

Schedule 8

SUPREME COURT

DISTRICT COURT

October 21, 2024

Nebraska Records Management Division
3242 Salt Creek Circle
Lincoln, NE 68504
(402) 471-2559

REQUEST FOR APPROVAL OF RECORDS RETENTION AND DISPOSITION SCHEDULE	SCHEDULE 8
	AGENCY, BOARD OR COMMISSION SUPREME COURT
TO: STATE RECORDS ADMINISTRATOR STATE OF NEBRASKA	DIVISION, BUREAU OR OTHER UNIT DISTRICT COURT
	Supersedes Edition of January 13, 2022

PART I – AGENCY STATEMENT:

In accordance with Section 84-1212.01, R.R.S. 1943, approval of the attached records retention and disposition schedule by the State Records Administrator is hereby requested. Retention periods and dispositions have been recommended by this agency after a careful evaluation of all factors listed in Section 84-1212.01, R.R.S. 1943.

SIGNATURE <u>Corey R. Steel</u> <small>Corey R. Steel (Oct 3, 2024 13:32 CDT)</small>	
TITLE Nebraska State Court Administrator	DATE October 3, 2024

PART II – APPROVAL OF STATE ARCHIVES:

The attached schedule has been analyzed, all archival and historical material has been properly identified, no disposition except by transfer to the State Archives has been recommended for such material, and this schedule is approved as submitted.

SIGNATURE <u>Anna Holley</u> <small>Anna Holley (Oct 3, 2024 13:48 CDT)</small>	
DATE October 3, 2024	

PART III – APPROVAL OF AUDITOR OF PUBLIC ACCOUNTS:

The attached schedule has been reviewed, all audit material has been properly identified, and this schedule is approved as submitted.

SIGNATURE <u>Pat Reding</u> <small>Pat Reding (Oct 4, 2024 06:47 CDT)</small>	
DATE October 4, 2024	

PART IV – APPROVAL OF STATE RECORDS ADMINISTRATOR:

The attached schedule has been reviewed in accordance with Section 84-1212.01, R.R.S. 1943, and is approved as submitted.

SIGNATURE <u>Robert B. Evnen</u> <small>Robert B. Evnen (Oct 21, 2024 15:11 MDT)</small>	
DATE October 21, 2024	

INSTRUCTIONS FOR USING THIS SCHEDULE

Records retention and disposition schedules are designed to serve as your records management guideline for storing and disposing of agency records, **regardless of the media on which they reside**, including paper, microfilm, diskettes, optical disks, CDs, DVDs, servers, computer hard drives, etc. This schedule was written specifically for records unique to your office and the Local Agencies General Records Schedule #24 contains those records common to most local government agencies. This retention schedule, which is approved by the State Records Administrator, provides your only ongoing authority to dispose of records. Listed below are some basic procedures to follow when applying this schedule.

DISPOSING OF RECORDS

1. Check your schedules to see what the retention period is. Note: Your agency's unique schedule will take precedence over General Records Schedule #24 for any items which have differences in retention requirements.
2. Dispose of records that have met their retention periods. Unless there is pending or on going, legal action, records request, or audit.
3. For records requiring a review of, or transfer to the **NE State Historical Society (State Archives)**, your agency is required to contact the State Archives to negotiate the transfer. Additionally, **once the records are accessioned into their collection, they become the property of the State Archives**. The State Archives may remove selected records in accordance with standard archival practices to ensure efficient access, organization and enduring historical value (Nebr. Rev. Stat. §82-107). Please contact their office by calling (402) 471-4783.
4. Complete a Records Disposition Report for the records you dispose. The Records Disposition Report form is located on the Secretary of State Records Management website. https://appengine.egov.com/apps/ne/sos_records_disposition_report. This report establishes that the destruction was performed in your normal course of business.

NON-SCHEDULED RECORDS

Contact a Records Management Specialist in Records Management to see whether the records will fit under an item already on the schedule. If they do not, they must be retained until they are added to the next revision of your schedule.

