

## Proposed Amendment to Rule 7.043: Reference to Certain Persons

The Kansas Supreme Court is accepting public comment on a proposed amendment to Supreme Court Rule 7.043: Reference to Certain Persons.

The amendment clarifies how minors are to be referenced in all appellate cases.

Amendments to Rule 7.043 are shown using strikethrough for deletion and underlining for new language.

Comment may be made by email to [scrulespubliccomment@kscourts.org](mailto:scrulespubliccomment@kscourts.org) until noon, Wednesday, December 16, 2020. The subject line must read "Rule 7.043."

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### Rules Relating to Supreme Court, Court of Appeals, and Appellate Practice

#### Rule 7.043

#### REFERENCE TO CERTAIN PERSONS

- (a) **Generally Purpose.** This rule establishes guidelines for identifying certain persons in an appellate case to avoid unnecessary trauma and ~~unwarranted stigma from publicity inherent in an appellate proceeding and~~ to maintain statutory requirements of confidentiality.
- (b) **Child Applicability.** This rule applies when referencing any of the following persons in an appellate case: In a case in an appellate court under the code for care of children or the juvenile justice code or involving the adoption of a child:
- (1) ~~the caption of the case must refer to the child by initials only;~~
  - (2) ~~a motion, brief, or opinion or order of the appellate court must refer to a child in need of care, a juvenile offender, or a party to an adoption proceeding by initials only or by given name and last initial; and~~
  - (3) ~~if the identity of a child protected by this rule could be revealed by reference to another person, e.g. the mother or father of the child, that person also should be identified by initials or by familial relationship.~~
- (1) a minor;
  - (2) a person whose identity could reveal the name of a minor;

- (3) a victim of a sex crime;
  - (4) a petitioner in a protection from abuse case;
  - (5) a petitioner in a protection from stalking, sexual assault, or human trafficking case; and
  - (6) a juror or venire member.
- (e) ~~**Victim of Sex Crime.** In a case in an appellate court, a motion, brief, or opinion or order of the appellate court must refer to a victim of a sex crime by initials only or by given name and last initial.~~
- (c) **Reference.** Except for certified district court documents required when docketing an appeal under Rule 2.04, any document filed in an appellate case and any appellate court decision must reference a person described in subsection (b) by the following:
- (1) initials;
  - (2) first name only;
  - (3) pseudonym;
  - (4) familial relationship or generic descriptor; or
  - (5) juror number.
- (d) ~~**Juror or Venire Member.** A motion, brief, or opinion or order of the appellate court must refer to a juror or member of the venire by initials only, by juror number, or by given name and last initial.~~
- (d) **Attachment or Appendix.** A person filing an attachment or appendix to a document must either redact the name of any person described in subsection (b) or must follow subsection (c) in referencing the person.
- (e) **Exception.** This rule does not prohibit the use of a defendant's full name in a criminal case.