

Court Services Administration Committee

- An Advisory Committee of the Supreme Court -

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STATE OF NORTH DAKOTA

Justice Jon J. Jensen, Chair
North Dakota Supreme Court
600 E. Boulevard Ave Dept 180
Bismarck, ND 58505-0530

March 20, 2018

Honorable Gerald W. VandeWalle
Chief Justice
North Dakota Supreme Court
600 E. Boulevard Ave Dept 180
Bismarck, ND 58505-0530

Re: Administrative Rules 19 and 41 - Proposed Amendments Related to the Retention of,
Destruction of, and Access to Court Records

Dear Chief Justice VandeWalle:

Following a referral from the Supreme Court, the Court Services Administration Committee extensively reviewed Administrative Rule 19 related to the retention and destruction of court records, including the associated court records retention schedule, and Administrative Rule 41 related to access to court records. As requested, the committee reviewed and considered each rule in its entirety with a specific focus on electronic court record retention, destruction, and access.

At its initial meeting, the committee heard presentations from Nial Raaen, Principal Court Management Consultant at National Center for State Courts, Larry Zubke, Director of Judicial Branch Information Technology, Becky Lingle, State Records Management Coordinator, and Ann Jenks, North Dakota State Archivist. Over the course of the next nine meetings, the committee extensively discussed and considered revisions to AR 19 and AR 41 to modernize and adapt the rules to address electronic court records. Copies of the proposed rules are enclosed and a summary of the proposed amendments to each rule is provided below.

Administrative Rule 19

With respect to AR 19, the proposed amendments expand the scope of the rule to encompass electronic records and include, define, and address administrative court records. Section 2

establishes the role of an administrative records custodian and defines the associated responsibilities. Section 3 redefines “court records” with sub-definitions for an “administrative record” and a “case record.” In Section 4 and 12, the new “administrative record custodian” is added to the existing rule. The Section 5 amendments adapt the language regarding destruction of court records to apply to all types of records, whether paper or electronic. In Sections 6, 7, and 9, the amendments specify the required disposition record, disposition process, and disposal procedure for case records. Section 10 establishes a separate record retention schedule and disposal procedure for administrative records. Section 11 establishes a new process where any person, including the court, may request an extension of the retention period for a specific case or administrative court record based on the fiscal, legal, administrative, or archival value of the record. Finally, the amendments in Section 13 eliminate the authority to microfilm records for retention and storage, but retain the authority to maintain records that were previously microfilmed.

Administrative Rule 19 Record Retention Schedules

The committee also proposes amendments to the records retention schedules referenced in AR 19; the creation of a separate “administrative records retention schedule” and revisions to the existing “case records retention schedule.” The committee is still in the process of developing a proposed “administrative records retention schedule,” but the proposed revisions to the case record retention schedule are enclosed.

Proposed amendments to the case record retention schedule include updates to the case series descriptions to align with Odyssey case types, the addition of new case series where needed, revision and/or clarification of descriptions and retention time periods, and the addition of a provision extending the retention period for cases that include long-term conditions, such as firearms restrictions, that may extend beyond the initial retention period. Of final note is the addition of a case series for “all case summaries” which requires the permanent retention of the electronic register of actions or index of pleadings that has previously been permanently retained in paper format.

Administrative Rule 41

With respect to AR 41, the committee proposes a complete rewrite of the rule, which was discussed and debated extensively. The subcommittee that drafted the revised rule relied heavily on the National Center for State Courts and State Justice Institute July 2017 publication, *Best Practices for Court Privacy Policy Formulation*.

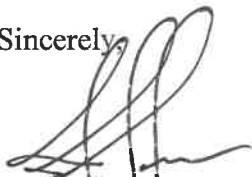
The subcommittee strongly supported the best practices recommendation that “practical obscurity” of court records should be eliminated; access to records should not be discouraged by placing practical obstacles in the way of the public seeking access, such as requiring individuals to physically travel to the courthouse to request and retrieve records. The subcommittee agreed with the best practices recommendation that all members of the public should have the same type and level of access, including remote access, and access to public court records should be encouraged.

In proposed Section 4.4 (page 4, line 9 - page 5, line 24), the subcommittee retained the exclusion of certain types of records from public access that are under the current Section 5 of the rule and added a provision for the newly adopted sexual assault restraining orders (page 4, line 27).

By retaining these provisions, the subcommittee sought to balance the interest in transparency and access with the need to protect court users from harm. The subcommittee members expressed the basic philosophy that if a record is public, it ought to be accessible by all means; if a record is harmful, it should not be made public. After extensive consideration, the Court Services Administration Committee adopted the subcommittee's recommendations and proposed amendments.

I am pleased to submit the Court Services Administration Committee's proposed amendments to AR 19 and AR 41 to the Supreme Court for its consideration. I extend my thanks to the committee members for the commitment of their time and effort to this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon J. Jensen", written over a horizontal line.

Justice Jon J. Jensen, Chair
Court Services Administration Committee

1 **Administrative Rule 19 - COURT RECORDS MANAGEMENT PROGRAM**

2 **Section 1.Statement of Authority and Policy.**

3 a. Under Article VI, Section 3 of the North Dakota Constitution, the Supreme Court has
4 authority to promulgate rules of procedure to be followed by all courts of this state,
5 including rules regarding the administration of court records. The Legislative Assembly
6 has encouraged this process under Sections 27-02-05.1 and 54-46-06, NDCC.

7 b. A goal of the North Dakota Judicial System is to establish a uniform judicial records
8 management program.

9 c. The Supreme Court recognizes the need to provide a court records policy that
10 specifically addresses the retention and disposition of court records. This records
11 retention and disposal procedure is established to meet this administrative goal.

12

13 **Section 2.Administrative Responsibilities.**

14 a. The State Court Administrator is the court records administrator and is responsible for
15 developing a retention and disposition schedule of court records. The State Court
16 Administrator may obtain the services of the State Records Administrator to develop and
17 monitor the record disposal report identified in Section 9 and to otherwise provide
18 program services described in Chapter 54-46, NDCC.

19 b. The clerk of district court in each county is responsible for the retention and disposition
20 of all district court case records in accordance with the case records retention schedule.

21 c. The judge of a municipal court or a clerk designated by the judge is responsible for the
22 retention and disposition of all municipal court case records in accordance with the case
23 records retention schedule.

24 d. The administrative records custodian is responsible for the retention and disposition of
25 all administrative records in accordance with the administrative records retention
26 schedule. Each district and municipal court shall designate an administrative records
27 custodian to manage retention and disposition of the administrative records under the
28 court's jurisdiction. The State Court Administrator shall designate one or more
29 administrative records custodians to manage retention and disposition of administrative
30 records of the commissions, boards, committees, and offices under the supervision of the
31 Supreme Court.

32
33 **Section 3. ~~Scope of Supreme Court Rule and Inconsistent Statutes.~~**

34 a. This rule applies to all court records under the jurisdiction of the clerks of district court,
35 municipal judges, and to commissions, boards, committees, and offices under the
36 supervision of the Supreme Court.

37 b. ~~The phrase~~ Court records: the sum of all administrative and case records in the judicial
38 branch.

39 1. Administrative record: court records that pertain to management,
40 supervision or administration of the court and are not part of a case record.

