

**Substitute for SENATE BILL No. 232**

By Committee on Judiciary

2-22

1 AN ACT concerning children and minors; establishing the office of the  
2 child advocate as an independent state agency and prescribing certain  
3 powers, duties and functions therefor; authorizing access to certain  
4 records; relating to children in need of care; making orders granting  
5 custody for adoption subject to the federal Indian child welfare act;  
6 directing the secretary for children and families to consider foster  
7 parents as prospective adoptive parents under certain circumstances;  
8 requiring the secretary to report certain data on adoptions; authorizing  
9 the appeal of any order of placement of a child; providing for  
10 retroactivity; amending K.S.A. 38-2203, 38-2213, 38-2270, 38-2273,  
11 38-2309 and 38-2310 and K.S.A. 2022 Supp. 38-2211 and 38-2212 and  
12 repealing the existing sections.

13

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

15 New Section 1. (a) Sections 1 through 6, and amendments thereto,  
16 shall be known and may be cited as the child advocate act.

17 (b) As used in the child advocate act:

18 (1) "Office" means the office of the child advocate and includes the  
19 child advocate and staff; and

20 (2) "child" means an individual less than 18 years of age at the time  
21 such individual:

22 (A) Is in the custody of the secretary for children and families;

23 (B) was previously in the custody of the secretary for children and  
24 families;

25 (C) is alleged to be a child in need of care as defined by K.S.A. 38-  
26 2202, and amendments thereto; or

27 (D) is or was receiving services from the Kansas department for  
28 children and families or any entity contracting with the department, for  
29 whom the Kansas department of children and families has an open case  
30 file, or who has been, or whose siblings, parents or other caretakers have  
31 been the subject of a report of abuse or neglect to the Kansas department  
32 for children and families within the previous five years.

33 (c) This section shall be effective on and after July 1, 2023.

34 New Sec. 2. (a) There is hereby established the office of the child  
35 advocate, the head of which shall be the child advocate. In the  
36 performance of the powers, duties and functions prescribed by law, the

1 office shall be an independent state agency. The child advocate shall be  
2 appointed by the governor and subject to confirmation by the senate as  
3 provided by K.S.A. 75-4315b, and amendments thereto.

4 (b) (1) Except as provided by K.S.A. 46-2601, and amendments  
5 thereto, no person appointed to the position of the child advocate shall  
6 exercise any power, duty or function of the child advocate until confirmed  
7 by the senate. The child advocate shall be selected without regard to  
8 political affiliation and on the basis of integrity and capacity for effectively  
9 carrying out the duties of the office.

10 (2) No former or current executive or manager of any program or  
11 agency or contracting entity subject to oversight by the office may be  
12 appointed to the position of the child advocate within 12 months of that  
13 individual's period of service with such program or agency.

14 (3) A person appointed to the position of the child advocate shall  
15 serve for a term of five years or until a successor has been appointed and  
16 confirmed.

17 (4) The child advocate shall be in the unclassified service and shall  
18 receive an annual salary in an amount equal to the annual salary paid by  
19 the state to a district court judge.

20 (5) The child advocate shall exercise independent judgment in  
21 carrying out the duties of the office.

22 (c) (1) Subject to this subsection, the child advocate shall have  
23 general managerial control over the office of the child advocate and shall  
24 establish the organizational structure of the office as the child advocate  
25 deems appropriate to carry out the responsibilities and functions of the  
26 office.

27 (2) All budgeting, purchasing, personnel and related administrative  
28 functions of the office shall be administered under the direction and  
29 supervision of the child advocate.

30 (3) Within the limits of appropriations therefor, the child advocate  
31 may hire such employees in the unclassified service as are necessary to  
32 administer the office. Such employees shall serve at the pleasure of the  
33 child advocate. Subject to appropriations and this subsection, the child  
34 advocate may obtain the services of other professionals necessary to  
35 independently perform the functions of the office, including obtaining  
36 legal services as provided by K.S.A. 75-769, and amendments thereto.

37 (4) The child advocate may enter into agreements with the secretary  
38 of administration for the provision of personnel, facility management and  
39 information technology services.

40 (d) This section shall be effective on and after July 1, 2023.

41 New Sec. 3. (a) The purpose of the office of the child advocate is to  
42 ensure that children and families receive adequate coordination of child  
43 welfare services for child maltreatment prevention, protection and care

1 through services offered by the Kansas department for children and  
2 families or the department's contracting entities, the department for aging  
3 and disability services, the department of corrections, the department of  
4 health and environment and juvenile courts.

5 (b) The office shall receive and resolve complaints that allege the  
6 Kansas department for children and families or an entity contracting with  
7 the department, by act or omission, has provided inadequate protection or  
8 care of children, failed to protect the physical or mental health, safety or  
9 welfare of any child or failed to follow established laws, rules and  
10 regulations or written policies. The child advocate shall:

11 (1) Establish and implement procedures for receiving, processing,  
12 responding to and resolving complaints made by or on behalf of children  
13 that relate to state agencies, service providers, including contractors and  
14 subcontractors, and any juvenile court that adversely affect or may  
15 adversely affect the health, safety and welfare of such children;

16 (2) provide the Kansas department for children and families with a  
17 notice of availability that describes the office and procedures for  
18 contacting the office. The department shall ensure such notice is  
19 prominently posted in department offices and facilities receiving public  
20 moneys for the care and placement of children;

21 (3) maintain a publicly available website;

22 (4) publicize and notify individuals of the office's services, purpose  
23 and contact information;

24 (5) compile, collect and preserve a record of complaints received and  
25 processed that may reveal concerning patterns to be addressed; and

26 (6) make recommendations for changes to policies, procedures or  
27 adopted or proposed rules and regulations of any state or local agency that  
28 adversely affect or may adversely affect the health, safety and welfare of  
29 any child.

