

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

ORDER

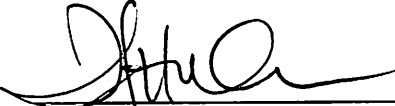
Supreme Court No. 20180118

**Proposed Amendments to N.D. Sup. Ct. Admin. R. 19 Regarding Court Records
Management Program and Adoption of a New N.D. Sup. Ct. Admin. R. 41 Regarding
Access To Court Records**

[¶1] On March 21, 2018, the Court Services Administration Committee filed a petition to amend North Dakota Supreme Court Administrative Rule 19 regarding the court records management program in the district court, and adopt a new North Dakota Supreme Court Administrative Rule 41 regarding access to court records. Following a comment period, the Court referred the proposed amendments back to the Court Services Administration Committee. On February 1, 2019, the Court Services Administration Committee submitted additional proposed amendments to Administrative Rule 19 and no additional amendments to Administrative Rule 41. The Court considered the matter, and

[¶2] ORDERED, as further amended by the Court, the amendments to Administrative Rule 19, are ADOPTED, effective July 1, 2019.

[¶3] The Supreme Court of the State of North Dakota convened this 20th day of February, 2019, with the Honorable Gerald W. VandeWalle, Chief Justice, and the Honorable Daniel J. Crothers, the Honorable Lisa Fair McEvers, the Honorable Jerod E. Tufte, and the Honorable Jon J. Jensen, Justices, directing the Chief Deputy Clerk of the Supreme Court to enter the above order.



Petra H. Mandigo Hulm
Chief Deputy Clerk
North Dakota Supreme Court

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, including
5 rules regarding the administration of court records. The Legislative Assembly has encouraged
6 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 specifically
10 addresses the retention and disposition of court records. This records retention and disposal
11 procedure is established to meet this administrative goal.

12 **Section 2. Administrative Responsibilities.**

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

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

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

23 d. The administrative records custodian is responsible for the retention and disposition of all

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

30 **Section 3. Scope of Supreme Court Rule and Inconsistent Statutes.**

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

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

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

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

45 ~~means any document, book, paper, photograph, sound recording or other material regardless of~~
46 ~~physical form or characteristics, made or received by the court pursuant to law or in connection~~

47 ~~with the transaction of official court business.~~

48 **Section 4. Permanent Retention Periods.**

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

53 b. Section 4(a) does not prohibit the clerk or judge having jurisdiction over the case records
54 assigned permanent retention periods or the administrative record custodian with responsibility
55 over administrative records assigned permanent retention periods from depositing such record
56 with the state archivist for preservation ~~pursuant to~~ under Section ~~†012~~.

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

58 The term "disposition" means:

59 a. transfer of a record to the possession of the state archivist ~~pursuant to~~ under the procedure in
60 Section ~~†012~~;

61 ~~b. destruction by burning or shredding~~, if the record is confidential, destruction by a
62 method that renders the content irretrievable, such as burning, shredding, pulverizing,
63 sanitizing or overwriting; or

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

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

67 The clerk or judge having jurisdiction over ~~the~~ case records shall keep a record of the disposition
68 of any ~~court~~ case record ~~pursuant to~~ under the case records retention schedule. This record must
69 indicate the title of the record series, a description of the contents of the case record, the

70 inclusive years of the records disposed, and the date and the means of disposition.

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

72 The State Court Administrator will provide each clerk or judge having jurisdiction over ~~court~~
73 case records with a case records retention schedule. The case records retention schedule must
74 identify and describe each record series, provide the retention period based upon the fiscal, legal,
75 administrative, and archival value of the records, and describe the method of destruction for each
76 series that may be destroyed. The State Court Administrator shall file a copy of the case records
77 retention schedule with the Clerk of the Supreme Court. The case records retention schedule
78 constitutes approval for disposition of all records that have met the timeframes established in the
79 schedule.

