
Schedule No. **12**

**Local Government
Clerk of
District Court
Records Schedule**

**Adopted by the Local Government
Records Committee, May 2001
Revision 1.3 Adopted April 2010**

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE

DEPARTMENT: CLERK OF DISTRICT COURT

ITEM	RECORD TITLE AND DESCRIPTION	RETENTION TIME	COMMENTS
-------------	-------------------------------------	-----------------------	-----------------

GUIDELINES ON RECORD RETENTION SCHEDULE

It is not the intention of this retention schedule to make each court dispose of their paper records and court files. The main objective for a record retention schedule is to determine which records and documents to keep that are essential in your office and to be able to dispose of the non-essential records and documents. If your courthouse has the space and you want to keep all the original paper records and court files, you may do so.

There are two separate aspects to microfilming and electronic storage.

First is the microfilming or electronic storage of current court documents on a regular basis. These are duplicate records of the paper documents that are in the original court file. It is recommended that these documents be microfilmed on a regular basis, such as daily or weekly. The original back up system for these documents was to type the documents verbatim in the big bound books. These are the books that may be titled "Inventory and Appraisements"; "Probate Orders and Decrees"; "Criminal Convictions", etc.

The purpose of microfilming or electronic storage is to be able to provide a copy of essential documents in case of a major disaster, or if the file is elsewhere, such as the Supreme Court, or checked out of the office, etc. It is recommended that a security copy of the microfilm or electronic tape, disc, etc. of the documents be kept off site in a secure location.

Optical imaging or electronic storage may be used for daily management, storage and retrieval for documents whose retention period is 10 years or less. For records with a retention period of 10 years or more, records must be retained in paper form or on archival quality microfilm. (ARM 44.14.202)

A minimum guideline for documents recommended to be microfilmed or stored electronically as a backup to the original court documents is:

Decrees of Adoption

Criminal Information and Criminal Convictions (Sentence/Judgments)

Civil- Judgments and Executions or Attachments- (when funds are received)

Probate- Wills, Bonds, Letters, Inventory and Appraisements; Decrees of Distribution or other closing documents.

Marriage Licenses: copy of the original marriage license. (The original is returned to the parties after the marriage is performed and the license is recorded in your office)

The documents listed above are totally separate from the second phase, which is the main focus of this retention schedule. This section deals with the microfilming or storage of essential records and removal and destruction of non-essential documents and records in accordance with the guidelines from the Montana Local Government Records Schedule. The schedule for District Courts is developed by the Local Government Records Committee.

DCT 2

*COM is Computer Output Microfilm/fiche

FOR RECORDS DISPOSAL SEE MCA 2-6-403

**CD-ROM is not recommended at this time for long term or permanent record retention. The technology needed to read it may not be available, and/or the information may not get migrated, for use in future technology. See ARM 44.14.201-203 Rev.1.3 DATE: 4-2010

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE

DEPARTMENT: CLERK OF DISTRICT COURT

ITEM	RECORD TITLE AND DESCRIPTION	RETENTION TIME	COMMENTS
-------------	-------------------------------------	-----------------------	-----------------

Many court offices are short of storage space, and it has become necessary to either clean out un-necessary records and non-essential documents from the court file and to transfer these records or court documents from their original paper form to microfilm. This is where the record retention schedule is necessary. The original paper documents may be disposed of when the records are permanently stored on microfilm, which uses less space. The court records will still be able to be retrieved for information or copying, but it may not be in the original paper form. To put it simply, a "permanent record" may be stored in (a) paper form OR (b) microfilm format. At this time, microfilm is the only long-term storage method approved by the LOCAL GOVERNMENT RECORDS COMMITTEE GUIDELINES other than the original paper documents.

The basic fundamental necessity is that you can find a record, retrieve it, and be able to provide copies, whether it is stored on paper or microfilm. It is important that you keep a good index, cross-reference, and retrieval system.