30 (c) The office shall independently investigate complaints received  
31 pursuant to subsection (b) if the office reasonably believes the complaint's  
32 allegations may be independently verified through an investigation. To  
33 investigate, the office shall:

34 (1) Establish and implement procedures for investigating complaints;

35 (2) have access to the following information:

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

39 (B) all written reports of child abuse and neglect;

40 (C) all records of any public or private agency or institution having  
41 custody of the child under court order, providing education, medical or  
42 mental health services to the child or any placement or potential placement  
43 provider determined by the secretary for children and families; and

1 (D) all current records required to be maintained pursuant to articles  
2 22 and 23 of chapter 38 of the Kansas Statutes Annotated, and  
3 amendments thereto;

4 (3) communicate privately with:

5 (A) Any child or child's siblings, after consultation with treatment  
6 professionals and service providers; and

7 (B) anyone working with the child, including the family, relatives,  
8 employees of the Kansas department for children and families or the  
9 department of corrections and other persons or entities providing treatment  
10 and services;

11 (4) have access to, including the right to inspect and copy, relevant  
12 child records held by law enforcement agencies, the clerk of any Kansas  
13 court, juvenile officers, public or private institutions and other agencies or  
14 persons with whom a particular child has been either voluntarily or  
15 otherwise placed for care or from whom the child has received treatment  
16 within this state or in another state;

17 (5) work in conjunction with juvenile intake and assessment workers,  
18 juvenile community corrections officers, guardians ad litem and court-  
19 appointed special advocates; and

20 (6) subpoena materials or witnesses, take statements under oath, serve  
21 interrogatories and obtain judicial enforcement of compulsory processes.

22 (d) To resolve complaints received pursuant to subsection (b), the  
23 office shall:

24 (1) Establish and implement procedures to resolve the complaints;

25 (2) independently review the subject of the complaint and after the  
26 initial review of the complaint and any accompanying material, the child  
27 advocate may recommend that a department or contracting entity:

28 (A) Consider the matter further;

29 (B) modify or cancel the department or contracting entity's actions;

30 (C) alter a rule, order or internal policy;

31 (D) explain the action further; or

32 (E) within a reasonable time after receiving a recommendation,  
33 provide the office information concerning the department or contracting  
34 entity action to implement or not implement recommendations made by  
35 the office pursuant to this paragraph;

36 (3) submit any findings or recommendations pursuant to paragraph  
37 (2) to the secretary for children and families or the secretary of corrections  
38 as appropriate;

39 (4) upon reason to believe a criminal investigation is warranted, make  
40 a referral of child abuse or neglect to an appropriate law enforcement  
41 agency with jurisdiction over the matter and notify the abuse, neglect and  
42 exploitation unit of the office of the attorney general; and

43 (5) produce reports of findings of fact or conclusions of law regarding

1 any complaint, and, if appropriate, the attorney general may file such  
2 reports in any pending child in need of care case on behalf of the office.

3 (e) To assist the legislature in oversight of the child welfare system,  
4 the office may:

5 (1) Meet and discuss any matter in the scope of the child advocate act  
6 with the joint committee on child welfare system oversight in regular or  
7 executive session under the same duties of confidentiality provided for the  
8 child advocate;

9 (2) review relevant statutes, rules and regulations, policies and  
10 procedures for the health, safety and welfare of children;

11 (3) evaluate the effectiveness of and recommend changes to  
12 procedures for reports of child abuse and neglect for child protective  
13 services, including, but not limited to, the involvement of the Kansas  
14 department for children and families, service providers, guardians ad  
15 litem, court appointed special advocates and law enforcement agencies;  
16 and

17 (4) review and recommend changes to law enforcement investigative  
18 procedures for and emergency responses to reports of abuse and neglect.

19 (f)(1) On or before the beginning of each regular session of the  
20 legislature, the office shall prepare and submit a report to the governor, the  
21 chief justice of the supreme court and the office of judicial administration,  
22 the secretary for children and families, the president of the senate, the  
23 speaker of the house of representatives, the joint committee on child  
24 welfare oversight, the house of representatives standing committee on  
25 child welfare and foster care, the senate standing committee on public  
26 health and welfare, or their successor committees, and any other relevant  
27 legislative committee.

28 (2) Such report shall include:

29 (A) The number of complaints received by the office;

30 (B) the disposition of such complaints;

31 (C) the number of children involved in such complaints;

32 (D) the outcome of such complaints;

33 (E) any recommendations for changes in statute, policies, procedures  
34 or rules and regulations;

35 (F) the office's proposed annual budget; and

36 (G) any other topics that the office deems appropriate to properly  
37 perform the powers, duties and functions provided by the child advocate  
38 act.

39 (g) The annual budget request of the office shall be prepared by the  
40 child advocate. The child advocate shall submit an annual budget request  
41 to the division of budget. Such budget request shall be prepared and  
42 submitted in the manner provided by K.S.A. 75-3716 and 75-3717, and  
43 amendments thereto.

1 (h) To assist the office in the office's duties under the child advocate  
2 act, employees of the Kansas department for children and families, the  
3 department's contracting agencies, the department of corrections, juvenile  
4 intake and assessment workers, juvenile community corrections officers,  
5 guardians ad litem and court appointed special advocates shall:

6 (1) Work diligently, promptly and in good faith to assist the office in  
7 performing the office's powers, duties and functions provided by the child  
8 advocate act;

9 (2) provide full access to and production of records and information  
10 requested by the office in the office's duties provided by the act. Such  
11 access shall not be a violation of confidentiality of such records if  
12 provided and produced in good faith for the purposes of the act;

13 (3) require employees and contractors of such department or agency  
14 to comply with requests from the office in such office's duties provided by  
15 the act;

16 (4) allow employees of such department or agency to file a complaint  
17 with or provide records or information to the office without supervisory  
18 approval;

19 (5) not willfully interfere with or obstruct any of the office's duties  
20 provided by the act; and

21 (6) promptly meet and consult with the office upon request of the  
22 office.