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

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

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

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

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

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

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

93 Each clerk or judge having jurisdiction over ~~case court~~ records ~~may~~ must dispose of records as
94 designated in the case records retention schedule and must complete in a case records disposal
95 report provided by the State Court Administrator or State Records Administrator. The duty to
96 dispose of case records is subject to the availability of staff and to legislative appropriations.

97 Each case record must be reviewed and approved for disposition by the clerk or judge having
98 jurisdiction over the court records. Unless otherwise noted in the case records retention schedule,

99 all non-permanent case records must be destroyed in accordance with Section 5(b) and (c). The

100 State Court Administrator, in cooperation with the Information Technology Department, shall

101 establish procedures and standards for the efficient and effective destruction of electronic case

102 records. All non-confidential records may be disposed of by landfill. All confidential records

103 must be shredded or burned.

104 A record series must not be disposed of before the time approved in the retention schedule. If a

105 situation warrants early disposal of a record within a record series, the clerk or judge may

106 ~~petition~~ make a request to the State Court Administrator for early disposal of that record or may

107 obtain an order from the judge of the court.

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

109 The State Court Administrator will provide an administrative records retention schedule to all

110 administrative records custodians. Each custodian must retain the records for the retention period

111 set forth in the administrative records retention schedule and should dispose of records after the

112 retention period has expired, subject to staff availability and legislative appropriations. Unless

113 otherwise designated in the administrative records retention schedule, all non-permanent records

114 must be destroyed in accordance with Section 5(b) and (c). The State Court Administrator, in

115 cooperation with the Information Technology Department, shall establish procedures and
116 standards for the efficient and effective destruction of electronic administrative records. A record
117 series must not be disposed of before the time approved in the administrative records retention
118 schedule. If a situation warrants early disposal of a record within a record series, the custodian
119 may make a request to the State Court Administrator for early disposal of that record.

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

121 Any person, including the court, may request an extension of the retention period of a court
122 record by completing a form to be provided by the State Court Administrator's Office and
123 submitting the form to the court with jurisdiction over the case records or to the State Court
124 Administrator for a request related to administrative records. The court will forward the request
125 to the State Court Administrator's Office for consideration. The request must be submitted no
126 later than ninety days prior to the record meeting the retention deadline as set forth in the record
127 retention schedule. The request must state the reason for the extension request, the fiscal, legal,
128 administrative, or archival value of the records that justifies the extension, and the additional
129 retention time requested.

130 **Section 1012. Transfer of Court Records to the State Archives.**

131 The State Court Administrator will provide in the Clerk of Court Procedures Manual procedures
132 for the transfer to the State Archives of court records determined to be of archival value. The
133 clerk of court, or judge, or administrative records custodian will contact the State Archivist when
134 the records are ready for transfer. Arrangements will be made by the State Archivist to take
135 possession of the records within 60 days of notice to the State Archivist. The State Archivist
136 ~~shall~~ may, upon request, complete a certification for archival transfer and send it to the clerk or
137 judge after all records have been transferred.

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

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

143 **EXPLANATORY NOTE**

144 Rule 19 was adopted effective Adopted effective January 1, 1995; amended effective November
145 1, 1998; Schedule amended effective August 1, 2001, to reflect the name change of the State Bar
146 Board to the State Board of Law Examiners; and Schedule amended effective February 1, 2014,
147 to extend the length of retention for certain records, Rule and Case Record Retention Schedule
148 amended effective July 1, 2019.

CASE RECORDS RETENTION SCHEDULE - COURTS

(Applies to electronic and paper case records)

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

Administrative Appeal (AA)

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

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

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

All Case Summaries

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

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

25 Retain permanently.

26

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

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

29

30 **Annulment (AN), Divorce (10) – 500412, Legal Separation (LS)** - This series contains
31 actions to annul or dissolve a marriage or to legally separate.

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

35

36 **Custody and Parenting Responsibility (14) =500441, Uniform Child Custody**

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

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

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

46

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

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

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

52

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

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

56

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

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

61 **500406** - Money judgment - entered and not renewed - 11 years from date of judgment.

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

64 **500405** - No money judgment & case dismissals - 1 year from date of dismissal.

