Kansas Administrative Regulations

Department of Health and Environment

Article 4.—Maternal and Child Health—Detention Centers and Secure Care Centers for Children and Youth.

28-4-353b. Records.

(a) Personnel records. Individual records shall be kept for each staff member which shall include the staff member's:

(1) Job application, including all:

(A) Identifying information;

(B) qualifications including documentation and verification; and

(C) character and employment references.

(2) terms of employment and job description;

(3) employment dates and annual performance reviews;

(4) health certificates, including a record of the results of a health assessment and tuberculin test, documented on forms supplied or approved by the Kansas department of health and environment;

(5) documentation of orientation and inservice training and continuing education;

(6) documentation of the report submitted to the Kansas department of health and environment for purpose of a background check for criminal and child abuse histories in accordance with K.A.R. 28-4-351(g).

(7) documentation that the employee has read, understands and agrees to follow:

(A) the statutes and regulations regarding mandatory reporting of suspected child abuse, neglect and exploitation;

(B) the regulations for licensing detention centers and secure care centers for children and youth;

(C) the facility's policies and procedures, including personnel, adminstrative, daily and behavior management policies and procedures; and

(D) policies providing for a drug free workplace; and

(8) grievance and incident reports regarding the specific employee, including the means of resolution of each report.

(b) Volunteer records. Individual records shall be kept on the center-related activities of each volunteer. These records shall include the volunteer's:

(1) Identifying information;

(2) job description;

(3) dates of service and performance reviews;

(4) documentation of orientation to the facility and specific assignment;

(5) documentation that the volunteer has read, understands and agrees to follow center policies and procedures, particularly those related to security, confidentiality of information and mandatory reporting of suspected child abuse and neglect;

(6) documentation of freedom from active tuberculosis;

(7) documentation of the report submitted to the Kansas department of health and environment for purpose of a background check for criminal and child abuse histories in accordance with K.A.R. 28-4-351(g).

(8) a copy of the health assessment required in K.A.R. 28-4-353(f)(4).

(c) Juvenile records.

(1) Written policies and procedures shall govern record management and shall include, but not be limited to:

(A) The establishment, utilization, content, privacy, security and preservation of records.

(B) the schedule for the retirement and destruction of inactive case records; and

(C) a provision for review of policies and procedures at least annually and revision as needed.

(2) A register of all juveniles in care shall be kept by each center. The register shall include the following information for each juvenile:

(A) Name;

(B) date of birth;

(C) the name and address of each parent or legal guardian, person with whom juvenile resides at time of admission;

(D) the name and address of the legal custodian, if not the parent or legal guardian;

(E) the name and address of closest living relative if other than parent or guardian;

(F) the reason for admission; and

(G) the dates of admission and release.

(3) Upon the release of each juvenile from a detention center, a completed admission and release form, supplied by the Kansas bureau of investigation, shall be submitted to the bureau.

(4) Individual records shall be kept for each juvenile which shall include the juvenile's:

(A) Identifying information;

(B) legal status;

(C) legal custodian;

(D) arrest record;

(E) court order or journal entry for any juvenile in care longer than 48 hours;

(F) medical and dental permission forms, signed by a parent or legal guardian. The permission form used shall be one which is acceptable to the vendor who will provide the service; and

(G) a written inventory of all money and personal property of the juvenile signed by the juvenile and the admitting staff member.

(5) A daily log of each juvenile's behavior, with notations regarding any special problems during detention and the response of the staff to any problems shall be kept in each juvenile's individual record file. Each entry shall be initialed by the staff member making the entry.

(6) A list of all juveniles receiving care shall be submitted upon request to the Kansas department of health and environment on forms provided or approved by the department.

(7) Information from a juvenile's records shall not be released without written permission from the juvenile's parent or legal guardian. When the parent or legal guardian is not available to provide written permission, an order of the court having valid jurisdiction shall be acceptable. Improper disclosure of records or information regarding a juvenile shall be grounds for revocation or suspension of the center's license or permit in force, or the denial of a center's application for licensure.

(8) Written policy, procedure and practice shall provide for the transfer of specific juvenile case file information upon release of a juvenile to another center or other residential care. Specific case file information shall precede or accompany the juvenile and shall include:

(A) Identifying information;

(B) medical records;

(C) immunization records;

(D) insurance information;

(E) medical card, when applicable;

(F) school placement information, including present courses of study; and

(G) the name and address of each parent or legal guardian.

(9) Additional case file information to be transferred shall accompany the juvenile or be transferred within 72 hours.

(Authorized by and implementing K.S.A. 65-508; effective Aug. 23, 1993.)

***** Authenticated Kansas Administrative Regulation *****