

As Amended by House Committee

Session of 2016

SENATE BILL No. 325

By Committee on Corrections and Juvenile Justice

1-14

1 AN ACT concerning the revised Kansas code for care of children; relating
2 to child in need of care files; prosecutor access; amending K.S.A. 2015
3 Supp. 38-2211 and repealing the existing section.
4

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

6 Section 1. K.S.A. 2015 Supp. 38-2211 is hereby amended to read as
7 follows: 38-2211. (a) *Access to the official file.* The following persons or
8 entities shall have access to the official file of a child in need of care
9 proceeding pursuant to this code:

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

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

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

15 (4) A court appointed special advocate for a child who is the subject
16 of the proceeding or a paid staff member of a court appointed special
17 advocate program.

18 (5) Any individual, or any public or private agency or institution,
19 having custody of the child under court order or providing educational,
20 medical or mental health services to the child or any placement provider or
21 potential placement provider as determined by the secretary or court
22 services officer.

23 (6) A citizen review board.

24 (7) ~~The commissioner of juvenile justice~~ **secretary of corrections** or
25 any agents designated by the ~~commissioner~~ **secretary of corrections**.

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

28 (9) Any other person when authorized by a court order, subject to any
29 conditions imposed by the order.

30 ~~(9)–(10)~~ The commission on judicial performance in the discharge
31 of the commission's duties pursuant to article 32 of chapter 20 of the
32 Kansas Statutes Annotated, and amendments thereto.

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

36 (1) The court having jurisdiction over the proceeding, including the

1 presiding judge and any court personnel designated by the judge.

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

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

6 (4) A court appointed special advocate for a child who is the subject
7 of the proceeding or a paid staff member of a court appointed special
8 advocate program.

9 (5) A citizen review board.

10 (6) The secretary.

11 (7) The ~~commissioner of juvenile justice~~ **secretary of corrections** or
12 any agents designated by the ~~commissioner~~ **secretary of corrections**.

13 (8) *Any county or district attorney from another jurisdiction with a*
14 *pending child in need of care matter regarding any of the same parties* **or**
15 **interested parties.**

16 (9) Any other person when authorized by a court order, subject to any
17 conditions imposed by the order.

18 (c) *Preservation of records.* The Kansas state historical society shall
19 be allowed to take possession for preservation in the state archives of any
20 court records related to proceedings under the Kansas code for care of
21 children whenever such records otherwise would be destroyed. No such
22 records in the custody of the Kansas state historical society shall be
23 disclosed directly or indirectly to anyone for 70 years after creation of the
24 records, except as provided in subsections (a) and (b). Pursuant to
25 subsections (a)(8)(9) and (b)(8)(9), a judge of the district court may allow
26 inspection for research purposes of any court records in the custody of the
27 Kansas state historical society related to proceedings under the Kansas
28 code for care of children.

29 Sec. 2. K.S.A. 2015 Supp. 38-2211 is hereby repealed.

30 Sec. 3. This act shall take effect and be in force from and after its
31 publication in the statute book.