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

67

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

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

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

72

73 **Condemnation and Eminent Domain (36)** - This series contains actions ~~An action~~ to
74 take private property for public use.

75 **500422** - If uncontested, retain for one year from date of disposition. ~~Dispose by landfill.~~

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

78

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

80 This series contains actions ~~An action~~ brought for the protection against any action that

81 may affect the safety, security, or privacy of another person. (Does not include allegations
82 of domestic violence).

83 **500442** - Retain for 5 years from date of expiration of order. ~~Dispose by landfill.~~

84 **500443** - Dismissed - Retain for one year from the dismissal order. ~~Dispose by landfill.~~

85

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

87 ~~Retain for 50 years from date of disposition. Transfer to State Archives. Note: If a child~~

88 ~~support judgment is included, judgment must be maintained until satisfied.~~

89

90 **Eviction/Forcible Detainer (38) - 500444** - This series contains actions ~~An action~~ to
91 recover the possession of real estate when it is being held wrongfully as specified by law.
92 If money judgment is entered, dispose of in same manner as Contract Collection (32).
93 Retain for 1 year from date of disposition. ~~Dispose by landfill.~~

94

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

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

101

102 **Foreclosure (4) - 500445** - This series contains actions ~~A action~~ to foreclose or enforce a
103 lien, trust deed, pledge, or mortgage as provided by law.

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

105

106 **Foreign Judgment (48)** - This series contains filings of ~~Filing a~~ judgments, decrees, or
107 orders of any other court that contains a money judgment.

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

109 **500406** - Money judgment entered and not renewed - 11 years from date of judgment.

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

112

113 **Malpractice (06)** - This series contains actions ~~An action~~ for damages based on
114 professional misconduct or unreasonable lack of skill.
115 Retain as indicated below. Offer to State Archives if case is appealed.
116 **500446** - No judgment/ Dismissal - 5 years from date of dismissal.
117 **500446** - Judgment without lien - 5 years from date of judgment.
118 **500406** - Money judgment entered and not renewed - 11 years from date of judgment.
119 **500407** - Money judgment entered and renewed - 21 years from date of original
120 judgment.
121
122 **Name Change (42)** - **500402** - This series contains proceedings ~~A proceeding~~ under
123 N.D.C.C. ch. 32-28 to change the name of a person. This does not include name changes
124 during adoption or divorce.
125 Retain for 100 years from disposition date. Transfer to State Archives.
126
127 **Other (49)** - **500403** - This series contains any ~~Any~~ civil action or proceeding that does
128 not fit in any of the other specific categories.
129 Retain for 20 years from disposition. Transfer to State Archives.
130
131 **Personal Injury (04)** - This series contains actions ~~An action~~ for damages based on
132 physical or emotional injury to a person.
133 Retain as indicated below. Offer to State Archives if case is appealed.
134 **500446** - No judgment/dismissal - 5 years from date of dismissal.
135 **500446** - Judgment without lien - 5 years from date of judgment.

136 **500406** - Money judgment entered and not renewed - 11 years from date of judgment.

137 **500407** - Money judgment entered and renewed - 21 years from date of original

138 judgment.

139

140 **Post Conviction Relief (PCR)** – This series contains pleadings to seek post-conviction

141 relief.

142 Retain for 10 years from final order.

143

144 **Post Paternity (PP)** – This series contains actions to obtain access to a court order

145 establishing paternity.

146 Retain according to retention period for underlying case type.

147

148 **Property Damage (02)** - This series contains actions ~~An action~~ for damages based on

149 damage to property.

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

151 **500446** - No judgment/dismissal - 5 years from date of dismissal.

152 **500446** - Judgment without lien - 5 years from date of judgment.

153 **500406** - Money judgment entered and not renewed - 11 years from date of judgment.

154 **500407** - Money judgment entered and renewed - 21 years from date of original

155 judgment.

156

157 **Public Judgment (PJ)** – This series contains actions to obtain access to a final order of

158 the court.