41 2. Case record: any document, action or information that is collected, received
42 or maintained by a clerk of court connected to a judicial proceeding. It may
43 include an index, calendar, docket, register of actions, official record of the
44 proceeding, order, decree, judgment or minute order. These may have been
45 collected in a case management system that is used to track information.
46 Case records may contain both public and confidential information. Case
47 records do not include records that have been disposed of under court
48 records management rules, or records to which a court has access but which
49 are not a part of the court records as defined in this Rule.

50 ~~means any document, book, paper, photograph, sound recording or other material~~
51 ~~regardless of physical form or characteristics, made or received by the court pursuant to~~
52 ~~law or in connection with the transaction of official court business.~~

53

54 **Section 4. Permanent Retention Periods.**

55 a. Court records assigned "permanent" retention periods must be retained indefinitely by
56 the clerk or judge having jurisdiction over the case record or by the administrative record
57 custodian for an indefinite period of time. The permanent retention periods are subject to
58 a review process consistent with Section 8.6, NDRPR.

59 b. Section 4(a) does not prohibit the clerk or judge having jurisdiction over the case
60 records assigned permanent retention periods or the administrative record custodian with
61 responsibility over administrative records assigned permanent retention periods from

62 depositing such record with the state archivist for preservation ~~pursuant to~~ under Section
63 ~~1012~~.

64

65 **Section 5. Disposition of Court Records.**

66 The term "disposition" means:

67 a. transfer of a record to the possession of the state archivist ~~pursuant to~~ under the
68 procedure in Section ~~1012~~;

69 ~~b. destruction by burning or shredding~~, if the record is confidential, destruction by method
70 that renders the content irretrievable, such as burning, shredding, pulverizing, sanitizing
71 or overwriting; or

72 ~~c. destruction by ordinary means, such as landfill or recycling~~, if the record is not
73 confidential, destruction by ordinary means, such as landfill, recycling or deleting.

74

75 **Section 6. Case Records Disposition Record.**

76 The clerk or judge having jurisdiction over ~~the~~ case records shall keep a record of the
77 disposition of any ~~court~~ case record ~~pursuant to~~ under the case records retention schedule.

78 This record must indicate the title of the record series, a description of the contents of the
79 case record, the inclusive years of the records disposed, and the date and the means of
80 disposition.

81

82 **Section 7. Case Records Disposition Process.**

83 The State Court Administrator will provide each clerk or judge having jurisdiction over
84 ~~court~~ case records with a case records retention schedule. The case records retention
85 schedule must identify and describe each record series, provide the retention period based
86 upon the fiscal, legal, administrative, and archival value of the records, and describe the
87 method of destruction for each series that may be destroyed. The State Court
88 Administrator shall file a copy of the case records retention schedule with the Clerk of the
89 Supreme Court. The case records retention schedule constitutes approval for disposition
90 of all records that have met the timeframes established in the schedule.

91

92 **Section 8. Procedures to Modify Record Retention Values.**

93 The following procedures apply when adding, changing, or deleting a record series from
94 the court records retention ~~schedule~~ schedules.

95 a. The person suggesting the changes must complete the Record Series Description, State
96 Form Number 2042, with the exception of the legal value, fiscal value, archival value,
97 and records control number.

98 b. The completed Record Series Description must be sent to the State Court Administrator
99 who shall obtain the advice of the State Auditor, Attorney General, State Archivist and
100 State Records Administrator, to determine the administrative, legal, fiscal, and archival
101 values of the records.

102 c. A draft of the proposed addition, modification, or deletion of a record series must be
103 submitted to the Court Services Administration Committee for comments.

104 d. The State Court Administrator shall issue a revision to the retention schedule if
105 appropriate.

106

107 **Section 9. Case Records Disposal Procedures.**

108 Each clerk or judge having jurisdiction over case court records ~~may~~ must dispose of
109 records as designated in the case records retention schedule and must complete in a case
110 records disposal report provided by the State Court Administrator or State Records
111 Administrator. The duty to dispose of case records is subject to the availability of staff
112 and to legislative appropriations. Each case record must be reviewed and approved for
113 disposition by the clerk or judge having jurisdiction over the court records. Unless
114 otherwise noted in the case records retention schedule, all non-permanent case records
115 must be destroyed in accordance with Section 5(b) and (c). The State Court
116 Administrator, in cooperation with the Information Technology Department, shall
117 establish procedures and standards for the efficient and effective destruction of electronic
118 case records. ~~All non-confidential records may be disposed of by landfill. All confidential~~
119 ~~records must be shredded or burned.~~

120 A record series must not be disposed of before the time approved in the retention
121 schedule. If a situation warrants early disposal of a record within a record series, the clerk

122 or judge may petition the State Court Administrator for early disposal of that record or
123 may obtain an order from the judge of the court.

124

125 **Section 10. Administrative Record Retention and Disposal Procedures.**

126 The State Court Administrator will provide an administrative records retention schedule
127 to all administrative records custodians. Each custodian must retain the records for the
128 retention period set forth in the administrative records retention schedule and should
129 dispose of records after the retention period has expired, subject to staff availability and
130 legislative appropriations. Unless otherwise designated in the administrative records
131 retention schedule, all non-permanent records must be destroyed in accordance with
132 Section 5(b) and (c). The State Court Administrator, in cooperation with the Information
133 Technology Department, shall establish procedures and standards for the efficient and
134 effective destruction of electronic administrative records.

135

136 A record series must not be disposed of before the time approved in the administrative
137 records retention schedule. If a situation warrants early disposal of a record within a
138 record series, the custodian may petition the State Court Administrator for early disposal
139 of that record.

140

141 **Section 11. Extension of Retention Period.**

142 Any person, including the court, may request an extension of the retention period of a
143 court record by completing a form to be provided by the State Court Administrator's
144 Office and submitting the form to the court with jurisdiction over the case records or to
145 the State Court Administrator for a request related to administrative records. The court
146 will forward the request to the State Court Administrator's Office for consideration. The
147 request must be submitted no later than ninety days prior to the record meeting the
148 retention deadline as set forth in the record retention schedule. The request must state the
149 reason for the extension request, the fiscal, legal, administrative, or archival value of the
150 records that justifies the extension, and the additional retention time requested.

151

152 **Section ~~10~~12. Transfer of Court Records to the State Archives.**

153 The State Court Administrator will provide in the Clerk of Court Procedures Manual
154 procedures for the transfer to the State Archives of court records determined to be of
155 archival value. The clerk of court, ~~or~~ judge, or administrative records custodian will
156 contact the State Archivist when the records are ready for transfer. Arrangements will be
157 made by the State Archivist to take possession of the records within 60 days of notice to
158 the State Archivist. The State Archivist shall complete a certification for archival transfer
159 and send it to the clerk or judge after all records have been transferred.

160

161 **Section ~~11~~13. Microfilming Records.**

162 ~~Records subject to this rule may be microfilmed for purposes of retention and storage.~~
163 Records microfilmed under this section must be ~~microfilmed and~~ maintained in
164 accordance with the State Standards for Microfilming North Dakota Public Records
165 developed by the Information Services Division. A copy of the standards must be
166 included in the North Dakota Clerk of Court Manual.