SCHEDULE UPDATE

It is the responsibility of each agency to periodically update their schedule. A Records Management Specialist in Records Management can assist you with the schedule update, which may involve adding new records series and making revisions to existing items. Keeping your schedule current will ensure you have the ongoing authority to discard records when their useful life has ended.

QUESTIONS

If you have any questions about these procedures, please contact your agency Records Officer or the Records Management Specialist in Records Management. They will help you with any questions the schedule may present, including: transferring records to the State Records Center or microfilming records, scanning records, etc.

**Records Management Division
3242 Salt Creek Circle
Lincoln, NE 68504
402-471-2559**

**SCHEDULE 8
SUPREME COURT
DISTRICT COURT**

October 21, 2024

Retention requirements are for all records, regardless of the media on which they reside, unless otherwise noted.

Supersedes Edition of January 13, 2022				
ITEM NUMBER	RECORD TITLE	DESCRIPTION/EXAMPLES	RETENTION	REFERENCE/COMMENTS
8-1	CASE FILES/COMPLETE RECORD	Contents Include all original records for civil and criminal cases.	<p>ORIGINAL RECORD: Permanent OR transfer to durable medium and destroy pursuant to item 124-13 AUTHORITY FOR DISPOSAL OF RECORDS FOLLOWING A DURABLE MEDIUM PROCESS CONVERSION</p> <p>SECURITY MICROFILM: Transfer to off-site security storage; permanent</p> <p>MICROFILM WORK COPY: Permanent</p> <p>ELECTRONIC RECORD: Permanent</p>	§6-1523 Contact State Archives for possible assessment of records not in JUSTICE
8-11	DEPOSITIONS			Obsolete - Clerks of district Court get these only as transcripts or bills of exceptions.
8-14	FISCAL - REPORT OF JUDGE'S RETIREMENT FUND FEES			Obsolete July 1, 2020
8-16	BILLS OF EXCEPTIONS	Typed record of a court proceeding prepared in an Appeal and certified by a Court Reporter Which may also contain Depositions and Exhibits.	<p>ORIGINAL BOE IN CIVIL AND EQUITY CASES: 10 years after the records of the court show no unfinished matter pending in the case</p> <p>ORIGINAL BOE IN CRIMINAL CASES: 10 years after the records of the court show no unfinished matter pending in the case, including payment of fine, service of sentence, and release from probation or parole (whichever is later)</p> <p>BOTH CIVIL AND CRIMINAL BOEs may be transferred to durable medium and destroyed pursuant to Item 124-13 AUTHORITY FOR DISPOSAL OF RECORDS FOLLOWING A DURABLE MEDIUM PROCESS CONVERSION</p>	Neb. Rev. Stat. §25-1923
8-2	FINANCIAL RECORD	Financial accounting record of the court. It records all money receipted and disbursed by the court and the receipts and disbursements of all money held in trust. Maintained in JUSTICE's Receipt Disbursement History (RDHIST), and Costs Worksheet (COSTWORK)	Permanent	§6-1523

