

DOUGLAS COUNTY DISTRICT COURT
Seventh Judicial District

Judicial and Law Enforcement Center
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Division 5

Mark A. Simpson
District Court Judge

Victoria Sparkman
Administrative Assistant

Division 5 Protocol for Probation Violation Proceedings

The following protocol is established for court-initiated probation violation proceedings pursuant to K.S.A. 22-3716(a).

A probation officer may notify the court of alleged probation violations by filing an affidavit showing in what manner the defendant has violated the conditions of probation. The Officer should indicate in the affidavit whether an arrest warrant or a notice to appear is requested.

The probation officer will then notify Division 5 that an affidavit has been filed by emailing the Division 5 administrative assistant.

The court will review the affidavit and 1) issue an arrest warrant, 2) issue a notice to appear, or 3) decline to act.

If the court issues an arrest warrant, the court will notify the probation officer by email. The defendant will appear on the next available probation violation docket after arrest. The court will provide notice of the hearing to the probation officer, the State, and counsel for the defendant. The court will appoint counsel if the defendant does not have counsel of record.

When the court issues a notice to appear, the court will provide notice to the probation officer, the State, and counsel for the defendant. The court will appoint counsel if the defendant does not have counsel of record.

If the court declines to act on the affidavit, the court will file a Notice of Declination.