167

168

EXPLANATORY NOTE

169 Rule 19 was adopted effective Adopted effective January 1, 1995; amended effective
170 November 1, 1998; Schedule amended effective August 1, 2001, to reflect the name
171 change of the State Bar Board to the State Board of Law Examiners; and Schedule
172 amended effective February 1, 2014, to extend the length of retention for certain records,
173 Rule and Case Record Retention Schedule amended effective _____.

1 **ACCESS TO COURT RECORDS – Administrative Rule 41**

2 **Introduction.**

3 The State of North Dakota has always favored open government and an informed
4 citizenry. Consistent with this policy, this rule is intended to provide a comprehensive
5 framework for public access to court records. This policy is based on two fundamental
6 principles:

- 7
- 8 a. Court records are presumptively open to public access; and
 - 9 b. Public access should not change depending on whether access is remote or at the
10 courthouse.

11

12 **Section 1.0 - Purposes of the Policy.**

- 13
- 14 a. Maximize accessibility of court records.
 - 15 b. Protect users of the court from harm.
 - 16 c. Make effective use of court resources.

17

18 **Section 2.0 - Definitions.**

- 19
- 20 a. *Bulk distribution*: the distribution of all, or a significant subset, of the information
21 in court records without modification or compilation.

22 b. *Compiled information*: information that is derived from the selection, aggregation
23 or reformulation of some specified subset of data from more than one individual
24 case record.

25 c. *Court records*: the sum of all administrative and case records in the judicial
26 branch.

27 1. *Administrative record*: court records that pertain to management,
28 supervision or administration of the court and are not part of a case record.

29 2. *Case record*: any document, action or information that is collected, received
30 or maintained by a clerk of court connected to a judicial proceeding. It may
31 include an index, calendar, docket, register of actions, official record of the
32 proceeding, order, decree, judgment or minute order. These may have been
33 collected in a case management system that is used to track information.
34 Case records may contain both public and confidential information. Case
35 records do not include records that have been disposed of under court
36 records management rules, or records to which a court has access but which
37 are not a part of the court records as defined in this Rule.

38 d. *Remote access* means the ability to electronically search, inspect, or copy
39 information in a court record without the need to physically visit the court facility
40 where the court record is maintained.

41
42 **Section 3.0 - Who Has Public Access.**

43

- 44 a. Every member of the public should have the same access to court records.
- 45 b. The public is defined to include:
 - 46 1. Any person, business, or non-profit entity;
 - 47 2. Any governmental agency for which there is no existing policy defining the
48 agency’s access to court records;
 - 49 3. Media organizations; and
 - 50 4. Entities that gather and disseminate information for whatever reason.
- 51 c. The public does not include:
 - 52 1. Court employees, including all direct and contract employees;
 - 53 2. Entities who assist the court in providing court services;
 - 54 3. Governmental agencies whose access to case records is defined by another
55 statute, rule, order or policy; and
 - 56 4. Parties to an action and their attorneys examining the case records, unless
57 restricted by order of the court, but parties and attorneys may not access
58 judge and court personnel work material in the court file.
- 59 d. Public access is synonymous with anonymous access.

60

61 **Section 4.0 - General Access Rule: Case Records**

62

- 63 a. Information in the case record is accessible to the public except as prohibited by
64 section 4.4 or 4.5.

65 b. There generally should be a public indication of the existence of case information
66 in a record to which access has been prohibited, but that indication should not
67 disclose the nature of the protected information.

68 c. If harm may be done by indicating the existence of case information then no
69 indication of that existing record should be open to the public.

70 d. Access to case records filed before March 1, 2009. Case records filed before the
71 adoption of N.D.R.Ct. 3.4 may contain protected information listed under
72 N.D.R.Ct. 3.4(a). This rule does not require the review and redaction of protected
73 information from a case record that was filed before the adoption of N.D.R.Ct. 3.4
74 on March 1, 2009.

75

76 **Section 4.1 - Remote Access to Case Records.**

77

78 a. All public case records are presumptively accessible remotely.

79 b. Access Regulation.

80 1. The Supreme Court may adopt and implement other policies to regulate
81 remote access to court records. These policies must be posted publicly on
82 the Court's website.

83

84 **Section 4.2 - Request for Bulk Distribution of Case Records.**

85

86 a. Bulk distribution of information in the case record is permitted for public records.

87 b. Requests for bulk distribution of information not publicly accessible can be made
88 to the court for purposes in the public interest. Courts have discretion to refuse
89 such requests, to charge fees reimbursing the court for the costs of distribution, and
90 to impose conditions on the requestor for access.

91

92 **Section 4.3 - Request for Compiled Information from Case Records.**

93

94 a. The public may request access to public case records that are not normally
95 compiled in the requested format. The court has the right to make the requestor
96 pay the cost of compiling and distributing the data.

97 b. Requests for compiled distribution of information not publicly accessible can be
98 made to the court for purposes with a public benefit. Courts have discretion to
99 refuse such requests, to charge fees reimbursing the court for the cost of
100 distribution, and to impose conditions on the requestor for access.

101

102 **Section 4.4 - Case Records Excluded from Public Access.**

103

104 a. Case records may not be made accessible to the public if barred by federal law,
105 state law, court rule, or relevant case law.

106 b. Case records may also be excluded from public access if the court determines that
107 harm would ensue, per the objective in section 1.0(b).

108 c. The following information in a case record is not accessible to the public:

109

110 1. affidavits or sworn testimony and records of proceedings in support of the
111 issuance of a search or arrest warrant pending the return of the warrant;

112 2. information in a complaint and associated arrest or search warrant to the
113 extent confidentiality is ordered by the court under N.D.C.C. §§ 29-05-32
114 or 29-29-22;

115 3. documents filed with the court for in-camera examination pending
116 disclosure;

117 4. case information and documents in Child Relinquishment to Identified
118 Adoptive Parent cases brought under N.D.C.C. Ch. 14-15.1;

119 5. domestic violence protection order files and disorderly conduct restraining
120 order files when the restraining order is sought due to domestic violence,
121 except for orders of the court;

122 6. sexual assault restraining order files, except for orders of the court;

123 7. documents in domestic violence protection order and disorderly conduct
124 restraining order cases in which the initial petition was dismissed
125 summarily by the court without a contested hearing;

126 8. names of qualified or summoned jurors and contents of jury qualification
127 forms if disclosure is prohibited or restricted by order of the court;

128 9. records of voir dire of jurors unless disclosure is permitted by court order or
129 rule;

- 130 10. records of deferred impositions of sentences or pretrial diversions resulting
131 in dismissal;
- 132 11. records of a case in which the magistrate finds no probable cause for the
133 issuance of a complaint;
- 134 12. unless exempted from redaction by N.D.R.Ct. 3.4(c), protected information:
135 a. except for the last four digits, social security numbers, taxpayer
136 identification numbers, and financial account numbers,
137 b. except for the year, birth dates, and
138 c. except for the initials, the name of an individual known to be a
139 minor, unless the minor is a party, and there is no statute, regulation,
140 or rule mandating nondisclosure;
- 141 13. judge and court personnel work material, including personal calendars,
142 communications from law clerks, bench memoranda, notes, work in
143 progress, draft documents and non-finalized documents.
- 144 14. the property and debt listing of the parties to a divorce as provided by
145 N.D.C.C. § 14-05-24.3.
- 146
- 147 d. This rule does not preclude access to court records by federal, state, and local
148 officials, or their agents, examining a court record in the exercise of their official
149 duties and powers;

150 e. A member of the public may request the court to allow access to information
151 excluded under Section 4.4 or prohibited under 4.5(a) as provided in Section
152 4.5(b).