ITEM NUMBER	RECORD TITLE	DESCRIPTION/EXAMPLES	RETENTION	REFERENCE/COMMENTS
8-20	EXHIBITS	Exhibits offered or received in evidence in the trial of any action, or materials which have been substituted for such exhibits pursuant to the rules of the Nebraska Supreme Court. Exhibits remain in the custody of the court reporter unless transferred to the Clerk of the District Court. Any release or substitution of exhibits shall be pursuant to the rules of the Nebraska Supreme Court, and disposition shall apply only to those materials which have not been released or those materials which have been placed with the court as substitutes for original exhibits and remain in the custody of the court.	CIVIL AND EQUITY CASES: 1 year after the date when the records of the court show no unfinished matter pending in the action CRIMINAL CASES: 1 year after the date when the records of the court show no unfinished matter pending in the action, including payment of fine, service of sentence, and release from probation or parole whichever is later.	Nebraska Supreme Court Rules §1-210, §6-501 and §6-502
8-21	GENERAL COURT - GENERAL INDEX (GENINDX)	Information contains cases by alphabetical order, location in the APPEARANCE DOCKET, FEE BOOK, COMPLETE RECORD, and witness docket.	ORIGINAL RECORD: Maintained in JUSTICE case management system or DOCKET books, permanent OR microfilm and destroy pursuant to item 124-13 AUTHORITY FOR DISPOSAL OF RECORDS FOLLOWING A DURABLE MEDIUM PROCESS CONVERSION SECURITY MICROFILM: Transfer to to off-site security storage; permanent MICROFILM WORK COPY: Permanent ELECTRONIC RECORD: Permanent	Contact State Archives to negotiate transfer
8-24	JURY SELECTION RECORDS – GRAND OR PETIT JURIES	Includes completed jury qualification forms, excusal requests/orders, juror pool lists, and other records pertaining to jury selection.	May be maintained as paper or electronic records - 5 years	Confidential- Shred
8-25	JUROR NOTES FOR PETIT OR GRAND JURY	Notes that may be taken by jurors when serving on a grand or petit jury. The notes are not allowed to leave the courtroom or the jury room.	Destroy immediately after return of verdict	Confidential - shred Neb. Rev. Stat. §29-2011 NJI2d Crim. 1.1
8-27	REGISTER OF ACTIONS	Records all actions in chronological order, dates of issuance and return of summons, dates of filing of petitions and subsequent pleadings, includes fees and names of parties and attorneys involved. May be used as index to microfilm. MAINTAINED AS REGISTER OF ACTIONS ON JUSTICE (UPDROA).	ORIGINAL RECORD: Maintain in the JUSTICE Case Management system; permanent. For Indexes maintained prior to JUSTICE, OR microfilm and destroy pursuant to item 124-13 AUTHORITY FOR DISPOSAL OF RECORDS FOLLOWING A DURABLE MEDIAUM PROCESS CONVERSION SECURITY MICROFILM: Transfer to off-site security storage; permanent MICROFILM WORK COPY: Permanent	§ 6-1523 Contact State Archives for possible assession of records not in JUSTICE
8-28	SEARCH WARRANT	Search records of searches that are not kept as part of the case file. May include Affidavit & Application, Search Warrant, and Return & Inventory.	10 years	Reference to 8-1 as search warrants are now included in case files

ITEM NUMBER	RECORD TITLE	DESCRIPTION/EXAMPLES	RETENTION	REFERENCE/COMMENTS
8-29	COURT REPORTER RECORDS	Court reporters' notes, recordings, and all other material used in recording the record, maintained by court reporter or surrendered to clerk of district court.	CRIMINAL CASES: 50 years CIVIL CASES: 10 years	Supreme Court Rule §1-210
8-30	JUDGES DOCKET NOTES (UPDJNOTE)	Notations of the judge detailing the actions in a court proceeding and the entering of orders and judgments.	Maintain on JUSTICE Case management system	Neb. Rev. Stat. §25-2209
8-32	GRAND JURY - REPORTER'S NOTES AND TRANSCRIPTS	These records are to be sealed, filed and preserved by the court. No release is authorized without prior court approval pursuant to Neb. Rev. Stat. §29-1407.01	ORIGINAL NOTES: Dispose of after transcribed with prior court approval TRANSCRIPTS: Permanent OR dispose of pursuant to Neb. Rev. Stat. §29-1406 - §29-1412	Neb. Rev. Stat. §29-1406 through §29-1412 Neb. Rev. Stat. §29-1407.01
8-33	GRAND JURY - PROCEEDINGS	Record of each case from commencement to adjournment, including court reporter's certifications and court approvals for release of Grand Jury Files.	Permanent OR dispose of pursuant to Neb. Rev. Stat. §29-1407.01 with prior court approval	Neb. Rev. Stat. §29-1406 - §29-1412
8-34	JUSTICE CASE MANAGEMENT REPORTS	JUSTICE-generated reports used to track movement of cases through the court system and encourage efficient and timely resolution. See JUSTICE Generated Reports List for report names.	6 months	
8-35	JUSTICE FINANCIAL REPORTS	JUSTICE -generated reports used to monitor financial activity of the court. See JUSTICE Generated Reports List for report names.	5 years	
8-36	JUSTICE CLEAN UP REPORTS	JUSTICE generated reports used to review, update and correct court case activity. See JUSTICE Generated Reports List for report names.	Dispose of report when activity is completed and report is no longer of administrative value	
8-4	JUDGMENT INDEXE	The judgment record shall contain names of judgment debtor and judgment creditor in alphabetical order, date of judgment, amount of judgment and costs, and the case ID where the judgment may be found.	ORIGINAL RECORD: Permanent After conversion to JUSTICE, maintain on the JUSTICE Case Management system; For Records maintained prior to JUSTICE, permanent OR Transfer to durable medium and destroy pursuant to item 124-13 AUTHORITY FOR DISPOSAL OF RECORDS FOLLOWING A DURABLE MEDIUM PROCESS CONVERSION SECURITY MICROFILM: Transfer to off-site security storage; permanent MICROFILM WORK COPY: Permanent ELECTRONIC RECORD: Permanent	§6-1523