23 (i) This section shall be effective on and after July 1, 2023.

24 New Sec. 4. (a) For any information obtained from a state agency or  
25 other entity under the child advocate act, the office shall be subject to the  
26 same state and federal statutory disclosure restrictions and confidentiality  
27 requirements that are applicable to the state agency or other entity  
28 providing such information to the office.

29 (b) Any files maintained by the office shall be confidential and  
30 disclosed only at the discretion of the child advocate, except that the  
31 identity of any complainant or child shall not be disclosed by the office  
32 unless:

33 (1) The complainant or child, respectively, or the complainant's or  
34 child's legal representative, consents in writing to such disclosure; or

35 (2) such disclosure is required by court order.

36 (c) Any statement or communication made by the office relevant to a  
37 complaint being investigated by the office and any complaint or  
38 information made or provided in good faith by any person shall be  
39 absolutely privileged, and such person shall be immune from suit.

40 (d) A representative of the office conducting or participating in any  
41 investigation of a complaint shall not knowingly disclose to any person  
42 other than the office, or a person authorized by the office, the name of any  
43 witness examined or any information obtained or given during such

1 investigation. Violation of this subsection is a class A nonperson  
2 misdemeanor.

3 (e) The office conducting or participating in any investigation of a  
4 complaint shall disclose the final result of the investigation with the  
5 consent of the child or child's legal representative.

6 (f) The office shall not be required to testify in any court with respect  
7 to matters held to be confidential in this section, except as the court may  
8 deem necessary to enforce the provisions of the child advocate act or when  
9 otherwise required by court order.

10 (g) The provisions of this section providing for confidentiality of  
11 records shall expire on July 1, 2028, unless the legislature acts to continue  
12 such provisions. The legislature shall review this section pursuant to  
13 K.S.A. 45-229, and amendments thereto, prior to July 1, 2028.

14 (h) This section shall be effective on and after July 1, 2023.

15 New Sec. 5. (a) (1) Except as provided by paragraph (2), no  
16 retaliatory action shall knowingly be taken against any child or employee  
17 of the Kansas department for children and families, an employee of the  
18 department's contracting agencies or the department of corrections for any  
19 communication made or information given to the office. Violation of this  
20 paragraph is a class A nonperson misdemeanor.

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

22 (A) Information that such employee knows to be false or information  
23 without regard for the truth or falsity of the information; or

24 (B) without lawful authority, information that is confidential as  
25 provided by any other provision of law.

26 (b) An employee of the office of the child advocate shall not  
27 knowingly disclose false information or disclose confidential information  
28 without lawful authority.

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

31 (1) Letters of reprimand or unsatisfactory performance evaluations;

32 (2) transfer;

33 (3) demotion;

34 (4) reduction in pay;

35 (5) denial of promotion;

36 (6) suspension;

37 (7) dismissal; and

38 (8) denial of employment.

39 (d) This section shall be effective on and after July 1, 2023.

40 New Sec. 6. (a) Nothing in this act shall be construed to permit any  
41 governmental agency to exercise control or supervision over the child  
42 advocate or the office of the child advocate.

43 (b) This section shall be effective on and after July 1, 2023.

1       Sec. 7.     On and after July 1, 2023, K.S.A. 38-2203 is hereby  
2 amended to read as follows: 38-2203. (a) Proceedings concerning any  
3 child who may be a child in need of care shall be governed by this code,  
4 except in those instances when the court knows or has reason to know that  
5 an Indian child is involved in the proceeding, in which case, the Indian  
6 child welfare act of 1978, 25 U.S.C. § 1901 et seq., applies. The Indian  
7 child welfare act may apply to: The filing to initiate a child in need of care  
8 proceeding, K.S.A. 38-2234, and amendments thereto; ex parte custody  
9 orders, K.S.A. 38-2242, and amendments thereto; temporary custody  
10 hearing, K.S.A. 38-2243, and amendments thereto; adjudication, K.S.A.  
11 38-2247, and amendments thereto; burden of proof, K.S.A. 38-2250, and  
12 amendments thereto; disposition, K.S.A. 38-2255, and amendments  
13 thereto; permanency hearings, K.S.A. 38-2264, and amendments thereto;  
14 termination of parental rights, K.S.A. 38-2267, 38-2268 and 38-2269, and  
15 amendments thereto; establishment of permanent custodianship, K.S.A.  
16 38-2268 and 38-2272, and amendments thereto; *orders granting custody*  
17 *for adoption, K.S.A. 38-2270, and amendments thereto*; the placement of a  
18 child in any foster, pre-adoptive and adoptive home and the placement of a  
19 child in a guardianship arrangement under article 30 of chapter 59 of the  
20 Kansas Statutes Annotated, and amendments thereto.

21       (b) Subject to the uniform child custody jurisdiction and enforcement  
22 act, K.S.A. 2022 Supp. 23-37,101 through 23-37,405, and amendments  
23 thereto, the district court shall have original jurisdiction of proceedings  
24 pursuant to this code.