153

154 **Section 4.5. Requests to Prohibit Public Access to Information in Case Records or to**
155 **Obtain Access to Restricted Information.**

156 **a. Request to Prohibit Access.**

157 1. A request to the court to prohibit public access to information in a case record
158 may be made by any party to a case, by the individual about whom information
159 is present in the case record, or on the court's own motion on notice as provided
160 in Section 4.5(c).

161 2. The court must decide whether there are sufficient grounds to overcome the
162 presumption of openness of case records and prohibit access according to
163 applicable law.

164 3. In deciding whether to prohibit access the court must consider that the
165 presumption of openness may only be overcome by an overriding interest. The
166 court must articulate this interest along with specific findings sufficient to allow
167 a reviewing court to determine whether the closure order was properly entered.

168 Considerations of harm should include (1) the risk of injury to individuals,
169 (2) individual privacy rights and interests, (3) proprietary business information,
170 and (4) public safety. The court should also consider applicable law. Where
171 possible, explicit standard legal tests should be applied to such decisions.

172 4. The closure of the records must be no broader than necessary to protect the
173 articulated interest. The court must consider reasonable alternatives to closure,
174 such as redaction or partial closure, and the court must make findings adequate to
175 support the closure. The court may not deny access only on the ground that the
176 record contains confidential or closed information.

177 5. In restricting access the court must use the least restrictive means that will
178 achieve the purposes of this rule and the needs of the requestor.

179 6. If a victim requests, all victim contact information in a criminal case record must
180 be redacted;

181 7. If the court concludes, after conducting the balancing analysis and making
182 findings as required by paragraphs (1) through (5), that the interest of justice will
183 be served, it may prohibit public Internet access to an individual defendant's
184 electronic case record in a criminal case:

185 A. if the charges against the defendant are dismissed; or

186 B. if the defendant is acquitted.

187 If the court grants a request to prohibit public Internet access to an electronic case
188 record in a criminal case, the search result for the record must display the words
189 "Internet Access Prohibited under N.D.Sup.Ct. Admin.R 41."

190 **b. Request to Obtain Access.**

191 1. A request to obtain access to information in a case record to which access is
192 prohibited may be made to the court by any member of the public or on the
193 court's own motion on notice as provided in Section 4.5(c).

194 2. In deciding whether to allow access, the court must consider whether there are
195 sufficient grounds to overcome the presumption of openness of case records and
196 continue to prohibit access under applicable constitutional, statutory and case
197 law. In deciding this the court must consider the standards outlined in Section
198 4.5(a)(3) and Section 1.0.

199 **c. Form of Request.**

200 1. The request must be made by a written motion to the court.
201 2. The requestor must give notice to all parties in the case.
202 3. The court may require notice to be given by the requestor or another party to
203 any individuals or entities identified in the information that is the subject of the
204 request. When the request is for access to information to which access was
205 previously prohibited under Section 4.5(a), the court must provide notice to the
206 individual or entity that requested that access be prohibited.

207

208 **Section 5.0 - Timing of Public Access to Case Records.**

209

210 a. Remote access to case records is essentially available at all times, subject to
211 publicly scheduled downtimes for system maintenance and unforeseen technical
212 issues.
213 b. Physical access to case records is available at the appropriate courthouse during
214 normal working hours.

215 c. Courts should make case records available in a reasonable time after filing. Courts
216 should also respond within a reasonable time to requests for access to bulk or
217 compiled case records and for requests governed by Section 4.5, and inform the
218 requestor when the bulk or compiled records will be available for dissemination.

219

220 **Section 6.0 - Operational Requirements.**

221

222 a. Best practices should be used to protect case records not open to the public.

223 b. Search capabilities for public case records should support reasonable flexibility.

224 c. Search capabilities should not impose an undue operational burden on court
225 systems.

226 d. Persons or organizations granted access beyond what is available to the public
227 should be managed by role and required to identify and authenticate using best
228 practices.

229

230 **Section 7.0 - Access Fees.**

231

232 a. The court may charge a fee for access to court records.

233 b. Any fees charged should be reasonable for the services provided.

234 c. The appropriate court or state court administrator may waive or reduce access fees
235 upon a showing of indigency by the requestor.

236

237 **Section 8.0 – General Access Rule: Court Administrative Records**

238

239 All court administrative records are open to the public except as follows:

240

241 a. Records that are not accessible to the public under federal law, state law, court

242 rule, case law or court order.

243 b. Records maintained concerning individuals who are court employees, or who

244 perform volunteer services for the court, are open in accordance with North

245 Dakota Century Code 44-04-18.1, North Dakota Supreme Court Policy 120, and

246 Administrative Rule 33.

247 c. Job applicant records are open in accordance with North Dakota Century Code 44-

248 04-18.27.

249 d. Security records. All security plans, codes and other records that provide for the

250 security of information, individuals, or property in the possession or custody of the

251 courts against theft, tampering, improper use, illegal releases, trespass, or physical

252 abuse or violence are excluded from public access.

253 e. Preliminary and draft reports concerning court operations; pre-decisional

254 documents. Final administrative documents and reports concerning the operation

255 of the court system are open for public inspection and copying by the custodian on

256 court premises. Preliminary drafts of such reports, and pre-decisional documents

257 relating to court operations, shall be open once such draft reports and such pre-

258 decisional documents are circulated to any court policy advisory committee or the
259 public for comment.

260 f. Remote electronic access user records. Data or information that would disclose
261 that a user of a remote or electronic access system has access to a particular court
262 record is excluded from public access. Record access information shall be
263 accessible by the public only on a showing of good cause pursuant to the process
264 set forth by this rule.

265 g. Proprietary and licensed material. Computer programs or other records that are
266 subject to proprietary rights or license agreements shall only be disclosed in
267 accordance with the terms and conditions of the applicable agreements and
268 licenses, or by court order. No record shall be excluded from public access solely
269 because access is provided by programs or applications subject to licensing
270 agreements, or because they are subject to proprietary rights.

271 h. Copyrighted documents and materials. Documents and materials produced and
272 copyrighted by the court are open to public inspection but may not be republished
273 without proper authorization from the court.

274 i. Judicial branch training records and reports. Evaluation materials and records
275 generated by participants in judicial education programs such as test scores,
276 educational assessments, practical exercise worksheets, and similar materials are
277 excluded from public access.

278 j. Party, witness and crime victim contact information gathered and recorded by the
279 court for administrative purposes, including telephone numbers and e-mail, street
280 and postal addresses are excluded from public access.

281 k. The name of a patron of the North Dakota Legal Self Help Center or information
282 sufficient to identify a patron or the subject about which a patron requested
283 information is excluded from public access.

284

285 **Section 9.0 – Methods of Access to Court Records**

286

287 **a. Remote Access**

288 1. Remote access to public court records is essentially available at all times,
289 subject to publicly scheduled down times for system maintenance and
290 unforeseen technical issues.

291

292 **b. Access to Court Records at Court Facility.**

293 1. Public access Terminal. A terminal will be available at each county courthouse
294 for public access to court records stored statewide in the Odyssey system.

