

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS  
TENTH JUDICIAL DISTRICT  
ADMINISTRATIVE ORDER NO. 21-06

**Authority for Court Services Officers to Provide Information**

**WHEREAS**, Kansas Supreme Court Rule 106(c) states:

**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 10<sup>th</sup> Judicial District promulgates this Administrative Order.

**IT IS THEREFORE ORDERED** that the following rules apply to all Court Services Officers (CSO) and the files maintained by CSO in the Tenth Judicial District.

The following terms and definitions in Supreme Court Rule 106(c) apply to this Order as follows:

**“Court”** shall mean any district court judge or district magistrate judge of the 10<sup>th</sup> Judicial District or any judge assigned to hear a case within the 10<sup>th</sup> Judicial District;

**“Court employee assigned to the case”** shall mean the Court Services Officer(s) of the 10<sup>th</sup> Judicial District assigned to a case by the Chief Court Services Officer and that 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. Under no circumstances shall the CSO make the CSO file available to a *pro se* defendant/party without the Court first examining the file and ordering redactions, if necessary.

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**IT IS FURTHER ORDERED** that requests for documents from the CSO file shall be done by subpoena *duces tecum*.

**IT IS FURTHER ORDERED** that Court Services Officers of the 10<sup>th</sup> Judicial District shall be authorized to testify in any hearing conducted within this judicial district if they are/have been the CSO assigned to that case and they have 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 during the period of drug/treatment court supervision.

**IT IS FURTHER ORDERED** that the obligations of the CSO to provide documents, information, and/or to testify pursuant to 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 obtain documents, information or testimony of a CSO who was assigned to criminal case, even if one of the parties to the civil/domestic case was also the criminal defendant under supervision by the CSO.

**IT IS FURTHER ORDERED** that should a CSO receive a request to provide records, information, and/or to testify by subpoena or other means, and this Administrative Order does not apply to the situation, the CSO shall contact their supervisor and the Office of Judicial Administration.

**BY ORDER OF THE COURT** this 30<sup>th</sup> day of December, 2021.



Thomas Kelly Ryan  
Chief Judge, Tenth Judicial District

Original:

Clerk of the District Court

Copies:

All Judges

Kevin Waring, Chief Court Services Officer

Laura Brewer, Court Administrator

Departmental Justice Evelyn Wilson

Kansas Supreme Court

Office of Judicial Administration

JoCo Courts Listserv

JIMS

Johnson County Bar Association