After the proper time limit has run, (in most cases 10 years), the original court records or court file can be purged of some paper documents. Some documents or records do not need to be retained, either in paper, microfilm, or electronic format. These documents or records may be totally disposed of at the end of the retention period. There is no purpose in saving them. These items are listed on the retention schedule as PURGED LIST FOR CASE FILES.

If you have questions regarding the retention of documents, use common sense. The basic intent is to keep essential records and documents. If there is a document that is important to the case, it should be kept. Some people have a general office policy that "all orders signed by a Judge should be kept". In some respects that is understandable, but once a case is completed and the 10-year retention time has expired, is it not necessary to keep (for example) an order for extension of time. Any argument over time issues would have been handled while the case was active. It is also not necessary to keep documents such as Notices of Depositions, Notice to Creditors, Creditors claims, etc.

After purging and/or microfilming the records or court file, you will end up with a streamlined record or court file that contains only the essential documents. It is important that you keep a good index, cross-reference and retrieval system.

The permanent records or documents in court files that are to be retained on a permanent basis can be microfilmed or stored in accordance with the guidelines for storage or records from the Montana Local Government Records Committee. Administrative rules of Montana (ARM) 44.14.202 gives the authority to dispose of the paper documents after they are microfilmed.

You may also be maintaining other records or documents that are not officially court files. Refer to the retention schedule for their retention time, or refer to the Montana Local Government Records Committee General Schedule #1 if the item is not listed in the District Court Retention Schedule, such as office policy, procedures, etc.

The complete schedule may be accessed on the Internet at: <http://www.sos.mt.gov/> OR, contact the state archivist at the Montana Historical Society

Dated April, 2000

Montana Association of Clerks of District Court Retention Schedule Committee:

Jean Thompson, Yellowstone County, Chair

Lorrain Van Ausdol, Gallatin County

Emile Kimmet, Teton County

Kay Johnson, Blaine County

DCT 3

*COM is Computer Output Microfilm/fiche

FOR RECORDS DISPOSAL SEE MCA 2-6-403

**CD-ROM is not recommended at this time for long term or permanent record retention. The technology needed to read it may not be available, and/or the information may not get migrated, for use in future technology. See ARM 44.14.201-203 Rev.1.3. DATE: 4-2010

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE

DEPARTMENT: CLERK OF DISTRICT COURT

ITEM	RECORD TITLE AND DESCRIPTION	RETENTION TIME	COMMENTS
-------------	-------------------------------------	-----------------------	-----------------

GENERAL INFORMATION

Title 2, Chapter 6, Public Records

- Part 1, Public Records
- Part 2, Public Records Management
- Part 3, Records of Elected Executive Branch Officer
- Part 4, Local Government Records

Title 3, Chapter 1

- Part 1, Courts- Definitions and General Powers
 - 3-1-114- Definitions of “Document”, “Electronic Filing” and “Electronic storage of documents.
 - 3-1-115- Electronic filing and storage of documents – rules

Title 3, Chapter 5

- Part 5, Clerk of the District Court
 - 3-5-5-1 – General Duties – electronic filing and storage of court records

Title 7, Chapter 4

- Part 2, County Officers in General
 - 7-4-2221 – Manner of keeping records and storing documents
 - 7-4-2222 – Substitution of reproduction for original document
 - 7-4-2223 – Duplicate records – safe storage of one copy

ADMINISTRATIVE RULES OF MONTANA

- Record Management Bureau – Sub-Chapter 1
- Local Government Records Retention (see attached copies)
 - 44.14.201 Use of Electronic Records Storage Systems for Local Government Documents
 - 44.14.202 Storage Requirement for Electronically Stored Documents with Greater than 10 Year Record Retention Schedule
 - 44.14.203 Storage Requirement for Electronically Stored Documents with Less than 10 year Records Retention Schedule

