

38-2310. Records of law enforcement officers, agencies and municipal courts concerning certain juveniles; disclosure. [See Revisor's Note]

(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. 2014 Supp. 38-2326, and amendments thereto;
- (9) juvenile intake and assessment workers;
- (10) the juvenile justice authority;
- (11) juvenile community corrections officers;
- (12) any other person when authorized by a court order, subject to any conditions imposed by the order; and
- (13) 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 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, or K.S.A. 2014 Supp. 21-6419 through 21-6421, 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 commissioner thereunder.

(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 commissioner of juvenile justice, 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, physicians' assistants, community mental health workers, alcohol and drug abuse counselors and licensed or registered child care providers;
- (J) a citizen review board pursuant to K.S.A. 2014 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; and
- (M) any juvenile intake and assessment worker of another certified juvenile intake and assessment program.

History: L. 2006, ch. 169, § 10; L. 2011, ch. 30, § 161; L. 2014, ch. 115, § 68; July 1.

CAUTION: Section was amended twice in 2014 session, see also L. 2014, ch. 131, § 2; effective July 1, 2015.

