

38-1607

Chapter 38.--MINORS

Article 16.--KANSAS JUVENILE JUSTICE CODE

38-1607. Court records; disclosure; preservation of records. (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 and 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 as to any juvenile 14 or more years of age at the time any act is alleged to have been committed or as to any juvenile less than 14 years of age at the time any act is alleged to have been committed except if the judge determines that opening the official file for public inspection is not in the best interest of such juvenile who is less than 14 years of age. Information identifying victims and alleged victims of sex offenses, as defined in K.S.A. chapter 21, article 35, 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 their identity. If the judge determines that a juvenile file, for a juvenile who is less than 14 years of age, shall not be open for public inspection, the official file and information identifying the victim or alleged victim of any sex offense shall be disclosed only to the following parties:

- (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, having custody of the juvenile under court order or providing educational, medical or mental health services to the juvenile or a court-approved advocate for the juvenile or any placement provider or potential placement provider as determined by the commissioner or court services officer;
- (4) law enforcement officers or county or district attorneys or their staff when necessary for the discharge of their official duties;
- (5) the Kansas racing commission, upon written request of the commission chairperson, for the purpose provided by K.S.A. 74-8804, and amendments thereto;
- (6) the juvenile intake and assessment workers;
- (7) the commissioner of juvenile justice; and
- (8) any other person when authorized by a court order, subject to any conditions imposed by the order.

(c) *Social file.* Reports and information received by the court other than the official file shall be privileged and open to inspection only by attorneys for the parties, juvenile intake and assessment workers or upon order of a judge of the district court or an appellate court. The reports shall not be further disclosed by the attorney 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 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 16 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 80 years after creation of the records, except as provided in subsections (b) and (c). Pursuant to subsections (b)(7) 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.

(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 the department of corrections.

History: L. 1982, ch. 182, § 65; L. 1988, ch. 139, § 2; L. 1990, ch. 147, § 5; L. 1992, ch. 318, § 5; L. 1993, ch. 164, § 1; L. 1994, ch. 270, § 7; L. 1996, ch. 229, § 45; L. 1996,

