

Schedule 93

COUNTY ATTORNEY

July 17, 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

93

AGENCY, BOARD OR COMMISSION
COUNTY ATTORNEY

DIVISION, BUREAU OR OTHER UNIT

**TO: STATE RECORDS ADMINISTRATOR
STATE OF NEBRASKA**

Supersedes Edition of October 21, 1988

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 Paul B. Schaub

Paul B. Schaub (Jul 16, 2024 10:44 MDT)

TITLE **Jul 16, 2024**

DATE **Jul 16, 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

Anna Holley

Anna Holley (Jul 16, 2024 16:08 CDT)

DATE

Jul 16, 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

Pat Reding

Pat Reding (Jul 17, 2024 06:44 CDT)

DATE

Jul 17, 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

Robert B. Evnen

Robert B. Evnen (Jul 17, 2024 12:33 CDT)

DATE

July 17, 2024

RMA 01005D

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 93 COUNTY ATTORNEY

July 17, 2024

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

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ITEM NUMBER	RECORD TITLE	DESCRIPTION/EXAMPLES	RETENTION	REFERENCE/COMMENTS
93-1-1	CHILD SUPPORT ENFORCEMENT CASE FILES	Confidential case files of those individuals alleged to be recipients of court-ordered child support payments which are in arrears, or of those individuals alleged to be in arrears of their court-ordered child support payments. Case file may consist of request for prosecution; background interview of recipient; request for prosecution received from another jurisdiction; records of payments, if any; attorneys' work product; copy of complaint and, if applicable, the information; copies of legal notices issued by court of jurisdiction; copy of disposition, etc.	3 years after final disposition of case	
93-1-10	JUVENILE MISCELLANEOUS RECORDS	Juvenile records including but not limited to the attorney's work product, conference notes, correspondence, etc.	3 years after final disposition of case or referral of defendant's case to Juvenile Court whichever is sooner	Neb. Rev. Stat. §43-2,108/108.1
93-1-11	JUVENILE INTAKE CASE FILES	Confidential case files of those individuals under the age of eighteen (18) years accused of any traffic or misdemeanor violation, who are referred by a prosecutor to the Pre-Trial Diversion Program. Case files may consist of: copies of the Investigative/Intelligence reports of the law enforcement agency which apprehended the accused; "contract" between the accused and his caseworker; documentation of compliance of the program; and, if the accused is unsuccessful, request that the accused be prosecuted.	3 years after final disposition of case or referral of defendant's case to Juvenile Court whichever is sooner	Neb. Rev. Stat. §43-2,108/108.1
93-1-12	JUVENILE INTAKE MISCELLANEOUS RECORDS	All other records of the Juvenile Intake.	3 years after final disposition of case or referral of defendant's case to Juvenile Court whichever is sooner	Neb. Rev. Stat. §43-2,108/108.1
93-1-13	MENTAL HEALTH BOARD CASE FILES	Confidential case files of those individuals accused of being mentally ill and dangerous as defined in the state statutes. Case file may consist of: copy of the Investigative/Intelligence report of the law enforcement agency/apprehending or identifying the subject; copies of the examining psychiatrist's evaluation and diagnosis; copies of the petition filed with the Mental Health Board; copies of legal notices issued by the Mental Health Board; copy of Board's final disposition of petition, etc.	5 years after final disposition of case or 3 years after release from confinement, whichever is later	