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE

DEPARTMENT: CLERK OF DISTRICT COURT

ITEM	RECORD TITLE AND DESCRIPTION	RETENTION TIME	COMMENTS
1.	ADOPTION CASE FILES AND INDEXES: Matters relating to adoption, annulment or revocation of adoption. This may include: Petition for Adoption, consent of mother and/or father, minute entries, reports from adoption agencies, orders, and final orders and decrees.	Permanent	Restricted access. Confidential case files 42-6-101 MCA
2.	AFTERCARE HEARINGS/REVIEW HEARINGS- See Juvenile or Dependent/Neglected	Same as case type	
3.	ATHLETIC COMMISSION PAPERS: Appointments to miscellaneous athletic commissions.	See: MISCELLANEOUS INSTRUMENTS- comments	May not be in some counties. Review for historical value. Consult State Archivist prior to disposition
4.	BLOTTER BOOKS-: See- Minutes of Court Proceedings. Handwritten minutes documenting the court proceedings on a given day.	Permanent	
5.	BONDS- Includes: Civil; Criminal; Probate; Irrigation District bonds.	Expired + 9 years	
6.	BOND INDEX	9 years after last entry	
7.	CALENDAR BOOKS/ COURT CALENDARS: Information in these may include the following: cause number, names of plaintiff, defendant, and judge, charge, date, name of attorneys, action, status of cause. If it is Criminal Calendar, may show date bound over, when indicted, date arraigned, fines, pleas verdict, judgment of court and remarks.	Permanent	Permanent-only if records and information are not kept in the case files or permanent records of proceedings. This category does not include yearly planning or periodic scheduling calendars
8.	CASE FILES -SEALED; DISMISSED; or EXPUNGED FILES: These are files that have been ordered sealed, dismissed or expunged by the courts. These may be any type of case, such as: Adoption, civil, criminal, probate, sanity Developmentally disabled.	Permanent	Confidential after they have been sealed, dismissed, or expunged. The status of these may be reversed by the judge.

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE

DEPARTMENT: CLERK OF DISTRICT COURT

ITEM	RECORD TITLE AND DESCRIPTION	RETENTION TIME	COMMENTS
9.	<p>CIVIL CASE FILES: Permanent records include:</p> <ul style="list-style-type: none"> • Answers, Amended answers • Certificate of Liens • Complaint, Amended complaints • Executions and Sheriff's Sales • Judgment and/or Orders disposing of cases • Jury Verdict • Motions for Summary Judgment and Responses and Orders on Motion for Summary Judgment and other motions support by briefs and orders • Warrants for Dstraint <p style="padding-left: 40px;">See: Dissolution of Marriage-Domestic Relations Cases</p>	Permanent except items on purge list	<p>Note: some Dissolutions may be confidential. see MCA 50-15-122</p> <p>Related sections: Exhibits, Discovery</p>
10.	<p>CONCEALED WEAPONS See Miscellaneous</p> <ul style="list-style-type: none"> a. Index b. Permits 	<ul style="list-style-type: none"> a. 2 years after expiration of last entry in book. b. Expiration +2 years 	<p>MCA 45-8-321 transferred issuance to the county sheriff office MCA 45-8-322- sheriff shall keep permits 4 years</p>
11.	<p>CORONERS INQUEST FILES- Records documenting circumstances of suspicious deaths. Includes documents, records and indexes.</p>	Permanent	MCA 46-4-206
12.	<p>CORRESPONDENCE- <i>See General Records Schedule</i></p>		
13.	<p>COURT JOURNALS: See Minutes of Court Proceedings</p>	Permanent. **	<p>MCA 3-5-501 May be kept by electronic means according to MCA 3-1-114 & MCA 3-1-115</p>
14.	<p>COURT REPORTER NOTES- Includes steno notes, tapes and diskettes</p>	10 years MCA 3-5-603	

