



UNIFIED JUDICIAL SYSTEM

CIRCUIT COURT

RECORDS RETENTION AND
DESTRUCTION SCHEDULE

State of South Dakota

Bureau of Administration

Records Management Program

(605) 773-3589

ACKNOWLEDGEMENTS

PREPARED BY:

Bureau of Administration
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2020

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The employees of the Unified Judicial System who contributed their time to explain the purpose and review the content of each record.

STATE RECORD DESTRUCTION BOARD

Scott Bollinger, Commissioner
Bureau of Administration
(Chairman)

Pat Archer
Office of the Attorney General

Chelle Somsen, State Archivist
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Jenna Latham
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Russell Olson, State Auditor General
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Dana Hoffer
State Records Manager



DEPARTMENT OF
EXECUTIVE MANAGEMENT

BUREAU OF
ADMINISTRATION

PMB 01234

RECORDS MANAGEMENT PROGRAM
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MEMORANDUM

TO: State Agencies

FROM: Dana Hoffer
State Records Manager

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

DATE: July 28, 2020

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.”

Pursuant to ARSD 10:04:01:03 (5), Review the inventory and the retention and destruction schedules **annually** and petition changes to the state records manager to make the schedules current, accurate, and complete.

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 and supporting documents; warrants; personnel and payroll records; client/case files; capital asset inventories; cash receipts; and duplicate copies of state publications.

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

PETITION FOR AUTHORITY TO DESTROY RECORDS

I, Gregory L. Sattizahn, acting in my position as the State Court Administrator, 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 Courts consists of 22 page(s) and contains record series number(s) ADOPT-1, ADOPT-2, CAR-1, CAR-3, CAR-10, CIV-1, CIV-2, CIV-3, CIV-4, CIV-5, CIV-6, CIV-7, CIV-9, CIV-10, CR-3, CRM-1, CRM-2, FIN-1, FIN-2, FIN-3, GUARD-1, JURY-2, JUV-1, MIR-3, MIR-1, MISC-3, MISC-4, PRO-1, PSC-1, and PSC-2.

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 Courts consists of 8 page(s) and contains record series number(s) ADOPT-3, JAS-3, JAS-4, JAS-5, JAS-6, JAS-8, CP-1, CP-2, CP-3, CP-4, CRM-3, and CAR-9.

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.



Gregory L. Sattizahn, State Court Administrator

5/4/20

Date

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



Dana Hoffer, State Records Manager

5/4/2020

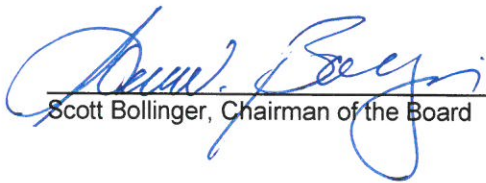
Date

Records Destruction Board's Action:

- Approved as originally petitioned.

DESTRUCTION AUTHORITY

I hereby certify that the State Records Destruction Board met on the 16th day of July, 2020 and authorized the destruction of the records as described in the foregoing Petition subject to the Addendum which is hereby incorporated and made part of the Destruction Authority at the expiration time provided for their storage. I further certify that the change(s) to the Petition as indicated in the Addendum was authorized by and through the action(s) of the State Records Destruction Board. **Authority is granted under Records Destruction Board (RDB) Number 20-004.**



Scott Bollinger, Chairman of the Board

7-16-2020
Date

South Dakota Codified Laws:

1-27-1. Public records open to inspection and copying. Except as otherwise expressly provided by statute, all citizens of this state, and all other persons interested in the examination of the public records, as defined in § 1-27-1.1, are hereby fully empowered and authorized to examine such public record, and make memoranda and abstracts there from during the hours the respective offices are open for the ordinary transaction of business and, unless federal copyright law otherwise provides, obtain copies of public records in accordance with this chapter.

Each government entity or elected or appointed government official shall, during normal business hours, make available to the public for inspection and copying in the manner set forth in this chapter all public records held by that entity or official.