159 Retain according to retention period for underlying case type.

160

161 **Quiet Title and Eminent Domain (34) - 500427 - This series contains actions** An action
162 to determine adverse claims and quiet title to real property.

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

164

165 **Special Proceedings (44) - 500447 - This series contains procedures** A procedure
166 provided for by law which is not included in any other category, e.g., writs of mandamus,
167 certiorari, and prohibition.

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

169

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

173 Retain for 20 years from disposition.

174

175 **Termination of Parental Rights (24) -- 500448, Relinquishment of Parental Rights**
176 **(RE)** - This series contains pleadings filed in district court for termination or
177 relinquishment of parental rights.

178 Retain permanently.

179

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

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

183

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

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

189

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

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

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

195

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

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

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

200

201 **Correspondence - All Case Types 450101**

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

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

206

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

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

209

210 **Extradition (EX)** – This series contains pleadings to extradite a defendant to another
211 jurisdiction.

212 Retain for 3 years from extradition order.

213

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

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

218

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

221 Retain, including medical or drug treatment documents, for 10 years from date of final
222 disposition or date a financial obligation is satisfied or determined uncollectible,

223 whichever is later. ~~Offer to the State Archives if appealed. Include medical or drug
224 treatment documents. All other files may be disposed by landfill. Dispose of PSI~~

225 evaluations by shredding. Offer to State Archives if case is appealed.

226

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

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

235

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

239 Retain, including medical or drug evaluation and treatment documents, for 15 years from
240 the date of final disposition or date a financial obligation is satisfied or determined
241 uncollectible, whichever is later. Dispose of PSI evaluations by shredding. Offer to State
242 Archives if case is appealed.

243

244 **Misdemeanor - Protection Order Violation - 500450** - This series contains pleadings
245 charging a misdemeanor violation of a domestic violence protection order under
246 N.D.C.C. § 14-07.1-02.

247 Retain, including medical or drug treatment documents, for 100 years from date of final
248 disposition or date a financial obligation is satisfied or determined uncollectible,
249 whichever is later. ~~Offer to the State Archives if appealed. Include medical or drug~~

250 ~~treatment documents. All other files may be disposed by landfill.~~ Dispose of PSI
251 evaluations by shredding. Offer to State Archives if case is appealed.

252
253 **Felonies - Protection Order Violation - 500449** - This series contains pleadings
254 charging a felony violation of a domestic violence protection order under N.D.C.C. § 14-
255 07.1-02

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

261
262 **Adult Sex Offense Files - 500436** -This series contains case files and court documents in
263 which the defendant is alleged to have committed an offense identified under N.D.C.C. §
264 25-03.3-04.

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

268
269 **Search Warrants (when no criminal case file exists) - 800318** -This series contains the
270 affidavit, search warrant, receipt, and inventory.

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

272

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

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

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

279

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

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

284

285 **Financial**

286 **State Clerks - 011001**

287 This series contains Odyssey Daily Deposit Analysis reports, deposit slips and supporting
288 documentation, which may include credit card settlement reports and printed receipts.

289 (Transaction registers and deposits reports will be retained electronically and need not be
290 printed unless requested for audit purposes):

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

293

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

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

297

298 Monthly reports and bank reconciliations are retained by the Fiscal department of the
299 State Court Administrator's office and need not be retained in the Clerk's office.

300 ~~UCIS daily balancing reports, deposit slips, and supporting documentation, which may~~
301 ~~include distribution, bond activity, outstanding bonds, cash receipts, and restitution~~
302 ~~reports:~~

303 ~~Retain for 3 years after the current fiscal year. Dispose by landfill. Records with financial~~
304 ~~account numbers must be shredded.~~

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

306 ~~Retain for 3 years after current fiscal year. Dispose by landfill. Records with financial~~
307 ~~account numbers must be shredded.~~

308

309 **County Clerks - 011001**

310 This series contains Odyssey Daily Deposit Analysis reports, deposit slips and supporting
311 documentation which may include credit card settlement reports and printed receipts.

