



UNIFIED JUDICIAL SYSTEM

CIRCUIT COURT

RECORDS RETENTION AND
DESTRUCTION SCHEDULE

State of South Dakota

Bureau of Administration

Records Management Program

(605) 773-3589



DEPARTMENT OF
EXECUTIVE MANAGEMENT

BUREAU OF
ADMINISTRATION

PMB 01234

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MEMORANDUM

TO: State Agencies

FROM: Dana Hoffer
State Records Manager

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

DATE: December 16, 2011

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

PETITION FOR AUTHORITY TO DESTROY RECORDS

I, DJ Hanson (name), acting in my position as State Court Administrator (title), request that the South Dakota State Records Destruction Board consider the attached "Records Retention and Destruction Schedule" pursuant to SDCL 1-27-13, 1-27-14, 1-27-19 and ARSD 10:03:01-02.

The records petitioned to be destroyed are described in the "Record Retention and Destruction Schedule" Authorization of the Unified Judicial System (Circuit Court) (department) consists of 34 pages and contains record series number(s) ADOPT-1 (consecutively re-numbered) through ADOPT-3; JAS-1 (consecutively re-numbered) through JAS-8; CIV-1 (consecutively re-numbered) through CIV-10; CP-1 (consecutively re-numbered) through CP-4; CR-1 (consecutively re-numbered) through CR-4; CRM-1 (consecutively re-numbered) through CRM-3; DRUG-1 (consecutively re-numbered) through DRUG-2; JURY-1 (consecutively re-numbered) through JURY-4; JUV-1; MIR-1 (consecutively re-numbered) through MIR-4; MISC-1 (consecutively re-numbered) through MISC-6; GUARD-1; PRO-1; and CAR-1 (consecutively re-numbered) through CAR-10.

The authority requested is to destroy each record described in the attached Schedule at the expiration of the time provided for the retention of each record.

Authority is also requested to delete "Records Retention and Destruction Schedule" Authorization of the Unified Judicial System (Circuit Court) (department) record series numbers(s) ADOPT-3, MAR-3 thru MAR-15, CIV-6, CIV-8, CIV-11, CIV-13, CIV-15, CIV-16, CRM-3, CRM-5, CRM-6, JURY-1, JURY-2, JURY-5, JURY-7, JURY-8, JUV-2, JUV-3, GUARD-1 thru GUARD-6, CAR-5, CAR-7, CAR-8, CAR-12, CAR-13, and CAR-15 thru CAR-17.

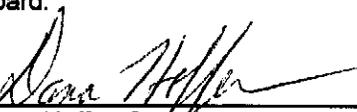
The undersigned certifies that the retention for each and every record petitioned to be destroyed does not violate any minimum retention time required by state statute; will allow for required state and federal audits to be performed or the time within which to make said audits to pass; and will allow for all applicable statutes of limitations to pass for all state contracts and Surety Bonds.



DJ Hanson, State Court Administrator

12/6/07
Date

The above and foregoing Petition is hereby recommended for approval by the State Records Destruction Board.

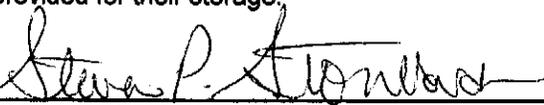


Dana Hoffer, State Records Manager

12/17/07
Date

DESTRUCTION AUTHORITY

I hereby certify that the State Records Destruction Board met on the 18th day of December, 2007, and authorized the destruction of the records described in the foregoing Petition at the expiration time provided for their storage.



Signature, Chairman of the Board

12-18-07
Date

PETITION FOR AUTHORITY TO DESTROY RECORDS

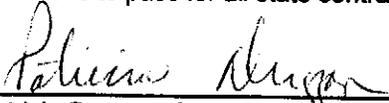
I, Patricia Duggan (name), acting in my position as State Court Administrator (title), request that the South Dakota State Records Destruction Board consider the attached "Records Retention and Destruction Schedule" pursuant to SDCL 1-27-13, 1-27-14, 1-27-19 and ARSD 10:03:01-02.

The records petitioned to be destroyed are described in the "Record Retention and Destruction Schedule" Authorization of the Unified Judicial System (Circuit Court) (department) consists of 2 pages and contains record series number(s) CRM-2, JURY-3, and JURY-3.1.

The authority requested is to destroy each record described in the attached Schedule at the expiration of the time provided for the retention of each record.

Authority is also requested to delete "Records Retention and Destruction Schedule" Authorization of the Unified Judicial System (Circuit Court) (department) record series numbers(s) N/A.

The undersigned certifies that the retention for each and every record petitioned to be destroyed does not violate any minimum retention time required by state statute; will allow for required state and federal audits to be performed or the time within which to make said audits to pass; and will allow for all applicable statutes of limitations to pass for all state contracts and Surety Bonds.

