

Schedule 18

COUNTY COURTS

February 21, 2022

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

**REQUEST FOR APPROVAL
OF RECORDS RETENTION
AND DISPOSITION SCHEDULE**

SCHEDULE	18
AGENCY, BOARD OR COMMISSION	COUNTY COURTS
DIVISION, BUREAU OR OTHER UNIT	
Supersedes Edition of January 3, 2018	

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

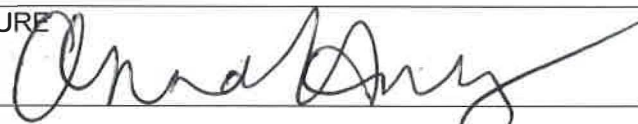
PART I – AGENCY STATEMENT:

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 	
TITLE <i>Nebraska State Court Administrator</i>	DATE <i>1-27-22</i>

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 	
DATE <i>2/2/22</i>	

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 	
DATE <i>2/9/22</i>	

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 	
DATE <i>2/21/22</i>	

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 State Agencies General Records Schedule #124 contains those records common to most state 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 your 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 State Agencies General Records Schedule #124 for any items which have differences in retention requirements.
2. Dispose of records that have met their retention periods.
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** (Neb. Rev. Stat. §82-105). The State Archives may remove selected records in accordance with standard archival practices to ensure efficient access, organization and enduring historical value (Neb. 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 18
COUNTY COURTS**

January 24, 2022

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

Supersedes Edition of January 3, 2018

ITEM NUMBER	RECORD TITLE	DESCRIPTION/EXAMPLES	RETENTION	REFERENCE/COMMENTS
18-1	ADOPTION RECORDS	Which include the index to adoption records, Registers of Action and the original papers filed and orders issued in the court	ORIGINAL PAPER RECORD: Scan and dispose of paper document after image quality has been verified Electronic: Permanent OR transfer to durable medium and destroy pursuant to AUTHORITY FOR DISPOSAL OF RECORDS FOLLOWING A DURABLE MEDIUM CONVERSION, Item 124-12 SECURITY MICROFILM: Transfer to off-site security storage; Permanent. MICROFILM WORK COPY: Permanent	CONFIDENTIAL RECORDS 43-113, R.R.S. 1943
18-3	BOND RECORDS	Criminal Bonds posted for which a case has not been filed. Bonds of personal representatives, administrators, conservators, executors, guardians, and trustees, as well as appeal, appearance, bail and cost bonds filed are maintained as part of the case file and are not kept separately.	Scan and dispose of paper document after image quality has been verified. ELECTRONIC RECORD: NOT FILED CRIMINAL CASES: 5 years from the date any bond money is refunded, providing audit has been completed, or 5 years from the date a personal recognizance bond is issued. OTHER BONDS: Attach image to appropriate case file and follow the disposition schedule for that case	
18-4	BOND RECORDS-COUNTY OFFICIALS' BONDS AND BOND RECORD	Record of bonds executed to guarantee performance of duties by the county clerk and members of the county board as well as the bonds themselves.	ORIGINAL: 10 years after release, replacement or expiration of the bond	Neb. Rev. Stat. §11-107
18-5	CIVIL RECORDS	Index, Registers of Action and All original papers, documents and court orders filed in civil, small claims or condemnation cases.	Scan and dispose of paper document after image quality has been verified ELECTRONIC RECORD: CIVIL AND SMALL CLAIMS IMAGES: 5 years after the date a case is dismissed or a judgment satisfied OR 20 years after the date the last pleading was filed or last payment was made in the case CONDEMNATION CASE IMAGES: 20 years after the payment of award to condemnees, after confirmation that a certified copy of the condemnation award has been filed with the registrar pursuant to Neb. Rev. Stat. 76-712	