295 2. Request for access to other records. Any person desiring public access to a
296 court record that is not available on the public access terminal must make an
297 oral or written request to the custodian of the record; the clerk of court or the
298 State Court Administrator. If the request is oral, the record custodian may
299 require a written request if the record custodian determines that the disclosure

300 of the records is questionable or the request is so involved or lengthy as to need
301 further definition. The request must clearly identify the record requested so that
302 the record custodian can locate the record without doing extensive research.
303 Continuing requests for a document not yet in existence may not be considered.
304 The record custodian may not ask the motive or reason for requesting the
305 records or for the identity of the person requesting public records.

306 a. Response to Request to Access Case Records. A clerk of court is not
307 required to allow access to more than ten case files per day per requestor
308 but may do so in the exercise of the clerk's discretion if the access will not
309 disrupt the clerk's primary function. If the request for access and inspection
310 is granted, the clerk may set reasonable time and manner of inspection
311 requirements that ensure timely access while protecting the integrity of the
312 records and preserving the affected office from undue disruption. The
313 inspection area must be within full view of court personnel whenever
314 possible. The person inspecting the records may not leave the court facility
315 until the records are returned and examined for completeness.

316 b. Response by Court to Request Access to Case Records. If a clerk
317 determines there is a question about whether a case record may be
318 disclosed, or if a written request is made under Section 4.5 for a ruling by
319 the court after the clerk denies or grants an access request, the clerk must
320 refer the request to the court for determination. The court must use the

321 standards listed in Section 4.5 to determine whether to grant or deny the
322 access requested.

323 c. Response to Request to Access Administrative Records. If the request for
324 access and inspection of administrative records is granted, the State Court
325 Administrator may set reasonable time and manner of inspection
326 requirements that ensure timely access while protecting the integrity of the
327 records and preserving the affected office from undue disruption. If there is
328 a question about whether an administrative record may be disclosed, the
329 matter must be referred to the State Court Administrator for determination.
330 The State Court Administrator must use the standards listed in Section 4.5
331 to determine whether to grant or deny the access requested.

332 3. Methods of access. The record custodian is not required to provide a written
333 copy of a record that is available to the requestor on the court's website or on
334 the internet. The record custodian shall notify the requestor that the record is
335 available online and direct the requestor to the website where their record can
336 be accessed. If the requestor does not have reasonable access to the internet due
337 to lack of computer, lack of internet availability or inability to use a computer
338 or the internet, the record custodian shall produce paper copies for the
339 requestor but may charge applicable fees as set by the Court.

340

341 **Section 10.0 – Obligations of Vendors Providing Information Technology Support to**
342 **a Court to Maintain Court Records.**

343
344
345
346
347
348
349
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351
352

- a. If the court contracts with a vendor to provide information technology support to gather, store, or make accessible court records, the contract will require the vendor to comply with the intent and provisions of this rule. For purposes of this section, "vendor" includes a state, county or local governmental agency that provides information technology services to a court.

- b. By contract the vendor will be required to notify the court of any requests for compiled information or bulk distribution of information, including the vendor's requests for such information for its own use.

1 **CASE RECORDS RETENTION SCHEDULE - COURTS**

2 **(Applies to electronic and paper case records)**

3

4 **Note: The six-digit number accompanying a record, e.g. "500401" below represents**
5 **the record control number for each record series. The single character case**
6 **designation, e.g. (C) Civil Case Files, refers to the unified case information system**
7 **case type. The multiple character case designation, e.g (CV) Civil Case Files, refers**
8 **to the Odyssey® electronic file case type.**

9

10 **Administrative Appeal (AA)**

11 **This series contains pleadings to appeal from an administrative agency order.**
12 **Retain for 3 years from disposition date.**

13

14 **Administrative (Noncriminal) Traffic Case Files (T) and (TR) - 500401**

15 This series contains the citation, correspondence, and may include a receipt.
16 Retain for 3 years after the current fiscal year (ACFY), ending June 30., ~~then dispose by~~
17 ~~landfill.~~

18

19 **All Case Summaries**

20 **This series contains the summary of case events (index of pleadings), case assignment,**
21 **party information, events, financial information, and the case event metadata for all cases**

22 in the electronic file system. (The case summary has also been referred to as the register
23 of actions.)

24 Retain permanently.

25

26 **Civil Case Files (C) and (CV)**

27 * Offer all cases prior to 1925, whether appealed or not, to the State Archives.

28

29 **Annulment (AN), Divorce (10) – 500412, Legal Separation (LS) - An action to annul**
30 **or dissolve a marriage or to legally separate.**

31 Retain for 50 years from date of disposition or. Transfer to State Archives. Note: If a
32 child support judgment is included, judgment must be retained for 5 years from the date
33 of satisfaction, whichever is later. Transfer to State Archives.

34

35 **Custody and Parenting Responsibility (14) -500441, Uniform Child Custody**

36 **Jurisdiction and Enforcement Act (UCCJEA) - This series contains pleadings to bring**
37 **an action or motion to determine or change custody or parenting responsibility of for**
38 **minor children or if a parent wishes to register a custody or parenting responsibility order**
39 **resulting from a proceeding in another state in which child custody or parenting**
40 **responsibility was determined, or to enforce custody, parenting responsibility, or child**
41 **support orders of other jurisdictions.**

42 Retain for 50 years from disposition date or if a child support judgment is included,
43 judgment must be retained for 5 years from the date of satisfaction, whichever is later.

44 Transfer to State Archives. ~~Dispose by landfill.~~

45

46 **Child Support (16) - 190102** - This series contains pleadings to bring an action for the
47 establishment of a child support order or pleadings contained in-state child support
48 transcription.

49 Retain for 5 years from the date of satisfaction. ~~Dispose by landfill.~~

50 Dismissed – Retain for 1 year from date of dismissal.

51

52 **Child or Spousal Support (18) - 190102** -This series contains pleadings filed under
53 UIFSA for registration or enforcement of child support or spousal support.

54 Retain for 5 years from the date of satisfaction. ~~Dispose by landfill.~~

55

56 **Contract Collection (32)** - This series contains pleadings on a specific contract or an
57 action for collection on a debt or account due and owing.

58 Retain as indicated below ~~from date of disposition.~~ Offer to State Archives if case is
59 appealed. ~~Dispose by landfill.~~

60 **500406** - Money judgment - entered and not renewed - 11 years from date of judgment

61 **500407** - Money judgment - entered and renewed - 21 years from date of original
62 judgment

63 **500405** - No money judgment & case dismissals - 1 year from date of dismissal

64 Child support judgment - ~~No disposal unless satisfied~~5 years after the date of satisfaction
65 of judgment, even if the docket money judgment is not renewed

66

67 **Criminal Money Judgment (CMJ)** – This series contains pleadings on an action for
68 collection of a criminal debt or account due and owing.

69 Money judgment - entered and not renewed - 11 years from date of judgment

70 Money judgment - entered and renewed - 21 years from date of original judgment

71

72 **Condemnation and Eminent Domain (36)** - An action to take private property for
73 public use.

74 **500422** - If uncontested, retain for one year from date of disposition. ~~Dispose by landfill.~~

75 **500423** - If contested, retain for 20 years from date of disposition. Transfer to State
76 Archives.