*COM is Computer Output Microfilm/fiche

FOR RECORDS DISPOSAL SEE MCA 2-6-403

**CD-ROM is not recommended at this time for long term or permanent record retention. The technology needed to read it may not be available, and/or the information may not get migrated, for use in future technology. See ARM 44.14.201-203 Rev.1.3 DATE: 4-2010

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE

DEPARTMENT: CLERK OF DISTRICT COURT

ITEM	RECORD TITLE AND DESCRIPTION	RETENTION TIME	COMMENTS
15.	<p>CRIMINAL CASE FILES; and EXTRADITION (Authorization and documentation of a prisoner from one location to another) Permanent Records include:</p> <ul style="list-style-type: none"> • Indictment Record. • Informations, Amended Informations • Plea Bargain Agreements • Notice of Intent-Confidential (Persistent Felony Offender-46-13-109 MCA) • Pre-Sentence Investigations (confidential) • Jury verdict (if applicable) • Sentence/Judgment, including amended sentence or amended judgments • Petitions for Revocation • Sentence /Judgment on Revocations 	Permanent except items on purge list	<p>Consult State Archivist prior to disposition Some documents are confidential- Status of Dismissed cases are confidential 46-18-204 MCA 44-5-103 MCA Criminal Justice Information act Title 44, Chapter 5 Related sections: IS – Investigative Subpoena</p>
16.	DAILY COURT SCHEDULE- These are defined as the Daily Court schedule of daily District Court proceedings that list the daily court schedule of a District Court Judge.	Dispose when no longer needed.	
17.	DATE BOOK: Shows Judge/Attorney’s appointments, dates, and cost for time/travel.		Review for historical value. Consult State Archivist prior to disposition.
18.	DD CASES- DEVELOPMENTALLY DISABLED-These case files petition the Court to have an individual declared developmentally disabled. They are reviewed annually.	<p>Purge files after 10 years except for the Petitions and Orders.</p> <p>The entire file may be destroyed after notification of death or with approval of the court.</p>	The medical reports are duplicates
19.	DECREE OF SETTLEMENT: May be part of a probate, guardianship, or conservatorship file	Permanent	
20.	DF CASES- PATERNITY CASES- Cases to determine paternity	Permanent	Confidential records
21.	DEPENDENT /NEGLECT OR YOUTH IN NEED OF CARE Cases pertaining to minors.	May be destroyed after youth or youngest child is 18 with approval of the court.	Confidential –Prior to 1996 these cases were a DJ (Juvenile) filing

*COM is Computer Output Microfilm/fiche

FOR RECORDS DISPOSAL SEE MCA 2-6-403

**CD-ROM is not recommended at this time for long term or permanent record retention. The technology needed to read it may not be available, and/or the information may not get migrated, for use in future technology. See ARM 44.14.201-203 Rev.1.3 DATE: 4-2010

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE

DEPARTMENT: CLERK OF DISTRICT COURT

ITEM	RECORD TITLE AND DESCRIPTION	RETENTION TIME	COMMENTS
22.	DIARY See Date Book.		
23.	DISCOVERY All discover items, including interrogatories, answers to interrogatories, and depositions.	Notify attorney in writing, after appeal period has expired without appeal, or after remittitur has been filed, to claim discovery items, which said attorney has submitted, within 30 days. If said items are not timely claimed, the clerk may dispose of said items without further notice.	Filing of Discovery- Title 25 Chapter 19, Rule 4 Uniform District Court Rule #4
24.	DISSOLUTION OF MARRIAGE-DOMESTIC RELATIONS CASES Permanent records include: a. Petition for dissolution of marriage b. Response to petition c. Decree of dissolution of marriage d. Property settlement agreement & related documents e. Parenting plan & related documents-also see 40-4-234 (6) MCA f. Orders on modification to decree of dissolution or to parenting plan	Permanent except for items on the purge list.	Note: some Dissolutions may be confidential. see MCA 50-15-122
25.	DOCKET BOOKS: See Court Journals; Register of Action Books: All case types	Permanent	
26.	EXHIBITS-Documents or items entered as evidence in a court file. The exhibits may be in any type of case, including: civil, criminal, or probate	Exhibits may be withdrawn by party offering them 30 days after judgment is final.	For the Clerks to petition for the disposal of exhibits, See: Title 25 Chapter 19, Rule 12 MCA Uniform District Court Rule #12
27.	EXTRADITION: See Criminal and Extradition		