ITEM NUMBER	RECORD TITLE	DESCRIPTION/EXAMPLES	RETENTION	REFERENCE/COMMENTS
93-1-14	MENTAL HEALTH BOARD MISCELLANEOUS RECORDS	All other records of the County Attorney which pertain to the Mental Health Board.	5 years	
93-1-15	MISCELLANEOUS RECORDS	Miscellaneous records which may be retained by the County Attorney including: a copy of the one-page Death Certificate issued by a mortuary and signed by the County Attorney (original filed with the Bureau of Vital Statistics as required by law); copy of annual budget prepared by the County Attorney (original forwarded to the County Clerk); copies of expense reports received from the County Clerk; copies of Inheritance Tax Records signed by the County Attorney (originals filed with County Court); copies of Investigative/Intelligence reports prepared by law enforcement agencies for which no action is required by the County Attorney; copies of various warrants issued by the County Court and District Court; copies of invoices for purchases made by the County Attorney; copies of Casualty Reports prepared by the law enforcement agencies; Tax Foreclosures; and all other copies of records in which the original is maintained by another office.	3 years	
93-1-16	MISDEMEANOR CASE FILES	Confidential case file of those adult individuals accused of any misdemeanor violations. Case file may consist of copies of the Investigative/Intelligence report of the law enforcement agency apprehending or identifying the accused; copy of the criminal record of the accused; attorneys work product; and if applicable, copy of the complaint and/or information; copies of legal notice of court having jurisdiction; copy of the final disposition; etc.	3 years after final disposition of case	
93-1-17	TAX AND LAND VALUATION RECORDS	Copies of land valuations made at the County Board's request and supervised by the County Attorney. Originals maintained by the County Board.	Immediately dispose of obsolete records	OBSOLETE
93-1-18	WORK PRODUCT (EXCEPTIONS)	For the purpose of these regulations, the phrase work product shall include, but not limited to, all documents, electronic media, notes, interviews, communications, emails, etc. representing work done by County Attorney and their agents in his/her professional capacity, and will be disposed of in conjunction with the case file to which it pertains.	Dispose of in conjunction with the case file to which it pertains	
93-1-2	CHILD SUPPORT ENFORCEMENT MISCELLANEOUS RECORDS	All other records of the Child Support Enforcement.	3 years after final disposition of case	
93-1-3	CIVIL LITIGATION CASE FILES	Confidential case files of those civil actions involving the County which are defended by the County Attorney. Case file consists of: Notice of Suit; attorney's work product; copies of legal notices of court of jurisdiction; copy of disposition, etc.	5 years after final disposition of case	

ITEM NUMBER	RECORD TITLE	DESCRIPTION/EXAMPLES	RETENTION	REFERENCE/COMMENTS
93-1-4	CORONERS INVESTIGATIVE RECORDS	All coroners' records including autopsy reports.	5 years after first report of decedent to respective County Attorney's Office	
93-1-5	CRIMINAL DIVERSION CASE FILES	Confidential case files of those individuals accused of Driving While Intoxicated or other wise, who are referred by a prosecutor to the Pre-Trial Diversion Program. Case files may consist of: copies of the Investigative/Intelligence records of the law enforcement agency which apprehended the accused: "contract" between the accused and his caseworker; evaluation of accused conducted by the caseworker; log of the accused participation in and compliance with the program; documentation of meeting attendance; correspondence with independent treatment facilities; and, if the accused is unsuccessful, written request of the caseworker, approved by the Program Director, that the accused be prosecuted, with documentation of reasoning underlying the request.	3 years after final disposition of case	
93-1-6	CRIMINAL DIVERSION MISCELLANEOUS RECORDS	Records of the Criminal Diversion, including but not limited to caseworker's work product, training information, documentation of caseworkers certification, and conference notes.	3 years after final disposition of case	
93-1-7	FELONY CASE FILES	Confidential case file of those adult individuals accused of any felony violations. Case file may consist of: copies of the Investigative/Intelligence report of the law enforcement agency apprehending or identifying the accused; copy of the criminal record of the accused; attorneys work product; and if applicable, copy of the complaint and/or information; copies of legal notices of court having jurisdiction; copy of the final disposition; etc.	3 years after release of defendant from confinement or 3 years after death of defendant or 3 years after final disposition of last appeal/post-conviction of defendant, whichever is soonest	
93-1-8	INVESTIGATIVE CASE FILES	All investigative case files which do not result in prosecution of a case.	3 years after last activity or after statute of limitations has run, whichever is sooner	
93-1-9	JUVENILE CASE FILES	Confidential case files of those individuals under the age of eighteen (18) years accused of any traffic, misdemeanor or felony violation. Case file may consist of: copies of the Investigative/Intelligence report of the law enforcement agency apprehending or identifying the accused; copy of the criminal record of the accused; attorneys' work product; and, if applicable, copy of the complaint and/or information; copies of legal notices of the court having jurisdiction; copy of final disposition, etc.	3 years after final disposition of case or 3 years after defendant has reached age of majority, whichever is sooner	Neb. Rev. Stat. §43-2,108/108.1
93-2-2	OFFICE INVENTORY REPORTS			See schedule 24 INVENTORY RECORDS