25       (c) The court acquires jurisdiction over a child by the filing of a  
26 petition pursuant to this code or upon issuance of an ex parte order  
27 pursuant to K.S.A. 38-2242, and amendments thereto. When the court  
28 acquires jurisdiction over a child in need of care, jurisdiction may continue  
29 until the child has: (1) Become 18 years of age, or until June 1 of the  
30 school year during which the child became 18 years of age if the child is  
31 still attending high school unless there is no court approved transition plan,  
32 in which event jurisdiction may continue until a transition plan is approved  
33 by the court or until the child reaches the age of 21; (2) been adopted; or  
34 (3) been discharged by the court. Any child 18 years of age or over may  
35 request, in writing to the court, that the jurisdiction of the court cease. The  
36 court shall give notice of the request to all parties and interested parties  
37 and 30 days after receipt of the request, jurisdiction will cease.

38       (d) When it is no longer appropriate for the court to exercise  
39 jurisdiction over a child, the court, upon its own motion or the motion of a  
40 party or interested party at a hearing or upon agreement of all parties or  
41 interested parties, shall enter an order discharging the child. Except upon  
42 request of the child pursuant to subsection (c), the court shall not enter an  
43 order discharging a child until June 1 of the school year during which the



1 child becomes 18 years of age if the child is in an out-of-home placement,  
2 is still attending high school and has not completed the child's high school  
3 education.

4 (e) When a petition is filed under this code, a person who is alleged to  
5 be under 18 years of age shall be presumed to be under that age for the  
6 purposes of this code, unless the contrary is proved.

7 (f) A court's order issued in a proceeding pursuant to this code, shall  
8 take precedence over such orders in a civil custody case, a proceeding  
9 under article 31 of chapter 60 of the Kansas Statutes Annotated, and  
10 amendments thereto, protection from abuse act, or a comparable case in  
11 another jurisdiction, except as provided by K.S.A. 2022 Supp. 23-37,101  
12 through 23-37,405, and amendments thereto, uniform child custody  
13 jurisdiction and enforcement act.

14 Sec. 8. On and after July 1, 2023, K.S.A. 2022 Supp. 38-2211 is  
15 hereby amended to read as follows: 38-2211. (a) *Access to the official file.*  
16 The following persons or entities shall have access to the official file of a  
17 child in need of care proceeding pursuant to this code:

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

20 (2) The parties to the proceedings and their attorneys.

21 (3) The guardian ad litem for a child who is the subject of the  
22 proceeding.

23 (4) A court appointed special advocate for a child who is the subject  
24 of the proceeding or a paid staff member of a court appointed special  
25 advocate program.

26 (5) Any individual, or any public or private agency or institution,  
27 having custody of the child under court order or providing educational,  
28 medical or mental health services to the child or any placement provider or  
29 potential placement provider as determined by the secretary or court  
30 services officer.

31 (6) A citizen review board.

32 (7) The secretary of corrections or any agents designated by the  
33 secretary of corrections.

34 (8) Any county or district attorney from another jurisdiction with a  
35 pending child in need of care matter regarding any of the same parties.

36 (9) *The office of the child advocate pursuant to the child advocate*  
37 *act.*

38 (10) Any other person when authorized by a court order, subject to  
39 any conditions imposed by the order.

40 ~~(10)~~(11) The commission on judicial performance in the discharge of  
41 the commission's duties pursuant to article 32 of chapter 20 of the Kansas  
42 Statutes Annotated, and amendments thereto.

43 ~~(11)~~(12) An investigating law enforcement agency.

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

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

6 (2) The attorney for a party to the proceeding or the person or persons  
7 designated by an Indian tribe that is a party.

8 (3) The guardian ad litem for a child who is the subject of the  
9 proceeding.

10 (4) A court appointed special advocate for a child who is the subject  
11 of the proceeding or a paid staff member of a court appointed special  
12 advocate program.

13 (5) A citizen review board.

14 (6) The secretary.

15 (7) The secretary of corrections or any agents designated by the  
16 secretary of corrections.

17 (8) Any county or district attorney from another jurisdiction with a  
18 pending child in need of care matter regarding any of the same parties or  
19 interested parties.

20 (9) *The office of the child advocate pursuant to the child advocate*  
21 *act.*

22 (10) Any other person when authorized by a court order, subject to  
23 any conditions imposed by the order.

24 ~~(10)~~(11) An investigating law enforcement agency.

25 (c) *Preservation of records.* The Kansas state historical society shall  
26 be allowed to take possession for preservation in the state archives of any  
27 court records related to proceedings under the Kansas code for care of  
28 children whenever such records otherwise would be destroyed. No such  
29 records in the custody of the Kansas state historical society shall be  
30 disclosed directly or indirectly to anyone for 70 years after creation of the  
31 records, except as provided in subsections (a) and (b). Pursuant to  
32 subsections ~~(a)(9) and (b)(9)~~ (a)(10) and (b)(10), a judge of the district  
33 court may allow inspection for research purposes of any court records in  
34 the custody of the Kansas state historical society related to proceedings  
35 under the Kansas code for care of children.

36 Sec. 9. On and after July 1, 2023, K.S.A. 2022 Supp. 38-2212 is  
37 hereby amended to read as follows: 38-2212. (a) *Principle of appropriate*  
38 *access.* Information contained in confidential agency records concerning a  
39 child alleged or adjudicated to be in need of care may be disclosed as  
40 provided in this section and shall be disclosed as provided in subsection  
41 (e). Disclosure shall in all cases be guided by the principle of providing  
42 access only to persons or entities with a need for information that is  
43 directly related to achieving the purposes of this code.

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

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

13 (1) A child named in the report or records, a guardian ad litem  
14 appointed for the child and the child's attorney.

15 (2) A parent or other person responsible for the welfare of a child, or  
16 such person's legal representative.

17 (3) A court-appointed special advocate for a child, a citizen review  
18 board or other advocate that reports to the court.

19 (4) A person licensed to practice the healing arts or mental health  
20 profession in order to diagnose, care for, treat or supervise:

21 (A) A child whom such service provider reasonably suspects may be  
22 in need of care;

23 (B) a member of the child's family; or

24 (C) a person who allegedly abused or neglected the child.

