



COUNTY ÛVŒ/ŒĆÁ  
Œ/VUÛPŒŸ

## RECORDS RETENTION AND DESTRUCTION SCHEDULE

State of South Dakota

Bureau of Human Resources and Administration

Records Management Program

(605) 773-3589



DEPARTMENT OF  
EXECUTIVE MANAGEMENT

BUREAU OF  
ADMINISTRATION

PMB 01234

RECORDS MANAGEMENT PROGRAM  
104 S Garfield Avenue  
c/o 500 East Capitol Avenue  
Pierre, SD 57501-5070  
Phone: (605) 773-3589  
Fax: (605) 773-5955

## MEMORANDUM

TO: County Officials

FROM: Mary Bisson  
State Records Manager

SUBJECT: **Records Retention and Destruction Schedule Manual**

DATE: December 30, 2004

In 1967, the South Dakota Legislature established the Records Management Program and the Records Destruction Board. In the same act, the Legislature required every State agency to develop a records retention and destruction schedule and declared that "No record shall be destroyed or otherwise disposed of by any agency of the State unless it is determined by majority vote of such board (Records Destruction Board) that the record has no further administrative, legal, fiscal, research or historical value."

According to Administrative Rule 24:52:11:01, any State government agency planning to destroy agency records shall notify the State Archivist 30 days before the date of the proposed destruction. The request shall include the name or title of the records, inclusive dates, information content of the records, and quantity. This rule applies to all records, including those granted exclusive or continuous disposal authorization by the Records Destruction Board, with the following exceptions: vouchers, original and copies, and supporting documents; warrants, original and copies, multiple copies of State publications stored in bulk; obsolete blank forms; photocopies of computer printouts; and original copies of records that have been legally reproduced under the provisions of SDCL 1-27-4.

The State Archivist has 30 days to certify that the records have no permanent value and may be destroyed, or to make arrangements to transfer the records to the archives. If the Archivist fails to make a recommendation within this time, the records may be destroyed, provided that the agency has received authorization from the Records Destruction Board.

Finally, if you have any questions about implementing this manual or about your records in general, please contact Records Management at 773-3589. We will welcome an opportunity to discuss the proper implementation of sound records management practices.

## **Procedure to Dispose of County Records Using this Manual:**

- The County Commission must adopt this manual as its Records Management Policy.
- Each County is required by law to retain a permanent list of all records destroyed pursuant to SDCL 1-27-19.
- According to Administrative Rule (ARSD 24:52:11:01) each County planning to destroy records shall notify the State Archivist 30 days before the date of the proposed destruction. The request shall include the name or title of the records, inclusive dates, information content of the records, and quantity.
- Records Management will review a County's list of records that it plans to destroy to ensure the appropriate retention periods have been met. The list should include the following: Record series number and record title as listed in this manual and the inclusive dates of the records being destroyed.
- For records not listed in this manual, you must petition the State Records Destruction Board, which meets annually, for authority to dispose of records. Contact Records Management for assistance with this process:

### **Contact Information:**

Records Management  
Dana Hoffer, Manager  
1320 East Sioux Avenue  
Pierre, SD 57501  
Phone: (605) 773-3589  
Fax: (605) 773-5955

State Archives  
Chelle Somsen, State Archivist  
Cultural Heritage Center  
900 Governors Drive  
Pierre, SD 57501  
Phone: (605) 773-5521  
Fax: (605) 773-6041

**COUNTY STATE'S ATTORNEY:**

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STATE OF SOUTH DAKOTA  
RECORDS RETENTION &  
DESTRUCTION SCHEDULE  
AUTHORIZATION FORM  
(Std Form RM-1 Rev 1/03)

DEPARTMENT:	State of South Dakota
DIVISION:	Political Subdivision
OFFICE:	County Offices
PROGRAM:	State's Attorney
RECORDS OFFICER:	State's Attorney
RM CUSTOMER #:	

RECORD		R.D.B.
<u>SERIES NO.</u>	<u>TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE</u>	<u>AUTHORITY</u>
		<u>NUMBER</u>

**ATY-1. CASE FILE INDEX CARDS:**

**85-021**

This card series is maintained for reference to case files. The cards provide an alphabetical index by name, numerical index by case file, or alphabetical index by case type. Information on the cards includes: file number, date of sentencing, charge, and disposition of case. They are used for referencing the various case files located within the office.

**RETENTION:** Retain 10 years in office after case is closed, then destroy provided that the defendant is no longer incarcerated and no litigation is pending.

**ATY-2. CASE FILES, CHILD SUPPORT:**

**85-021**

This file is used to initiate and implement child support proceedings in the court. They are arranged numerically by case number and contain: cover letter, investigator's report, affidavit and application, and the original court order. The file remains open until the child has reached the age of emancipation. The County Clerk of Courts maintains the original case file.

**RETENTION:** Retain current in office. Destroy when respective child reaches the age of emancipation provided all child support payments have been made.

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<b>RECORDS OFFICER:</b>	<u>State's Attorney</u>
<b>RM CUSTOMER #:</b>	

**AUTHORITY  
NUMBER**

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**94-005**

(NOTE: Previous RDB Authority 85-021 specified a 10-year after case is closed retention.)

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		<u>NUMBER</u>

**ATY-4. CASE FILES, CRIMINAL:**

**94-005**

This file documents the initiation and implementation of criminal proceedings undertaken by the State's Attorney. The files are arranged numerically by case number and include: police report, information, complaint, and judgment of conviction. The County Clerk of Court's Office maintains the original Felony criminal action case files for fifty-five years after closure, the Class I misdemeanor case files for ten years after closure, and the Class II misdemeanor case files for three years. The file is kept here for convenient reference by the State's Attorney.

**RETENTION:** Felony: Retain 15 years in office after case is closed, then destroy provided that the defendant is no longer incarcerated and no litigation is pending.

Class I Misdemeanor: Retain 10 years in office, then destroy provided that the defendant is no longer incarcerated and no litigation is pending.

Class II Misdemeanor: Retain 3 years in office, then destroy.

(Note: Previous RDB Authority 85-021 specified a 15 year provided that the defendant is no loner incarcerated and no litigation is pending.)

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**ATY-5. CASE FILES, DEPENDENT AND NEGLECTED CHILDREN:**

**85-021**

This file contains the documentation for initiation and implementation of court proceedings dealing with dependent and/or neglected children. The file is arranged numerically by case number and may contain: affidavit determining tribe affiliation, notice of hearings, police reports, stipulations, agreements, findings of fact, summons, and petitions. The original case file is kept by the County Clerk of Courts. A copy is kept here for convenience of reference by the State's Attorney.

**RETENTION:** Retain 10 years in office after case is closed, then destroy provided that no litigation is pending.

**ATY-6. CASE FILES, PATERNITY SUITS:**

**85-021**

This series contains the State's Attorney case files concerning paternity suits. They are used for reference concerning case status while in progress and also used for reference to past precedents or procedures used. The files are arranged numerically by case number and may include: summons, complaint, transcript of hearing, order for blood test, blood test results, and final disposition. The County Clerk of Courts' Office maintains the original case file. It is kept here for convenience of reference by the State's Attorney.

**RETENTION:** Retain 10 years in office after case is closed, then destroy provided that no appeal is pending.