

<p style="text-align: center;">Juvenile Intake and Assessment System Standards</p> <p style="text-align: center;">Kansas Department of Corrections- Division of Juvenile Services State of Kansas</p>	<p><b>CHAPTER:</b></p> <p><b>DOCUMENTATION, REPORTING AND RECORDS</b></p>	<p><b>STANDARD NO.</b></p> <p><b>JIAS-03-104</b></p>
	<p><b>SUBJECT:</b></p> <p><b>SAFEGUARDING RECORDS AND DISCLOSURE</b></p>	<p><b>PAGE: 1 of 2</b></p>
<p><b>REFERENCES: K.S.A. 38-2207, K.S.A. 38-2223, K.S.A. 38-2310(e), K.S.A. 75-7023(b)</b></p>	<p><b>DATE ADOPTED: 11-1-2009</b></p> <p><b>DATE REVIEWED: 3-1-2017</b></p>	

**STANDARD:** Written policy, procedure and practice shall require that youth records are safeguarded from unauthorized and improper disclosure. All intake and assessment information (records, reports, and other information) shall be deemed confidential and shall not be disclosed except as provided by federal or state statute or regulation.

According to KSA 38-2310(e), the Director of juvenile intake may authorize disclosure of records, reports and information only to:

1. A licensed clinician assessing or treating a juvenile whom the clinician suspects may be abused or neglected;
2. A CASA with the legal responsibility or authorization to care for, treat or supervise a juvenile;
3. A parent or another adult legally responsible for the welfare of a juvenile, or their legal representative, with protection for the identity of persons reporting and other appropriate persons;
4. The juvenile, the juvenile's attorney and/or the juvenile's guardian ad litem.
5. The police or other law enforcement agency;
6. An agency charged with the responsibility of preventing or treating physical, mental or emotional abuse or neglect or sexual abuse of children, if the agency requesting the information has standards of confidentiality as strict or stricter than the requirements of the Kansas code for care of children or the revised Kansas juvenile justice code, whichever is applicable;
7. Members of a multidisciplinary team appointed by the court.
8. Licensed clinicians and/or agencies authorized by a properly constituted authority to diagnose, care for, treat or supervise a child or juvenile who is the subject of a report or record of child abuse or neglect.
9. A citizen review board appointed by the court (KSA 38-2207).
10. Schools (if/when necessary to provide for the safety of the students/employees of the school).
11. Educators (if/when necessary to provide for the safety of the students/employees of the school).
12. Another JIAS worker or another JIAS program; and
13. The interstate compact for juvenile's compact administrator (involving interstate compact juveniles).

**NOTE:** The standards and procedures set forth herein are intended to establish operational guidelines for the intake and assessment program operating through the board of county commissioners and their employees/contractors and youth participating in the intake and assessment process. They are not intended to establish state created liberty interests for the intake and assessment program or the board of county commissioners, or their employees/contractors, or youth, or an independent duty owed by the Kansas Department of Corrections- Division of Juvenile Services to intake and assessment programs operating through the board of county commissioners or their employees/contractors, supervised juveniles or third parties. This standard and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

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STANDARD (cont.):

All records, reports and information obtained in JIAS shall not be allowed to be used for evidence and shall not be used in a child in need of care proceeding or a juvenile offender proceeding with the following exceptions:

1. If there is suspicion or reason to believe that the juvenile is a potential victim of physical, mental or emotional abuse or neglect or a victim of sexual abuse (which is required to be reported under K.S.A. 38-2223), records, reports and information obtained in the juvenile intake process may be used in a child in need of care proceeding for diagnostic and referral purposes and provided to the court for consideration of dispositional alternatives; and/or
2. If a juvenile is potentially being trafficked as a runaway; records, reports and information obtained in the juvenile intake process that is specific to the possible trafficking of the runaway may be used in a juvenile offender proceeding and shall be made available to the appropriate county/district attorney and the court. Such records, reports, and information shall be used only for diagnostic and referral purposes.

DISCUSSION: Any medical information received by the Intake and Assessment Program is subject to Health Insurance Portability and Accountability Act (HIPAA) and shall not be disclosed to any unauthorized person(s) without a written release signed by a parent(s) or guardian(s).

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