

THIRD JUDICIAL DISTRICT

STATE OF KANSAS

ADMINISTRATIVE ORDER NO. 2021-03

Authority for Court Services Officers to Provide Information

WHEREAS Kansas Supreme Court Rule 106(c) provides:

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 records must comply with 42 C.F.R. Part 2.

WHEREAS Court Services Officers have access to relevant information as a direct result of the duties they perform in the course of their employment.

WHEREAS to ensure consistent and appropriate application of Rule 106(c), the 3rd Judicial District promulgates this Administrative Order.

IT IS THEREFORE ORDERED that the following terms in Supreme Court Rule 106(c) are defined as follows:

“Court” shall mean any district court judge or district magistrate judge of the 3rd Judicial District or any judge or hearing officer assigned to hear a case within the 3rd Judicial District;

“Court employee assigned to the case” shall mean the Court Services Officer(s) (“CSO”) of the 3rd Judicial District assigned to a case by the Chief Court Services Officer or the CSO’s supervisor;

“Person legally entitled to receive the disclosure” shall mean in a criminal/traffic case, the prosecutor and any attorney working in the prosecutor’s office, and the attorney representing the criminal defendant in the case. In other types of cases, this term shall mean an attorney of record who has filed an entry of appearance in the case. This term shall include pro se litigants but under no circumstances shall a CSO make the CSO file available to a pro se defendant/party without the Court first examining the file and ordering redactions, if necessary.

IT IS FURTHER ORDERED that requests for documents from the CSO file, made by anyone other than the Court, shall be completed by subpoena.

IT IS FURTHER ORDERED that Court Services Officers of the 3rd Judicial District shall testify in any hearing conducted within this judicial district if the CSO is or has been the CSO assigned to the case and the CSO is ordered to do so by the Court at a hearing or if the CSO has received a subpoena from a party to testify at a hearing. A CSO may informally provide information about a case to any person who would be entitled by this Administrative Order to see the contents of the CSO's file.

IT IS FURTHER ORDERED that in the following situations, a CSO may provide confidential information and/or documents to:

- Licensed treatment providers for Court ordered treatment and evaluations during the period of supervision.
- Members of statutorily required Multidisciplinary Teams to monitor compliance with supervision and/or violations during Post-Imprisonment Supervision.
- Drug/treatment court team members in accordance with published and nationally recognized drug/treatment court best practices.

IT IS FURTHER ORDERED that the obligations of the CSO to provide documents, information, and/or to testify created by this Administrative Order are case specific. For example, the parties and attorneys of record in a civil or domestic case may not use this Order to acquire documents, information or testimony from a CSO who was assigned to a criminal case even if one of the parties to the civil or domestic case was also the criminal defendant under supervision by the CSO.

IT IS FURTHER ORDERED that this Administrative Order does not apply to CSOs outside the 3rd Judicial District who are providing courtesy supervision for a case that originated in this judicial district, nor does this Order apply to a CSO from the 3rd Judicial District who is providing courtesy supervision in a case that originated outside this judicial district.

This order hereby supersedes and replaces Administrative Order 2019-101.

IT IS SO ORDERED ON THIS 10th DAY OF DECEMBER, 2021.



Steven R. Ebberts
Acting Chief Judge