

2020 Kansas Statutes

38-2211. Access to official and social file; preservation of records. (a) Access to the official file. The following persons or entities shall have access to the official file of a child in need of care proceeding pursuant to this code:

- (1) The court having jurisdiction over the proceedings, including the presiding judge and any court personnel designated by the judge.
- (2) The parties to the proceedings and their attorneys.
- (3) The guardian ad litem for a child who is the subject of the proceeding.
- (4) A court appointed special advocate for a child who is the subject of the proceeding or a paid staff member of a court appointed special advocate program.
- (5) Any individual, or any public or private agency or institution, having custody of the child under court order or providing educational, medical or mental health services to the child or any placement provider or potential placement provider as determined by the secretary or court services officer.
- (6) A citizen review board.
- (7) The secretary of corrections or any agents designated by the secretary of corrections.
- (8) Any county or district attorney from another jurisdiction with a pending child in need of care matter regarding any of the same parties.
- (9) Any other person when authorized by a court order, subject to any conditions imposed by the order.
- (10) The commission on judicial performance in the discharge of the commission's duties pursuant to article 32 of chapter 20 of the Kansas Statutes Annotated, and amendments thereto.

(b) Access to the social file. The following persons or entities shall have access to the social file of a child in need of care proceeding pursuant to this code:

- (1) The court having jurisdiction over the proceeding, including the presiding judge and any court personnel designated by the judge.
- (2) The attorney for a party to the proceeding or the person or persons designated by an Indian tribe that is a party.
- (3) The guardian ad litem for a child who is the subject of the proceeding.
- (4) A court appointed special advocate for a child who is the subject of the proceeding or a paid staff member of a court appointed special advocate program.
- (5) A citizen review board.
- (6) The secretary.
- (7) The secretary of corrections or any agents designated by the secretary of corrections.
- (8) Any county or district attorney from another jurisdiction with a pending child in need of care matter regarding any of the same parties or interested parties.
- (9) Any other person when authorized by a court order, subject to any conditions imposed by the order.

(c) Preservation of records. The Kansas state historical society shall be allowed to take possession for preservation in the state archives of any court records related to proceedings under the Kansas code for care of children whenever such records otherwise would be destroyed. No such records in the custody of the Kansas state historical society shall be disclosed directly or indirectly to anyone for 70 years after creation of the records, except as provided in subsections (a) and (b). Pursuant to subsections (a)(9) and (b)(9), a judge of the district court may allow inspection for research purposes of any court records in the custody of the Kansas state historical society related to proceedings under the Kansas code for care of children.

History: L. 1982, ch. 182, § 6; L. 1988, ch. 139, § 1; L. 1992, ch. 318, § 1; L. 1996, ch. 229, § 32; L. 2004, ch. 178, § 3; L. 2008, ch. 145, § 7; L. 2009, ch. 143, § 15; L. 2016, ch. 102, § 11; July 1.

Revisor's Note:

Section was amended twice in the 2008 session, see also 38-2211a.