25 (5) A person or entity licensed or registered by the secretary of health  
26 and environment or approved by the secretary for children and families to  
27 care for, treat or supervise a child in need of care.

28 (6) A coroner or medical examiner when such person is determining  
29 the cause of death of a child.

30 (7) The state child death review board established under K.S.A. 22a-  
31 243, and amendments thereto.

32 (8) An attorney for a private party who files a petition pursuant to  
33 K.S.A. 38-2233(b), and amendments thereto.

34 (9) A foster parent, prospective foster parent, permanent custodian,  
35 prospective permanent custodian, adoptive parent or prospective adoptive  
36 parent. In order to assist such persons in making an informed decision  
37 regarding acceptance of a particular child, to help the family anticipate  
38 problems that may occur during the child's placement, and to help the  
39 family meet the needs of the child in a constructive manner, the secretary  
40 shall seek and shall provide the following information to such persons as  
41 the information becomes available to the secretary:

42 (A) Strengths, needs and general behavior of the child;

43 (B) circumstances that necessitated placement;

1 (C) information about the child's family and the child's relationship to  
2 the family that may affect the placement;

3 (D) important life experiences and relationships that may affect the  
4 child's feelings, behavior, attitudes or adjustment;

5 (E) medical history of the child, including third-party coverage that  
6 may be available to the child; and

7 (F) education history, to include present grade placement, special  
8 strengths and weaknesses.

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

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

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

17 (13) *The office of the child advocate pursuant to the child advocate*  
18 *act.*

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

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

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

1 in information available to members of such committees.

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

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

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

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

15 (e) *Law enforcement access.* The secretary shall disclose confidential  
16 agency records of a child alleged or adjudicated to be a child in need of  
17 care, as described in K.S.A. 38-2209, and amendments thereto, to the law  
18 enforcement agency investigating the alleged or substantiated report or  
19 investigation of abuse or neglect, regardless of the disposition of such  
20 report or investigation. Such records shall include, but not be limited to,  
21 any information regarding such report or investigation, records of past  
22 reports or investigations concerning such child and such child's siblings  
23 and the perpetrator or alleged perpetrator and the name and contact  
24 information of the reporter or persons alleging abuse or neglect and case  
25 managers, investigators or contracting ~~agency~~ *entity* employees assigned to  
26 or investigating such report. Such records shall only be used for the  
27 purposes of investigating the alleged or substantiated report or  
28 investigation of abuse or neglect.

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

36 (g) (1) Notwithstanding any other provision of law to the contrary,  
37 except as provided in paragraph (6), in the event that child abuse or  
38 neglect results in a child fatality or near fatality, reports or records of a  
39 child alleged or adjudicated to be in need of care received by the secretary,  
40 a law enforcement agency or any juvenile intake and assessment worker  
41 shall become a public record and subject to disclosure pursuant to K.S.A.  
42 45-215, and amendments thereto.

43 (2) Within seven days of receipt of a request in accordance with the

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

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

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

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

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

40 (5) For reports or records requested pursuant to this subsection, the  
41 time limitations specified in this subsection shall control to the extent of  
42 any inconsistency between this subsection and K.S.A. 45-218, and  
43 amendments thereto. As used in this section, "near fatality" means an act

1 that, as certified by a person licensed to practice medicine and surgery,  
2 places the child in serious or critical condition.

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

8 Sec. 10. On and after July 1, 2023, K.S.A. 38-2213 is hereby  
9 amended to read as follows: 38-2213. (a) *Principle of limited disclosure.*  
10 Information contained in confidential law enforcement records concerning  
11 a child alleged or adjudicated to be in need of care may be disclosed as  
12 provided in this section. Disclosure shall in all cases be guided by the  
13 principle of providing access only to persons or entities with a need for  
14 information that is directly related to achieving the purposes of this code.

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

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

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

25 (2) The secretary.

26 (3) ~~The commissioner of juvenile justice~~ *secretary of corrections.*

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

29 (5) Any juvenile intake and assessment worker.

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

31 (7) *The office of the child advocate pursuant to the child advocate*  
32 *act.*

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

37 ~~(8)(9) Persons or entities allowed access pursuant to subsection (f) of~~  
38 ~~K.S.A. 38-2212(f), and amendments thereto.~~

39 (d) *Necessary access.* The following persons or entities shall have  
40 access to information from law enforcement records when reasonably  
41 necessary to carry out their lawful responsibilities, to maintain their  
42 personal safety and the personal safety of individuals in their care, or to  
43 educate, diagnose, treat, care for or protect a child alleged or adjudicated

1 to be in need of care. Information authorized to be disclosed in this  
2 subsection shall not contain information ~~which~~ that identifies a reporter of  
3 a child alleged or adjudicated to be a child in need of care.

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

11 (2) School administrators shall have access to but shall not copy law  
12 enforcement records and may disclose information to teachers,  
13 paraprofessionals and other school personnel as necessary to meet the  
14 educational needs of the child or to protect the safety of students and  
15 school employees.

16 (3) The department of health and environment or persons authorized  
17 by the department of health and environment pursuant to K.S.A. 65-512,  
18 and amendments thereto, for the purposes of carrying out responsibilities  
19 relating to licensure or registration of child care providers as required by  
20 article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments  
21 thereto.

22 (e) *Legislative access.* Information from law enforcement records of a  
23 child alleged or adjudicated to be in need of care shall be available to  
24 members of the standing house or senate committee on judiciary, house  
25 committee on corrections and juvenile justice, house committee on  
26 appropriations, senate committee on ways and means, legislative post audit  
27 committee and any joint committee with authority to consider children's  
28 and families' issues, when carrying out such member's or committee's  
29 official functions in accordance with K.S.A. 75-4319, and amendments  
30 thereto, in a closed or executive meeting. Except in limited conditions  
31 established by  $\frac{2}{3}$  of the members of such committee, records and reports  
32 received by the committee shall not be further disclosed. Unauthorized  
33 disclosure may subject such member to discipline or censure from the  
34 house of representatives or senate.