312 (Transaction registers and deposits reports will be retained electronically and need not be
313 printed unless requested for audit purposes):

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

316

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

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

320

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

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

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

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

327 ~~Monthly bank statements and reconciliations, manual receipts, deposit slips, proof of~~
328 ~~contact regarding uncashed checks (Unclaimed Property), deposit summary and~~

329 ~~transmittal for (given to Treasurer/Auditor), trial balance worksheets (used by~~

330 ~~Treasurer/Auditor for completing State Tax Collection Report), manual bookkeeping~~
331 ~~system (McBee, journals, ledgers):-~~

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

333

334 **Grand Jury Proceedings - 500414**

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

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

338

339 **Index Books - 720202**

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

342 Retain permanently. This record has archival value.

343

344 **Judgment Docket - 800309**

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

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

350

351 **Juror Records - 800310**

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

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

355

356 **Hospital Lien Records - 500424**

357 This series contains Hospital Liens.

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

359

360 **Miscellaneous - 500425**

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

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

364

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

366 This series contains pleadings in all case types:

367 Conservatorship (50)

368 Conservatorship - Minor (52)

369 Guardianship - (54)

370 Guardianship - Minor (56)

371 Conservatorship/Guardianship (58)

372 Protective Proceedings (80)

373 Formal Probate of Will (81)

374 Informal Probate of Will (82)

375 Formal Probate Administration (83)

376 Informal Probate Administration (84)

377 Domiciliary Proceeding (85)

378 Heirship (86)

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

380

381 **Register of Probate Actions - 720211**

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

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

385

386 **Record Search - 800317**

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

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

390

391 **Restricted Case Series (R)**

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

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

395

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

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

398

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

400 **500437** - Retain for 5 years from expiration of court order, unless dismissed. Dispose by

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

402 retained until those conditions have expired.

403

404 **500438** - Retain dismissed case files for 1 year from the order of dismissal. Dispose by

405 shredding.

406

407 **Mental Health (87) - 500415** -This series ~~includes~~ contains chemical dependence or

408 mental illness records.

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

412

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

415 Retain permanently.

416

417 **Registers of Adoption, Juvenile, Mental Health Treatment, and Termination of**
418 **Parental Rights - 720207** -This series contains the hard copy of the index of pleadings
419 filed in the cases. This does not include the actual index of plaintiff's and defendant's
420 names.

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

423

424 **Juvenile Case Files (JUV)**

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

428

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

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

432 Retain permanently.

433

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

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

437

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

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

441

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

444 Retain for 3 years from extradition order.

445

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

447 Retain for 1 year after child turns 18 or final expiration of order, whichever is later.
448 Dispose by shredding.

449

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

451 Retain for 10 years after child turns 18 or final expiration of order, whichever is later.
452 Dispose by shredding.

453

454 **Juvenile Sex Offense Files - 500439** -This series contains case files or court records that
455 describe acts that may constitute an offense under N.D.C.C. §§ 12.1-20-03, 12.1-20-04, or
456 12.1-20-07.

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

458

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

460 Retain permanently.

461

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

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

465

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

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

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

470

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

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

475

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

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

479 Retain for 2 years from graduation or termination from juvenile drug court program or
480 attainment of age 18, whichever is later, except for documents governed by N.D.C.C.
481 §25-03.3-04. Dispose by shredding.

482

483 **Small Claims (S) (88)**

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

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

486 **500429** - Judgment entered - not renewed - 11 years from date of judgment.

487 **500430** - Judgment entered - and renewed - 21 years from date of original judgment.

488 **500431** - No money judgment/dismissed cases - 1 year from date of dismissal.

489

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

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

495

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

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

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

499 **500432** - Judgment Entered - 11 ~~Y~~years from date of judgment.

500 **500433** - Judgment Renewed - 21 ~~Y~~years from date of original judgment.

501

502 **Wills - 800304**

503 This series contains wills in the custody of the clerk of court which are not part of a

504 probate. N.D.C.C. §§ 30.1-11-01 (possible delivery of will to clerk by recorder) and 30.1-

505 11-02 (possible delivery of will to clerk by others).

506 Retain permanently.

507