AN ACT establishing the office of the child advocate for children's protection and services within the department of administration; prescribing certain powers, duties and functions; amending K.S.A. 2019 Supp. 38-2211, 38-2212, 38-2213, 38-2309 and 38-2310 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. As used in sections 1 through 8, and amendments thereto:
   (a) "Office" means the office of the child advocate for children's protection and services within the department of administration and includes the child advocate and staff; and
   (b) "recipient" means any child who is receiving services from the Kansas department for children and families.

New Sec. 2. (a) There is hereby established within the department of administration the office of the child advocate for children's protection and services for the purpose of assuring that children receive adequate protection and care through services offered by the Kansas department for children and families.
   (b) The office shall be administered by the child advocate, who shall be appointed by the governor, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. The child advocate shall report directly to the secretary of administration. The child advocate shall hold office for a term of six years and shall continue to hold office until a successor has been duly appointed. The child advocate shall act independently of the Kansas department for children and families in the performance of the child advocate's duties. The department of administration shall provide administrative support and staff to the office as deemed necessary by the child advocate.
   (c) For the fiscal year ending June 30, 2021, and for each fiscal year thereafter, the secretary of administration shall include the budget estimate of the office, as prepared and approved by the child advocate, with the budget estimate prepared and submitted to the division of the budget for the department of administration under K.S.A. 75-3717, and amendments thereto. Expenditures from appropriations to the department of administration for the office, made pursuant to budget estimates for the
office, shall be made on vouchers approved by the child advocate or the
close advocate's designee. All vouchers for expenditures and all payrolls of
the office shall be approved by the child advocate or the child advocate's
designee.

New Sec. 3. (a) The office of the child advocate for children's
protection and services shall have access to the following information:

(1) The names and physical location of all children in protective
services, treatment or other programs under the jurisdiction of the Kansas
department for children and families;

(2) all written reports of child abuse and neglect; and

(3) all current records required to be maintained pursuant to articles
22 and 23 of chapter 38 of the Kansas Statutes Annotated, and
amendments thereto.

(b) The office shall have the authority to:

(1) Communicate privately with any child under protective services
and anyone working with the child, including the family, relatives,
employees of the Kansas department for children and families and other
persons or entities providing treatment and services;

(2) access, including the right to inspect, copy and subpoena, relevant
child records held by the clerk of any Kansas court, public or private
institutions and other agencies or persons with whom a particular child has
been either voluntarily or otherwise placed for care or from whom the
child has received treatment within this state or in another state;

(3) work in conjunction with guardians ad litem;

(4) file any findings or reports of the child advocate regarding the
parent or child with the appropriate court and issue recommendations
regarding the disposition of an investigation to the court and to the
investigating agency;

(5) file amicus curiae briefs on behalf of the interests of the parent or
child;

(6) utilize the resources of the office of the attorney general, as
necessary, to carry out any duties of the child advocate for children's
protection and services that require legal counsel or services, as authorized
pursuant to sections 1 through 8, and amendments thereto;

(7) initiate meetings with personnel from the Kansas department for
children and families;

(8) take whatever steps are appropriate to ensure that individuals are
made aware of the services of the office, its purpose and how it can be
contacted;

(9) apply for and accept grants, gifts and bequests of moneys from
other state, interstate or federal agencies, independent authorities, private
firms, individuals and foundations to carry out the child advocate's duties
and responsibilities. The moneys shall be deposited in a dedicated account
established within the office to permit moneys to be expended in
accordance with the provisions of the grant or bequest; and

(10) subject to appropriations, establish local panels as needed on a
regional or county basis to adequately and efficiently carry out the
functions and duties of the office and address complaints in a timely
manner.

(c) (1) For any information obtained from a state agency or other
entity under sections 1 through 8, and amendments thereto, the office shall
be subject to the same state and federal statutory disclosure restrictions and
confidentiality requirements that are applicable to the state agency or other
entity providing such information to the office.