1-27-1.1. Public records defined. Unless any other statute, ordinance, or rule expressly provides that particular information or records may not be made public, public records include all records and documents, regardless of physical form, of or belonging to this state, any county, municipality, political subdivision, or tax-supported district in this state, or any agency, branch, department, board, bureau, commission, council, subunit, or committee of any of the foregoing. Data which is a public record in its original form remains a public record when maintained in any other form. For the purposes of §§ 1-27-1 to 1-27-1.15, inclusive, a tax-supported district includes any business improvement district created pursuant to chapter 9-55.

1-27-9. Records management programs--Definition of terms. Terms used in §§ 1-27-9 to 1-27-18, inclusive, mean:

(2) "Record," a document, book, paper, photograph, sound recording, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included within the definition of records as used in §§ 1-27-9 to 1-27-18, inclusive.

1-27-11. Board to supervise destruction of records--State records manager as ex officio member--Permission required for destruction. There is hereby created a board consisting of the commissioner of administration, state auditor, attorney general, auditor-general, and state archivist to supervise and authorize the destruction of records. The state records manager shall also serve as an ex officio member in an advisory capacity only. No record may be destroyed or otherwise disposed of by any agency of the state unless it is determined by majority vote of the board that the record has no further administrative, legal, fiscal, research, or historical value.

1-27-15. Destruction of non-record materials. Any non-record material not included within the definition of records as contained in § 1-27-9 may be destroyed at any time by the agency in possession of such materials without the prior approval of the commissioner of administration.

EMAIL AND ELECTRONIC DOCUMENT MANAGEMENT POLICY:

Pursuant to SDCL 16-21-4, whenever available the official court record is the electronic file maintained by the Unified Judicial System as part of the electronic case management system. 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 department.

Notes:

- Pursuant to ARSD 10:04:01:03 (5), Review the inventory and the retention and destruction schedules **annually** and petition changes to the state records manager to make the schedules current, accurate, and complete.

Definitions:

Superseded: To take the place of; replace.

Obsolete: No longer in use.

TABLE OF CONTENTS

CIRCUIT COURTS:

CLERK OF COURTS, COURT REPORTERS, AND ADMINISTRATION:

Adoption Records:

ADOPT-1. ADOPTION FILES:	1
ADOPT-2. ADOPTION/PARENTAL TERMINATION FILES:	1
ADOPT-3. ORDER BOOKS: DELETED FROM SCHEDULE, 07/16/2020	1

Circuit Administrative Records:

CAR-1. ACCOUNTING SUMMARIES:.....	2
CAR-2. AUDIT REPORTS:	2
CAR-3. BUDGETARY ACCOUNTING REPORTS:	3
CAR-4. BUDGET FILES:.....	3
CAR-5. CORRESPONDENCE/MEMOS FROM PRESIDING JUDGE OR STATE COURT ADMINISTRATOR:	4
CAR-6. EMPLOYEES FILES:.....	4
CAR-7. MINUTES OF MEETINGS-CIRCUIT JUDGES:	5
CAR-8. MINUTES OF MEETINGS-CLERK OF COURTS:.....	5
CAR-9. OUTSIDE INCOME REPORTS, COURT REPORTERS: DELETED FROM SCHEDULE, 07/16/2020.	6
CAR-10.VOUCHERS:.....	6

Civil Action Records:

CIV-1. ADMINISTRATIVE APPEALS FILES:	7
CIV-2. CIVIL ACTION FILES:	7
CIV-3. DIVORCE FILES:.....	8
CIV-4. FORCED MEDICATION FILES:	9
CIV-5. HABEAS CORPUS FILES:.....	9
CIV-6. JUDGMENT DOCKET:	10
CIV-7. QUIET TITLES FILES:	10
CIV-8. SMALL CLAIMS FILES:	11
CIV-9. STALKING/PROTECTION FILES:.....	11
CIV-10. TRUST FILES:	12

TABLE OF CONTENTS

Computer Printouts:

CP-1.	CRIMINAL DOCKET MASTER INDEX (DEFENDANT) PRINTOUT: DELETED FROM SCHEDULE, 07/16/2020.....	13
CP-2.	INACTIVE BUT UNDETERMINED CASE PRINTOUTS (MAGISTRATE): DELETED FROM SCHEDULE, 07/16/2020.....	13
CP-3.	JUDICIAL MAGISTRATE AND FORMAL DOCKET DISPOSITION REPORT: DELETED FROM SCHEDULE, 07/16/2020.....	13
CP-4.	PENDING CRIMINAL CASES BY JUDGE PRINTOUT: DELETED FROM SCHEDULE, 07/16/2020.	13