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE

DEPARTMENT: CLERK OF DISTRICT COURT

ITEM	RECORD TITLE AND DESCRIPTION	RETENTION TIME	COMMENTS
28.	FISCAL RECORDS a) Cash books b) Cash request forms c) Civil Receipt books d) Claims e) Creditor Claim Books f) Daily check report g) Daily receipt report h) Disbursement records i) Fee books j) Payroll k) Receipts- Criminal; disbursements; document; monthly l) Receipts- Juror-Certificate & travel; witness; reports m) Receipts- Probate n) Timesheets- Jury o) Timesheets-employees p) Trust fund-receipts, warrants, q) Vouchers-Estate and Guardianship r) Warrants s) Warrant Registers t) Warrant Stubs	Audit +7 for all items except: d. 1 year-this is a duplicate record, the original is in the Clerk & Recorders office. j. See General Schedule s. Permanent if this is the only copy the county has. If this is a department copy, audit + seven years. f,i, and l,- Audit + 1 year. These are copies of reports to the Supreme Court Administrator's office. The original reports will be retained in Helena according to their guidelines.	3-5-501 MCA Records may be kept on computer. 3-1-114(3) Electronic storage of documents Also see: Trust Fund Journals & Ledgers Also see: Jury for jury & witness warrants.
29.	GUARDIAN AND CONSERVATORSHIP RECORDS – see Probate records. Prior to 1996, these were filed in Probate series.	Permanent- except items on purge lists- Probate and Civil	May contain guardian bond for guardianship of minors.
30.	INDEX BOOKS/INDEX CARDS –all case files. Same as: Register/Docket, or Calendar books	Permanent **	
31.	INQUEST RECORDS: See Coroners Inquests files Records documenting circumstances of suspicious deaths.	Permanent	MCA 46-4-206
32.	INSANITY –MENTAL HEALTH-see SANITY	Permanent except items on the purge list.	Confidential MCA 53-21-103 & MCA 53-21-166
33.	INVENTORY AND APPRAISEMENT BOOKS-see PROBATE RECORDS	Permanent	MCA 72-3-607(3).
34.	INVESTIGATIVE SUBPOENAS- Authorization to search private records to determine if a criminal case should be filed	May be destroyed after 10 years with the approval of the court or county attorney.	Confidential
35.	IRRIGATION DISTRICT CASE FILES. May be created from civil case files or other case files. Includes examination reports.	Permanent	

*COM is Computer Output Microfilm/fiche

FOR RECORDS DISPOSAL SEE MCA 2-6-403

**CD-ROM is not recommended at this time for long term or permanent record retention. The technology needed to read it may not be available, and/or the information may not get migrated, for use in future technology. See ARM 44.14.201-203 Rev.1.3 DATE: 4-2010