(2) The provisions of this subsection providing for confidentiality of
records shall expire on July 1, 2025, unless the legislature reenacts such
provisions. The legislature shall review this subsection pursuant to K.S.A.
45-229, and amendments thereto, prior to July 1, 2025.

New Sec. 4. (a) The office of the child advocate for children's
protection and services shall establish and implement procedures for
receiving, processing, responding to and resolving complaints made by or
on behalf of children who are recipients of services from the Kansas
department for children and families. Such procedures shall address
complaints relating to the actions, inactions or decisions of service
providers, including contractors, subcontractors and any juvenile court,
that may adversely affect the health, safety, welfare or rights of such
recipient.

(b) The office shall have the authority to make the necessary inquiries
and review relevant information and records as the office deems necessary.

(c) The office may recommend to any state or local agency changes
in the rules and regulations adopted or proposed by such state or local
agency that adversely affect or may adversely affect the health, safety,
welfare or civil or human rights of any recipient. The office shall
recommend changes to any current policies and procedures. The office
shall analyze and monitor the development and implementation of federal,
state and local laws, rules and regulations and policies with respect to
services in the state and shall recommend to the Kansas department for
children and families, courts, the legislature and the governor changes in
such laws, rules and regulations and policies deemed by the office to be
appropriate.

(d) The office shall inform recipients, their guardians or their families
of their rights and entitlements under state and federal laws and rules and
regulations through the distribution of educational materials.

(e) The office shall annually submit to the governor, the legislature
and the supreme court a detailed report on the work of the office. Such
report shall include, but not be limited to, the number of complaints
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received by the office, the disposition of such complaints, the number of recipients involved in such complaints, the state entities named in such complaints, whether such complaints were found to be substantiated and any recommendations for improving the delivery of services to reduce complaints or improving the function of the office.

New Sec. 5. (a) The office of the child advocate for children's protection and services shall have the authority to and may conduct an independent review of any entity within a county that has experienced three or more reports of child abuse or neglect in a calendar year, including, but not limited to, the Kansas department for children and families or any guardian ad litem. The office shall establish and implement procedures for reviewing any such entity.

(b) The office shall have the authority to make the necessary inquiries and review relevant information and records as the office deems necessary in order to conduct such reviews.

(c) The office may recommend changes to any entity's policies and procedures based on the results of the review in order to improve the delivery of services or the function of the entity. Upon completing a review under this section, the office shall submit any findings and recommendations to the Kansas department for children and families.

New Sec. 6. (a) The secretary for children and families shall enter into agreements with the office of the child advocate for children's protection and services for the provision of financial assistance to the office by the Kansas department for children and families from available state and federal funds of the Kansas department for children and families. This financial assistance shall be to assist the child advocate to provide child advocacy services in accordance with sections 1 through 8, and amendments thereto.

(b) For the fiscal year ending June 30, 2021, and for each fiscal year thereafter, the secretary for children and families shall include in the budget estimates prepared and submitted to the division of the budget for the Kansas department for children and families under K.S.A. 75-3717, and amendments thereto, in addition to other amounts included in such budget estimates for the Kansas department for children and families, amounts to be provided to the office during such fiscal year pursuant to this section. The amounts included in each such budget estimate to be provided to the office shall include amounts to be appropriated from federal moneys provided to the Kansas department for children and families. Commencing in the fiscal year ending on June 30, 2022, in no case shall the aggregate of the amounts included in any such budget estimates of the Kansas department for children and families that are to be provided to the office be less than the aggregate of all moneys provided during the fiscal year ending June 30, 2021, by the Kansas department for
children and families for the office from appropriations to the Kansas department for children and families, including moneys received under federal programs for children. The aggregate amounts included in each such budget estimates of the Kansas department for children and families that are to be provided to the office shall be adjusted appropriately for increases attributable to inflation and other applicable factors.

