

## **OPEN RECORDS ACT OFFICE PROCEDURES**

**PURPOSE:** The goals of these procedures are to provide access to public records under control of the district court of \_\_\_\_\_ County, Kansas; to protect court records from damage and disorganization; to prevent excessive disruption of agency functions; to provide assistance and information upon request; and to ensure effective and timely action in response to applications for inspection of public records.

**HOURS OF INSPECTION:** The Office of the Clerk of the District Court shall be open for the inspection of public records Monday through Friday between the hours of \_\_\_\_ a.m. to \_\_\_\_ p.m, excluding holidays.

**ACCESS TO RECORDS:** Records requests should be directed in writing to a custodian of the records. Attached is a records request form, the use of which is encouraged, but not required, in making such requests. The Clerk of the Court, \_\_\_\_\_, as official custodian of the district court records, has designated the following additional persons to be custodians of the records for the purposes of the Open Records Act:

\_\_\_\_\_  
\_\_\_\_\_.

**FEES:** The fee to be paid for copies of any records shall be \_\_ cents per page and \_\_\_\_ per certification. In addition, for requests that require the concentrated attention of a custodian of the records, a fee in the amount of \$12.00 per hour shall be paid by the requesting party. The custodian of records may require an estimate of these fees to be paid in advance. No district court employee may conduct a search which requires making a legal determination.

**NOTE:** All records or files checked out to court officers, abstracters, or members of the Bar shall be in conformance with the procedures for checking out files so that the files and records can be protected and their location known. (See Supreme Court Rule 106).

**CONFIDENTIAL RECORDS:** Under the Kansas Open Records Act, K.S.A. 45-221 et seq., certain court records are confidential and are excepted from public examination. The disclosure of these records is specifically prohibited or restricted by federal law, state law, or Kansas Supreme Court Rule. A list of several confidential records is attached.

Confidential records include, but are not limited to, the following:

<u>DESCRIPTION OF RECORD</u>	<u>STATUTE</u>
• Certain sections of a criminal presentence investigation report.	21-4714(c)
• Expunged criminal records, including expunged diversion agreements and expunged juvenile offender records	21-4619 38-1610
• Affidavits or sworn testimony in support of the issuance of a search or arrest warrant or summons.	22-2302 22-2502
• Unserved arrest warrant in a criminal case.	21-3827
• Non-moving traffic violations.	8-1560d
• Grand jury proceedings.	22-3012
• Certain juvenile records.	38-1506 38-1607
• Adoption Records	59-2122
• Certain employee personnel records.	45-221(a)(4)
• Mental illness, alcohol, and drug abuse treatment records.	59-2979