Court Reporter & Relation Records:

CR-1.	SOUND TAPE RECORDINGS:	14
CR-2.	STENOGRAPHIC NOTES:	14
CR-3.	TRANSCRIPTS OF COURT PROCEEDINGS:.....	15
CR-4.	TRANSCRIPTS OF DEPOSITIONS:	15

Criminal Action & Municipal Ordinance Violations Records:

CRM-1.	BOND SCHEDULE OF FINES:	16
CRM-2.	CRIMINAL ACTION CASE FILES:.....	16
CRM-3.	DOCET IN MAGISTRATE COURT-CLASS 2 MISDEMEANOR (FORM UJS106) DELETED FROM SCHEDULE 07/16/2020.....	17

Finance:

FIN-1.	BANK STATEMENT:.....	18
FIN-2.	DEPOSIT WORKSHEETS:.....	18
JAS-3.	DISBURSEMENT JOURNAL): DELETED FROM SCHEDULE, 07/16/2020.	19
JAS-4.	DOUBTFUL ACCOUNTS PAYABLE CARD FILE (FORM UJS030): DELETED FROM SCHEDULE, 07/16/2020.....	19
JAS-5.	DOUBTFUL ACCOUNTS RECEIVABLE CARDS (FORM UJS028S AND UJS028L): DELETED FROM SCHEDULE, 07/16/2020.	19
JAS-6.	GENERAL JOURNAL: DELETED FROM SCHEDULE, 07/16/2020.....	19
FIN-3.	MONTHLY REPORTS:	19
JAS-8.	RECEIPT JOURNAL: DELETED FROM SCHEDULE, 07/16/2020.....	19

Guardianship & Conservatorship Records:

GUARD-1.	GUARDIANSHIP & CONSERVATORSHIP FILES:.....	20
----------	--	----

TABLE OF CONTENTS

Jury Related Records:

JURY-1.GRAND JURY SEALED INFORMATION:	21
JURY-2.JUROR PAYMENT RECORD:	21
JURY-3.JUROR QUALIFYING INFORMATION QUESTIONNAIRE:.....	22
JURY-3.1. JUROR SELECTION QUESTIONNAIRE:	22
JURY-4.ORDERS FOR JURY AND GRAND JURY LISTS:	23

Juvenile Records:

JUV-1. JUVENILE FILES:	24
------------------------------	----

Mental Illness Records:

MIR-2. MASTER CARD INDEX:.....	25
MIR-3. MENTAL ILLNESS FILES:	25
MIR-4. REGISTER OF ACTIONS AND ALPHABETICAL INDEX:	26
MIR-1. SUBSTANCE ABUSE COMMITMENTS:.....	26

Miscellaneous Records:

MISC-1.COPIES OF ORDERS AND MEMOS:.....	27
MISC-2.COURT APPOINTMENT, ORDERS APPOINTING DEPUTY:	27
MISC-3.LAST WILL AND TESTAMENT (FILED):	28
MISC-4.SEARCH WARRANTS:	28
MISC-5.SENATE BILLS, HOUSE BILLS, AND RESOLUTIONS:	29
MISC-6.VARIOUS INDEXING METHODS:.....	29

Probate Records:

PRO-1. PROBATE INTESTACY FILES:	30
---------------------------------------	----

Problem Solving Court:

PSC-1. PROBLEM SOLVING COURT FILES (COORDINATOR):	31
PSC-2. PROBLEM SOLVING COURT FILES (PROBATION OFFICER):.....	31

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

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

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

ADOPT-1. ADOPTION FILES:

20-004

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 in case management system or microfilm, as directed by SCAO.

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

ADOPT-2. ADOPTION/PARENTAL TERMINATION FILES:

20-004

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 in case management system 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.)

ADOPT-3. ORDER BOOKS: Deleted from Schedule, 07/16/2020

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

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

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

CAR-1. ACCOUNTING SUMMARIES:

20-004

This series is arranged chronologically and contains monthly reports. Information may include: Bank Statements Cash Received from Clerk of Court, Account Balance-Liabilities-Precloser/Restitution, Money in Escrow-Restitution/Overpayments, Account Balance-Liabilities, Registry and Trust Account with Balances, Draw Down Account Balance, and Disbursement Summary.