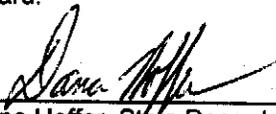


Patricia Duggan, State Court Administrator

12/10/08

Date

The above and foregoing Petition is hereby recommended for approval by the State Records Destruction Board.



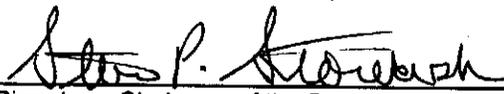
Dana Hoffer, State Records Manager

12-11-08

Date

DESTRUCTION AUTHORITY

I hereby certify that the State Records Destruction Board met on the 11th day of December, 2008, and authorized the destruction of the records described in the foregoing Petition at the expiration time provided for their storage.



Signature, Chairman of the Board

12-11-08

Date

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EMAIL AND ELECTRONIC DOCUMENT MANAGEMENT POLICY:

If an email or electronic document qualifies as a record pursuant to SDCL 1-27-9, it must be filed and maintained in accordance with the records retention and destruction schedule as determined by content of the document just as any paper record would be managed. To avoid duplication of efforts, the person sending the email or creating the electronic document from within the Unified Judicial System is responsible for ensuring that it is retained according to this schedule. If the email or electronic document is received from an outside entity the recipient within UJS is responsible for ensuring the record is retained as provided by this schedule. Employees must actively manage their email and electronic documents just as they manage their paper records. Email and electronic documents may be managed and stored in an electronic format or through paper documentation. If retained only in electronic format, the records need to remain accessible for the entire retention requirement. Email and electronic documents that do not qualify as a record under SDCL 1-27-9 may be deleted in the ordinary course of business. Note: Record, whether electronic or paper, relevant to pending or reasonably anticipated litigation must be preserved even if the schedule allows for its destruction. Such records are subject to a litigation hold by the UJS Legal and Legislative Counsel.

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

DEPARTMENT: Unified Judicial System
DIVISION: Circuit Court
OFFICE: Clerks of Cts, Ct Reporters and
PROGRAM: Administration
RECORDS OFFICER: Tara Hicks
RM CUSTOMER #: 0162

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

ADOPT-1 ADOPTION FILES:

07-066

This series is arranged chronologically by year and contains adoption case files. Information may include: petitions for adoption, notices of hearings, orders terminating parental rights, consent form orders declaring a child adopted, and court reports of adoption. This record series is maintained for reference and audit purposes.

RETENTION: Retain permanently or microfilm, as directed by SCAO.

(Note: Previous records series number was ADOPT-1.)

ADOPT-2 ADOPTION/PARENTAL TERMINATION FILES:

07-066

This series is arranged chronologically by year and contains cases initiated when parental rights are voluntarily relinquished. Information may include: petitions for voluntary termination of parental rights, orders terminating parental rights, and related correspondence. This record series is maintained for reference and audit purposes.

RETENTION: Retain permanently or microfilm, as directed by SCAO.

(Note: A permanent index system containing natural parents' names, adoptive parents' names, and child's adoptive and natural names must be kept on case files regarding adoption and voluntary termination of parental rights.)

(Note: Previous records series number was ADOPT-4.)

STATE OF SOUTH DAKOTA
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OFFICE: Clerks of Cts, Ct Reporters and
PROGRAM: Administration
RECORDS OFFICER: Tara Hicks
RM CUSTOMER #: 0162

RECORD **R.D.B.**
SERIES NO. TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE **AUTHORITY**
NUMBER

ADOPT-3 ORDER BOOKS:

07-066

This series may be arranged alphabetically, numerically, or chronologically and contains order books. Information may include: copies of orders signed by the judge declaring the adoption final, orders terminating parental rights in relinquishment, and dependency cases. This record series is maintained for reference purposes.

RETENTION: No longer used. This book should be destroyed.

(Note: Previous records series number was ADOPT-2.)

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

JAS-1 **BANK STATEMENT:**

07-066

This series is arranged chronologically and contains monthly statements indicating banking activity of a clerk's office and month ending cash balance. Information may include: date of statement, cancelled checks, deposits records, and bank balance. This record series is maintained for checking account reconciliation with bank balances, for reference purpose, and audit purposes.

RETENTION: Retain complete set of one year's monthly file folders 2 years in office, then destroy provided 1 year has passed since an independent post audit report has been received.

(Note: Previous records series number was JAS-1.)

JAS-2 **DEPOSIT WORKSHEETS:**

07-066

This series is arranged numerically and contains monthly deposit worksheets. Information may include: case number, case name, payment amount, and payment type. This record series is maintained audit purposes.

RETENTION: Retain complete set of one year's monthly file folders 2 years in office, then destroy provided 1 year has passed since an independent post audit report has been received.

(Note: Previous records series number was JAS-2.)