New Sec. 7. (a) The identity of any complainant or recipient shall not be disclosed by the office unless:
   (1) The complainant or recipient, respectively, or the complainant's or recipient's legal representative, consents in writing to such disclosure; or
   (2) such disclosure is required by court order.
   (b) Any statement or communication made by the office relevant to a complaint being addressed by the office and any complaint or information made or provided in good faith by any person shall be absolutely privileged, and such person shall be immune from suit for such statement, communication, complaint or information.
   (c) Any representative of the office conducting or participating in any examination of a complaint who knowingly and willfully discloses to any person other than the office, or those persons authorized by the office to receive it, the name of any witness examined or any information obtained or given during such examination shall be guilty of a class A nonperson misdemeanor. The office conducting or participating in any examination of a complaint shall disclose the final result of the examination with the consent of the recipient.
   (d) The office shall not be required to testify in any court with respect to matters held to be confidential in this section, except as the court may deem necessary to enforce the provisions of sections 1 through 8, and amendments thereto, or when otherwise required by court order.
   (e) The provisions of this section providing for confidentiality of records shall expire on July 1, 2025, unless the legislature reenacts such provisions. The legislature shall review this section pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2025.

New Sec. 8. (a) Any employee of the office of the child advocate for children's protection and services shall be treated as a representative of the office. No representative of the office shall be held liable for the good faith performance of such representative's official duties under the provisions of sections 1 through 8, and amendments thereto, and such representative shall be immune from suit for the good faith performance of such duties. Every representative of the office shall be considered an employee of the state of Kansas.
   (b) (1) Except as provided in paragraph (2), no reprisal or retaliatory action shall be taken against any recipient or employee of the Kansas department for children and families for any communication made or
information given to the office. Any person who knowingly or willfully violates the provisions of this paragraph shall be guilty of a class A nonperson misdemeanor.

(2) Paragraph (1) shall not apply to an employee who discloses:

(A) Information that such employee knows to be false or who discloses information with disregard for the truth or falsity of the information; or

(B) Without lawful authority, information that is confidential under any other provision of law.

(c) As used in this section, "reprisal or retaliatory action" includes, but is not limited to:

(1) Letters of reprimand or unsatisfactory performance evaluations;
(2) Transfer;
(3) Demotion;
(4) Reduction in pay;
(5) Denial of promotion;
(6) Suspension;
(7) Dismissal; and
(8) Denial of employment.

Sec. 9. K.S.A. 2019 Supp. 38-2211 is hereby amended to read as follows: 38-2211. (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.

(11) The office of the child advocate for children's protection and services, pursuant to sections 1 through 8, 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) The office of the child advocate for children's protection and services, pursuant to sections 1 through 8, and amendments thereto.

(10) 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)(10), 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.

Sec. 10. K.S.A. 2019 Supp. 38-2212 is hereby amended to read as follows: 38-2212. (a) Principle of appropriate access. Information contained in confidential agency records concerning a child alleged or adjudicated to be in need of care may be disclosed as provided in this
section. Disclosure shall in all cases be guided by the principle of providing access only to persons or entities with a need for information that is directly related to achieving the purposes of this code.

(b) **Free exchange of information.** Pursuant to K.S.A. 2019 Supp. 38-2210, and amendments thereto, the secretary and juvenile intake and assessment agencies shall participate in the free exchange of information concerning a child who is alleged or adjudicated to be in need of care.

(c) **Necessary access.** The following persons or entities shall have access to information from agency records. Access shall be limited to information reasonably necessary to carry out their lawful responsibilities, to maintain their personal safety and the personal safety of individuals in their care, or to educate, diagnose, treat, care for or protect a child alleged to be in need of care. Information authorized to be disclosed pursuant to this subsection shall not contain information that identifies a reporter of a child who is alleged or adjudicated to be a child in need of care.

