

## Rule 22

### ACCESS TO PUBLIC ELECTRONIC DISTRICT COURT CASE RECORDS

- (a) **Purpose.** Members of the public may access a public case record and the events index through multiple outlets, including a courthouse terminal and the public access portal. Allowing use of the public access portal, an internet, browser-based access point, expands access to public case records and events indices and increases transparency of the judicial branch. Not all public case records and events indices will be available using the public access portal due to their sensitive nature. This rule identifies the types of cases and documents that will not be accessible through the public access portal. These cases and documents may still be accessible through alternative means, such as at a courthouse terminal. Nonpublic case records are not available at the public access portal or the courthouse terminal.
- (b) **Access.** The ability of the public to access a case record and the events index will depend on the type of case; the nature of the document; and the applicable statutes, caselaw, Supreme Court rules, and court orders. Access to a case record and the event index by an attorney of record or a party if not represented by an attorney is not governed by this rule. Two levels of public access are possible.
- (1) **Public Access Through the Public Access Portal.** Unless excluded under subsections (c) or (d), a public case record and the events index are accessible for viewing using the public access portal as permitted by statutes, caselaw, Supreme Court rules, and court orders.
  - (2) **Public Access at a Courthouse Terminal.** A public case record and the events index are accessible for viewing at a courthouse terminal as permitted by statutes, caselaw, Supreme Court rules, and court orders.
    - (A) Each district court must maintain a courthouse terminal accessible to the public for viewing and obtaining case records and events indices.
    - (B) A clerk will not compile information or provide bulk distribution of information under Rule 106B(e).
    - (C) A request for documents is subject to the Kansas Open Records Act, K.S.A. 45-215 et seq., and other statutes, caselaw, Supreme Court rules, and court orders.

- (c) **Inaccessible Cases.** The following case types are not accessible through the public access portal:
- (1) **Adoptions:** a case filed under the Kansas Adoption and Relinquishment Act, K.S.A. 59-2111 et seq.;
  - (2) **Care and treatment:** a case filed under the Care and Treatment Act for Mentally Ill Persons, K.S.A. 59-2945 et seq., or under the Care and Treatment Act for Persons with an Alcohol or Substance Abuse Problem, K.S.A. 59-29b45;
  - (3) **Child custody or support proceedings:** a child custody or support proceeding under the Kansas Family Law Code, K.S.A. 23-2101 et seq.;
  - (4) **Child in need of care:** a case filed under the Revised Kansas Code for Care of Children, K.S.A. 38-2201 et seq.;
  - (5) **Coroner inquests:** a coroner inquest under K.S.A. 22a-230;
  - (6) **Divorces:** a dissolution of marriage case filed under the Kansas Family Law Code, K.S.A. 23-2101 et seq.;
  - (7) **Expunged cases:** a case expunged under K.S.A. 21-6614 or K.S.A. 22-2410;
  - (8) **Grand jury proceedings:** a grand jury proceeding under K.S.A. 22-3001 through K.S.A. 22-3016;
  - (9) **Guardianship and conservatorship cases:** a proceeding under the Act for Obtaining a Guardian or a Conservator, or Both, K.S.A. 59-3050 et seq.;
  - (10) **Inquisitions:** an inquisition proceeding under K.S.A. 22-3101 through K.S.A. 22-3105;
  - (11) **Juvenile offender:** a juvenile offender proceeding under the Revised Kansas Juvenile Justice Code, K.S.A. 38-2301 et seq.;
  - (12) **Parentage:** a case filed under the Kansas Parentage Act, K.S.A. 23-2201 et seq.;
  - (13) **Parental bypass:** a parental bypass proceeding under K.S.A. 65-6705;
  - (14) **Protection from abuse:** a case filed under the Protection from Abuse Act, K.S.A. 60-3101 et seq.;
  - (15) **Protection from stalking, sexual assault, or human trafficking:** a case filed under the Protection from Stalking, Sexual Assault, or Human Trafficking Act, K.S.A. 60-31a01 et seq.; and
  - (16) **Uniform interstate enforcement of domestic violence protection orders:** a case filed under the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act, K.S.A. 60-31b01 et seq.

- (d) **Inaccessible Documents.** The following documents are not accessible through the public access portal:
- (1) **Child Death Review Board:** a Child Death Review Board document filed under K.S.A. 22a-244;
  - (2) **Citations:** a citation filed under K.S.A. 8-2106, K.S.A. 8-2119, or K.S.A. 32-1049;
  - (3) **Coroner reports:** a coroner report filed under K.S.A. 22a-232;
  - (4) **Marriage license documents:** a marriage license document other than the limited marriage license record the district court clerk creates under Rule 106(d);
  - (5) **Poverty affidavits:** a poverty affidavit prepared under K.S.A. 22-4504 or K.S.A. 60-2001;
  - (6) **Presentence investigation reports:** a presentence investigation report prepared under K.S.A. 21-6703 or K.S.A. 21-6813;
  - (7) **Probable cause affidavits:** a probable cause affidavit or sworn testimony in support of an arrest warrant or summons under K.S.A. 22-2302 or in support of a search warrant under K.S.A. 22-2502 except as permitted by those statutes;
  - (8) **Record of an agency proceeding:** a record of an agency proceeding under the Kansas Administrative Procedure Act, K.S.A. 77-501 et seq., or the Kansas Judicial Review Act, K.S.A. 77-601 et seq.;
  - (9) **Trial exhibits;** and
  - (10) **Warrants:** an arrest warrant issued under K.S.A. 22-2302 that has not been executed, a search warrant issued under K.S.A. 22-2502 that has not been executed, and any bench warrant that has not been executed.

### Comments

- [1] Rule 22(d)(10): Arrest Warrants. A criminal complaint initiating a criminal case is not sealed in the new case management system (Odyssey) even if a proposed arrest warrant is filed at the same time or an arrest warrant is signed and issued. In the prior case management system (FullCourt), a criminal case was automatically sealed when an arrest warrant was approved by a judge; when a return on an arrest warrant was filed, the case was unsealed. In Odyssey, unless previously sealed by court order, a criminal complaint remains accessible to the public even when an arrest warrant is issued. In Odyssey, an arrest warrant will be sealed when it is issued and will remain sealed until a return is filed. Upon filing of the return, the arrest warrant and return will become public unless sealed by a court order.

- [2] Rule 22(d)(10): Search Warrants. If a search warrant is filed in a criminal case, the warrant is sealed when issued and will remain sealed until a return is filed. Upon filing of the return, the search warrant and return will become public unless sealed by a court order. If a request for a search warrant is filed in a separate case, the case is sealed when the request is filed and remains sealed until the return is filed. Upon filing of the return, the search warrant and return will become public unless sealed by a court order.
- [3] Rule 22(d)(10): Bench Warrants. A bench warrant is sealed when issued and will remain sealed until a return is filed. Upon filing of the return, the bench warrant and return will become public unless sealed by a court order.

**[History:** New rule adopted effective June 14, 2019; Am. effective June 12, 2020.]