

IN THE SUPREME COURT OF THE STATE OF KANSAS

Administrative Order No. 45

RE: Administration of the Open Records Act,  
K.S.A. 1984 Supp. 45-215 et seq. as amended.

1. Whenever a request for access to public records in the custody of a district court clerk will require more than usual time and effort on the part of court employees an access fee of \$6.60 per hour shall be charged. Readily available court indexes shall be accessible without charge or fee.

2. Costs for copying and certifying public records shall be the costs set by each district court pursuant to K.S.A. 1984 Supp. 28-170. Executive branch agencies such as the local branch of the Department of Social and Rehabilitation Services and local governmental agencies should be charged for access and copies on the same basis as members of the public. If an agency or person requests periodic payment terms for convenience in paying for copies and certifications, district courts should grant the request if feasible.

3. Those district courts maintaining public records on computer facilities shall set access fees for those records following the restrictions set forth at K.S.A. 1984 Supp. 45-219.


4. Forms attached to this order as follows,  
OPEN RECORDS ACT--OFFICE PROCEDURES,  
REQUEST FOR RECORD INSPECTION OR FOR A COPY,  
RECORD INSPECTION OR COPY DELAY NOTICE,  
RECORD INSPECTION REQUEST DENIAL,  
RECORD COPY REQUEST DENIAL,

are declared sufficient to satisfy the administrative requirements of this order. Forms used by district courts shall be in substantial agreement with the attached forms.

5. Persons requesting criminal record searches for employment, credit, or the like should be referred to the executive branch agency most likely to have centralized reference files, i.e., the Kansas Bureau of Investigation, the Division of Vehicles. Local governmental units or private detective agencies requesting records checks on candidates for law enforcement or private detective employment should be billed for the search of expunged records.

6. The judicial administrator shall review the access fee set in section 1 of this order at two year-intervals from the effective date of this order and promulgate changes to the amount of the fee as necessary to satisfy the requirements of the open records act.

BY ORDER OF THE COURT this 29<sup>th</sup> day of July, 1985.

  
ALFRED G. SCHROEDER  
Chief Justice

Attachments

**FILED**

JUL 30 1985

LEWIS C. CARTER  
CLERK APPELLATE COURTS

OPEN RECORDS ACT—OFFICE PROCEDURES

**PURPOSE:** The goals of these procedures are to provide full 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 insure 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.

**CUSTODIANS:** Clerk of the Court, \_\_\_\_\_, as official custodian of the district court records, has designated the following 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 for the first page and \_\_\_ cents for each page thereafter. In addition, for requests that require the concentrated attention of a custodian of the records, a fee in the amount of \$10.80 per hour shall be prepaid by the requesting party. No district court employee may conduct a search which requires making legal determinations, such as whether a judgment is still current or that a lien exists. (See K.S.A. 20-3133.)

**ACCESS TO RECORDS:** Per District Court Rule No. \_\_\_ (or Order No. \_\_\_) district court employees, \_\_\_\_\_ and \_\_\_\_\_ shall be allowed direct access to the records available through the office of the Clerk of the District Court. All other requests shall be made by directing a request to a custodian of the records.

All records or files checked out by 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.)

Copies made for members of the Bar shall be charged in conformance with the fees to be paid hereunder at the rate of \_\_\_ cents for the first page and \_\_\_ for each page thereafter; and the applicable hourly access rate only if the request requires a lengthy search by a custodian.

**CONFIDENTIAL FILES:** The following files and records are confidential and are not open to public inspection: Presentence investigation reports and diagnostic reports; expunged criminal records and expunged juvenile offender records; affidavits or sworn testimony in support of the issuance of a search or arrest warrant or summons; an unserved arrest warrant in a criminal case; applications made and orders granted by a judge under the eavesdropping act; proceedings of grand juries; juvenile records; adoption records; mental illness, alcohol, and drug abuse treatment records; probationer progress reports; employee personnel records; medical records in involuntary conservator and guardianship actions; sealed depositions; wills deposited for safekeeping; and traffic convictions showing a charge of speeding from 56 to 65 mph on state highways, and of 66 to 70 mph on interstate highways.

(date)

See K.S.A. 21-3914

DISTRICT COURT OF \_\_\_\_\_ COUNTY, KANSAS

REQUEST FOR RECORD INSPECTION OR FOR A COPY

(TO BE COMPLETED BY REQUESTER)

NAME: \_\_\_\_\_ (Requester)
\_\_\_\_\_ (Street)
\_\_\_\_\_ (City, State, Zip Code)

I certify that I do not intend to, and will not: (1) Use any list of names or addresses contained in or derived from the records or information requested for the purpose of selling or offering for sale any property or service to any person listed or to any person who resides at any address listed; or (2) sell, give or otherwise make available to any person any list of names or addresses contained in or derived from the records or information for the purpose of allowing that person to sell or offer for sale any property or service to any person listed or to any person who resides at any address listed.