1. A child named in the report or records, a guardian ad litem appointed for the child and the child's attorney.
2. A parent or other person responsible for the welfare of a child, or such person's legal representative.
3. A court-appointed special advocate for a child, a citizen review board or other advocate that reports to the court.
4. A person licensed to practice the healing arts or mental health profession in order to diagnose, care for, treat or supervise: (A) A child whom such service provider reasonably suspects may be in need of care; (B) a member of the child's family; or (C) a person who allegedly abused or neglected the child.
5. A person or entity licensed or registered by the secretary of health and environment or approved by the secretary for children and families to care for, treat or supervise a child in need of care.
6. A coroner or medical examiner when such person is determining the cause of death of a child.
7. The state child death review board established under K.S.A. 22a-243, and amendments thereto.
8. An attorney for a private party who files a petition pursuant to K.S.A. 2019 Supp. 38-2233(b), and amendments thereto.
9. A foster parent, prospective foster parent, permanent custodian, prospective permanent custodian, adoptive parent or prospective adoptive parent. In order to assist such persons in making an informed decision regarding acceptance of a particular child, to help the family anticipate problems that may occur during the child's placement, and to help the family meet the needs of the child in a constructive manner, the secretary shall seek and shall provide the following information to such persons as the information becomes available to the secretary:
(A) Strengths, needs and general behavior of the child;  
(B) circumstances that necessitated placement;  
(C) information about the child's family and the child's relationship to  
the family that may affect the placement;  
(D) important life experiences and relationships that may affect the  
child's feelings, behavior, attitudes or adjustment;  
(E) medical history of the child, including third-party coverage that  
may be available to the child; and  
(F) education history, to include present grade placement, special  
strengths and weaknesses.

(10) The state protection and advocacy agency as provided by K.S.A.  
65-5603(a)(10) or K.S.A. 74-5515(a)(2)(A) and (B), and amendments  
thereto.

(11) Any educational institution to the extent necessary to enable the  
educational institution to provide the safest possible environment for its  
pupils and employees.

(12) Any educator to the extent necessary to enable the educator to  
protect the personal safety of the educator and the educator's pupils.

(13) The office of the child advocate for children's protection and  
services, pursuant to sections 1 through 8, and amendments thereto.

(14) Any other federal, state or local government executive branch  
entity or any agent of such entity, having a need for such information in  
order to carry out such entity's responsibilities under the law to protect  
children from abuse and neglect.

(d) Specified access. The following persons or entities shall have  
access to information contained in agency records as specified.  
Information authorized to be disclosed pursuant to this subsection shall not  
contain information that identifies a reporter of a child who is alleged or  
adjudicated to be a child in need of care.

(1) Information from confidential agency records of the Kansas  
department for children and families, a law enforcement agency or any  
juvenile intake and assessment worker of a child alleged or adjudicated to  
be in need of care shall be available to members of the standing house or  
 senate committee on judiciary, house committee on corrections and  
juvenile justice, house committee on appropriations, senate committee on  
ways and means, legislative post audit committee and any joint committee  
with authority to consider children's and families' issues, when carrying  
out such member's or committee's official functions in accordance with  
K.S.A. 75-4319, and amendments thereto, in a closed or executive  
meeting. Except in limited conditions established by 2/3 of the members of  
such committee, records and reports received by the committee shall not  
be further disclosed. Unauthorized disclosure may subject such member to  
discipline or censure from the house of representatives or senate. The
secretary for children and families shall not summarize the outcome of department actions regarding a child alleged to be a child in need of care in information available to members of such committees.

(2) The secretary for children and families may summarize the outcome of department actions regarding a child alleged to be a child in need of care to a person having made such report.

(3) Information from confidential reports or records of a child alleged or adjudicated to be a child in need of care may be disclosed to the public when:

(A) The individuals involved or their representatives have given express written consent; or

(B) the investigation of the abuse or neglect of the child or the filing of a petition alleging a child to be in need of care has become public knowledge, provided, however, that the agency shall limit disclosure to confirmation of procedural details relating to the handling of the case by professionals.

(e) Court order: Notwithstanding the provisions of this section, a court of competent jurisdiction, after in camera inspection, may order disclosure of confidential agency records pursuant to a determination that the disclosure is in the best interests of the child who is the subject of the reports or that the records are necessary for the proceedings of the court. The court shall specify the terms of disclosure and impose appropriate limitations.