35 (f) *Court order.* Notwithstanding the provisions of this section, a  
36 court of competent jurisdiction, after in camera inspection, may order  
37 disclosure of confidential law enforcement records pursuant to a  
38 determination that the disclosure is in the best interests of the child who is  
39 the subject of the reports or that the records are necessary for the  
40 proceedings of the court and otherwise admissible as evidence. The court  
41 shall specify the terms of disclosure and impose appropriate limitations.

42 Sec. 11. K.S.A. 38-2270 is hereby amended to read as follows: 38-  
43 2270. (a) When parental rights have been terminated and it appears that



1 adoption is a viable alternative, the court shall enter one of the following  
2 orders:

3 (1) An order granting custody of the child, for adoption proceedings,  
4 to the secretary or a corporation organized under the laws of the state of  
5 Kansas authorized to care for and surrender children for adoption as  
6 provided in K.S.A. 38-112 et seq., and amendments thereto. ~~The person,~~  
7 secretary or corporation shall have authority to place the child in a family  
8 home; and give consent for the legal adoption of the child which shall be  
9 the only consent required to authorize the entry of an order or decree of  
10 adoption. *When deciding who will adopt the child, the secretary or*  
11 *corporation shall be guided by the best interests of the child.*

12 (2) An order granting custody of the child to proposed adoptive  
13 parents and consenting to the adoption of the child by the proposed  
14 adoptive parents. *The court shall be guided by the best interests of the*  
15 *child. Any prior custody order, including, but not limited to, custody of the*  
16 *secretary or corporation, shall cease upon the court granting custody of*  
17 *the child to the proposed adoptive parents under this subsection.*

18 ~~(b) In making an order under subsection (a), the court shall give~~  
19 ~~preference, to the extent that the court finds it is in the best interests of the~~  
20 ~~child, first to granting such custody for adoption to a relative of the child~~  
21 ~~and second to granting such custody to a person with whom the child has~~  
22 ~~close emotional ties. (1) When a child is placed in the custody of the~~  
23 ~~secretary for purposes of adoption under subsection (a)(1) or when a~~  
24 ~~parent has relinquished such parent's rights to the secretary for adoption~~  
25 ~~purposes, the secretary shall give preference, subject to the best interests~~  
26 ~~of the child, according to paragraphs (2) and (3).~~

27 (2) *If a child has been in the custody of the secretary for less than one*  
28 *cumulative year, the secretary shall give preference, first, to granting such*  
29 *custody for adoption to a relative of the child and second, to granting such*  
30 *custody to a person with whom the child has close and healthy*  
31 *attachments.*

32 (3) *If a child has been in the custody of the secretary for one*  
33 *cumulative year or more, the secretary shall give preference to a*  
34 *placement that maintains the child's close and healthy attachments. The*  
35 *secretary shall consider the foster parent as a prospective adoptive parent*  
36 *when:*

37 (A) *The child has lived more than half of the child's lifetime with the*  
38 *foster parent;*

39 (B) *the child has lived more than two years with the foster parent; or*

40 (C) *the secretary otherwise determines it is in the best interests of the*  
41 *child.*

42 (c) *If a foster parent considered by the secretary under subsection (b)*  
43 *is not selected by the secretary, the foster parent may request direct*

1 *placement of the child by the court under subsection (a)(2) and may*  
 2 *appeal that decision to the court of appeals.*

3 *(d) To implement the provisions of this section, the secretary shall:*

4 *(1) Develop and enforce adoption selection policies that comply with*  
 5 *subsection (b) and ensure caregiver and sibling attachments are*  
 6 *appropriately considered;*

7 *(2) review policies and update to reduce time to adoption*  
 8 *permanency;*

9 *(3) apply adoption selection policies consistently;*

10 *(4) develop and provide training for contractors and employees;*

11 *(5) collect data regarding best interest staffing conducted under this*  
 12 *section, including, but not limited to, data on the number of:*

13 *(A) Prospective adoptive parents who request the secretary to*  
 14 *reconsider an initial adoptive placement decision;*

15 *(B) initial adoptive placement decisions that the secretary overturns*  
 16 *after reconsidering the initial adoptive placement decision; and*

17 *(C) prospective parents who request the court to review the*  
 18 *secretary's adoptive placement decision; and*

19 *(6) on or before the first day of the regular legislative session of*  
 20 *2024, and every year thereafter, prepare and submit a report to the*  
 21 *legislature on compliance with this subsection.*

22 *(e) ~~Discharge upon adoption.~~ When an adoption decree has been filed*  
 23 *with the court in the child in need of care case, the secretary's custody shall*  
 24 *cease, the court's jurisdiction over the child shall cease and the court shall*  
 25 *enter an order to that effect.*

26 *(f) The amendments made to this section by this act shall be*  
 27 *construed and applied retroactively to all proceedings pending before a*  
 28 *court on the effective date of this act.*

29 *Sec. 12. K.S.A. 38-2273 is hereby amended to read as follows: 38-*  
 30 *2273. (a) An appeal may be taken by any party or interested party from*  
 31 *any order of:*

32 *(1) Temporary custody, adjudication, disposition, finding of unfitness*  
 33 *or termination of parental rights; or*

34 *(2) a placement of a child, including, but not limited to, an order*  
 35 *entered after termination of parental rights.*

36 *(b) An appeal from an order entered by a district magistrate judge*  
 37 *who is not regularly admitted to practice law in Kansas shall be to a*  
 38 *district judge. The appeal shall be heard on the basis of the record within*  
 39 *30 days from the date the notice of appeal is filed. If no record was made*  
 40 *of the proceedings, the trial shall be de novo.*

41 *(c) Procedure on appeal shall be governed by article 21 of chapter 60*  
 42 *of the Kansas Statutes Annotated, and amendments thereto.*

43 *(d) Notwithstanding any other provision of law to the contrary,*

1 appeals under this section shall have priority over all other cases.