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OFFICE: Clerks of Cts, Ct Reporters and
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RECORD R.D.B.
SERIES NO. TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE AUTHORITY
NUMBER

JAS-3 DISBURSEMENT JOURNAL:

07-066

This series is arranged chronologically and contains monthly detail check disbursements and forward amount. Information may include: issue date, check number or forward number, case number, paid to name, amount, and type of disbursement. This record series is maintained audit purposes.

RETENTION: Retain complete set of one year's monthly file folders 2 years in office, then destroy provided 1 year has passed since an independent post audit report has been received.

(Note: Previous records series number was JAS-3.)

JAS-4 DOUBTFUL ACCOUNTS PAYABLE CARD FILE (FORM UJS030):

07-066

This series is arranged alphabetically and contains accounts payable card file. Information may include: cards list accounts that need to be paid, relative case number, date, name and address of creditor, itemized list of payments, balance of debt, and cards for accounts in "doubtful status". This record series is maintained for audit purposes.

RETENTION: Retain 2 years in office after paid-in-full, then destroy provided 1 year has passed since an independent post audit report has been received.

(Note: Previous records series number was MAR-1.)

STATE OF SOUTH DAKOTA
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OFFICE: Clerks of Cts, Ct Reporters and
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RECORD R.D.B.
SERIES NO. TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE AUTHORITY
NUMBER

**JAS-5 DOUBTFUL ACCOUNTS RECEIVABLE CARDS (FORMS
UJS028S AND UJS028L):**

07-066

This series is arranged alphabetically and contains accounts receivable cards. Information may include: cards list accounts not yet collected, relative case number, date, name and address of debtor, entry of each receipt, balance outstanding, and cards for accounts in "doubtful status". This record series is maintained for audit purposes.

RETENTION: Retain 2 years in office after closed, then destroy provided 1 year has passed since an independent post audit report has been received.

(Note: Previous records series number was MAR-2.)

JAS-6 GENERAL JOURNAL:

07-066

This series is arranged chronologically and contains monthly details of each adjustment and internal transfer. Information may include: date, case number, amount, type, and memoranda information. This record series is maintained for audit purposes.

RETENTION: Retain complete set of one year's monthly file folders 2 years in office, then destroy provided 1 year has passed since an independent post audit report has been received.

(Note: Previous records series number was JAS-4.)

STATE OF SOUTH DAKOTA
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RECORD R.D.B.
SERIES NO. TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE AUTHORITY
NUMBER

JAS-7 **MONTHLY REPORTS:**

07-066

This series is arranged chronologically and contains monthly reports. Information may include: Receipt Journal Summary, Disbursement Journal Summary, Reconciliation of Receivables, Reconciliation of Payables and Bank Reconciliation. This record series is maintained audit purposes.

RETENTION: Retain complete set of one year's monthly file folders 2 years in office, then destroy provided 1 year has passed since an independent post audit report has been received.

(Note: Previous records series number was JAS-5.)

JAS-8 **RECEIPT JOURNAL:**

07-066

This series is arranged chronologically and contains monthly details of receipts and ordered records. Information may include: issue date, receipt number, received from name, case number, amount, and disbursement type. This record series is maintained audit purposes.

RETENTION: Retain complete set of one year's monthly file folders 2 years in office, then destroy provided 1 year has passed since an independent post audit report has been received.

(Note: Previous records series number was JAS-6.)

STATE OF SOUTH DAKOTA
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RECORD R.D.B.
SERIES NO. TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE AUTHORITY
NUMBER

CIV-1 **ADMINISTRATIVE APPEALS FILES:**

07-066

This series is arranged chronologically by year and contains all documentation regarding appeals filed under chapter 1-26 of SDCL. Information may include: the application certificate of service. This record series is maintained for reference and audit purposes.

RETENTION: JUDGMENTS: Retain permanently or microfilm, as directed by SCAO.

ALL OTHER INFORMATION: Retain 20 years, then destroy.

(Note: Previous records series number was CIV-1.)

CIV-2 **CIVIL ACTION FILES:**

07-066

This series is arranged chronologically by year and contains civil action case files. Information may include: summons, satisfactions, complaint, answers of the parties, orders, motions, statements of judge, disqualifications, briefs, transcripts if requested, judgment, notice of appeal, and all other information pertinent to the case. This record series is maintained for reference and audit purposes.

RETENTION: Retain 5 years in office after the date of last case activity, then destroy.

(Note: Complaints, Answers, Dispositive Orders and Judgments, Notice of Entry of Judgment, and Satisfactions need to be retained permanently or microfilm, as directed by SCAO.)

(Note: Transfer all original cases pre-dating to 1910 to State Archives.)

(Note: Previous records series number was CIV-2.)

STATE OF SOUTH DAKOTA
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RECORD R.D.B.
SERIES NO. TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE AUTHORITY
NUMBER

CIV-3 DIVORCE FILES:

07-066

This series is arranged chronologically by year and contains divorce case files. Information may include: summons, complaint, answers of the parties, orders, motions, statements of judge, disqualifications, briefs, transcripts if requested, judgment, notice of appeal, child custody and support requests, and all other information pertinent to a divorce case. This record series is maintained for reference and audit purposes.