(f) (1) Notwithstanding any other provision of law to the contrary, except as provided in paragraph (6), in the event that child abuse or neglect results in a child fatality or near fatality, reports or records of a child alleged or adjudicated to be in need of care received by the secretary, a law enforcement agency or any juvenile intake and assessment worker shall become a public record and subject to disclosure pursuant to K.S.A. 45-215, and amendments thereto.

(2) Within seven days of receipt of a request in accordance with the procedures adopted under K.S.A. 45-220, and amendments thereto, the secretary shall notify any affected individual that an open records request has been made concerning such records. The secretary or any affected individual may file a motion requesting the court to prevent disclosure of such record or report, or any select portion thereof. Notice of the filing of such motion shall be provided to all parties requesting the records or reports, and such party or parties shall have a right to hearing, upon request, prior to the entry of any order on such motion. If the affected individual does not file such motion within seven days of notification, and the secretary has not filed a motion, the secretary shall release the reports or records. If such motion is filed, the court shall consider the effect such disclosure may have upon an ongoing criminal investigation, a pending
prosecution, or the privacy of the child, if living, or the child's siblings, parents or guardians, and the public's interest in the disclosure of such records or reports. The court shall make written findings on the record justifying the closing of the records and shall provide a copy of the journal entry to the affected parties and the individual requesting disclosure pursuant to the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto.

(3) Notwithstanding the provisions of paragraph (2), in the event that child abuse or neglect results in a child fatality, the secretary shall release the following information in response to an open records request made pursuant to the Kansas open records act, within seven business days of receipt of such request, as allowed by applicable law:

(A) Age and sex of the child;
(B) date of the fatality;
(C) a summary of any previous reports of abuse or neglect received by the secretary involving the child, along with the findings of such reports; and
(D) any department recommended services provided to the child.

(4) Notwithstanding the provisions of paragraph (2), in the event that a child fatality occurs while such child was in the custody of the secretary for children and families, the secretary shall release the following information in response to an open records request made pursuant to the Kansas open records act, within seven business days of receipt of such request, as allowed by applicable law:

(A) Age and sex of the child;
(B) date of the fatality; and
(C) a summary of the facts surrounding the death of the child.

(5) For reports or records requested pursuant to this subsection, the time limitations specified in this subsection shall control to the extent of any inconsistency between this subsection and K.S.A. 45-218, and amendments thereto. As used in this section, "near fatality" means an act that, as certified by a person licensed to practice medicine and surgery, places the child in serious or critical condition.

(6) Nothing in this subsection shall allow the disclosure of reports, records or documents concerning the child and such child's biological parents that were created prior to such child's adoption. Nothing herein is intended to require that an otherwise privileged communication lose its privileged character.

Sec. 11. K.S.A. 2019 Supp. 38-2213 is hereby amended to read as follows: 38-2213. (a) Principle of limited disclosure. Information contained in confidential law enforcement records concerning a child alleged or adjudicated to be in need of care may be disclosed as provided in this section. Disclosure shall in all cases be guided by the principle of
providing access only to persons or entities with a need for information that is directly related to achieving the purposes of this code.

(b) *Free exchange of information.* Pursuant to K.S.A. 2019 Supp. 38-2210, and amendments thereto, a law enforcement agency shall participate in the free exchange of information concerning a child who is alleged or adjudicated to be in need of care.

(c) *Access to information in law enforcement records.* In order to discharge their official duties, the following persons or entities shall have access to confidential law enforcement records concerning a child alleged or adjudicated to be in need of care.

(1) The court having jurisdiction over the proceedings, including the presiding judge and any court personnel designated by the judge.

(2) The secretary.

(3) The commissioner of juvenile justice/secretary of corrections.

(4) Law enforcement officers or county or district attorneys or their staff.

(5) Any juvenile intake and assessment worker.