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE

DEPARTMENT: CLERK OF DISTRICT COURT

ITEM	RECORD TITLE AND DESCRIPTION	RETENTION TIME	COMMENTS
36.	JOURNALS-See Minutes of Court Proceedings		
37.	JUDGMENT BOOKS/DOCKETS/JUDGMENT AND TRANSCRIPT RECORD. Includes all Civil and Criminal Judgments and decrees.	Permanent	3-5-507 MCA “the Clerk must keep a book to be called the Judgment Book in which judgments must be entered. 3-5-508 MCA describes the judgment docket and the required format.
38.	JURY a. Registered Voter Lists- Title 3 Part 4 MCA b. Jury year trial lists c. Individual trial list d. Juror Questionnaires e. Jury warrant records f. Witness warrant records	a. until superseded b. until superseded c. 1 year d. until superseded e. audit + 7 f. audit + 7	
39.	JUVENILE DOCKET/INDEX BOOKS: Lists documents entered for a specific juvenile files	Permanent	<i>Restricted access</i>
40.	JUVENILE-CASE FILES: Includes Delinquent Youth and Youth in Need of Intervention.	Case sealed 3 years after supervision ends, or if extended jurisdiction, must be sealed upon termination of extension May be destroyed 10 years after date of sealing with approval of the court or county attorney. 41-5-216 MCA	These files are not considered a permanent file due to the fact the files may be totally destroyed after the proper time has expired and the proper procedure is followed.
41.	MARRIAGE RECORDS a. Applications b. Blood Test or Waiver of blood test c. Declaration of Marriage d. Index e. Licenses f. License order of corrections	a. 2 years b. Dispose of after license is issued c. Permanent d. Permanent e. Permanent f. Permanent	Some information is confidential. see MCA 40-1-107; 50-15-101; 50-15-122

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE

DEPARTMENT: CLERK OF DISTRICT COURT

ITEM	RECORD TITLE AND DESCRIPTION	RETENTION TIME	COMMENTS
42.	MENTAL HEALTH: See Sanity/Insanity	Permanent except items on purge list	Confidential case files 53-21-103 MCA & 53-21-166 MCA
43.	MINUTES OF COURT PROCEEDINGS May also be called: Blotter books Court journals Docket books Minute books Notes of ruling Minutes (typed formal minutes) Note: the official record for the minutes of the court proceedings is the permanent record. All other copies, including hand written drafts, do not need to be a permanent record. Note: notes taken by a judge on any specific case are not a permanent record and are usually not part of the court file.	Permanent MCA 3-5-501	May be kept by electronic means according to 3-1-114 MCA & 3-1-115 MCA
44.	MISCELLANEOUS: a. Disbarments & Suspension -notices from the Supreme Court b. Supreme Court orders and changes on rules etc. c. Juvenile Committee Appointments d. Juvenile Probation officer, miscellaneous Note: there is a wide variety of miscellaneous documents too numerous to mention, and the documents and filings differ from county to county. The person in charge of record retention should categorize the miscellaneous document. Is it a type of court case; is it a miscellaneous District Court Order; is it an original document that needs to be retained. The retention schedule for that type of category should then be followed.	a. 2 years b. 5 years c. 5 years d. 5 years	
45.	MOTHERS PENSION a. Applications b. Record books c. Reports		Obsolete record. Review for historical value. Consult State Archivist prior to disposition.
46.	MOTION BOOKS: Same as Court Calendar/CALENDAR BOOKS Includes Change of Venue	Permanent	

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE

DEPARTMENT: CLERK OF DISTRICT COURT

ITEM	RECORD TITLE AND DESCRIPTION	RETENTION TIME	COMMENTS
47.	NATURALIZATION RECORDS a. Declaration of Intention b. Index books c. Petition and Record d. Certificate of Citizenship	Permanent	
48.	OATHS OF OFFICE		Duplicate record. Original in C&R office
49.	ORDER APPOINTING ADMINISTRATORS/APPRAISERS: Part of the Probate file.	Permanent	
50.	ORDER APPOINTING DAY/ORDER FIXING DAY: In Probate file	10 year rule	
51.	ORDER APPOINTING GUARDIAN: In Probate file	Permanent	
52.	ORDER BOOK PROBATE COURT	Permanent	
53.	ORDER BOOKS: Contains orders for various types of cases, shows cause number, date, names of parties involved in cases, judges names, action of order, Clerk and Deputy's name	Permanent	
54.	ORDER CONFIRMING SALE OF REAL ESTATE: In Probate case	Permanent	
55.	ORDER FIXING DAY/ORDER APPOINTING DAY: See Order Appointing Day In Probate file	10 year rule	
56.	ORDERS MISCELLANEOUS: Includes appointments and miscellaneous orders from the judges not attached to a specific case.	10 year rule	
57.	ORDER OF CONFINEMENT-In Sanity file.	Permanent	Confidential
58.	PRE-SENTENCE REPORTS: Evaluation of person convicted of a crime, before being sentenced	Permanent	Confidential.

