

2023 Kansas Statutes

38-2311. Records of diagnostic, treatment or medical records concerning juveniles; penalties.

(a) When the court has exercised jurisdiction over any juvenile the diagnostic, treatment or medical records shall be privileged and shall not be disclosed except:

- (1) Upon the written consent of the former juvenile or, if the juvenile is under 18 years of age, by the parent of the juvenile;
- (2) upon a determination by the head of the treatment facility, who has the records, that disclosure is necessary for the further treatment of the juvenile;
- (3) when any court having jurisdiction of the juvenile orders disclosure;
- (4) when authorized by K.S.A. 38-2316, and amendments thereto;
- (5) when requested orally or in writing by any attorney representing the juvenile, but the records shall not be further disclosed by the attorney unless approved by the court or presented as admissible evidence;
- (6) upon a written request of a juvenile intake and assessment worker in regard to a juvenile when the information is needed for screening and assessment purposes or placement decisions, but the records shall not be further disclosed by the worker unless approved by the court;
- (7) upon a determination by the juvenile justice authority that disclosure of the records is necessary for further treatment of the juvenile; or
- (8) upon a determination by the department of corrections that disclosure of the records is necessary for further treatment of the juvenile.

(b) Intentional violation of this section is a class C nonperson misdemeanor.

(c) Nothing in this section shall operate to extinguish any right of a juvenile established by attorney-client, physician-patient, psychologist-client or social worker-client privileges.

(d) Relevant information, reports and records shall be made available to the department of corrections upon request and a showing that the juvenile has been placed in the custody of the secretary of corrections.

History: L. 2006, ch. 169, § 11; January 1, 2007.