RETENTION: Retain permanently or microfilm, as directed by SCAO.

(Note: Because of the frequency of use, and for easier administration, these "civil" cases may be found filed separately in some clerk's offices.)

(Note: Previous records series number was CIV-3.)

STATE OF SOUTH DAKOTA
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NUMBER

CIV-4 FORCED MEDICATION FILES:

07-066

This series is arranged chronologically by year and contains forced medication case files. Information may include: applications to require individuals to submit to forced medication for mental health conditions, petitions, judgments, motions, and other pertinent case information. This record series is maintained for reference purposes.

RETENTION: Retain 5 years, then destroy provided cases have no activity.

PETITIONS AND JUDGMENTS: Retain permanently or microfilm, as directed by SCAO.

(Note: These cases are generally filed in Yankton County, site of the Human Services Center.)

(Note: Previous records series number was CIV-4.)

CIV-5 HABEAS CORPUS FILES:

07-066

This series is arranged chronologically and contains files involving application for habeas corpus relief. Information may include: application orders. This record series is maintained for reference purposes.

RETENTION: Retain permanently or microfilm as directed by SCAO.

(Note: Contents of these files must be kept permanently and the original file may be destroyed as directed by SCAO.)

(Note: Previous records series number was CIV-5.)

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

CIV-6 JUDGMENT DOCKET:

07-066

This series is arranged chronologically and contains judgment dockets, which provides an index to any case involving judgments for money. Docketing a judgment in this book creates a lien on the real property of the judgment debtor. Information may include: name of judgment debtor in rough alphabetical order, name of a judgment creditor, amounts and dates of judgment, dates and times of docketing, case numbers, and statements of whether the judgment was satisfied. This record series is maintained for reference purposes.

RETENTION: Retain permanently or microfilm, as directed by SCAO.

(Note: Previous record series number was CIV-7.)

CIV-7 QUIET TITLES FILES:

07-066

This series is arranged chronologically and contains all documentation regarding actions to determine the title property. Information may include: affidavits, summons, complaints, and response. This record series is maintained for reference purposes.

RETENTION: Retain permanently or microfilm, as directed by SCAO.

(Note: Previous records series number was CIV-9.)

STATE OF SOUTH DAKOTA
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RECORD R.D.B.
SERIES NO. TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE AUTHORITY
NUMBER

CIV-8 SMALL CLAIMS FILES:

07-066

This series is arranged numerically and contains small claims files. Information may include: defendant's name and address, plaintiff's name, finding and judgment, and an envelope used to file small claims related records. This record series is maintained for reference and audit purposes.

RETENTION: Retain 2 years after judgment has been disposed of (settled, dismissed, satisfied, or vacated), then destroy.

Retain unsatisfied judgments 20 years after date of entry of judgment, then destroy.

(Note: Previous records series number was CIV-10.)

CIV-9 STALKING/PROTECTION FILES:

07-066

This series is arranged chronologically and contains stalking/protection files. Information may include: petition, affidavit, notice of hearing, and protection order. This record series is maintained for reference and audit purposes.

RETENTION: Retain permanently or microfilm and image, as directed by SCAO.

(Note: Previous records series number was CIV-12.)

STATE OF SOUTH DAKOTA
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(Std Form RM-1 Rev 1/03)

DEPARTMENT: Unified Judicial System
DIVISION: Circuit Court
OFFICE: Clerks of Cts, Ct Reporters and
PROGRAM: Administration
RECORDS OFFICER: Tara Hicks
RM CUSTOMER #: 0162

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CIV-10 **TRUST FILES:**

07-066

This series is arranged chronologically and contains case files concerning money that the court administers for care and custody of minor children and incompetent people. Information may include: assignment of heir, affidavits, appeals, order to show cause, final decree, affidavit of notice, orders and motions, certificate of proof of will, testimony of witness, probate of will, order appointing executor, and notice of public receipt of inheritance tax. This record series is maintained for reference and audit purposes.

RETENTION: Retain permanently or microfilm, as directed by SCAO.

(Note: Previous records series number was CIV-14.)

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CP-1 **CRIMINAL DOCKET MASTER INDEX (DEFENDANT)**
PRINTOUT:

07-066

This series is arranged chronologically and contains a monthly printout summarized quarterly and at year end. Information may include: defendants name and charges. This record series is maintained electronically and is used for reference purposes.

RETENTION: Retain current in office. Destroy superseded or obsolete at the clerk's discretion.

(Note: Previous records series number was CP-1.)

CP-2 **INACTIVE BUT UNDETERMINED CASE PRINTOUTS**
(MAGISTRATE):

07-066

This series is arranged chronologically and contains a monthly printout indicating pending cases not currently on calendar for action. The information to generate this report is obtained from the docket in magistrate court. Information may include: name of defendant, charges, and status. This record series is maintained electronically and is used for reference purposes.