DCT 12

*COM is Computer Output Microfilm/fiche

FOR RECORDS DISPOSAL SEE MCA 2-6-403

**CD-ROM is not recommended at this time for long term or permanent record retention. The technology needed to read it may not be available, and/or the information may not get migrated, for use in future technology. See ARM 44.14.201-203 Rev.1.3 DATE: 4-2010

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE

DEPARTMENT: CLERK OF DISTRICT COURT

ITEM	RECORD TITLE AND DESCRIPTION	RETENTION TIME	COMMENTS
59.	<p>PROBATE RECORDS: May include-probate of estates, guardianship of minors and incompetency.</p> <ul style="list-style-type: none"> a. Wills b. Application to open probate c. Order to open probate d. Letters appointing personal representative(s) e. Inventory and appraisal or acknowledgement of receipt of inventory and appraisal f. Final account g. Documents that relate to the distribution of the estate h. Decree of distribution/ final discharge or decree or order to close estate or personal representative's sworn statement to close the estate. <p>PROBATE PURGE LIST</p> <ul style="list-style-type: none"> a. Affidavits of Publication b. Creditors claims c. Notice to Creditors d. Notice of Hearings e. Orders for continuance f. Orders granting extension of time g. Orders setting time and place for hearings h. Orders vacating hearings <p>Documents not pertinent or relevant to the probate and final settlement and distribution of the estate <u>may</u> be purged in accordance with the 10 year rule.</p>	<p>Permanent except items on PURGE LIST.</p> <p>Inventory & appraisal 72-3-607 MCA</p> <p>10 years for all items on Probate Purge List</p>	<p>Other related sections: Wills</p>
60.	<p>PUBLIC ADMINISTRATOR REGISTER: Report of activity by public administrator in Probate cases.</p>	<p>Permanent</p>	

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE

DEPARTMENT: CLERK OF DISTRICT COURT

ITEM	RECORD TITLE AND DESCRIPTION	RETENTION TIME	COMMENTS
67.	TRANSCRIPT ON APPEAL- The transcript on appeal returned in Criminal cases is a copy.	Not a permanent record- the transcript on appeal returned in criminal cases is a copy	The original of every Transcript on Appeal is retained by the Supreme Court Clerk's Office.
68.	TRUST FUND JOURNALS/LEDGERS: a. Child support payment records b. Restitution and criminal payment records	Permanent	
69.	YOUTH IN NEED OF CARE: See: Dependent/Neglect Youth in Need of Care		
70.	YOUTH IN NEED OF INTERVENTION: See Juveniles		
71.	URESAs- In Civil Cases; Usually handled by Child Support division in state.	10 years	<i>Obsolete title but records still may be stored with this title.</i>
72.	WATER COURT/WATER RIGHTS FILES: Determination of water rights. These may have started as Civil cases, now designated as Water Court/Water Rights etc. files	Permanent	
73.	WATER COMMISSIONER REPORTS:	Permanent	
74.	WILLS AND INDEX a. Wills probated b. Wills filed for safekeeping.	a. Permanent b. Until removed, probated, or superseded. If superseded, a Court Order must be obtained before disposal.	a. Public record b. Confidential

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE

DEPARTMENT: CLERK OF DISTRICT COURT

<u>ITEM</u>	<u>RECORD TITLE AND DESCRIPTION</u>	<u>RETENTION TIME</u>	<u>COMMENTS</u>
-------------	-------------------------------------	-----------------------	-----------------

REVISION 1.2 Date 10-2009

Item 7 CALENDAR BOOKS/COURT CALENDARS- added comments: Permanent-only if records and information are not kept in the case files or permanent records of proceedings. This category does not include yearly planning or periodic scheduling calendars.

