

## Rule 106

### COURT RECORDS

- (a) **Court Files and Records.** Except as otherwise provided in subsection (b), court files and records must remain in the court's physical possession and control.
- (b) **Authorized Check Out.** An attorney or abstractor may check out a court file or record—subject to immediate return on request of the clerk of the district court—on the following conditions:
  - (1) the attorney or abstractor must sign a receipt;
  - (2) the file or record must not be taken outside the county unless authorized by the clerk or a court order; and
  - (3) the file or record must be returned in its original condition.
- (c) **Court Services Officer Files.** All court services officer files—including case notes—are confidential and are not subject to subpoena or other process. Unless otherwise ordered by the court, the records may be disclosed only to the court, a court employee assigned to the case, or a person legally entitled to receive the disclosure. Orders to produce drug and alcohol abuse patient records must comply with 42 C.F.R. Part 2.
- (d) **Marriage Licensing Documents.** Except for marriage records identified in subsection (d)(3) and K.S.A. 65-2422d(h), marriage licensing documents in the custody of a district court are confidential and are not subject to disclosure under the Kansas Open Records Act, K.S.A. 45-215 et seq.
  - (1) **Marriage licensing document defined.** A marriage licensing document refers to the following:
    - (A) the confidential cover sheet for the uniform marriage license application prescribed by the judicial administrator;
    - (B) the uniform marriage license application prescribed by the judicial administrator;
    - (C) a document containing the personal and statistical information the Kansas Department of Health and Environment requires on forms issued under K.S.A. 23-2509; and
    - (D) the license for individuals to enter a marriage under K.S.A. 23-2505.
  - (2) **When disclosure permitted.** Unless otherwise ordered by the court, marriage licensing documents may be disclosed only to the court, a court employee assigned to the case, the Kansas Department of Health and Environment, or a person to whom the marriage license was issued. A person making a request for his or her own marriage licensing documents must display

government-issued photo identification, which is sufficient proof of identity for purposes of this subsection.

- (3) **Limited marriage license record.** District courts must make publicly available a limited marriage license record which contains only the uniform marriage license application prescribed by the judicial administrator. The uniform marriage license application must not include the following personal information:
  - (A) an applicant's Social Security number;
  - (B) an applicant's date or city of birth;
  - (C) an applicant's mother's maiden name; or
  - (D) any information expressly designated as confidential on forms promulgated by the Kansas Department of Health and Environment under K.S.A. 23-2509.
- (4) **Existing marriage licensing documents.** Marriage licensing documents created before October 1, 2015, may be closed in whole or in part by redaction at the discretion of the chief judge of a judicial district or in accordance with an applicable exception to the Kansas Open Records Act. An applicant whose marriage licensing documents remain open may petition the court for closure of the documents, and any judge of the district court may rule on the petition for closure.

**[History:** Am. effective September 8, 2006; Am. (b) effective August 28, 2008; Restyled rule and amended effective July 1, 2012; Am. effective October 1, 2015.]