RETENTION: Retain current in office. Destroy superseded or obsolete at the clerk's discretion.

(Note: Previous records series number was CP-2.)

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CP-3 **JUDICIAL MAGISTRATE AND FORMAL DOCKET**
DISPOSITION REPORT:

07-066

This series is arranged chronologically and contains judicial magistrate and formal docket disposition computer reports. Information may include: date, name of individual, offense, plea, and disposition of case. This record series is maintained electronically and is used to provide local, county, and state law enforcement officials with information for arrest reports. The information from these reports may be furnished to news media for court news stories.

RETENTION: Retain current in office. Destroy superseded or obsolete at the clerk's discretion.

(Note: Previous records series number was CP-3.)

CP-4 **PENDING CRIMINAL CASES BY JUDGE PRINTOUTS:**

07-066

This series is arranged alphabetically by the judge's name, then chronologically by the date of hearing and contains a monthly printout listing criminal cases set for trial and the name of the judge to hear the case. Information may include: case name, number, and charges. This record series is maintained electronically and is used for reference purposes.

RETENTION: Retain current in office. Destroy superseded or obsolete at the clerk's discretion.

(Note: Previous records series number was CP-4.)

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CR-1 **SOUND TAPE RECORDINGS:**

07-066

This series is arranged both chronologically and alphabetically and contains sound recordings of circuit/magistrate court proceedings. Information may include: audio recordings of legal proceedings. This record series is used to prepare the transcript.

RETENTION: Retain 15 years after date of hearing, then destroy.

(Note: Previous records series number was CR-1.)

CR-2 **STENOGRAPHIC NOTES:**

07-066

This series is arranged chronologically and contains machine produced notes that represent a verbatim account of court proceedings for criminal case misdemeanors, criminal case felonies, and civil cases. Information may include: all activity during a legal proceeding. This record series is used to prepare the transcript.

RETENTION: Retain 15 years after date of hearing, then destroy.

(Note: Previous records series number was CR-2.)

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CR-3 TRANSCRIPTS OF COURT PROCEEDINGS:

07-066

This series is maintained in individual case files and contains the original transcripts produced pursuant to SDCL 15-26A-52 and Form 3 in the appendix of forms. These transcripts are filed with the Clerk of Courts and an ASCII disk may accompany the hard copy transcript. Information may include: all transcripts provided to the court. This record series is maintained for post-judgment and appeal purposes.

RETENTION: Retain according to the appropriate retention schedule for the different case files.

(Note: The applicable retention depends on the type of case: Civil, Criminal, Divorce, Probate, etc.).

(Note: Previous records series number was CR-3.)

CR-4 TRANSCRIPTS OF DEPOSITIONS:

07-066

This series is maintained in individual case files and contains the original transcripts produced pursuant to SDCL 15-6-30(f) which are not filed pursuant to SDCL 15-6-5(g). Information may include: all transcripts of depositions when a circuit judge requests the depositions to be included as part of the case file. This record series is maintained for post-judgment and appeal purposes.

RETENTION: Retain according to the appropriate retention schedule for the different case files.

(Note: The applicable retention depends on the type of case: Civil, Criminal, Divorce, Probate, etc.).

(Note: Previous records series number was CR-4.)

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CRM-1 BOND SCHEDULE OF FINES:

07-066

This document and its amendments are in filed in the administrative file yearly and contains the schedules published to show new and revised costs for violations. Information may include: offense type and bond amount. This record series is maintained for reference purposes.

RETENTION: Retain permanently in office.

(Note: Previous records series number was CRM-1.)

CRM-2 CRIMINAL ACTION CASE FILES:

08-014

This series is arranged chronologically by year and contains all cases involving criminal offenses defined in SDCL and tried in South Dakota courts. Information may include: information sheet, motions, bonds, uniform traffic ticket or summons, computer rap sheet, presentence investigation (sealed), warrant, and sentence of court. This record series is maintained for reference and audit purposes.

RETENTION: FELONY: Retain permanently or microfilm, as directed by SCAO.

CLASS 1 MISDEMEANOR: Retain judgment permanently. Retain remainder of the file 10 years or microfilm, as directed by SCAO.

CLASS 2 MISDEMEANOR and UNIFORM TRAFFIC TICKETS: Retain 2 years in office after all obligations ordered by the court have been meet, including financial, or dismissal has been entered, then destroy provided 1 year has passed since an independent post audit report has been received.

(Note: For purposes of taking action, the judgment of conviction will determine whether the case is a felony or misdemeanor for record retention. Maintain according to the above schedule.)

(Note: Previous records series number was CRM-2.)

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CRM-3 DOCKET IN MAGISTRATE COURT-CLASS 2
MISDEMEANOR (FORM UJS106):

07-066

This series is arranged alphabetically and contains statistical information recorded in this docket as it is taken from tickets by law enforcement authorities. Information may include: case number, defendant's name, and charges. This record series is used to acquire statistics for reports to the Office of Highway Safety and Supreme Court.