77

78 **Disorderly Conduct Restraining Order (26) or Sexual Assault Restraining Order** -

79 An action brought for the protection against any action that may affect the safety,
80 security, or privacy of another person. (Does not include allegations of domestic
81 violence).

82 **500442** - Retain for 5 years from date of expiration of order. ~~Dispose by landfill.~~

83 **500443** - Dismissed - Retain for one year from the dismissal order. ~~Dispose by landfill.~~

84

85 ~~**Divorce (10) - 500412** - An action brought to dissolve a marriage.~~

86 ~~Retain for 50 years from date of disposition. Transfer to State Archives. Note: If a child~~
87 ~~support judgment is included, judgment must be maintained until satisfied.~~

88

89 **Eviction/Forcible Detainer (38) - 500444** - An action to recover the possession of real
90 estate when it is being held wrongfully as specified by law. If money judgment is entered,
91 dispose of in same manner as Contract Collection (32).

92 Retain for 1 year from date of disposition. ~~Dispose by landfill.~~

93

94 **Firearm Restoration Proceedings** – A proceeding on a petition for restoration of
95 firearms rights. (This series does not include petitions for firearm rights restoration that
96 are filed in the underlying criminal or mental health case that issued the firearm
97 restriction.)

98 Retain for 75 years from the date of disposition if petition is granted. Retain for 3 years
99 from the date of disposition if the petition is denied.

100

101 **Foreclosure (4) - 500445** - An action to foreclose or enforce a lien, trust deed, pledge, or
102 mortgage as provided by law.

103 Retain for 10 years from date of judgment. ~~Dispose by landfill.~~

104

105 **Foreign Judgment (48)** - Filing a judgment, decree, or order of any other court that
106 contains a money judgment.

107 Retain as indicated below. Offer to State Archives if case is appealed.

108 **500406** - Money judgment entered and not renewed - 11 years from date of judgment.

109 **500407** - Money judgment entered and renewed - 21 years from date of original
110 judgment.

111

112 **Malpractice (06)** - An action for damages based on professional misconduct or
113 unreasonable lack of skill.

114 Retain as indicated below. Offer to State Archives if case is appealed.

115 **500446** - No judgment/ Dismissal - 5 years from date of dismissal.

116 **500446** - Judgment without lien - 5 years from date of judgment.

117 **500406** - Money judgment entered and not renewed - 11 years from date of judgment.

118 **500407** - Money judgment entered and renewed - 21 years from date of original
119 judgment.

120

121 **Name Change (42) - 500402** - A proceeding under N.D.C.C. ch. 32-28 to change the
122 name of a person. This does not include name changes during adoption or divorce.

123 Retain for 100 years from disposition date. Transfer to State Archives.

124

125 **Other (49) - 500403** - Any civil action or proceeding that does not fit in any of the other
126 specific categories.

127 Retain for 20 years from disposition. Transfer to State Archives.

128

129 **Personal Injury (04)** - An action for damages based on physical or emotional injury to a
130 person.

131 Retain as indicated below. Offer to State Archives if case is appealed.

132 **500446** - No judgment/dismissal - 5 years from date of dismissal.

133 **500446** - Judgment without lien - 5 years from date of judgment.

134 **500406** - Money judgment entered and not renewed - 11 years from date of judgment.

135 **500407** - Money judgment entered and renewed - 21 years from date of original
136 judgment.

137

138 **Post Conviction Relief (PCR)** – This series contains pleadings to seek post-conviction
139 relief.

140 Retain for 10 years from final order.

141

142 **Post Paternity (PP)** – An action to obtain access to a court order establishing paternity.

143 Retain according to retention period for underlying case type.

144

145 **Property Damage (02)** - An action for damages based on damage to property.

146 Retain as indicated below. Offer to State Archives if case is appealed.

147 **500446** - No judgment/dismissal - 5 years from date of dismissal.

148 **500446** - Judgment without lien - 5 years from date of judgment.

149 **500406** - Money judgment entered and not renewed - 11 years from date of judgment.

150 **500407** - Money judgment entered and renewed - 21 years from date of original
151 judgment.

152

153 **Public Judgment (PJ)** – An action to obtain access to a final order of the court.

154 Retain according to retention period for underlying case type.

155

156 **Quiet Title and Eminent Domain (34) - 500427** - An action to determine adverse claims
157 and quiet title to real property.

158 Retain for ~~20~~ 50 years from disposition. ~~Dispose by landfill.~~ Transfer to State Archives.

159

160 **Special Proceedings (44) - 500447** - A procedure provided for by law which is not
161 included in any other category, e.g., writs of mandamus, certiorari, and prohibition.

162 Retain for 5 years from disposition. ~~Dispose by landfill.~~

163

164 **Sexually Dangerous Individual (SDI)** – This series contains pleadings for the civil
165 commitment of a sexually dangerous individual. Orders that have conditions that have not
166 expired within 20 years shall be retained until those conditions have expired.

167 Retain for 20 years from disposition.

168

169 **Termination of Parental Rights (24) -- 500448, Relinquishment of Parental Rights**

170 **(RE)** - This series contains pleadings filed in district court for termination or

171 relinquishment of parental rights.

172 Retain permanently.

173

174 **Trust Proceedings (46) - 500434** - This series includes both the registration of the trust
175 and the supervision of the trust.

176 Retain for 50 years from disposition. ~~Dispose by landfill.~~

177

178 **Register of Civil Actions - 720204** - This series contains hard copy of the index of
179 pleadings filed in the case. This does not include the actual index of plaintiff's and
180 defendant's names.

181 Retain ~~automated record or~~ hard copy for same period as file. ~~Dispose by landfill.~~ If the
182 register is part of the manual index, retain for same period as manual index.

183

184 **Civil Court Reporter Notes - General 801201**

185 This series contains court reporter notes, tape recordings, audio visual recordings
186 (possibly cassette tapes).

187 Retain for 7 years from date of judgment. Dispose by landfill, except for notes or tapes of
188 child support hearings.

189

190 **Civil Court Reporter Notes - Support Hearings 801202**

191 This series contains court reporter notes, tape recordings, audio visual recordings
192 (possibly cassette tapes).

193 Retain for 60 days after the order has been confirmed. ~~Dispose by landfill.~~

194

195 **Correspondence - All Case Types 450101**

196 This series contains general correspondence from persons or entities. This information is
197 generally one-time in nature such as requests for information and case file cover letters
198 and is of value for only a short time period.

199 Retain until after the requested action is taken. ~~Dispose by landfill.~~

200

201 **Criminal Case Files - Non-traffic (K) and (CR)**

202 * Offer all cases prior to 1925, whether appealed or not, to State Archives.

203

204 **Extradition (EX)** – This series contains pleading to extradite a defendant to another
205 jurisdiction.

206 Retain for 3 years from extradition order.

207

208 **Infraction - 500435** -This series contains pleadings charging an infraction. Offer to State
209 Archives if case is appealed.

210 Retain for 3 years from date of disposition or the date a financial obligation is satisfied or
211 determined uncollectible, whichever is later. ~~Dispose by landfill.~~

212

213 **Misdemeanor – 500409, Municipal Appeal (MA)** - This series contains pleadings
214 charging a misdemeanor or the appeal of a municipal misdemeanor conviction.