Item 15- Deleted Search Warrants-confidential until Sheriff's return it filed. Also see 46-5-310 MCA

Items renumbered starting with item 17- Added the following items:

Item 17: New item DD CASES- DEVELOPMENTALLY DISABLED-These case files petition the Court to have an individual declared developmentally disabled. They are reviewed annually. Purge files after 10 years except for the Petitions and Orders. The entire file may be destroyed after notification of death or with approval of the court. The medical reports are duplicates

Item 19 New Item - DF CASES- PATERNITY CASES- Cases to determine paternity Permanent. Confidential records

Item 63 New Item SEARCH WARRANTS May be destroyed after 10 years with approval of the court or county attorney.

And

Deleted the following items:

Was item 22 deleted --DISBARMENTS & SUSPENSIONS: See Miscellaneous 5 years

Was Item 48 Deleted- NOTICE TO CREDITORS: In Probate files. May include Order for Proof of publication to public for all claims against deceased estate, and associated documentation Permanent

Revised the following renumbered items:

Item 20 DEPENDENT/NEGLECT --added to comments: Prior to 1996 these cases were a DJ (Juvenile) filing.

Item 28 GUARDIAN AND CONSERVATORSHIP RECORDS -- added to comments - except items on purge lists- Probate and Civil

Item 40 MARRIAGE RECORDS changed b. to: Blood test or Waiver of blood test

Item 60 PURGE LIST FOR CASE FILES: added a. Affidavits of publication

Added

Notice of hearings

Orders for hearings

Orders for continuance

Orders granting extension of time

Orders vacating hearings

Changed retention times to: 10 years for all except o. and p. see below.

o. Proposed finding of fact 90 days

p. Refused or withdrawn jury instructions 90 days

Added to Comments: o. & p. these items have no use after the appeal time has run. Appeal times are 30-90 days

CHANGED WEB SITES ON PG DCT2:

FROM:

The complete schedule may be accessed on the Internet at any of these sites:

www.his.state.mt.us/front/html ; www.state.mt.us/sos/idenx/htm ; www.state.mt.us/localgov.htm OR,
contact the state archivist at the Montana Historical Society

TO:

The complete schedule may be accessed on the Internet at: <http://www.sos.mt.gov/> OR,
contact the state archivist at the Montana Historical Society

DCT 16

*COM is Computer Output Microfilm/fiche

FOR RECORDS DISPOSAL SEE MCA 2-6-403

**CD-ROM is not recommended at this time for long term or permanent record retention. The technology needed to read it may not be available, and/or the information may not get migrated, for use in future technology. See ARM 44.14.201-203 Rev.1.3 DATE: 4-2010

MONTANA LOCAL GOVERNMENT RETENTION SCHEDULE

DEPARTMENT: CLERK OF DISTRICT COURT

<u>ITEM</u>	<u>RECORD TITLE AND DESCRIPTION</u>	<u>RETENTION TIME</u>	<u>COMMENTS</u>
-------------	-------------------------------------	-----------------------	-----------------

REVISION 1.3 DATE 4-2010

Added Face Page

Items renumbered starting with item 16- Added the following items:

Item 16 New Item: DAILY COURT SCHEDULE

Item 56 Changed title from ORDER MISCELLANEOUS to ORDERS MISCELLANEOUS; added "not attached to a specific case." to the description. Changed the retention time from "Permanent" to "10 year rule"

DCT 17

*COM is Computer Output Microfilm/fiche

FOR RECORDS DISPOSAL SEE MCA 2-6-403

**CD-ROM is not recommended at this time for long term or permanent record retention. The technology needed to read it may not be available, and/or the information may not get migrated, for use in future technology. See ARM 44.14.201-203

Rev.1.3 DATE: 4-2010