2 (e) Every notice of appeal, docketing statement and brief shall be  
3 verified by the appellant if the appellant has been personally served at any  
4 time during the proceedings. Failure to have the required verification shall  
5 result in the dismissal of the appeal.

6 (f) While a case is on appeal from the district court, the district court  
7 or magistrate court shall continue to have jurisdiction over all issues not  
8 specifically appealed and shall conduct timely permanency hearings.

9 (g) *The amendments made to this section by this act are procedural*  
10 *in nature and shall be construed and applied retroactively to any order*  
11 *issued on or after February 1, 2022.*

12 Sec. 13. On and after July 1, 2023, K.S.A. 38-2309 is hereby  
13 amended to read as follows: 38-2309. (a) *Official file.* The official file of  
14 proceedings pursuant to this code shall consist of the complaint, process,  
15 service of process, orders, writs and journal entries reflecting hearings  
16 held, judgments and decrees entered by the court. The official file shall be  
17 kept separate from other records of the court.

18 (b) The official file shall be open for public inspection, unless the  
19 judge determines that opening the official file for public inspection is not  
20 in the best interests of a juvenile who is less than 14 years of age.  
21 Information identifying victims and alleged victims of sex offenses, as  
22 defined in article 35 of chapter 21 of the Kansas Statutes Annotated, prior  
23 to their repeal, or article 55 of chapter 21 of the Kansas Statutes  
24 Annotated, or K.S.A. 2022 Supp. 21-6419 through 21-6422, and  
25 amendments thereto, or human trafficking or aggravated human  
26 trafficking, as defined in K.S.A. 21-3446 or 21-3447, prior to their repeal,  
27 or K.S.A. 2022 Supp. 21-5426, and amendments thereto, shall not be  
28 disclosed or open to public inspection under any circumstances. Nothing in  
29 this section shall prohibit the victim or alleged victim of any sex offense  
30 from voluntarily disclosing such victim's identity. An official file closed  
31 pursuant to this section and information identifying the victim or alleged  
32 victim of any sex offense shall be disclosed only to the following:

33 (1) A judge of the district court and members of the staff of the court  
34 designated by the judge;

35 (2) parties to the proceedings and their attorneys;

36 (3) any individual or any public or private agency or institution: (A)  
37 Having custody of the juvenile under court order; or (B) providing  
38 educational, medical or mental health services to the juvenile;

39 (4) the juvenile's court appointed special advocate;

40 (5) any placement provider or potential placement provider as  
41 determined by the commissioner or court services officer;

42 (6) law enforcement officers or county or district attorneys, or their  
43 staff, when necessary for the discharge of their official duties;

1 (7) the Kansas racing commission, upon written request of the  
2 commission chairperson, for the purpose provided by K.S.A. 74-8804, and  
3 amendments thereto, except that information identifying the victim or  
4 alleged victim of any sex offense shall not be disclosed pursuant to this  
5 subsection;

6 (8) juvenile intake and assessment workers;

7 (9) ~~the commissioner~~ *secretary of corrections*;

8 (10) *the office of the child advocate pursuant to the child advocate*  
9 *act*;

10 (11) any other person when authorized by a court order, subject to any  
11 conditions imposed by the order; and

12 ~~(H)~~(12) the commission on judicial performance in the discharge of  
13 the commission's duties pursuant to article 32 of chapter 20 of the Kansas  
14 Statutes Annotated, and amendments thereto.

15 (c) *Social file. (1)* Reports and information received by the court,  
16 other than the official file, shall be privileged and open to inspection only  
17 *by the following*:

18 (A) Attorneys for the parties;;

19 (B) juvenile intake and assessment workers;;

20 (C) ~~court appointed~~ *court-appointed* special advocates;;

21 (D) juvenile community corrections officers;;

22 (E) the juvenile's guardian ad litem, if any;;

23 (F) *the office of the child advocate pursuant to the child advocate*  
24 *act*; or ~~upon~~

25 (G) *any other person when authorized by the order of a judge of the*  
26 *district court or appellate court.*

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

29 (d) *Preservation of records.* The Kansas state historical society shall  
30 be allowed to take possession for preservation in the state archives of any  
31 court records related to proceedings under the Kansas juvenile justice code  
32 or the revised Kansas juvenile justice code whenever such records  
33 otherwise would be destroyed. The Kansas state historical society shall  
34 make available for public inspection any unexpunged docket entry or  
35 official file in its custody concerning any juvenile 14 or more years of age  
36 at the time an offense is alleged to have been committed by the juvenile.  
37 No other such records in the custody of the Kansas state historical society  
38 shall be disclosed directly or indirectly to anyone for 70 years after  
39 creation of the records, except as provided in subsections (b) and (c). A  
40 judge of the district court may allow inspection for research purposes of  
41 any court records in the custody of the Kansas state historical society  
42 related to proceedings under the Kansas juvenile justice code or the  
43 revised Kansas juvenile justice code.