215 Retain for 10 years from date of final disposition or date a financial obligation is satisfied
216 or determined uncollectible, whichever is later. Offer to the State Archives if appealed.
217 Include medical or drug treatment documents. ~~All other files may be disposed by landfill.~~
218 Dispose of PSI evaluations by shredding.

219

220 **Felonies - 500410** - This series contains pleadings charging a felony.

221 Retain for 30 years from the date of final disposition or date a financial obligation is
222 satisfied or determined uncollectible, whichever is later. Offer to State Archives if case
223 appealed. Include medical or drug treatment documents. Dispose of PSI evaluations by
224 shredding. ~~All other files may be disposed by landfill.~~ Sentencing that has conditions that
225 have not expired within 30 years shall be retained until those conditions have expired.

226

227 **Misdemeanor – DUI offenses** – This series contains pleadings charging a misdemeanor
228 for driving or actual physical control of a vehicle by persons under the influence of
229 intoxicating liquor or other drugs or substances.

230 Retain for 15 years from the date of final disposition or date a financial obligation is
231 satisfied or determined uncollectible, whichever is later. Offer to the State Archives if
232 appealed. Include medical or drug evaluation and treatment documents. Dispose of PSI
233 evaluations by shredding.

234

235 **Misdemeanor - Protection Order Violation - 500450** - This series contains pleadings
236 charging a misdemeanor violation of a domestic violence protection order.

237 Retain for 100 years from date of final disposition or date a financial obligation is
238 satisfied or determined uncollectible, whichever is later. Offer to the State Archives if
239 appealed. Include medical or drug treatment documents. ~~All other files may be disposed~~
240 ~~by landfill.~~ Dispose of PSI evaluations by shredding.

241

242 **Felonies - Protection Order Violation - 500449** - This series contains pleadings
243 charging a felony violation of a domestic violence protection order.

244 Retain for 100 years from the date of final disposition or date a financial obligation is
245 satisfied or determined uncollectible, whichever is later. Offer to State Archives if case
246 appealed. Include medical or drug treatment documents. Dispose of PSI evaluations by
247 shredding. All other files may be disposed by landfill.

248

249 **Adult Sex Offense Files - 500436** -This series contains case files and court documents in
250 which the defendant is alleged to have committed an offense identified under N.D.C.C. §
251 25-03.3-04.

252 Retain for 50 years from date of final disposition or action. Dispose by shredding if
253 juvenile involved. Sentencing that has conditions that have not expired within 50 years
254 shall be retained until those conditions have expired.

255

256 **Search Warrants (when no criminal case file exists) - 800318** -This series contains the
257 affidavit, search warrant, receipt, and inventory.

258 Retain for 3 years from receipt. ~~Dispose by landfill.~~

259

260 **Criminal Court Reporter Notes/Court Recorder Tapes - 801204** -This series contains
261 court reporter notes and audio recordings.

262 Retention period for notes and electronic recordings that contain mixed proceedings must
263 be retained for the longest retention of the file.

264 Retain infraction, misdemeanor, and felony reporter notes/court recorder tapes for same
265 period as file. ~~Dispose by landfill.~~

266

267 **Register of Criminal Actions - 720206** -This series contains the hard copy of the index
268 of pleadings filed in the case. This does not include the actual index of parties' names.

269 Retain ~~automated record or~~ hard copy for same period as file. ~~Dispose by landfill.~~ If the
270 register is part of the manual index, retain for same period as manual index.

271

272 **Financial**

273 **State Clerks - 011001**

274 Odyssey Daily Deposit Analysis reports, deposit slips and supporting documentation,
275 which may include credit card settlement reports and printed receipts. (Transaction
276 registers and deposits reports will be retained electronically and need not be printed
277 unless requested for audit purposes):

278 Retain for 3 years after the current fiscal year ending June 30. Records with financial
279 account numbers must be shredded.

280

281 Unclaimed property reports and proof of contact regarding uncashed checks -012401:

282 In accordance with N.D.C.C. § 47-30.1-17, retain for 10 years after the property becomes
283 reportable.

284

285 Monthly reports and bank reconciliations are retained by the Fiscal department of the

286 State Court Administrator's office and need not be retained in the Clerk's office.

287 ~~UCIS daily balancing reports, deposit slips, and supporting documentation, which may~~

288 ~~include distribution, bond activity, outstanding bonds, cash receipts, and restitution~~

289 ~~reports:~~

290 ~~Retain for 3 years after the current fiscal year. Dispose by landfill. Records with financial~~

291 ~~account numbers must be shredded.~~

292 ~~Proof of contact regarding uncashed checks (Unclaimed Property) - 012401:~~

293 ~~Retain for 3 years after current fiscal year. Dispose by landfill. Records with financial~~

294 ~~account numbers must be shredded.~~

295

296 **County Clerks - 011001**

297 Odyssey Daily Deposit Analysis reports, deposit slips and supporting documentation

298 which may include credit card settlement reports and printed receipts. (Transaction

299 registers and deposits reports will be retained electronically and need not be printed

300 unless requested for audit purposes):

301 Retain for 3 years after the current fiscal year ending June 30. Records with financial

302 account numbers must be shredded.

303 Unclaimed property reports and proof of contact regarding uncashed checks -012401:
304 In accordance with N.D.C.C. § 47-30.1-17, retain for 10 years after the property becomes
305 reportable.

306

307 Monthly reports and bank reconciliations and supporting documentation, which may
308 include bank notices, requests for check replacement and voided checks:

309 Retain for 3 years after the current fiscal year ending June 30. Records with financial
310 account numbers must be shredded.

311 ~~UCIS or manual daily/weekly balancing reports:-~~

312 ~~Retain for 3 years after the current fiscal year. Dispose by landfill.-~~

313 ~~Monthly bank statements and reconciliations, manual receipts, deposit slips, proof of~~
314 ~~contact regarding uncashed checks (Unclaimed Property), deposit summary and~~
315 ~~transmittal for (given to Treasurer/Auditor), trial balance worksheets (used by~~
316 ~~Treasurer/Auditor for completing State Tax Collection Report), manual bookkeeping~~
317 ~~system (McBee, journals, ledgers):-~~

318 ~~Retain until audit is complete. Dispose by landfill.-~~

319

320 **Grand Jury Proceedings - 500414**

321 This series contains transcripts of testimony during grand jury proceedings/prosecution's
322 evidence, jury decision, and indictment.

323 Retain for 1 year from date of filing. Dispose by shredding.

324

325 **Index Books - 720202**

326 This series contains a listing of all plaintiffs and defendants in civil, criminal, probate,
327 confidential, and small claims actions.

328 Retain permanently. This record has archival value.

329

330 **Judgment Docket - 800309**

331 This series contains court record of money judgments including name of debtor, creditor,
332 date of judgment, sum recovered or directed to be paid in figures, time when the
333 judgment roll of transcript was filed and docketed in the clerk's office, and the name of
334 the court in which the judgment was rendered.

335 Retain for 21 years from last judgment entry. ~~Dispose by landfill.~~

336

337 **Juror Records - 800310**

338 This series contains jury qualification form, questionnaires, master jury list and all
339 supporting lists, and payment records.