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.)

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

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

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

CAR-3. BUDGETARY ACCOUNTING REPORTS:

20-004

This series is arranged chronologically and contains budgetary accounting 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.)

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

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

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

**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 &
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AUTHORIZATION FORM
(Std Form RM-1 Rev 1/03)

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

RECORD SERIES NO.	TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE	R.D.B. AUTHORITY NUMBER
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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 Courts
OFFICE: Clerks of Cts, Ct Reporters and
PROGRAM: Administration
RECORDS OFFICER: Tara Hicks
RM CUSTOMER #: 0162

<u>RECORD</u> <u>SERIES NO.</u>	<u>TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE</u>	<u>R.D.B.</u> <u>AUTHORITY</u> <u>NUMBER</u>
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CAR-9.	<u>OUTSIDE INCOME REPORTS, COURT REPORTERS:</u> Deleted from Schedule, 07/16/2020.	
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CAR-10.	<u>VOUCHERS:</u>	
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20-004

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 paper 4 years in office or retain electronically for 4 years. Destroy after 4 years provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

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

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

<u>RECORD</u> <u>SERIES NO.</u>	<u>TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE</u>	<u>R.D.B.</u> <u>AUTHORITY</u> <u>NUMBER</u>
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CIV-1. ADMINISTRATIVE APPEALS FILES:

20-004

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 in case management system 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:

20-004

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.

(Note: Complaints, Answers, Dispositive Orders and Judgments, Notice of Entry of Judgment, and Satisfactions need to be retained permanently in case management system 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
RECORDS RETENTION &
DESTRUCTION SCHEDULE
AUTHORIZATION FORM
(Std Form RM-1 Rev 1/03)

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

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

CIV-3. DIVORCE FILES:

20-004

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 in case management system 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
RECORDS RETENTION &
DESTRUCTION SCHEDULE
AUTHORIZATION FORM
(Std Form RM-1 Rev 1/03)

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

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

CIV-4. FORCED MEDICATION FILES:

20-004

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 in case management system 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:

20-004

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 in case management system 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.)

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

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

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

CIV-6. JUDGMENT DOCKET:

20-004

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 in case management system or microfilm, as directed by SCAO.

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

CIV-7. QUIET TITLES FILES:

20-004

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 in case management system or microfilm, as directed by SCAO.

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

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

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

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

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:

20-004

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 in case management system or microfilm, as directed by SCAO.

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

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

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

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

CIV-10. TRUST FILES:

20-004

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 in case management system or microfilm, as directed by SCAO.

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

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

DEPARTMENT: Unified Judicial System
DIVISION: Circuit Courts
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

CP-1. **CRIMINAL DOCKET MASTER INDEX (DEFENDANT) PRINTOUT:**
Deleted from schedule, 07/16/2020.

CP-2. **INACTIVE BUT UNDETERMINED CASE PRINTOUTS (MAGISTRATE):**
Deleted from schedule, 07/16/2020.

CP-3. **JUDICIAL MAGISTRATE AND FORMAL DOCKET DISPOSITION**
REPORT: Deleted from schedule, 07/16/2020.

CP-4. **PENDING CRIMINAL CASES BY JUDGE PRINTOUT:** Deleted from
Schedule, 07/16/2020.

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

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

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

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.)

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

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

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

CR-3. TRANSCRIPTS OF COURT PROCEEDINGS:

20-004

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 electronically filed with the Clerk of Courts. 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.)

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

CRM-1. BOND SCHEDULE OF FINES:

20-004

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 yearly civil administrative files.

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

CRM-2. CRIMINAL ACTION CASE FILES:

20-004

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, pre-sentence investigation (sealed), warrant, and sentence of court. This record series is maintained for reference and audit purposes.

RETENTION: FELONY: Retain permanently in case management system 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 3 years in office after all obligations ordered by the court have been meet, including financial, or dismissal has been entered, then destroy provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

(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.)

