile pleads not guilty, the court shall schedule a time and date for trial to the court.

(e) First appearance may be conducted by two-way electronic audio-video communication between the juvenile and the judge in lieu of personal presence of the juvenile or the juvenile's attorney in the courtroom from any location within Kansas in the discretion of the court. The juvenile may be accompanied by the juvenile's attorney during such proceedings or the juvenile's attorney may be personally present in court as long as a means of confidential communication between the juvenile and the juvenile's attorney is available.

History: L. 2006, ch. 169, § 44; L. 2011, ch. 60, § 4; L. 2016, ch. 46, § 38; Jan. 1, 2017.