SIGNATURE: \_\_\_\_\_

RECORD SOUGHT: Please provide as specific a description as possible of the record you desire to inspect or for which you request a copy. Include record titles and dates as well as the name of the court which produced or holds the record.

No. of Copies Desired

- 1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

CHARGES: A charge for providing access to public records is authorized by state law and has been established by the State Supreme Court. Charges are set to compensate for the actual costs incurred in honoring your request. The fee schedule established for the \_\_\_\_\_ Judicial District is posted in the court offices. The charge for access to or copies of the record (s) you have requested is estimated at \$ \_\_\_\_\_.

Prepayment of the above amount is required.

(TO BE COMPLETED BY RECORD CUSTODIAN)

Time of Request: \_\_\_\_\_ (date) \_\_\_\_\_ (time) \_\_\_\_\_ (person receiving request)

Records Provided: \_\_\_\_\_ (date) \_\_\_\_\_ (time) \_\_\_\_\_ (person providing record)

Staff Time Involved: \_\_\_\_\_ hours, \_\_\_\_\_ minutes for a charge of \$ \_\_\_\_\_

Charge for Copies Made: \$ \_\_\_\_\_.

Total Charges: \$ \_\_\_\_\_.

Amount Remaining Due: \$ \_\_\_\_\_.

OR

Refund of Prepayment: \$ \_\_\_\_\_.

(Record Custodian)

DISTRICT COURT OF \_\_\_\_\_ COUNTY, KANSAS

RECORD INSPECTION OR COPY DELAY NOTICE

TO: \_\_\_\_\_ (Name of Requester)  
\_\_\_\_\_  
\_\_\_\_\_ (Street)  
\_\_\_\_\_ (City, State, Zip Code)

Your request dated \_\_\_\_\_, 19\_\_ for (\_\_\_\_ inspection) or  
(\_\_\_\_ copies) of the following record(s) has been delayed:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_  
(Title or Description of Record)

The reason for the delay is:

\_\_\_\_\_ The record requested cannot be located at this time.

\_\_\_\_\_ Please provide additional identification information:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Our search for the record is continuing and you will be  
contacted when it is located.

\_\_\_\_\_ The record requested has been temporarily removed from this  
office. It will be returned and made available to you on  
or before \_\_\_\_\_, 19\_\_ at \_\_\_\_\_ o'clock.

\_\_\_\_\_ This office is attempting to establish whether the record  
requested is an open public record.

\_\_\_\_\_  
(Record Custodian)

Date \_\_\_\_\_ Time \_\_\_\_\_

DISTRICT COURT OF \_\_\_\_\_ COUNTY, KANSAS

RECORD COPY REQUEST DENIAL

To: \_\_\_\_\_ (Name of Requester)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ (Street)  
\_\_\_\_\_  
\_\_\_\_\_ (City, State, Zip Code)

Your request dated \_\_\_\_\_, 19\_\_\_\_, for a copy of the following record(s) has been denied:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_  
(Title or Description of Copies Requested)

The above-listed record is an open public record available for your inspection. However, your request for a copy of the record is denied upon a finding by the undersigned record custodian that:

\_\_\_\_\_ Any available method of mechanical reproduction would result in damage to the requested record.

\_\_\_\_\_ Production of copies of the requested record is not required under the Kansas Open Records Act.  
\_\_\_\_\_ (cite section of Act relied upon)

\_\_\_\_\_ Copying the record requested is restricted under federal or state law. \_\_\_\_\_ (cite law relied upon)

\_\_\_\_\_ Other (specify) \_\_\_\_\_  
\_\_\_\_\_

It is your right to challenge this denial by means of a legal action.

\_\_\_\_\_  
(Record Custodian)

Date \_\_\_\_\_ Time \_\_\_\_\_

DISTRICT COURT OF \_\_\_\_\_ COUNTY, KANSAS

RECORD INSPECTION REQUEST DENIAL

TO: \_\_\_\_\_ (Name of Requester)  
\_\_\_\_\_  
\_\_\_\_\_ (Street)  
\_\_\_\_\_ (City, State, Zip Code)

Your request dated \_\_\_\_\_, 19\_\_\_\_, for inspection of the following record(s) has been denied:

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_  
      (Title or Description of Record Requested)

The undersigned record custodian has determined that:

\_\_\_\_\_ The record requested, as described above, is not a record which is made, maintained, kept by, or in the possession of this office. You may be able to obtain the the record from \_\_\_\_\_.

\_\_\_\_\_ The record requested is not required to be disclosed under the Kansas Open Records Act. \_\_\_\_\_ (cite section of Act)

\_\_\_\_\_ Access to the record requested is restricted under federal or state law. \_\_\_\_\_ (cite law relied upon).

It is your right to challenge this denial by means of a legal action.

\_\_\_\_\_  
(Record Custodian)

Date \_\_\_\_\_ Time \_\_\_\_\_