RETENTION: Retain current in office. Destroy after 90 days provided case has been terminated.

(Note: Previous records series number was CRM-4.)

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DRUG-1 DRUG COURT FILES (COORDINATOR):

07-066

This series is arranged in alphabetical order in the following categories – active clients, graduated clients and terminated clients. Information may include: directives from the Court and notes used by the Judge and Coordinator in supervising the client. The files contain documents that are used by the Drug Court Judge and the Drug Court Coordinator and are kept in the office by the Drug Court Coordinator.

RETENTION: Retain 5 years from date of graduation or termination from Drug Court, then destroy.

DRUG-2 DRUG COURT FILES (PROBATION OFFICER):

07-066

This series is the “working file” maintained by the Drug Court Probation Officer and is arranged in alphabetical order in the following categories – active clients, graduated clients and terminated clients. Information may include: directives from the Court and notes used by the Probation Officer in supervising the client. The files contain documents that are used by the Drug Court Probation Officer and are kept in the office by the Probation Officer.

RETENTION: Retain 5 years from date of graduation or termination from Drug Court, then destroy.

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JURY-1 GRAND JURY SEALED INFORMATION:

07-066

This series contains grand jury sealed information. Information may include: subpoenas, attendance, minutes, notes, and exhibits. This record series is maintained and used for reference purposes.

RETENTION: Retain 10 years, then destroy.

JURY-2 JUROR PAYMENT RECORD:

07-066

This series is arranged by month and case number and contains the working papers for the petit juror and grand juror voucher process. Information may include: names and addresses of the juror's, and the dollar amount paid. This record series is maintained for reference and audit purposes.

RETENTION: Retain in office. Destroy 2 years after completion of service provided 1 year has passed since an independent post audit report has been received.

(Note: Previous records series number was JURY-3.)

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JURY-3 JUROR QUALIFYING INFORMATION QUESTIONNAIRE:

08-014

This series is arranged alphabetically and contains the juror personal history information used to qualify a potential juror for a term of jury service. Information may include: name, address, phone number, criminal charges, miles from court house, occupation, and acknowledgment and acceptance of notice of summons to serve as a petit juror or grand juror. This record series is used by attorneys and judges to gather background information on individuals for jury duty.

RETENTION: Retain current in office. Destroy 4 years after the completion of jury term.

(Note: Previous records series number was JURY-4.)

JURY-3.1 JUROR SELECTION QUESTIONNAIRE:

08-014

This series is maintained within a case file and contains jury selection records for an individual case. Information may include: all records, lists, papers, tickets, and other materials used in all stages of the jury selection process.

RETENTION: Retain 4 years or for such longer period as may be required by the court, then destroy.

(Note: The series shall be consistent with SDCL 16-13-31.1, Preservation of Jury Selection Records.)

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JURY-4 ORDERS FOR JURY AND GRAND JURY LISTS:

07-066

This series is arranged chronologically by year and contains jury notices. Information may include: order(s), notice(s) of drawing, certificates of drawing, and lists of names drawn in sequence. This record series is maintained for reference purposes.

RETENTION: Retain in office. Destroy 4 years after date juror served.

(Note: Previous records series number was JURY-6.)

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JUV-1 **JUVENILE FILES:**

07-066

This series is arranged chronologically by year and contains confidential juvenile case files. Juvenile files may include: delinquent, abuse and neglect, chins, and abortion by-pass. This record series provides a record of complaint and final court juvenile offences.

RETENTION: DELINQUENT: Retain in original form 10 years after date of disposition. Destroy only upon the order of the court.

ABUSE and NEGLECT: Retain in original form for 20 years after date of disposition. Destroy only upon the order of the court.

CHINS: Destroy 10 years from date of disposition. Destroy only upon the order of the court.

ABORTION BY-PASS: Retain in original form 10 years after original disposition. Destroy only up the order of the court.

(Note: Previous records series number was JUV-1.)

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MIR-1 ALCOHOLIC COMMITMENTS:

07-066

This series is arranged chronologically and contains case files of individuals with alcohol related problems. Information may include: petitions and orders. This record series is maintained for reference purposes.

RETENTION: Retain in office. Destroy 10 years from date of final action.

(Note: Files may be separated in some clerk offices for easier access and administration.)

(Note: Previous records series number was MIR-1.)

MIR-2 MASTER CARD INDEX:

07-066

This 3" x 5" card series is arranged alphabetically and contains the master card index for mental illness cases. Information may include: name of mentally ill, case number, list of documents filed, and the amount of any fees paid. This record series is maintained primarily to provide an index to register of actions book number and each case number.

RETENTION: Purge and destroy cards at the same time the respective files are destroyed.

(Note: Previous records series number was MIR-2.)