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

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

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

CRM-3.	<u>DOCET IN MAGISTRATE COURT-CLASS 2 MISDEMEANOR (FORM UJS106)</u> Deleted from Schedule 07/16/2020.	
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STATE OF SOUTH DAKOTA
 RECORDS RETENTION &
 DESTRUCTION SCHEDULE
 AUTHORIZATION FORM
 (Std Form RM-1 Rev 1/03)

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

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

FIN-1. BANK STATEMENT:

20-004

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 3 years in office, then destroy provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

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

FIN-2. DEPOSIT WORKSHEETS:

20-004

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 3 years in office, then destroy provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

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

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

DEPARTMENT: Unified Judicial System
 DIVISION: Circuit Courts
 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

JAS-3. **DISBURSEMENT JOURNAL**): Deleted from schedule, 07/16/2020.

JAS-4. **DOUBTFUL ACCOUNTS PAYABLE CARD FILE (FORM UJS030)**: Deleted from schedule, 07/16/2020.

JAS-5. **DOUBTFUL ACCOUNTS RECEIVABLE CARDS (FORM UJS028S AND UJS028L)**: Deleted from schedule, 07/16/2020.

JAS-6. **GENERAL JOURNAL**: Deleted from schedule, 07/16/2020.

FIN-3. **MONTHLY REPORTS**:

20-004

This series is arranged chronologically and contains monthly reports. Information may include: Bank Statements, Cash Received from Clerk of Courts, Account Balance Report- Liabilities (Pre-Closure), Account Balance Report- Liabilities (Restitution), Money in Escrow- Restitution, Account Balance Report- Liabilities (Bonds, etc.), Registry & Trusts Accounts with Balances Report, Draw Down Account Balance, Money in Escrow- Overpayments (AP/PassThru), Disbursement Summary- Final Copy, Account Balance Report- Liabilities (Post-Closure, Zero). This record series is maintained audit purposes.

RETENTION: Retain complete set of one year's monthly file folders 3 years in office, then destroy provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

(Note: Previous records series number was JAS-7.)

JAS-8. **RECEIPT JOURNAL**: Deleted from schedule, 07/16/2020

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

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

**RECORD
SERIES NO.**

TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE

**R.D.B.
AUTHORITY
NUMBER**

GUARD-1. GUARDIANSHIP & CONSERVATORSHIP FILES:

20-004

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 in case management system or microfilm, as directed by SCAO.

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

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

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

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

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:

20-004

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 3 years after completion of service, then destroy provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

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

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

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

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

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.)

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

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

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

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.)

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

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

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

JUV-1. JUVENILE FILES:

20-004

This series is arranged chronologically by year and contains confidential juvenile case files. Juvenile files may include: delinquent, abuse and neglect, chins, juvenile citations 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 upon the order of the court.

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

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

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

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

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.)

MIR-3. MENTAL ILLNESS FILES:

20-004

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: Retain permanently in case management system or microfilm, as directed by SCAO.

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

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

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

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

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.)

MIR-1. SUBSTANCE ABUSE COMMITMENTS:

20-004

This series is arranged chronologically and contains case files of individuals with substance abuse 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.)

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

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

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

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

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

<u>RECORD</u> <u>SERIES NO.</u>	<u>TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE</u>	<u>R.D.B.</u> <u>AUTHORITY</u> <u>NUMBER</u>
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MISC-3. LAST WILL AND TESTAMENT (FILED):

20-004

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 and case management system 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:

20-004

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: Retain permanently in case management system or microfilm, as directed by SCAO.

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

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

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

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

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

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

PRO-1. PROBATE INTESTACY FILES:

20-004

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 in case management system or microfilm as directed by SCAO.

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

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 SERIES NO.	<u>TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE</u>	R.D.B. AUTHORITY NUMBER
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PSC-1. PROBLEM SOLVING COURT FILES (COORDINATOR):

20-004

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 Problem-Solving Court Judge and the Problem-Solving Court Coordinator and are kept in the office by the Problem-Solving Court Coordinator.

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

PSC-2. PROBLEM SOLVING COURT FILES (PROBATION OFFICER):

20-004

This series is the “working file” maintained by the Problem-Solving 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 Problem-Solving Court Probation Officer and are kept in the office by the Probation Officer.

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