ITEM NUMBER	RECORD TITLE	DESCRIPTION/EXAMPLES	RETENTION	REFERENCE/COMMENTS
18-22	PROBATE RECORDS - DEMANDS FOR NOTICE	This filing notifies the court that an individual has a financial or property interest and demands notice of any order or filing pertaining to a decedent's estate.	ESTATE FILED: Mail a copy to the personal representative or his/her attorney, include the demand in the estate file and retain permanently NO ESTATE FILED: 5 years from the date the demand is filed if no estate is filed and no other action is taken, unless the Court orders extended retention for good cause shown.	Neb. Rev. Stat. §30-2413
18-20	PROBATE RECORDS GUARDIANSHIP OR CONSERVATORSHIP CASES IN WHICH INTRASTATE TRANSFER IS DENIED	Provisional Transfer of Jurisdiction Order from originating court, order denying transfer for lack of jurisdiction, and any additional paperwork related to an intrastate transfer of a guardianship or conservatorship case for which intrastate transfer to the court is denied.	Original Record: Court denying transfer: Retain for 5 years after entry of order denying transfer Originating Court: Retain permanently as part of guardianship or conservatorship file.	Supreme Court Rule 6-1443.02
18-8	PROBATE RECORDS	Index, Registers of Actions and-original wills and documents relative to a probate, trust or guardianship or conservatorship case.	ORIGINAL WILL: Scan and maintain original will until at least two years after decree of discharge or informal closing of the estate. ALL OTHER RECORDS: Permanent OR scan and transfer to durable medium and destroy paper originals pursuant to AUTHORITY FOR DISPOSAL OF RECORDS FOLLOWING A DURABLE MEDIUM CONVERSION, Item 124-12 SECURITY MICROFILM: Transfer to a secure location. off-site security storage; Permanent. MICROFILM WORK COPY: Permanent ELECTRONIC RECORD: Permanent	Supreme Court Rule 2-207
18-7	PROBATE RECORDS-ENTRY BOOK AND ESTATE BOOK (DEFUNCT)	These records were created by 1866 Territory Law and discontinued by 1895 Session Laws. Information is now contained in the PROBATE FEE BOOK and PROBATE RECORD-respectively.	Immediately transfer to the State Archives	
18-9	PROBATE RECORDS-FEE BOOK (DEFUNCT)	Separate book used to record all of the fees paid in an estate case. The record includes: the case number, the case caption, the date each paper was filed or issued, dates of court orders and the judgment, and an accounting of all fees paid, including the date, name of person making payment, amount of payment, and the name of person entitled to payment and reason for payment	FEE BOOKS USED AS A MICROFILM INDEX: Permanent OR transfer to durable medium and destroy pursuant to AUTHORITY FOR DISPOSAL OF RECORDS FOLLOWING A DURABLE MEDIUM CONVERSION, Item 124-12 SECURITY MICROFILM: Transfer to off-site security storage; Permanent. MICROFILM WORK COPY: Permanent ELECTRONIC RECORD: Permanent MICROFILM WORK COPY: Permanent FEE BOOK NOT USED AS A MICROFILM INDEX: 5 years ELECTRONIC RECORD: Permanent	Information in this record is now included electronically on the PROBATE REGISTER OF ACTIONS See 18-8 Probate Records

ITEM NUMBER	RECORD TITLE	DESCRIPTION/EXAMPLES	RETENTION	REFERENCE/COMMENTS
18-12	PROBATE RECORDS-GUARDIANSHIP DOCKET (DEFUNCT)	This is an alphabetical index to guardianships. Information contained on this record includes: case number, classification of guardianship, and fee book and page or microfilm roll and frame where the case is recorded.	ORIGINAL RECORD: Permanent or microfilm and destroy originals pursuant to section 124-12 PRIOR TO 1920: Records not microfilmed may be transferred to the State Archives SECURITY MICROFILM: Transfer to the State Archives MICROFILM WORK COPY: Permanent ELECTRONIC RECORD: Permanent	The information in this record is now included electronically on the PROBATE REGISTER OF ACTIONS. See 18-8 Probate Records.
18-13	PROBATE RECORDS-INDEX TO WILLS DEPOSITED FOR SAFEKEEPING AND WILLS NOT PROBATED	This record includes: the date each will was deposited; an alphabetical listing of the names of people making wills, the name of the person who delivered the will for filing, and the final disposition of the will.	ORIGINAL RECORD: Permanent OR transfer to durable medium and destroy pursuant to AUTHORITY FOR DISPOSAL OF RECORDS FOLLOWING A DURABLE MEDIUM CONVERSION, Item 124-12 SECURITY MICROFILM: Transfer to off-site security storage SECURITY MICROFILM: Transfer to a secure location, permanent MICROFILM WORK COPY: Permanent ELECTRONIC RECORD: Permanent	Required by §25-2757, R.R.S. 1943 The information in this record is now included electronically on JUSTICE Will Index.
18-14	PROBATE RECORDS-WILLS DEPOSITED FOR SAFEKEEPING AND WILLS NOT PROBATED	Wills deposited for safekeeping will be kept in an envelope clearly labeled with the name of the person making the will, the date of deposit and the name(s) of the person(s) to whom the will should be delivered.	Deliver to appropriate person or court upon request or dispose of 100 years after deposited with the court	Required by §30-2355, R.R.S. 1943
18-25	CRIMINAL RECORDS-FELONY	Indexes, registers of action and Original filings and orders felony cases.	Scan and dispose of paper document after image quality has been verified. CASE BOUND OVER: Transfer the entire original record to the Clerk of the District Court electronically and dispose of any paper after image quality has been verified CASE NOT BOUND OVER (PROBABLE CAUSE NOT SHOWN): ORIGINAL RECORD: FELONY DISMISSED, CONVICTION ENTERED IN COUNTY COURT or CHARGE REDUCED TO MISDEMEANOR AND DISPOSED OF AS A MISDEMEANOR: See 18-26	
18-26	CRIMINAL RECORDS-MISDEMEANOR	Indexes, registers of actions and original filings and orders in Misdemeanor cases. includes those originally filed as felonies but disposed of in the county court.	Scan and dispose of paper document after image quality has been verified. INDEXES, REGISTERS OF ACTIONS AND CASE FILES: Permanent or transfer paper filings to durable medium and destroy pursuant to AUTHORITY FOR DISPOSAL OF RECORDS FOLLOWING A DURABLE MEDIUM CONVERSION, Item 124-12	Until 06/01/2021 called CRIMINAL CASE FILES with retention of 15 years after the judgement.