(6) Members of a court-appointed multidisciplinary team.

(7) The office of the child advocate for children's protection and services, pursuant to sections 1 through 8, and amendments thereto.

(8) Any other federal, state or local government executive branch entity, or any agent of such entity, having a need for such information in order to carry out such entity's responsibilities under law to protect children from abuse and neglect.

(9) Persons or entities allowed access pursuant to subsection (f) of K.S.A. 2019 Supp. 38-2212(f), and amendments thereto.

(d) *Necessary access.* The following persons or entities shall have access to information from law enforcement records when reasonably necessary to carry out their lawful responsibilities, to maintain their personal safety and the personal safety of individuals in their care, or to educate, diagnose, treat, care for or protect a child alleged or adjudicated to be in need of care. Information authorized to be disclosed in this subsection shall not contain information which identifies a reporter of a child alleged or adjudicated to be a child in need of care.

(1) Any individual, or public or private agency authorized by a properly constituted authority to diagnose, care for, treat or supervise a child who is the subject of a report or record of child abuse or neglect, including physicians, psychiatrists, nurses, nurse practitioners, psychologists, licensed social workers, child development specialists, physician assistants, community mental health workers, alcohol and drug abuse counselors, and licensed or registered child care providers.

(2) School administrators shall have access to but shall not copy law enforcement records and may disclose information to teachers,
paraprofessionals and other school personnel as necessary to meet the
educational needs of the child or to protect the safety of students and
school employees.
(3) The department of health and environment or persons authorized
by the department of health and environment pursuant to K.S.A. 65-512,
and amendments thereto, for the purposes of carrying out responsibilities
relating to licensure or registration of child care providers as required by
article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments
thereto.
(e) Legislative access. Information from law enforcement records of a
child alleged or adjudicated to be in need of care shall be available to
members of the standing house or senate committee on judiciary, house
committee on corrections and juvenile justice, house committee on
appropriations, senate committee on ways and means, legislative post audit
committee and any joint committee with authority to consider children's
and families' issues, when carrying out such member's or committee's
official functions in accordance with K.S.A. 75-4319, and amendments
thereto, in a closed or executive meeting. Except in limited conditions
established by 2/3 of the members of such committee, records and reports
received by the committee shall not be further disclosed. Unauthorized
disclosure may subject such member to discipline or censure from the
house of representatives or senate.
(f) Court order. Notwithstanding the provisions of this section, a
court of competent jurisdiction, after in camera inspection, may order
disclosure of confidential law enforcement records pursuant to a
determination that the disclosure is in the best interests of the child who is
the subject of the reports or that the records are necessary for the
proceedings of the court and otherwise admissible as evidence. The court
shall specify the terms of disclosure and impose appropriate limitations.
Sec. 12. K.S.A. 2019 Supp. 38-2309 is hereby amended to read as
follows: 38-2309. (a) Official file. The official file of proceedings pursuant
to this code shall consist of the complaint, process, service of process,
orders, writs and journal entries reflecting hearings held, judgments and
decrees entered by the court. The official file shall be kept separate from
other records of the court.
(b) The official file shall be open for public inspection, unless the
judge determines that opening the official file for public inspection is not
in the best interests of a juvenile who is less than 14 years of age.
Information identifying victims and alleged victims of sex offenses, as
defined in article 35 of chapter 21 of the Kansas Statutes Annotated, prior
to their repeal, or article 55 of chapter 21 of the Kansas Statutes
Annotated, or K.S.A. 2019 Supp. 21-6419 through 21-6422, and
amendments thereto, or human trafficking or aggravated human
trafficking, as defined in K.S.A. 21-3446 or 21-3447, prior to their repeal, or K.S.A. 2019 Supp. 21-5426, and amendments thereto, shall not be disclosed or open to public inspection under any circumstances. Nothing in this section shall prohibit the victim or alleged victim of any sex offense from voluntarily disclosing such victim's identity. An official file closed pursuant to this section and information identifying the victim or alleged victim of any sex offense shall be disclosed only to the following:

(1) A judge of the district court and members of the staff of the court designated by the judge;
(2) parties to the proceedings and their attorneys;
(3) any individual or any public or private agency or institution: (A) Having custody of the juvenile under court order; or (B) providing educational, medical or mental health services to the juvenile;
(4) the juvenile's court appointed special advocate;
(5) any placement provider or potential placement provider as determined by the commissioner or court services officer;
(6) law enforcement officers or county or district attorneys, or their staff, when necessary for the discharge of their official duties;
(7) the Kansas racing commission, upon written request of the commission chairperson, for the purpose provided by K.S.A. 74-8804, and amendments thereto, except that information identifying the victim or alleged victim of any sex offense shall not be disclosed pursuant to this subsection;
(8) juvenile intake and assessment workers;
(9) the commissioner;
(10) the office of the child advocate for children's protection and services, pursuant to sections 1 through 8, and amendments thereto;
(11) any other person when authorized by a court order, subject to any conditions imposed by the order; and
(12) 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.

(c) (1) Social file. Reports and information received by the court, other than the official file, shall be privileged and open to inspection only by the following:
(A) Attorneys for the parties;
(B) juvenile intake and assessment workers;
(C) court appointed special advocates;
(D) juvenile community corrections officers;
(E) the juvenile's guardian ad litem, if any;
(F) the office of the child advocate for children's protection and services, pursuant to sections 1 through 8, and amendments thereto; or upon
(G) any other person when authorized by the order of a judge of the
district court or appellate court.

(2) The reports shall not be further disclosed without approval of the
court or by being presented as admissible evidence.

(d) 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 juvenile justice code
or the revised Kansas juvenile justice code whenever such records
otherwise would be destroyed. The Kansas state historical society shall
make available for public inspection any unexpunged docket entry or
official file in its custody concerning any juvenile 14 or more years of age
at the time an offense is alleged to have been committed by the juvenile.
No other 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 (b) and (c). 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 juvenile justice code or the
revised Kansas juvenile justice code.

(e) Relevant information, reports and records, shall be made available
to the department of corrections upon request, and a showing that the
former juvenile has been convicted of a crime and placed in the custody of
the secretary of corrections.

Sec. 13. K.S.A. 2019 Supp. 38-2310 is hereby amended to read as
follows: 38-2310. (a) All records of law enforcement officers and agencies
and municipal courts concerning an offense committed or alleged to have
been committed by a juvenile under 14 years of age shall be kept readily
distinguishable from criminal and other records and shall not be disclosed
to anyone except:

(1) The judge of the district court and members of the staff of the
court designated by the judge;

(2) parties to the proceedings and their attorneys;

(3) the Kansas department for children and families;

(4) the juvenile's court appointed special advocate, any officer of a
public or private agency or institution or any individual having custody of
a juvenile under court order or providing educational, medical or mental
health services to a juvenile;

(5) any educational institution, to the extent necessary to enable the
educational institution to provide the safest possible environment for its
pupils and employees;

(6) any educator, to the extent necessary to enable the educator to
protect the personal safety of the educator and the educator's pupils;