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MIR-3 **MENTAL ILLNESS FILES:**

07-066

This series is arranged chronologically by year and contains confidential mental illness cases. Information may include: petition, judgment, dispositional orders, application for emergency treatment, evaluation of patient, confidential medical reports, court orders, and disposition of matter. This record series provides a record of mentally ill people.

RETENTION: PETITION, JUDGEMENT, and DISPOSITIVE ORDERS: Retain permanently or microfilm, as directed by SCAO.

ALL OTHER INFORMATION: Destroy 10 years from the date of final action provided there has been no activity.

(Note: Previous records series number was MIR-3.)

MIR-4 **REGISTER OF ACTIONS AND ALPHABETICAL INDEX:**

07-066

This series is arranged alphabetically and contains the register of actions and alphabetical index for mental illness cases. Information may include: names of mentally ill, register page number, register of action lists instruments filed, and dates filed. This record series is maintained for reference purposes.

RETENTION: Retain the same as Mental Illness Files.

(Note: Previous records series number was MIR-4.)

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MISC-1 COPIES OF ORDERS AND MEMOS:

07-066

This series is arranged chronologically and contains copies of orders and memos. Information may include: order number, effective dates, and signature of the chief justice. This record series documents such as orders that set administrative procedures and operating standards for courts and personnel.

RETENTION: Retain current in office. Destroy superseded or obsolete.

(Note: Supreme Court Clerk will retain original orders.)

(Note: Previous records series number was MISC-1.)

MISC-2 COURT APPOINTMENT, ORDERS APPOINTING DEPUTY:

07-066

This series is arranged chronologically and contains orders from a judge appointing people to various boards, commissions, or panels. This record series is maintained for reference purposes.

RETENTION: Retain in office. Destroy upon the order of the court.

(Note: Previous records series number was MISC-2.)

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MISC-3 LAST WILL AND TESTMENT (FILED):

07-066

This series is arranged alphabetically and contains wills of private persons that have been filed with a clerk of courts for safekeeping. Information may include: Last Will and Testaments. This record series is maintained for safe keeping purposes.

RETENTION: Retain in office until removed by court order or by citizen who filed the will.

(Note: The individual who filed them may remove documents at any time. Otherwise, they can only be removed by an order upon death of the party.)

(Note: Previous records series number was MISC-3.)

MISC-4 SEARCH WARRANTS:

07-066

Definition of a search warrant. A search warrant is a written order, issued in the name of the state, signed by a committing magistrate, directed to a law enforcement officer, commanding him to search for designated personal property and to bring it to the magistrate. Information may include: affidavits furnishing probable cause for warrant, warrant identifying the property to be seized and naming or describing the person or place to be searched, and inventory of all seized property.

RETENTION: WHEN NO CRIMINAL FILE EXISTS: Retain 7 years in office, then destroy

WHEN CLASS I MISDEMEANOR FILE EXISTS: Retain 10 years in office, then destroy.

WHEN FELONY CASE EXISTS: Retain permanently or microfilm and image, as directed by SCAO.

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MISC-5 SENATE BILLS, HOUSE BILLS, AND RESOLUTIONS:

07-066

This series is arranged chronologically by year and contains bills and resolutions that will directly or indirectly impact the UJS. Information may include: House and Senate Bills. This record series is maintained for reference purposes.

RETENTION: Retain current in office. Destroy superseded or obsolete.

(Note: Previous records series number was MISC-4.)

MISC-6 VARIOUS INDEXING METHODS:

07-066

These series are arranged chronologically or alphabetically and contain various indexing methods for any file type. Indexing methods may include: Master Index Books containing all participants in rough alphabetical order involved in any matters; and Register of Actions and alphabetical indexes, which contain all participants in rough alphabetical order involved in any matter. This record series is maintained for reference purposes.

RETENTION: Retain permanently or microfilm and image, as directed by SDAO.

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GUARD-1 GUARDIANSHIP & CONSERVATORSHIP FILES:

07-066

This series is arranged chronologically by year and contains documents for guardianships and/or conservatorships. Information may include: guardianship documents, conservatorship documents and related information concerning these files. This record series is maintained for reference purposes and audit purposes.

RETENTION: Retain permanently or microfilm and image, as directed by SCAO.

(NOTE: Transfer original cases pre-dating 1906 to State Archives.)

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PRO-1 **PROBATE INTESTACY FILES:**

07-066

This series is arranged chronologically by year and contains files that relate to probate cases. This file type may include: determination of inheritance tax, letter of administration, special administration proceedings, summary administration, termination of joint tenants, termination of life estate, informal probate, and informal intestacy. This record series is maintained for reference purposes.

RETENTION: Retain permanently or microfilm and image as directed by SCAO.

(NOTE: Transfer all original cases pre-dating 1906 to State Archives.)