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

5 Sec. 14. On and after July 1, 2023, K.S.A. 38-2310 is hereby  
 6 amended to read as follows: 38-2310. (a) All records of law enforcement  
 7 officers and agencies and municipal courts concerning an offense  
 8 committed or alleged to have been committed by a juvenile under 14 years  
 9 of age shall be kept readily distinguishable from criminal and other records  
 10 and shall not be disclosed to anyone except:

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

13 (2) parties to the proceedings and their attorneys;

14 (3) the Kansas department for children and families;

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

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

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

24 (7) law enforcement officers or county or district attorneys, or their  
 25 staff, when necessary for the discharge of their official duties;

26 (8) the central repository, as defined by K.S.A. 22-4701, and  
 27 amendments thereto, for use only as a part of the juvenile offender  
 28 information system established under K.S.A. 38-2326, and amendments  
 29 thereto;

30 (9) juvenile intake and assessment workers;

31 (10) the department of corrections;

32 (11) juvenile community corrections officers;

33 (12) the interstate compact for juveniles compact administrator for  
 34 the purpose of carrying out the responsibilities related to the interstate  
 35 compact for juveniles;

36 (13) *the office of the child advocate pursuant to the child advocate*  
 37 *act;*

38 (14) any other person when authorized by a court order, subject to any  
 39 conditions imposed by the order; and

40 ~~(14)~~(15) as provided in subsection (c).

41 (b) The provisions of this section shall not apply to records  
 42 concerning:

43 (1) A violation, by a person 14 or more years of age, of any provision

1 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto, or  
2 of any city ordinance or county resolution which relates to the regulation  
3 of traffic on the roads, highways or streets or the operation of self-  
4 propelled or nonself-propelled vehicles of any kind;

5 (2) a violation, by a person 16 or more years of age, of any provision  
6 of chapter 32 of the Kansas Statutes Annotated, and amendments thereto;  
7 or

8 (3) an offense for which the juvenile is prosecuted as an adult.

9 (c) All records of law enforcement officers and agencies and  
10 municipal courts concerning an offense committed or alleged to have been  
11 committed by a juvenile 14 or more years of age shall be subject to the  
12 same disclosure restrictions as the records of adults. Information  
13 identifying victims and alleged victims of sex offenses, as defined in  
14 article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their  
15 repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, and  
16 amendments thereto, K.S.A. 2022 Supp. 21-6419 through 21-6422, and  
17 amendments thereto, or human trafficking or aggravated human  
18 trafficking, as defined in K.S.A. 21-3446 or 21-3447, prior to their repeal,  
19 or K.S.A. 2022 Supp. 21-5426, and amendments thereto, shall not be  
20 disclosed or open to public inspection under any circumstances. Nothing in  
21 this section shall prohibit the victim or any alleged victim of any sex  
22 offense from voluntarily disclosing such victim's identity.

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

27 (e) All records, reports and information obtained as a part of the  
28 juvenile intake and assessment process for juveniles shall be confidential,  
29 and shall not be disclosed except as provided by statutory law and rules  
30 and regulations promulgated by the secretary.

31 (1) Any court of record may order the disclosure of such records,  
32 reports and other information to any person or entity.

33 (2) The head of any juvenile intake and assessment program, certified  
34 by the secretary, may authorize disclosure of such records, reports and  
35 other information to:

36 (A) A person licensed to practice the healing arts who has before that  
37 person a juvenile whom the person reasonably suspects may be abused or  
38 neglected;

39 (B) a court-appointed special advocate for a juvenile or an agency  
40 having the legal responsibility or authorization to care for, treat or  
41 supervise a juvenile;

42 (C) a parent or other person responsible for the welfare of a juvenile,  
43 or such person's legal representative, with protection for the identity of

1 persons reporting and other appropriate persons;

2 (D) the juvenile, the attorney and a guardian ad litem, if any, for such  
3 juvenile;

4 (E) the police or other law enforcement agency;

5 (F) an agency charged with the responsibility of preventing or  
6 treating physical, mental or emotional abuse or neglect or sexual abuse of  
7 children, if the agency requesting the information has standards of  
8 confidentiality as strict or stricter than the requirements of the Kansas code  
9 for care of children or the revised Kansas juvenile justice code, whichever  
10 is applicable;

11 (G) members of a multidisciplinary team under this code;

12 (H) an agency authorized by a properly constituted authority to  
13 diagnose, care for, treat or supervise a child who is the subject of a report  
14 or record of child abuse or neglect;

15 (I) any individual, or public or private agency authorized by a  
16 properly constituted authority to diagnose, care for, treat or supervise a  
17 juvenile who is the subject of a report or record of child abuse or neglect,  
18 specifically including the following: Physicians, psychiatrists, nurses,  
19 nurse practitioners, psychologists, licensed social workers, child  
20 development specialists, physician assistants, community mental health  
21 workers, addiction counselors and licensed or registered child care  
22 providers;

23 (J) a citizen review board pursuant to K.S.A. 38-2207, and  
24 amendments thereto;

25 (K) an educational institution to the extent necessary to enable such  
26 institution to provide the safest possible environment for pupils and  
27 employees of the institution;

28 (L) any educator to the extent necessary for the protection of the  
29 educator and pupils;

30 (M) any juvenile intake and assessment worker of another certified  
31 juvenile intake and assessment program; ~~and~~

32 (N) the interstate compact for juveniles compact administrator for the  
33 purpose of carrying out the responsibilities related to the interstate  
34 compact for juveniles; *and*

35 (O) *the office of the child advocate pursuant to the child advocate*  
36 *act.*

37 Sec. 15. K.S.A. 38-2270 and 38-2273 are hereby repealed.

38 Sec. 16. On and after July 1, 2023, K.S.A. 38-2203, 38-2213, 38-  
39 2309 and 38-2310 and K.S.A. 2022 Supp. 38-2211 and 38-2212 are hereby  
40 repealed.

41 Sec. 17. This act shall take effect and be in force from and after its  
42 publication in the Kansas register.