(7) law enforcement officers or county or district attorneys, or their
staff, when necessary for the discharge of their official duties;
(8) the central repository, as defined by K.S.A. 22-4701, and amendments thereto, for use only as a part of the juvenile offender information system established under K.S.A. 2019 Supp. 38-2326, and amendments thereto;
(9) juvenile intake and assessment workers;
(10) the department of corrections;
(11) juvenile community corrections officers;
(12) the interstate compact for juveniles compact administrator for the purpose of carrying out the responsibilities related to the interstate compact for juveniles;
(13) the office of the child advocate for children's protection and services, pursuant to sections 1 through 8, and amendments thereto;
(14) any other person when authorized by a court order, subject to any conditions imposed by the order; and
(15) as provided in subsection (c).
(b) The provisions of this section shall not apply to records concerning:
(1) A violation, by a person 14 or more years of age, of any provision of chapter 8 of the Kansas Statutes Annotated, and amendments thereto, or of any city ordinance or county resolution—which that relates to the regulation of traffic on the roads, highways or streets or the operation of self-propelled or nonself-propelled vehicles of any kind;
(2) a violation, by a person 16 or more years of age, of any provision of chapter 32 of the Kansas Statutes Annotated, and amendments thereto; or
(3) an offense for which the juvenile is prosecuted as an adult.
(c) All records of law enforcement officers and agencies and municipal courts concerning an offense committed or alleged to have been committed by a juvenile 14 or more years of age shall be subject to the same disclosure restrictions as the records of adults. Information identifying victims and alleged victims of sex offenses, as defined in article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, K.S.A. 2019 Supp. 21-6419 through 21-6422, and amendments thereto, or human trafficking or aggravated human trafficking, as defined in K.S.A. 21-3446 or 21-3447, prior to their repeal, or K.S.A. 2019 Supp. 21-5426, and amendments thereto, shall not be disclosed or open to public inspection under any circumstances. Nothing in this section shall prohibit the victim or any alleged victim of any sex offense from voluntarily disclosing such victim's identity.
(d) Relevant information, reports and records, shall be made available to the department of corrections upon request and a showing that the
former juvenile has been convicted of a crime and placed in the custody of
the secretary of corrections.
(e) All records, reports and information obtained as a part of the
juvenile intake and assessment process for juveniles shall be confidential,
and shall not be disclosed except as provided by statutory law and rules
and regulations promulgated by the secretary.
(1) Any court of record may order the disclosure of such records,
reports and other information to any person or entity.
(2) The head of any juvenile intake and assessment program, certified
by the secretary, may authorize disclosure of such records, reports and
other information to:
   (A) A person licensed to practice the healing arts who has before that
   person a juvenile whom the person reasonably suspects may be abused or
   neglected;
   (B) a court-appointed special advocate for a juvenile or an agency
   having the legal responsibility or authorization to care for, treat or
   supervise a juvenile;
   (C) a parent or other person responsible for the welfare of a juvenile,
or such person's legal representative, with protection for the identity of
   persons reporting and other appropriate persons;
   (D) the juvenile, the attorney and a guardian ad litem, if any, for such
   juvenile;
   (E) the police or other law enforcement agency;
   (F) an agency charged with the responsibility of preventing or
   treating physical, mental or emotional abuse or neglect or sexual abuse of
   children, if the agency requesting the information has standards of
   confidentiality as strict or stricter than the requirements of the Kansas code
   for care of children or the revised Kansas juvenile justice code, whichever
   is applicable;
   (G) members of a multidisciplinary team under this code;
   (H) an agency authorized by a properly constituted authority to
diagnose, care for, treat or supervise a child who is the subject of a report
or record of child abuse or neglect;
   (I) any individual, or public or private agency authorized by a
properly constituted authority to diagnose, care for, treat or supervise a
juvenile who is the subject of a report or record of child abuse or neglect,
specifically including the following: Physicians, psychiatrists, nurses,
nurse practitioners, psychologists, licensed social workers, child
development specialists, physician assistants, community mental health
workers, addiction counselors and licensed or registered child care
providers;
   (J) a citizen review board pursuant to K.S.A. 2019 Supp. 38-2207,
and amendments thereto;
(K) an educational institution to the extent necessary to enable such institution to provide the safest possible environment for pupils and employees of the institution;
(L) any educator to the extent necessary for the protection of the educator and pupils;
(M) any juvenile intake and assessment worker of another certified juvenile intake and assessment program; and
(N) the interstate compact for juveniles compact administrator for the purpose of carrying out the responsibilities related to the interstate compact for juveniles; and
(O) the office of the child advocate for children's protection and services, pursuant to sections 1 through 8, and amendments thereto.


Sec. 15. This act shall take effect and be in force from and after its publication in the statute book.