ITEM NUMBER	RECORD TITLE	DESCRIPTION/EXAMPLES	RETENTION	REFERENCE/COMMENTS
8-44	MENTAL HEALTH - CASE FILES	Includes affidavits of mental illness, commission of physician, warrant of arrest, certificate of acceptance for treatment and warrant of admission. Records all actions in chronological order, dates of filing of petitions and subsequent pleadings and treatment plans. Also includes board member names, minutes and witness testimony or voluntary comittals.	50 years when no unfinished matter is pending	Confidential record per Neb. Rev. Stat. §71-961
8-45	MENTAL HEALTH - DOCKET	Includes Board Minutes, including name of individual committed, name of examining physician, attorney's name, name of clerk of court, witness' testimony and testimony of State Hospital.	ORIGINAL RECORD: Permanent OR microfilm and destroy originals, pursuant to item 124-13 AUTHORITY FOR DISPOSAL OF RECORDS AFTER MICROFILMING SECURITY MICROFILM: Transfer to offsite storage; permanent MICROFILM WORK COPY: Permanent	Confidential record per Neb. Rev. Stat. §71-961
8-49	MISCELLANEOUS - WIRETAP	Records may include, but are not limited to: Applications; Oaths or Affirmations; Additional testimony or documentary evidence in support of Application; Orders, Reports to judges; and recordings on tape, wire, or other comparable device.	ORIGINAL RECORD: Shall not be destroyed except upon an order of the issuing or denying judge and in any event shall be kept for ten years	Neb. Rev. Stat. §86-293(8)(a)\$(b)
8-6	TRIAL DOCKET	A listing of cases at issue in the order they were made up and should serve as the order in which the cases are called for trial. The trial docket shall be maintained in electronic format in JUSTICE's Case Scheduler (SCHCASE) or in an alternative manual or electronic calendaring system. Information on status and progression are provided on Judge's Notes (UPDJNOTE).	ORIGINAL RECORD: Maintain in the JUSTICE Case Management system; permanent. For Indexes maintained prior to JUSTICE, Transfer to Durable Medium and destroy pursuant to item 124-13 AUTHORITY FOR DISPOSAL OF RECORDS FOLLOWING A DURABLE MEDIUM PROCESS CONVERSION SECURITY MICROFILM: Transfer to off-site security storage; permanent MICROFILM WORK COPY: Permanent	§6-1523
8-9	CHILD SUPPORT ENFORCEMENT (CSE) REPORTS	Documents used for reimbursement of Child Support Enforcement (CSE) related expenses.	10 years	