ITEM NUMBER	RECORD TITLE	DESCRIPTION/EXAMPLES	RETENTION	REFERENCE/COMMENTS
18-27	CRIMINAL RECORDS-TRAFFIC	Indexes, registers of action and original filings and orders in traffic cases, including: court's copy of the traffic citation, the waiver and plea of guilty signed by the defendant, receipt (if a copy is kept), and any pleadings or orders of the court.	Scan and dispose of paper document after image quality has been verified. INDEXES, REGISTERS OF ACTION and CASE FILES: Scan paper filings and dispose of after image quality has been verified OR 5 years after dismissal or after judgment was satisfied or determined to be uncollectable.	
18-31	GENERAL COURT RECORDS-COURT REPORTING PERSONNEL TRANSCRIPTS, RECORDINGS AND NOTES	Includes all transcripts of testimony, bills of exceptions, shorthand notes, audio recording, log sheets or any other material used in making the record in court.	Retain for the length of time required for the corresponding case type.	
18-32	GENERAL COURT RECORDS-EXHIBITS	Exhibits offered or received in a court proceeding or materials which have been substituted for those exhibits, pursuant to the rules of the Nebraska Supreme Court.	Release or substitution of exhibits shall be according to Neb. Rev. Stat. §24-1004. CIVIL/PROBATE Any physical exhibits(s) not claimed and withdrawn within 60 days after judgment has become final may be destroyed. 6-1428 CRIMINAL Exhibits will be destroyed pursuant to Neb. Sup Ct. Rule 6-503 and 6-504 JUVENILE Upon the final disposition of a case and after the time for making an appeal has expired, the trial judge may, upon application for motion of the parties or upon the court's own motion, direct the reporter or the clerk having custody thereof to return to the offering party any exhibits and to make a receipt therefore to be filed as a pleading in the case. DISTRICT COURT DOMESTIC RELATIONS CASES AND PROTECTION ORDERS heard by a county court judge - Upon termination of matter, surrender exhibits to district court clerk and obtain written receipt unless otherwise ordered by judge.	Neb. Rev. Stat 24-1004 Neb. Sup. Ct. Rule 6-1428
18-33	GENERAL COURT RECORDS-FIREARM CERTIFICATE APPEALS	Appeal received by the court after police or sheriff denial of a firearm certificate. May include application, copy of criminal history documents, letter of denial, and court decision.	3 years after court decision	

ITEM NUMBER	RECORD TITLE	DESCRIPTION/EXAMPLES	RETENTION	REFERENCE/COMMENTS
18-35	GENERAL COURT RECORDS-MOTHERS' PENSIONS (1911-1930) (OBSOLETE)	Bound volumes or ledger books of pensions paid to mother of the house (also referred to as mothers aid). The pensions were intended to provide a universal subsidy to families with dependent children but without an adult mail income. The male was either deceased or in some instances it was a case of abandonment. Not all counties would have this record as counties were not mandated to provide the plan.	Immediately dispose of obsolete records, subject to review by the State Archives for possible accession	
18-36	GENERAL COURT RECORDS-RECEIPT FOR COURT PAPERS BOOK	Record of court papers checked out, who took them, and when they were returned.	Dispose of When no longer of administrative value	
18-39	GENERAL COURT RECORDS-WIRETAP RECORDS	Applications, Orders, Oaths of Affirmations, Statements of Procedures, Extensions, wire or tape recording, pen registers, trap-and trace device records, and judges' reports.	10 years after the last action on the matter, provided the judge has ordered destruction	§86-705 (8), R.R.S. 1943
18-40	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.	1 year provided audit has been completed	
18-41	JUSTICE CLEAN UP REPORTS	JUSTICE generated reports used to review, update and correct court case activity. See JUSTICE Generated Reports List for report names.	1 year provided audit has been completed	
18-42	JUSTICE FINANCIAL REPORTS	JUSTICE generated reports used to monitor financial activity of the court. See JUSTICE Generated Reports List for report names.	5 years	