

Liberal Municipal Court
P.O. Box 2199, 325 N. Washington Ave.
Liberal, Kansas 67905-2199
Phone: (620)626-0143 Fax: (620)626-0569

OPEN RECORDS ACT OFFICE PROCEDURES

PURPOSE: The goals of these procedures are to provide access to public records under control of the Municipal Court of Liberal, Kansas; to protect court records from damage and disorganization; to prevent excessive disruption of agency functions; to provide assistance and information upon request; and to ensure effective and timely action in response to applications for inspection of public records.

HOURS OF INSPECTION: The Municipal Court Clerk's office shall be open for inspection of public records Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m., excluding holidays and scheduled meeting times when the clerk's office is temporarily closed.

ACCESS TO RECORDS: Records requests must be made in writing and should be directed to the custodian of records. A form for this request has been prepared by this office and use of this form for requests is encouraged, but not required. The Municipal Court Director and court clerks are designated as custodians of the records for purposes of the Open Records Act.

FEES: The fee to paid for a Case Summary or a Clearance Letter is \$5.00. The fee for copying other records is \$.50 per page. In addition, for requests that require two or more hours or more of staff time, a fee for the actual staff time may also be charged. The custodian of records may require an estimate of these fees to be prepaid. No court employee may conduct a search which requires making a legal determination.

CONFIDENTIAL RECORDS: Under the Kansas Open Records Act, K.S.A. 45-221 et. seq., certain court records are confidential and are excepted from public examination. The disclosure of these records is specifically prohibited or restricted by federal law, state law, or Supreme Court Rule. Some of the types of records that are confidential include, but are not limited to:

<u>Type of Record</u>	<u>Statute</u>
• Expunged criminal records, including expunged diversions	K.S.A. 12-4516
• Mental illness, alcohol, and drug abuse treatment records	K.S.A. 45-221(a)(3)
• Unserved arrest warrants	K.S.A. 21-5906
• Affidavits in support of the issuance of an arrest warrant	K.S.A. 12-4209
• Certain employee personnel records	K.S.A. 45-221(a)(4)
• Medical records.	K.S.A. 45-221(a)(3), (a)(35)
• Psychiatric and Psychological records.	K.S.A. 45-221(a)(3)
• Alcoholism and drug dependency records.	K.S.A. 45-221(a)(3), (a)(35)
• Records that reveal the name, address, phone number or any other information for a victim of any sexual offense.	K.S.A. 45-221(a)(10)(F)
• Information that would reveal the location of shelter or safehouse where persons are provided protection from abuse.	K.S.A. 45-221(a)(47)
• The name, address, location or other contact information of alleged victims of stalking, domestic violence or sexual assault.	K.S.A. 45-221(a)(47)

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REQUEST FOR RECORD INSPECTION OR FOR A COPY

Person Making Request

Name: _____ Date: _____
 Address: _____ Daytime Phone: _____
 _____ Fax: _____

Defendant Information	Case Information	Records Sought
Name: _____ (First, Middle Initial, Last)	Case Number(s): _____ _____	<input type="checkbox"/> Entire Record
Aliases: _____ (First, Middle Initial, Last)	Violation Date(s): _____ _____	<input type="checkbox"/> Disposition
Date of Birth: _____	Charges: _____ _____	<input type="checkbox"/> Case Summary
		<input type="checkbox"/> Clearance Letter

- * *Entire Record* is a copy of all documents that are in the court file.
- * *Disposition* is a copy of the complaint /ticket, waiver of counsel, and sentencing journal entry and/or diversion agreement.
- * *Case Summary* is a printout of the actions taken in the case including the case number, charges, occurrence date, findings of the court, and sentencing information. If the case was filed in 2013 or before, the caption of the document may state: "Uncleared Activity by Defendant". The cost for a Case Summary is \$5.00 regardless of the number of pages printed.
- * A *Clearance Letter* is a record indicating that the person searched does not have any records with the court that can be found by a computer search. It does not include a search of records made prior to 2003. The cost of the Clearance Letter is \$5.00.
- * **CHARGES:** A charge for providing access to public records is authorized by state law and has been established by the Kansas Supreme Court. Charges are set to compensate for actual costs in honoring your request. The fee for copying the *Entire Record*, *Disposition*, or any other records not specified above is \$.50 per page. Actual staff time for researching the records may also be charged if the staff time meets or exceeds two hours. Prepayment may be required.
- * Description of Additional or Other Records Requested: _____

I certify that I do not intend to, and will not: (A) Use any list of names or addresses contained in or derived from the records or information requested for the purpose of selling or offering for sale any property or service to any person listed or to any person who resides at any address listed; or (B) sell, give, or otherwise make available to any person any list of names or addresses contained in or derived from the records or information for the purpose of allowing that person to sell or offer for sale any property or service to any person listed or to any person who resides at any address listed. See K.S.A. 45-220(c)(2); K.S.A. 45-230.

Signature of Requestor: _____