340 Retain for 3 years from the creation of master jury list. Dispose of by shredding.

341

342 **Hospital Lien Records - 500424**

343 This series contains Hospital Liens.

344 Retain for 3 years from the date of filing. ~~Dispose by landfill.~~

345

346 **Miscellaneous - 500425**

347 This series contains Orders, Attachments, and Affidavits which are not part of a case file
348 or record found elsewhere on the retention schedule.

349 Retain for 5 years. ~~Dispose by landfill.~~

350

351 **Probate (P) and (PR) - 500426**

352 This series contains pleadings in all case types:

353 Conservatorship (50)

354 Conservatorship - Minor (52)

355 Guardianship - (54)

356 Guardianship - Minor (56)

357 Conservatorship/Guardianship (58)

358 Protective Proceedings (80)

359 Formal Probate of Will (81)

360 Informal Probate of Will (82)

361 Formal Probate Administration (83)

362 Informal Probate Administration (84)

363 Domiciliary Proceeding (85)

364 Heirship (86)

365 Retain ~~automated record or hard copy~~ permanently. This record has archival value.

366

367 **Register of Probate Actions - 720211**

368 This series contains an hard copy of the index of pleadings filed in the case. This does not
369 include the actual index of plaintiff's and defendant's names.

370 Retain ~~automated record or hard copy~~ permanently.

371

372 **Record Search - 800317**

373 This series contains a copy of the certification of record search (whether criminal or
374 civil).

375 Retain for 30 days from completion of the search. ~~Dispose by landfill.~~

376

377 **Restricted Case Series (R)**

378 **Abortion Control Files (98) - 500417**

379 Retain for 1 year from the date of the final order. Dispose by shredding. (Abortion
380 Control Act).

381

382 **Adoption (20) - 190101** This series contains petition and decree of adoption.

383 Retain ~~automated record or hard copy~~ permanently. This record has archival value.

384

385 **Domestic Violence (12) -** This series contains pleadings alleging domestic violence.

386 **500437 -** Retain for 5 years from expiration of court order, unless dismissed. Dispose by

387 shredding. Orders that have conditions that have not expired within 5 years shall be

388 retained until those conditions have expired.

389

390 **500438** - Retain dismissed case files for 1 year from the order of dismissal. Dispose by
391 shredding.

392

393 **Mental Health (87) - 500415** -This series includes chemical dependence or mental illness
394 records.

395 Retain for 5 years from the date of last order. Orders that have conditions that have not
396 expired within 5 years shall be retained until those conditions have expired. Dispose by
397 shredding.

398

399 **Paternity (22) - 500408** - This series contains pleadings filed in a case to adjudicate
400 paternity.

401 Retain permanently.

402

403 **Registers of Adoption, Juvenile, Mental Health Treatment, and Termination of**

404 **Parental Rights - 720207** -This series contains the hard copy of the index of pleadings
405 filed in the cases. This does not include the actual index of plaintiff's and defendant's
406 names.

407 Retain ~~automated record~~ or hard copy for life of the file. Dispose by shredding. If register
408 is part of the manual index, retain for same period as manual index.

409

410 **Juvenile Case Files (JUV)**

411 This series contains all petitions, summons, findings of fact, orders, documents related to
412 service, court-related notices, motions, affidavits, evaluations, and reports so entered by
413 the court. Retain as listed below.

414

415 **Guardianship/Conservatorship of a Minor (GCM), Juvenile Guardianship (JGRD)**

416 – This series includes pleadings to establish a guardianship and/or conservatorship of a
417 minor in Juvenile Court.

418 Retain permanently.

419

420 **Juvenile Continued Foster Care Services** – This series includes pleadings for a child in
421 need of continued foster care services under N.D.C.C. § 27-20-30.1.

422 Retain for 1 year after the expiration of the order or until age 21, whichever is later.

423

424 **Juvenile Delinquency (94) - 500419**

425 Retain for 10 years after expiration of final order, or age 18, whichever is later. Dispose
426 by shredding.

427

428 **Juvenile Extradition (JEX)** – This series contains pleadings to extradite a juvenile to
429 another jurisdiction.

430 Retain for 3 years from extradition order.

431

432 **Juvenile Unruly (95) - 500420**

433 Retain for 1 year after child turns 18 or final expiration of order, whichever is later.

434 Dispose by shredding.

435

436 **Juvenile Deprivation (96) (Without Parental Rights Termination) - 500416**

437 Retain for 10 years after child turns 18 or final expiration of order, whichever is later.

438 Dispose by shredding.

439

440 **Juvenile Sex Offense Files - 500439** -This series contains case files or court records that
441 describe acts that may constitute an offense under N.D.C.C. §§ 12.1-20-03, 12.1-20-04, or
442 12.1-20-07.

443 Retain for 50 years from the date of disposition or action. Dispose by shredding.

444

445 **Juvenile Termination of Parental Rights (97) - 500418**

446 Retain permanently.

447

448 **Juvenile Shelter Care (96) - 500421**

449 Retain non-petition shelter care cases for 1 year from expiration of the order. Dispose by
450 shredding.

451

452 **Juvenile Special Proceedings (98) - 500440**

453 Retain for 1 year after the final expiration of the order or until age 21, whichever is later.

454 ~~Retain petitioned cases that are dismissed for 1 year from expiration of the order. Dispose~~
455 ~~by shredding.~~

456

457 **Juvenile Officer's Working File - 801206** -This series contains all informal and formal
458 documents, case notes, and reports.

459 Retain until child reaches age 18 or meets all conditions, whichever is later, except for
460 documents governed by N.D.C.C. § 25-03.3-04. Dispose by shredding.

461

462 **Juvenile Drug Court - Coordinator's and Juvenile Officer's Working File - 801207 -**

463 This series contains all informal documents, case notes, and reports concerning a
464 juvenile's participation in juvenile drug court.

465 Retain for 2 years from graduation or termination from juvenile drug court program or
466 attainment of age 18, whichever is later, except for documents governed by N.D.C.C.
467 §25-03.3-04. Dispose by shredding.

468

469 **Small Claims (S) (88)**

470 This series contains pleadings to bring an action for small claims.

471 Retain as specified below. ~~Dispose by landfill.~~

472 **500429** - Judgment entered - not renewed - 11 years from date of judgment.

473 **500430** - Judgment entered - and renewed - 21 years from date of original judgment.

474 **500431** - No money judgment/dismissed cases - 1 year from date of dismissal.

475

476 **Register of Small Claims Actions - 720212** -This series contains the hard copy of the
477 index of pleadings filed in the case. This does not include the actual index of plaintiff's
478 and defendant's names.

479 Retain ~~automated record or~~ hard copy for same period as file. ~~Dispose by landfill.~~ If
480 register is part of the manual index, retain for same period as file.

481

482 **Transcript of Judgment from Another County (M)**

483 This series contains a transcript of judgment from another county within the state.

484 Retain as specified below. ~~Dispose by landfill.~~

485 **500432** - Judgment Entered - 11 ~~Y~~years from date of judgment.

486 **500433** - Judgment Renewed - 21 ~~Y~~years from date of original judgment.

487

488 **Wills - 800304**

489 This series contains wills in the custody of the clerk of court which are not part of a
490 probate. N.D.C.C. §§ 30.1-11-01 (possible delivery of will to clerk by recorder) and 30.1-
491 11-02 (possible delivery of will to clerk by others).

492 Retain permanently.

493