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CAR-1 **ACCOUNTING SUMMARIES:**

07-066

This computer generated or typewritten series is arranged alphabetically by name of county and contains accounting summaries submitted by the clerk of court for each county. Information may include: name of county, receipt journal summary, disbursement journal, reconciliation of receivables and payables, bank reconciliation, accounts receivable ledger, restitution ledger, accounts payable ledger, trust fund ledger, bond ledger, and other accounts. This record series is summarized monthly and forwarded to presiding judge/circuit administrator and SCAO for audit purposes and account verifications.

RETENTION: Retain for current fiscal year, then destroy.

(Note: Previous records series number was CAR-1.)

CAR-2 **AUDIT REPORTS:**

07-066

This series is arranged chronologically and contains both Legislative Audit and private audit reports concerning expenditure and administration of state funds. Reports are reviewed to identify problem areas and discrepancies so corrective measures can be implemented. SCAO also maintains a copy of the report.

RETENTION: Retain until next audit, then destroy.

(Note: Previous records series number was CAR-2.)

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CAR-3 BUDGETARY ACCOUNTING/MSA REPORTS:

07-066

This computer printout series is arranged chronologically and contains budgetary accounting/MSA reports used to monitor and reconcile fiscal year receipts and expenditures. Information may include: available funds report, monthly object/sub-object report by circuit, monthly expenditure report, monthly object/sub-object report by budget unit, and remaining authority by object/sub-object expenditure report. This record series is used for present and future budget reference.

RETENTION: Retain for current fiscal year, then destroy.

(Note: Previous records series number was CAR-3.)

CAR-4 BUDGET FILES:

07-066

This series is arranged chronologically and contains yearly budget summaries for the circuit. Information may include: budget requests, budget drafts, operating budgets, and related working papers. This record series is used throughout the year in monitoring program activities and for preparing future budget requests.

RETENTION: Retain 3 years in office, then destroy.

(Note: Previous records series number was CAR-4.)

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CAR-5 **CORRESPONDENCE/MEMOS FROM PRESIDING JUDGE
OR STATE COURT ADMINISTRATOR:**

07-066

This series is arranged alphabetically or chronologically and may contain copies of letters and memoranda from presiding judge to circuit personnel and copies of letters and memoranda from SCAO to various circuits. This record series is used for occasional reference and documentation purposes.

RETENTION: Retain in office until no longer applicable, then destroy.

(Note: Previous records series number was CAR-6.)

CAR-6 **EMPLOYEES FILES:**

07-066

This record series contains Court Administrator employee files. Court Administrator employee files contain only copies of those documents needed to supervise the employee. The original documents must reside in the SCAO-HR employee personnel file.

RETENTION: Retain active in office. Destroy files of terminated employees.

(Note: Previous records series number was CAR-14.)

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

DEPARTMENT: Unified Judicial System
DIVISION: Circuit Court
OFFICE: Clerks of Cts, Ct Reporters and
PROGRAM: Administration
RECORDS OFFICER: Tara Hicks
RM CUSTOMER #: 0162

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

CAR-7 MINUTES OF MEETINGS-CIRCUIT JUDGES:

07-066

This series is arranged chronologically and contains minutes of meetings of judges within a circuit. Information may include: persons in attendance, topics discussed, and actions taken. This records series is maintained for reference concerning actions taken by the group.

RETENTION: Retain permanently.

(Note: Consider microfilming when volume warrants.)

(Note: Previous records series number was CAR-9.)

CAR-8 MINUTES OF MEETINGS-CLERK OF COURTS:

07-066

This series is arranged chronologically and contains minutes of circuit meetings of clerks of court. Information may include: persons in attendance, topics discussed, and actions taken. This records series is maintained for reference concerning actions taken by the group.

RETENTION: Retain permanently.

(Note: Consider microfilming when volume warrants.)

(Note: Previous records series number was CAR-10.)

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

DEPARTMENT: Unified Judicial System
DIVISION: Circuit Court
OFFICE: Clerks of Cts, Ct Reporters and
PROGRAM: Administration
RECORDS OFFICER: Tara Hicks
RM CUSTOMER #: 0162

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

CAR-9 **OUTSIDE INCOME REPORTS, COURT REPORTERS:**

07-066

This series is arranged chronologically and contains yearly reports submitted by court reporters that list all outside sources of income. Information may include: name of reporter, reporting period, gross income, expenses, net income, date submitted, and signatures. This information in this record series is submitted in accordance with SDCL 16-2-23 to list outside sources of income for these individuals.

RETENTION: Retain for current fiscal year, then destroy.

(Note: Previous records series number was CAR-11.)

CAR-10 **VOUCHERS:**

07-066

This series is arranged chronologically and may contain copies of travel, non-cash, direct, receiving, and journal vouchers. Information may include: purpose of expenditure, amount, account code credited, date, to whom or to what account the funds were transferred, and authorized signatures. This record series is used for reference to determine quantities and descriptions of supplies and services ordered, for vendor information, and for audit purposes.

RETENTION: Retain 2 years in office, then destroy

(Note: Previous records series number was CAR-18.)